

## **Burgos, Alexander N**

---

**Subject:** FW: [External] RE: Peaslee communications with CRC March 2025.pdf

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**From:** Peaslee, William W <bill.peaslee@oah.nc.gov>

**Sent:** Thursday, March 27, 2025 1:30 PM

**To:** Julie Youngman <jyoungman@selc.org>

**Cc:** Lucasse, Mary L <mlucasse@ncdoj.gov>; Everett, Jennifer <jennifer.everett@deq.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Mindy Campbell <mcampbell@selc.org>; Liz Rasheed <erasheed@selc.org>

**Subject:** RE: [External] RE: Peaslee communications with CRC March 2025.pdf

Hi Julie,

Thank you for your email and our brief telephone conversation today.

As we discussed, the written communications between the RRC and CRC responsive to your request are on the OAH website. I forwarded the email from Jennifer Everett dated March 7<sup>th</sup> to Alex Burgos and Chair Doran without any comment the same day. I merely forwarded it.

I looked through my emails from March 7 to March 11. There are no other emails or written communication regarding the CRC response nor the return letter.

There were no previous drafts of the return letter. It's a short letter.

Please let me know if you have any other questions or concerns.

Bill

**William W. Peaslee**  
**Rules Review Commission Counsel / Legislative Liaison**  
Office of Administrative Hearings  
1711 New Hope Church Road  
Raleigh NC, 27609  
(984) 236-1939  
[Bill.Peaslee@oah.nc.gov](mailto:Bill.Peaslee@oah.nc.gov)

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## Burgos, Alexander N

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**Subject:** FW: [External] RE: Peaslee communications with CRC March 2025.pdf

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**From:** Julie Youngman <jyoungman@selc.org>  
**Sent:** Thursday, March 27, 2025 10:56 AM  
**To:** Peaslee, William W <bill.peaslee@oah.nc.gov>  
**Cc:** Lucasse, Mary L <mlucasse@ncdoj.gov>; Everett, Jennifer <jennifer.everett@deq.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Mindy Campbell <mcampbell@selc.org>; Liz Rasheed <erasheed@selc.org>  
**Subject:** [External] RE: Peaslee communications with CRC March 2025.pdf

Some people who received this message don't often get email from [jyoungman@selc.org](mailto:jyoungman@selc.org). [Learn why this is important](#)

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Actually, my apologies, Bill - I see that two letters attached to the agenda separately are likely the letters that were originally attached to the two emails described in items 1 and 2 below. If you could confirm that, I would appreciate it, and I would still like to receive the records described in item 3 below, including any communications regarding the decision to return the rules to the CRC.

Best wishes,  
Julie

---

**From:** Julie Youngman  
**Sent:** Thursday, March 27, 2025 10:50 AM  
**To:** [bill.peaslee@oah.nc.gov](mailto:bill.peaslee@oah.nc.gov)  
**Cc:** Lucasse, Mary <[MLucasse@ncdoj.gov](mailto:MLucasse@ncdoj.gov)>; [jennifer.everett@deq.nc.gov](mailto:jennifer.everett@deq.nc.gov); Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Mindy Campbell <[mcampbell@selc.org](mailto:mcampbell@selc.org)>; Liz Rasheed <[erasheed@selc.org](mailto:erasheed@selc.org)>  
**Subject:** Peaslee communications with CRC March 2025.pdf

Dear Bill,

I hope all is well with you.

Pursuant to North Carolina public records law, N.C. Gen. Stat. §§ 132-1 to 132-10, please produce the two letters that were described in the two emails I have attached hereto. I have described them below to the best of my ability, based on what I could infer from the attached emails:

1. a letter from the CRC and/or its counsel to you and/or the Rules Review Commission presumably dated on or about March 7, 2025, and presumably regarding NCAC 07H .0508; 15A NCAC 07J .1401, .1402, .1403, .1405; 15A NCAC 07J .1501, .1502, .1503; and
2. a "rule return letter" from you and/or the Rules Review Commission to the CRC and/or its counsel, presumably dated on or about March 11, 2025, and presumably regarding the same rules.

Upon information and belief, these two letters should be attached to the agenda for today's RRC meeting and posted on the RRC's website, but they are not.

Please also produce:

3. Any drafts or communications regarding the "rule return letter" described in item 1.

Public records must be provided to a requestor “as promptly as possible” upon payment of any fees, which shall not exceed the actual cost of reproducing the public record. N.C. Gen. Stat. §§ 132-1, 132-6, 132-6.2. If you anticipate that gathering and producing the records requested in item 3 will take more than a week, please separately produce the two letters described in items 1 and 2 today or as soon as possible.

Please waive any fees, based on the non-profit status of SELC, the non-commercial nature of the request, and the limited scope of the request. If you withhold any responsive information or documents, please provide an index describing each item withheld and explaining the statutory exception that you believe applies to justify the withholding in sufficient detail to allow us and/or a court to evaluate the application. In the event of deletions or redactions, we request that a reason be stated for each denial or partial denial of access.

Thank you,

**Julie Furr Youngman**  
Senior Attorney

Southern Environmental Law Center  
136 East Rosemary Street, Suite 500  
Chapel Hill, North Carolina 27514

Office (919) 967-1450  
Direct (919) 874-5636  
Mobile (919) 619-3518  
[southernenvironment.org](http://southernenvironment.org)

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## Burgos, Alexander N

---

**Subject:** FW: [External] Re: CRC Response Memo

---

**From:** Lucasse, Mary <MLucasse@ncdoj.gov>  
**Sent:** Tuesday, March 11, 2025 12:03 PM  
**To:** Peaslee, William W <bill.peaslee@oah.nc.gov>  
**Cc:** Everett, Jennifer <jennifer.everett@deq.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Liebman, Brian R <brian.liebman@oah.nc.gov>  
**Subject:** [External] Re: CRC Response Memo

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Bill,  
Please forward your letter in a PDF. Thanks, Mary

Get [Outlook for Android](#)

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**From:** Peaslee, William W <[bill.peaslee@oah.nc.gov](mailto:bill.peaslee@oah.nc.gov)>  
**Sent:** Tuesday, March 11, 2025 11:37:11 AM  
**To:** Lucasse, Mary <[MLucasse@ncdoj.gov](mailto:MLucasse@ncdoj.gov)>  
**Cc:** Everett, Jennifer <[jennifer.everett@deq.nc.gov](mailto:jennifer.everett@deq.nc.gov)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Liebman, Brian R <[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)>  
**Subject:** RE: CRC Response Memo

Good morning,

Attached please find the rule return letter.

As always if you have any questions or concerns please feel free to contact me.

Thank you.

**William W. Peaslee**  
**Rules Review Commission Counsel / Legislative Liaison**  
Office of Administrative Hearings  
1711 New Hope Church Road  
Raleigh NC, 27609  
(984) 236-1939  
[Bill.Peaslee@oah.nc.gov](mailto:Bill.Peaslee@oah.nc.gov)



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## Burgos, Alexander N

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**Subject:** FW: CRC Response Memo  
**Attachments:** 03.2025 CRC rules returned.docx

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**From:** Peaslee, William W <bill.peaslee@oah.nc.gov>  
**Sent:** Tuesday, March 11, 2025 11:37 AM  
**To:** Lucasse, Mary L <mlucasse@ncdoj.gov>  
**Cc:** Everett, Jennifer <jennifer.everett@deq.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Liebman, Brian R <brian.liebman@oah.nc.gov>  
**Subject:** RE: CRC Response Memo

Good morning,

Attached please find the rule return letter.

As always if you have any questions or concerns please feel free to contact me.

Thank you.

**William W. Peaslee**  
**Rules Review Commission Counsel / Legislative Liaison**  
Office of Administrative Hearings  
1711 New Hope Church Road  
Raleigh NC, 27609  
(984) 236-1939  
[Bill.Peaslee@oah.nc.gov](mailto:Bill.Peaslee@oah.nc.gov)

---

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## Burgos, Alexander N

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**Subject:** FW: CRC Response Memo  
**Attachments:** 2025-03-07 Response to December 20, 2024 RRC Objection ltr (FINAL).pdf

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**From:** Everett, Jennifer <[jennifer.everett@deq.nc.gov](mailto:jennifer.everett@deq.nc.gov)>  
**Sent:** Friday, March 7, 2025 12:30 PM  
**To:** Peaslee, William W <[bill.peaslee@oah.nc.gov](mailto:bill.peaslee@oah.nc.gov)>; Rules, Oah <[oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov)>  
**Cc:** Lucasse, Mary L <[mlucasse@ncdoj.gov](mailto:mlucasse@ncdoj.gov)>; Young, Elizabeth S <[esyoung@ncdoj.gov](mailto:esyoung@ncdoj.gov)>; Miller, Tancred <[tancred.miller@deq.nc.gov](mailto:tancred.miller@deq.nc.gov)>; Willis, Angela <[angela.willis@deq.nc.gov](mailto:angela.willis@deq.nc.gov)>  
**Subject:** CRC Response Memo

Hello Bill,

Attached is a memo from the Coastal Resources Commission for your review.

Let us know if you have any questions.

Thanks.

Jennifer Everett

DEQ Rulemaking Coordinator

N.C. Depart. Of Environmental Quality

Office of General Counsel

1601 Mail Service Center

Raleigh, NC 27699-1601

Tele: (919)-707-8595

<https://deq.nc.gov/permits-rules/rules-regulations/deq-proposed-rules>

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## **Burgos, Alexander N**

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**From:** Everett, Jennifer  
**Sent:** Monday, February 10, 2025 9:54 AM  
**To:** Peaslee, William W  
**Cc:** Burgos, Alexander N  
**Subject:** RE: Coastal Resources Commission rules

Will do, thanks Bill.

Jennifer Everett  
DEQ Rulemaking Coordinator  
N.C. Depart. Of Environmental Quality  
Office of General Counsel  
1601 Mail Service Center  
Raleigh, NC 27699-1601  
Tele: (919)-707-8595  
<https://deq.nc.gov/permits-rules/rules-regulations/deq-proposed-rules>

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**From:** Peaslee, William W <bill.peaslee@oah.nc.gov>  
**Sent:** Monday, February 10, 2025 9:03 AM  
**To:** Everett, Jennifer <jennifer.everett@deq.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** Coastal Resources Commission rules

Hi Jennifer,

As you may be aware, Brian Liebman has ascended to the high office of the Codifier. As I understand it the CRC has some rules to which the RRC has objected. Please be advised that I will be the point of contact for those rules.

As always if you have any questions please feel free to contact me.

**William W. Peaslee**  
**Rules Review Commission Counsel / Legislative Liaison**  
Office of Administrative Hearings  
1711 New Hope Church Road  
Raleigh NC, 27609  
(984) 236-1939  
[Bill.Peaslee@oah.nc.gov](mailto:Bill.Peaslee@oah.nc.gov)

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## Burgos, Alexander N

---

**Subject:** FW: [External] RE: December 2024 RRC - Objection letter to 15 NCAC 07H and 07J

---

**From:** Liebman, Brian R <brian.liebman@oah.nc.gov>  
**Sent:** Tuesday, January 28, 2025 12:41 PM  
**To:** Lucasse, Mary L <mlucasse@ncdoj.gov>; Everett, Jennifer <jennifer.everett@deq.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: [External] RE: December 2024 RRC - Objection letter to 15 NCAC 07H and 07J

Thank you, Mary.

Best,  
Brian

Brian Liebman  
Counsel to the North Carolina Rules Review Commission  
Office of Administrative Hearings  
(984)236-1948  
[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)

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**From:** Lucasse, Mary <MLucasse@ncdoj.gov>  
**Sent:** Tuesday, January 28, 2025 12:40 PM  
**To:** Liebman, Brian R <brian.liebman@oah.nc.gov>; Everett, Jennifer <jennifer.everett@deq.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** [External] RE: December 2024 RRC - Objection letter to 15 NCAC 07H and 07J

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That is correct. ~ Mary

---

**From:** Liebman, Brian R <brian.liebman@oah.nc.gov>  
**Sent:** Tuesday, January 28, 2025 12:38 PM  
**To:** Everett, Jennifer <jennifer.everett@deq.nc.gov>  
**Cc:** Lucasse, Mary <MLucasse@ncdoj.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: December 2024 RRC - Objection letter to 15 NCAC 07H and 07J

Hi Jennifer,

I'm just checking, in advance of Thursday's meeting, but I saw on the CRC website that their next regular meeting is on February 26-27, 2025. I'm assuming we will not have a response to the Commission's objections until 10 days after that meeting, correct?

Thanks,

Brian

Brian Liebman  
Counsel to the North Carolina Rules Review Commission  
Office of Administrative Hearings  
(984)236-1948  
[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)

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## Burgos, Alexander N

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**From:** Liebman, Brian R  
**Sent:** Friday, December 20, 2024 3:50 PM  
**To:** Everett, Jennifer  
**Cc:** Lucasse, Mary L; Burgos, Alexander N  
**Subject:** December 2024 RRC - Objection letter to 15 NCAC 07H and 07J  
**Attachments:** 12.2024 CRC 07H, 07J objection letter.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good afternoon,

Attached, please find a letter regarding the objection made by the Commission at yesterday's meeting. As always, if you have any questions or concerns, please feel free to reach out.

Have a great weekend, and Merry Christmas!  
Brian

Brian Liebman  
Counsel to the North Carolina Rules Review Commission  
Office of Administrative Hearings  
(984)236-1948  
brian.liebman@oah.nc.gov

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## Burgos, Alexander N

---

**Subject:** FW: [External] RE: December 2024 RRC - Requests for Changes - 15A NCAC 07H and 07J

---

**From:** Liebman, Brian R <brian.liebman@oah.nc.gov>

**Sent:** Tuesday, December 17, 2024 4:24 PM

**To:** Lucasse, Mary L <mlucasse@ncdoj.gov>; Everett, Jennifer <jennifer.everett@deq.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>

**Cc:** Govoni, Daniel <daniel.govoni@deq.nc.gov>; Howell, Jonathan <jonathan.howell@deq.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Miller, Tancred <tancred.miller@deq.nc.gov>; Lopazanski, Mike <mike.lopezanski@deq.nc.gov>; Goebel, Christine A <Christine.Goebel@deq.nc.gov>; Luck, Cameron A <Cameron.Luck@deq.nc.gov>; Love-Adrick, Rachel A <rachel.love-adrick@deq.nc.gov>; Willis, Angela <angela.willis@deq.nc.gov>

**Subject:** RE: [External] RE: December 2024 RRC - Requests for Changes - 15A NCAC 07H and 07J

Thank you!

Brian Liebman

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984)236-1948

[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)

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---

**From:** Lucasse, Mary <[MLucasse@ncdoj.gov](mailto:MLucasse@ncdoj.gov)>

**Sent:** Tuesday, December 17, 2024 4:23 PM

**To:** Liebman, Brian R <[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)>; Everett, Jennifer <[jennifer.everett@deq.nc.gov](mailto:jennifer.everett@deq.nc.gov)>; Rules, Oah <[oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov)>

**Cc:** Govoni, Daniel <[daniel.govoni@deq.nc.gov](mailto:daniel.govoni@deq.nc.gov)>; Howell, Jonathan <[jonathan.howell@deq.nc.gov](mailto:jonathan.howell@deq.nc.gov)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Miller, Tancred <[tancred.miller@deq.nc.gov](mailto:tancred.miller@deq.nc.gov)>; Lopazanski, Mike <[mike.lopezanski@deq.nc.gov](mailto:mike.lopezanski@deq.nc.gov)>; Goebel, Christine A <[Christine.Goebel@deq.nc.gov](mailto:Christine.Goebel@deq.nc.gov)>; Luck, Cameron A <[Cameron.Luck@deq.nc.gov](mailto:Cameron.Luck@deq.nc.gov)>; Love-Adrick, Rachel A <[rachel.love-adrick@deq.nc.gov](mailto:rachel.love-adrick@deq.nc.gov)>; Willis, Angela <[angela.willis@deq.nc.gov](mailto:angela.willis@deq.nc.gov)>

**Subject:** [External] RE: December 2024 RRC - Requests for Changes - 15A NCAC 07H and 07J

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I will be there. ~ Mary

---

**From:** Liebman, Brian R <[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)>

**Sent:** Tuesday, December 17, 2024 4:15 PM

**To:** Everett, Jennifer <[jennifer.everett@deq.nc.gov](mailto:jennifer.everett@deq.nc.gov)>; Rules, Oah <[oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov)>

**Cc:** Govoni, Daniel <[daniel.govoni@deq.nc.gov](mailto:daniel.govoni@deq.nc.gov)>; Howell, Jonathan <[jonathan.howell@deq.nc.gov](mailto:jonathan.howell@deq.nc.gov)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Miller, Tancred <[tancred.miller@deq.nc.gov](mailto:tancred.miller@deq.nc.gov)>; Lopazanski, Mike <[mike.lopezanski@deq.nc.gov](mailto:mike.lopezanski@deq.nc.gov)>; Goebel, Christine A <[Christine.Goebel@deq.nc.gov](mailto:Christine.Goebel@deq.nc.gov)>; Lucasse, Mary

<[MLucasse@ncdoj.gov](mailto:MLucasse@ncdoj.gov)>; Luck, Cameron A <[Cameron.Luck@deq.nc.gov](mailto:Cameron.Luck@deq.nc.gov)>; Love-Adrick, Rachel A <[rachel.love-adrick@deq.nc.gov](mailto:rachel.love-adrick@deq.nc.gov)>; Willis, Angela <[angela.willis@deq.nc.gov](mailto:angela.willis@deq.nc.gov)>

**Subject:** RE: December 2024 RRC - Requests for Changes - 15A NCAC 07H and 07J

Good afternoon, all

I assume that someone from the agency is going to appear and speak at Thursday's meeting. Also assuming it will be Mary? If y'all could let me know, I'd appreciate it.

Thanks,  
Brian

Brian Liebman  
Counsel to the North Carolina Rules Review Commission  
Office of Administrative Hearings  
(984)236-1948  
[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)

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## Burgos, Alexander N

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**Subject:** FW: December 2024 RRC - Requests for Changes - 15A NCAC 07H and 07J  
**Attachments:** 12.2024 - CRC 07H, 07J Staff Opinion.pdf

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**From:** Liebman, Brian R <brian.liebman@oah.nc.gov>  
**Sent:** Monday, December 16, 2024 6:14 PM  
**To:** Everett, Jennifer <jennifer.everett@deq.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>  
**Cc:** Govoni, Daniel <daniel.govoni@deq.nc.gov>; Howell, Jonathan <jonathan.howell@deq.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Miller, Tancred <tancred.miller@deq.nc.gov>; Lopazanski, Mike <mike.lopezanski@deq.nc.gov>; Goebel, Christine A <Christine.Goebel@deq.nc.gov>; Lucasse, Mary L <mlucasse@ncdoj.gov>; Luck, Cameron A <Cameron.Luck@deq.nc.gov>; Love-Adrick, Rachel A <rachel.love-adrick@deq.nc.gov>; Willis, Angela <angela.willis@deq.nc.gov>  
**Subject:** RE: December 2024 RRC - Requests for Changes - 15A NCAC 07H and 07J

Jennifer,

Thanks for your responses and for the revisions. Unfortunately, I am recommending objection to these rules pursuant to the attached staff opinion.

If you wouldn't mind, please send the final versions of all of the rules to oah.rules, copying both me and Alex Burgos, and I'll let them know these are the final versions for posting on the website.

If you have any questions, please don't hesitate to let me know.

Best,  
Brian

Brian Liebman  
Counsel to the North Carolina Rules Review Commission  
Office of Administrative Hearings  
(984)236-1948  
[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)

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**From:** Everett, Jennifer <[jennifer.everett@deq.nc.gov](mailto:jennifer.everett@deq.nc.gov)>  
**Sent:** Monday, December 16, 2024 2:05 PM  
**To:** Liebman, Brian R <[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)>; Rules, Oah <[oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov)>  
**Cc:** Govoni, Daniel <[daniel.govoni@deq.nc.gov](mailto:daniel.govoni@deq.nc.gov)>; Howell, Jonathan <[jonathan.howell@deq.nc.gov](mailto:jonathan.howell@deq.nc.gov)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Miller, Tancred <[tancred.miller@deq.nc.gov](mailto:tancred.miller@deq.nc.gov)>; Lopazanski, Mike <[mike.lopezanski@deq.nc.gov](mailto:mike.lopezanski@deq.nc.gov)>; Goebel, Christine A <[Christine.Goebel@deq.nc.gov](mailto:Christine.Goebel@deq.nc.gov)>; Lucasse, Mary L <[mlucasse@ncdoj.gov](mailto:mlucasse@ncdoj.gov)>; Luck, Cameron A <[Cameron.Luck@deq.nc.gov](mailto:Cameron.Luck@deq.nc.gov)>; Love-Adrick, Rachel A <[rachel.love-adrick@deq.nc.gov](mailto:rachel.love-adrick@deq.nc.gov)>; Willis, Angela <[angela.willis@deq.nc.gov](mailto:angela.willis@deq.nc.gov)>  
**Subject:** Re: December 2024 RRC - Requests for Changes - 15A NCAC 07H and 07J

Brian,

Attached are responses to your requests and the 2 rules rewritten per your request.

Thanks.

Jennifer Everett  
DEQ Rulemaking Coordinator  
N.C. Depart. Of Environmental Quality  
Office of General Counsel  
1601 Mail Service Center  
Raleigh, NC 27699-1601  
Tele: (919)-707-8614  
<https://deq.nc.gov/permits-rules/rules-regulations/deq-proposed-rules>

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## Burgos, Alexander N

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**Subject:** FW: December 2024 RRC - Requests for Changes - 15A NCAC 07H and 07J  
**Attachments:** 15A NCAC 07J .1403.docx; 15A NCAC 07J .1502.docx; 2024-12-16 Response to RRC weekend requests (with Appendix D).pdf

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**From:** Everett, Jennifer <jennifer.everett@deq.nc.gov>  
**Sent:** Monday, December 16, 2024 2:05 PM  
**To:** Liebman, Brian R <brian.liebman@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>  
**Cc:** Govoni, Daniel <daniel.govoni@deq.nc.gov>; Howell, Jonathan <jonathan.howell@deq.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Miller, Tancred <tancred.miller@deq.nc.gov>; Lopazanski, Mike <mike.lopezanski@deq.nc.gov>; Goebel, Christine A <Christine.Goebel@deq.nc.gov>; Lucasse, Mary L <mlucasse@ncdoj.gov>; Luck, Cameron A <Cameron.Luck@deq.nc.gov>; Love-Adrick, Rachel A <rachel.love-adrick@deq.nc.gov>; Willis, Angela <angela.willis@deq.nc.gov>  
**Subject:** Re: December 2024 RRC - Requests for Changes - 15A NCAC 07H and 07J

Brian,

Attached are responses to your requests and the 2 rules rewritten per your request.

Thanks.

Jennifer Everett  
DEQ Rulemaking Coordinator  
N.C. Depart. Of Environmental Quality  
Office of General Counsel  
1601 Mail Service Center  
Raleigh, NC 27699-1601  
Tele: (919)-707-8614  
<https://deq.nc.gov/permits-rules/rules-regulations/deq-proposed-rules>

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ROY COOPER  
Governor

MARY PENNY KELLEY  
Secretary

TANCRED MILLER  
Director



December 16, 2024

**To: Brian Liebman**  
**From: Tancred Miller**  
**Re: December 13(6:27 pm) and December 15 (Sunday), 2024 Request for Changes Pursuant to N.C. Gen. Stat. § 150-21.10**

This past weekend, Mr. Liebman provided additional request for information and requested the agency's response by noon today. Given the previously scheduled special meeting of the CRC this morning and other commitments, we are providing these responses as soon as possible.

The agency has revised Rule .1403 and Rule .1502 to address the comments that were provided on Sunday, December 15, 2024. (See attached) In response to the additional questions regarding the website and interested parties' list, the agency provides the following responses:

**Website questions:**

1. Was the information required by G.S. 150B-19.1(c) posted on the CRC's website?

**Response:** In G.S. 150B-19.1(c), the NC Administrative Procedure Act requires that each agency, including the CRC, post certain information on its Web Site. The CRC met this requirement by including a link on the CRC's website that connects to the proposed rules that are centralized on DEQ's website for all divisions and DEQ commissions. This link provides all the required information. <https://www.deq.nc.gov/permits-regulations/rules-regulations/proposed-main/proposed-rules>

2. In the posting on the DEQ website, where are the "instructions on how and where to submit oral or written comments on the proposed rule, including a description of the procedure by which a person can object to a proposed rule and subject the proposed rule to legislative review"?

**Response:** This requirement is posted here and the public sees it before clicking on specific rules in the "Library": <https://www.deq.nc.gov/permits-regulations/rules-regulations/proposed-main/proposed-rules>

[DEQ Proposed Rules | NC DEQ - NC Dept. of Environmental Quality](#)

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission.If



North Carolina Department of Environmental Quality | Division of Coastal Management  
Morehead City Office | 400 Commerce Avenue | Morehead City, North Carolina 28557  
252.515.5400

the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules ...  
[www.deq.nc.gov](http://www.deq.nc.gov)

### **Interested Persons questions:**

1. Where in the August 1, 2024 email to the interested persons mailing list would one find the notice of text for rules 07H .0508, 07J .1401-1405, and 07J .1501-1503? Please note that a notice of text is a specific document, the contents of which are defined at G.S. 150B-21.2(c).

**Response:** The “Interested Persons” mailing list is not the same as a list of persons who have requested notification of rule-making. The online form used to sign up for the “Interested Persons” mailing list does not include an affirmative request to receive notice of rule-making. The notice of text described in G.S. 150B-21.2(c) was published in the North Carolina Register as required under G.S. 150B-21.2(a)(1). The required information was included on the DEQ website for rule-making and provided through a link on the CRC web page.

2. Was there any other email sent out to the interested persons mailing list prior to September 3, 2024 which contained the elements of a notice of text, as defined at G.S. 150B-21.2(c)?

**Response:** In this response, we are assuming that the request is limited to the notice of text for the permanent rules which are currently before the RRC. If that is not correct, please advise. Appendix C to the CRC’s December 13, 2024 Response provides the Interested Parties Mailings sent out from August 1, 2024 through September 8, 2024 regarding the permanent rules which are currently before the RRC. Additional notices to the Interested Parties mailings sent out in April 2024 relating to the permanent rules which contain links to the text of the rules.

3. On what date was the notice of text which was published in the NC Register on September 3, 2024 prepared?

**Response:** G.S. 150B-21.2 establishes the procedure for adopting a permanent rule. This provision does not require that the agency identify when the notice of text was prepared. Therefore, this request is for information which is not applicable.





## Interested Parties List Information, Notices and News 4.17.24

### State coastal commission to meet in Manteo April 24-25

The N.C. Coastal Resources Commission (CRC) will meet April 24-25 at the Dare County Government Center, 954 Marshall C. Collins Drive, Manteo. The meeting will begin at 3 p.m. on April 24 and resume at 9 a.m. on April 25. A public input and comment period is scheduled for 11:30 a.m. on April 25. At the chair's discretion, comments may be limited to 3 minutes per person. The public may attend the CRC meeting in-person or join online.

The Coastal Resources Advisory Council (CRAC) will meet April 24 at 1 p.m. at the same location. This meeting will be in-person only.

**WHO:** N.C. Coastal Resources Advisory Council (CRAC)

**WHAT:** Meeting

**WHEN:** April 24 at 1 p.m.

**WHERE:** Dare County Government Center, 954 Marshall C. Collins Drive, Manteo

**WHO:** N.C. Coastal Resources Commission (CRC)

**WHAT:** Regular Business Meeting

**WHEN:** April 24 at 3 p.m.; April 25 at 9 a.m.

**WHERE:** Dare County Government Center, 954 Marshall C. Collins Drive, Manteo

\*Public input and comment period – April 25 at 11:30 a.m.

Join CRC web conference [here](#).

Agenda items for the commission meeting include:

#### April 24

- Presentations on Sea Level Rise Context, Impacts and Panel Overview; NC Sea Level Rise and High Tide Flooding Projections; Sunny Day Flood Monitoring; Southeast Coastal Ocean Observing Regional Association (SECOORA) Water Level Monitoring

#### April 25

- Consideration of variance requests regarding pier length in Kitty Hawk; and Urban Waterfront use in Wilmington
- Resilient Coastal Communities Program Updates; Contractor Role & Technical Assistance; Town of Belhaven Resiliency Efforts
- Update on Objection from Rules Revision Commission (discussion in closed session)
- Recommendations for Permanent Rulemaking: 15A NCAC 07J .0203 Standards for Work Plats; 15A NCAC 07J .0204 Processing the Application; 15A NCAC 07J .0206 Public Notice Requirements; 15A NCAC 07J .0207 Review of Major Development and Dredge & Fill Applications; 15A NCAC 07J .0208 Permit Conditions; 15A NCAC 07M .0703 Mitigation Projects; 15A NCAC 07H .0508 Jockey's Ridge Area of Environmental Concern; 15A NCAC 07H .0313 Installation and Maintenance of Wheat Straw Bales for Sand Fencing
- Update on Litigation of Interest to the Commission

#### MEETING MATERIALS AND PRESENTATIONS:

A full meeting agenda and briefing materials can be found on the [CRC website](#). Times indicated on the agenda for individual items are subject to change

#### The NC DEQ Division of Coastal Management

The [North Carolina Department of Environmental Quality's](#) Division of Coastal Management (DCM) works to protect, conserve and manage the state's coastal resources through an integrated program of planning, permitting, education and research. DCM carries out the state's Coastal Area Management Act, the Dredge and Fill Law and the federal Coastal Zone Management Act of 1972 in the 20 coastal counties, using rules and policies of the NC Coastal Resources Commission, known as the CRC. The division serves as staff to the CRC. Click here to learn more about the [Division of Coastal Management](#).

###

NC Division of Coastal Management | 400 Commerce Avenue, Morehead City, NC 28557

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Sent by christy.simmons@ncdivisionofcoastalmanagement.ccsend.com powered by







## Interested Parties List Information, Notices and News 4.22.24

### REMINDER: State coastal commission to meet in Manteo April 24-25

The N.C. Coastal Resources Commission (CRC) will meet April 24-25 at the Dare County Government Center, 954 Marshall C. Collins Drive, Manteo. The meeting will begin at 3 p.m. on April 24 and resume at 9 a.m. on April 25. A public input and comment period is scheduled for 11:30 a.m. on April 25. At the chair's discretion, comments may be limited to 3 minutes per person. The public may attend the CRC meeting in-person or join online.

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**WHO:** N.C. Coastal Resources Advisory Council (CRAC)

**WHAT:** Meeting

**WHEN:** April 24 at 1 p.m.

**WHERE:** Dare County Government Center, 954 Marshall C. Collins Drive, Manteo

**WHO:** N.C. Coastal Resources Commission (CRC)

**WHAT:** Regular Business Meeting

**WHEN:** April 24 at 3 p.m.; April 25 at 9 a.m.

**WHERE:** Dare County Government Center, 954 Marshall C. Collins Drive, Manteo

**\*Public input and comment period – April 25 at 11:30 a.m.** (in-person or submitted via email to [DCMcomments@deg.nc.gov](mailto:DCMcomments@deg.nc.gov)). Please enter "CRC meeting" in the subject line.

Join CRC web conference [here](#).

Agenda items for the commission meeting include:

#### April 24

- Presentations on Sea Level Rise Context, Impacts and Panel Overview; NC Sea Level Rise and High Tide Flooding Projections; Sunny Day Flood Monitoring; Southeast Coastal Ocean Observing Regional Association (SECOORA) Water Level Monitoring

#### April 25

- Consideration of variance requests regarding pier length in Kitty Hawk; and Urban Waterfront use in Wilmington
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- Update on Litigation of Interest to the Commission

#### MEETING MATERIALS AND PRESENTATIONS:

A full meeting agenda and briefing materials can be found on the [CRC website](#). Times indicated on the agenda for individual items are subject to change

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###

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1 15A NCAC 07J .1403 is adopted as published in 39:05 NCR 214-215 with changes as follows:

2  
3 **15A NCAC 07J .1403 COMPLETE CAMA MAJOR PERMIT AND DREDGE AND FILL**  
4 **APPLICATIONS**

5 (a) Processing for a Major Permit or Dredge and Fill Permit application, or a modification to a Major Permit or  
6 Dredge and Fill Permit application shall begin when an application is accepted as complete. Permit applications  
7 shall be in the form and include the content required under this Subchapter. Applications not in compliance with this  
8 form and content shall not be considered complete and the processing time specified under G.S. 113A-122(c) or  
9 G.S. 113-229(e) shall not commence.

10 (b) Before an application is accepted as complete, the requirements as listed in Subparagraphs (1) through (5) of ~~the~~  
11 this Paragraph shall be met. Any application not in compliance with these requirements shall be returned to the  
12 applicant along with a notification explaining the deficiencies of the application.

13 (1) a current application form shall be submitted and can be found at

14 <https://ncdeq.dynamics365portals.us/dcm-home/>. The application form shall contain:

15 (A) application type (Major or modification)

16 (B) name of entity, or first, middle, and last name(s), referenced on deed or other instrument  
17 under which ownership is claimed;

18 (C) phone number and email;

19 (D) physical address of the site of the proposed development and mailing address for the  
20 applicant;

21 (E) project type and location;

22 (F) authorized agent authorization form and contact information for agent;

23 (G) description of existing conditions and development on the project location including lot  
24 size, shoreline length, vegetation, and erosion details;

25 (H) total amount of land-disturbing activity, as defined in G.S. 113A-52(6), in the AEC  
26 measured in acres or square feet resulting from the proposed development;

27 (I) applicable dimensions of proposed development activity including quantity, length,  
28 width, elevation, slope, area, volume, distance waterward of Normal Water Level or  
29 Normal High Water Level, average existing depth, proposed final depth, impervious  
30 coverage, and sediment characteristics;

31 (J) applicable erosion and sedimentation control measures, fill source and environmental  
32 mitigation efforts for the proposed development activity;

33 (K) general information concerning the use of the proposed development activity, including  
34 boat type and length, proximity of structures to adjacent properties and other structures,  
35 and waterbody width;

- 1 (L) type of proposed impacts and dimensions (~~i.e. (Note: shading, filling, excavating)~~) to  
2 coastal wetlands, submerged aquatic vegetation, shell bottom, non-coastal wetlands, and  
3 open water from the proposed development activities;
- 4 (M) project narrative ~~that includes a brief description of the project and any previous or active~~  
5 State or federal permits issued on the property; as described in 15A NCAC .07J .1402;  
6 and
- 7 (N) acknowledgements to be attested to before submitting the application;
- 8 (i) I understand that any permit issued in response to this application will allow  
9 only the development described in the application. The project will be subject to  
10 the conditions and restrictions contained in the permit;
- 11 (ii) I certify that I am authorized to grant, and do in fact grant permission to  
12 representatives of State and federal review agencies to enter on the  
13 aforementioned lands in connection with evaluating information related to this  
14 permit application and follow-up monitoring of the project;
- 15 (iii) I certify that the information provided in this application is truthful to the best of  
16 my knowledge; and
- 17 (iv) I certify that by clicking the submit button on this NC Division of Coastal  
18 Management application I acknowledge that I am signing and dating the  
19 application submitted therein.
- 20 (2) a work plan as described in 15A NCAC 07J .1401 shall be attached to all CAMA Major  
21 development or Dredge and Fill permit applications;
- 22 (3) a copy of a deed or other instrument under which the applicant claims title shall accompany a  
23 CAMA Major Permit or Dredge and Fill Permit application, or a modification to a Major Permit  
24 or Dredge and Fill Permit application;
- 25 (4) notice to adjacent riparian landowners of a CAMA Major Permit applicant shall be given as  
26 follows: Certified return mail receipts ~~(or copies thereof)~~ or copies thereof, indicating that adjacent  
27 riparian landowners ~~(as identified in the permit application)~~ received a copy of the application for  
28 the proposed development for a CAMA Major development and/or Dredge and Fill Permit  
29 application. Said landowners have 30 days from the date of notification in which to comment.  
30 Such comments shall be considered by the Department ~~in reaching a final decision on the~~  
31 application. in determining if any aspect of the proposed development is inconsistent with CRC  
32 rules.
- 33 (5) the fee as detailed in 15A NCAC .07J .1405(b).
- 34 (c) A modification to a Major Permit or Dredge and Fill Permit or permit application shall be processed in  
35 accordance with the procedures outlined in G.S. 113A-119(b).

36  
37 *History Note: Authority G.S. 113A-107(b); 113A-120(a)(2); 113A-119(a) and (b); ~~113A-124(a)(1); 113A-~~*  
38 *124(a)(1);*

1     *Eff. January 1, 2025.*

1 15A NCAC 07J .1502 is adopted as published in 39:05 NCR 216-217 with changes as follows:

2  
3 **15A NCAC 07J .1502 CIRCULATION OF CAMA MAJOR AND DREDGE AND FILL APPLICATIONS**

4 (a) Pursuant to G.S. 113-229(e), the ~~division~~ Division shall circulate Dredge and Fill applications among all State  
5 agencies and the appropriate federal agencies having jurisdiction over the subject matter which might be affected by  
6 the project so that such agencies will have an opportunity to raise objections and coordinate. These agencies are:  
7 Division of Coastal Management, Local Government, U.S. Army Corps of Engineers, NC DEQ Division of Water  
8 Resources – Public Water Supply section, Division of Water Resources - 401 section, Division of Energy, Mineral  
9 and Land Resources – Stormwater Section, Division of Energy, Mineral and Land Resources – Sedimentation and  
10 Erosion Control Section, Department of Administration, Wildlife Resources Commission, Division of Marine  
11 Fisheries – Shellfish Section, Division of Marine Fisheries – Habitat and Enhancement Section, Department of  
12 Natural and Cultural Resources – Archives & History section and Department of Natural and Cultural Resources –  
13 Natural Heritage Program.

14 (b) Pursuant to G.S. 113A-124(a)(1) the ~~division~~ Division ~~will~~ shall circulate CAMA Major applications to the  
15 agencies having expertise in the subject matter contained in G.S. 113A-113(b). These agencies are: Division of  
16 Coastal Management, Local Government, U.S. Army Corps of Engineers, NC DEQ Division of Water Resources –  
17 Public Water Supply section, Division of Water Resources - 401 section, Division of Energy, Mineral and Land  
18 Resources – Stormwater Section, Division of Energy, Mineral and Land Resources – Sedimentation and Erosion  
19 Control Section, Department of Administration, Wildlife Resources Commission, Division of Marine Fisheries –  
20 Shellfish Section, Division of Marine Fisheries – Habitat and Enhancement Section, Department of Natural and  
21 Cultural Resources – Archives & History section and Department of Natural and Cultural Resources – Natural  
22 Heritage Program.

23  
24 *History Note:* Authority G.S. 113-229(e); 113A-107(b); 113A-118; 113A-119(a); 113A-120(a)(2); 113A-  
25 124(a)(1);  
26 *Eff. January 1, 2025.*

## Burgos, Alexander N

---

**Subject:** FW: December 2024 RRC - Requests for Changes - 15A NCAC 07H and 07J

---

**From:** Everett, Jennifer <jennifer.everett@deq.nc.gov>

**Sent:** Sunday, December 15, 2024 5:27 PM

**To:** Liebman, Brian R <brian.liebman@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>

**Cc:** Govoni, Daniel <daniel.govoni@deq.nc.gov>; Howell, Jonathan <jonathan.howell@deq.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Miller, Tancred <tancred.miller@deq.nc.gov>; Lopazanski, Mike <mike.lopezanski@deq.nc.gov>; Goebel, Christine A <Christine.Goebel@deq.nc.gov>; Lucasse, Mary L <mlucasse@ncdoj.gov>; Luck, Cameron A <Cameron.Luck@deq.nc.gov>; Love-Adrick, Rachel A <rachel.love-adrick@deq.nc.gov>; Willis, Angela <angela.willis@deq.nc.gov>

**Subject:** Re: December 2024 RRC - Requests for Changes - 15A NCAC 07H and 07J

Received!

Will be in touch tomorrow morning.

Jennifer Everett  
DEQ Rulemaking Coordinator  
N.C. Depart. Of Environmental Quality  
Office of General Counsel  
1601 Mail Service Center  
Raleigh, NC 27699-1601  
Tele: (919)-707-8614  
<https://deq.nc.gov/permits-rules/rules-regulations/deq-proposed-rules>

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**From:** Liebman, Brian R <[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)>

**Sent:** Sunday, December 15, 2024 1:10 PM

**To:** Everett, Jennifer <[jennifer.everett@deq.nc.gov](mailto:jennifer.everett@deq.nc.gov)>; Rules, Oah <[oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov)>

**Cc:** Govoni, Daniel <[daniel.govoni@deq.nc.gov](mailto:daniel.govoni@deq.nc.gov)>; Howell, Jonathan <[jonathan.howell@deq.nc.gov](mailto:jonathan.howell@deq.nc.gov)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Miller, Tancred <[tancred.miller@deq.nc.gov](mailto:tancred.miller@deq.nc.gov)>; Lopazanski, Mike <[mike.lopezanski@deq.nc.gov](mailto:mike.lopezanski@deq.nc.gov)>; Goebel, Christine A <[Christine.Goebel@deq.nc.gov](mailto:Christine.Goebel@deq.nc.gov)>; Lucasse, Mary L <[mlucasse@ncdoj.gov](mailto:mlucasse@ncdoj.gov)>; Luck, Cameron A <[Cameron.Luck@deq.nc.gov](mailto:Cameron.Luck@deq.nc.gov)>; Love-Adrick, Rachel A <[rachel.love-adrick@deq.nc.gov](mailto:rachel.love-adrick@deq.nc.gov)>; Willis, Angela <[angela.willis@deq.nc.gov](mailto:angela.willis@deq.nc.gov)>

**Subject:** RE: December 2024 RRC - Requests for Changes - 15A NCAC 07H and 07J

Good morning,

I have a few minor follow ups with respect to the content of the rules. Please see below. Since they are fairly minor, the same 12:00 p.m. deadline on Monday applies.

Rule .1403

In (b)(4), the rule states “...indicating that adjacent riparian landowners **(as identified in the permit application)** received a copy of the application....” Where is the requirement to identify the adjacent riparian landowners? The response points back to (b)(4), but there’s no actual requirement to identify anyone in the Rule. The requirement is to give notice to the landowners.

Also, please incorporate the parentheticals in (b)(4) into the text.

Rule .1502

Thank you for clarifying the scope of (a) and (b). I think it would aid clarity if you revised lines 4 and 14 to name the permit application. For example “Pursuant to G.S. 113-229(e), the Division shall circulate Dredge and Fill applications...” and “Pursuant to G.S. 113A-124(a)(1), the Division shall circulate CAMA Major applications...”

Note that on line 14, you should change “will” to “shall”. Sorry for missing that earlier.

Thanks,  
Brian

Brian Liebman  
Counsel to the North Carolina Rules Review Commission  
Office of Administrative Hearings  
(984)236-1948  
[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)

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## Burgos, Alexander N

---

**Subject:** FW: December 2024 RRC - Requests for Changes - 15A NCAC 07H and 07J  
**Attachments:** 15A NCAC 07H .0508 with Changes.docx; 15A NCAC 07J .1401 with Changes.docx; 15A NCAC 07J .1402 with Changes.docx; 15A NCAC 07J .1403 with Changes.docx; 15A NCAC 07J .1404 with Changes.docx; 15A NCAC 07J .1405 with Changes.docx; 15A NCAC 07J .1501 with Changes.docx; 15A NCAC 07J .1502 with Changes.docx; 15A NCAC 07J .1503 with Changes.docx; Agency Response to Request for Changes 12.13.24.pdf

---

**From:** Everett, Jennifer <jennifer.everett@deq.nc.gov>

**Sent:** Friday, December 13, 2024 3:59 PM

**To:** Liebman, Brian R <brian.liebman@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>

**Cc:** Govoni, Daniel <daniel.govoni@deq.nc.gov>; Howell, Jonathan <jonathan.howell@deq.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Miller, Tancred <tancred.miller@deq.nc.gov>; Lopazanski, Mike <mike.lopezanski@deq.nc.gov>; Goebel, Christine A <Christine.Goebel@deq.nc.gov>; Lucasse, Mary L <mlucasse@ncdoj.gov>; Luck, Cameron A <Cameron.Luck@deq.nc.gov>; Love-Adrick, Rachel A <rachel.love-adrick@deq.nc.gov>; Willis, Angela <angela.willis@deq.nc.gov>

**Subject:** Re: December 2024 RRC - Requests for Changes - 15A NCAC 07H and 07J

Brian,

Attached are responses to your technical change requests and the rewritten rules for your review.

Jennifer

Jennifer Everett  
DEQ Rulemaking Coordinator  
N.C. Depart. Of Environmental Quality  
Office of General Counsel  
1601 Mail Service Center  
Raleigh, NC 27699-1601  
Tele: (919)-707-8614  
<https://deq.nc.gov/permits-rules/rules-regulations/deq-proposed-rules>

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ROY COOPER

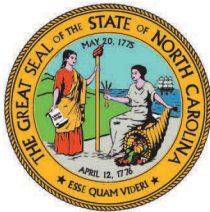
Governor

MARY PENNY KELLEY

Secretary

TANCRED MILLER

Director



NORTH CAROLINA  
Environmental Quality

December 13, 2024

To: N.C. Rules Review Commission c/o Brian Liebman  
From: Tancred Miller, N.C. Division of Coastal Management  
Re: December 5, 2024 Request for Changes Pursuant to N.C. Gen. Stat. § 150-21.10

Attached are the Agency Responses to N.C. Rules Review Commission (RRC) Counsel Brian Liebman's requests for changes dated December 5, 2024. In addition to the in-line comments embedded in Counsel Liebman's memo, the Division would like to weigh in on comments we have seen from Chris Millis with the NC Home Builders Association, and Mary Katherine Stukes with the law firm Moore & Van Allen, on behalf of Cedar Point Developers LLC relating to the CRC's compliance with the Administrative Procedure Act (APA) public notice requirements.

The N.C. Coastal Resources Commission (CRC) is committed to public engagement in all aspects of its work, particularly regarding rulemaking. The CRC has fully complied with the APA notice requirements for these rules. Specifically, The Agency posted a Notice of Rulemaking on August 7, 2024 and posted a Notice of Public Hearing on August 16, 2024. DCM sent notices of rulemaking for 15A NCAC 07J .1401-.1405, .1501-.1503 and 07H .0508 to our Interested Persons mailing list on August 1, 2024, November 1, 2024, and November 8, 2024. Additional details regarding the CRC's compliance with the notice requirements are included in the Agency Responses attached.

Given that the CRC provided notice of its ongoing work on these rules, it is concerning that key stakeholders and interested parties that have been tracking CRC rulemaking action would assert that they were not timely aware of the rulemaking action. The Division has complied with N.C. G.S. 150B public notice and publication requirements, and we believe that the commenters are improperly interpreting and expanding the Agency's public notice and publication obligations under the APA.

In light of the Division's responses to the request for technical changes relating to the substance of the proposed rules, the Division believes that the text of rules, with changes as requested by RRC Counsel, are fully in compliance with the APA and within the statutory authority of the CRC. The Agency's response is intended to resolve all issues identified in the request for changes.



North Carolina Department of Environmental Quality | Division of Coastal Management  
Morehead City Office | 400 Commerce Avenue | Morehead City, North Carolina 28557  
252.515.5400

## **Request for Changes Pursuant to N.C. Gen. Stat. § 150B-21.10**

Staff reviewed these Rules to ensure that each Rule is within the agency's statutory authority, reasonably necessary, clear and unambiguous, and adopted in accordance with Part 2 of the North Carolina Administrative Procedure Act. Following review, staff has issued this document that may request changes pursuant to G.S. 150B-21.10 from your agency or ask clarifying questions.

If the request includes questions, please contact the reviewing attorney to discuss.

In order to properly submit rewritten rules, please refer to the following Rules in the NC Administrative Code:

- Rule 26 NCAC 02C .0108 – The Rule addresses general formatting.
- Rule 26 NCAC 02C .0404 – The Rule addresses changing the introductory statement.
- Rule 26 NCAC 02C .0405 – The Rule addresses properly formatting changes made after publication in the NC Register.

### **Note the following general instructions:**

1. You must submit the revised rule via email to [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov). The electronic copy must be saved as the official rule name (XX NCAC XXXX).
2. For rules longer than one page, insert a page number.
3. Use line numbers; if the rule spans more than one page, have the line numbers reset at one for each page.
4. Do not use track changes. Make all changes using manual strikethroughs, underlines and highlighting.
5. You cannot change just one part of a word. For example:
  - Wrong: “~~a~~Association”
  - Right: “~~association~~ Association”
6. Treat punctuation as part of a word. For example:
  - Wrong: “day;; and”
  - Right: “~~day~~, day; and”
7. Formatting instructions and examples may be found at:  
[www.ncoah.com/rules/examples.html](http://www.ncoah.com/rules/examples.html)

If you have any questions regarding proper formatting of edits after reviewing the rules and examples, please contact the reviewing attorney.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Coastal Resources Commission

RULE CITATION: All Rules

**DEADLINE FOR RECEIPT: FRIDAY, DECEMBER 13, 2024**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*On November 4, 2024, RRC was copied on correspondence between Moore & Van Allen, representing Cedar Point Developers, LLC and Tancred Miller, Director of Coastal Management at the Department of Environmental Quality. Per this correspondence, Cedar Point claims the notice of permanent rulemaking for proposed rules 15A NCAC 07J .1401-.1405 and .1501-.1503 “was not included on the CRC virtual homepage”, was not included in “any of the CRC’s meeting schedules, or meeting minutes”, and that notice of the public comment period did not appear on the Division of Coastal Management’s list of public notices.*

*Additionally, Cedar Point claimed that although it is registered on both the DCM and the CRC’s interested party mailing lists, it received no notice of rulemaking for these rules, until a November 1, 2024 email which included an agenda for the CRC’s November meeting. Cedar Point claims it was unable to participate in the September 25, 2024 public hearing because it did not receive any notification of the hearing.*

*As you’re aware, under G.S. 150B-21.2(a), an agency must “comply with the requirements of G.S. 150B-19.1”, which requires the agency to “post on its Web site, no later than the publication date of the notice of text in the North Carolina Register...” the text of the proposed rule, an explanation for the proposed rule and the reason for the rule, any federal certification required, instructions on how and where to submit oral or written comments, including instructions for subjecting the proposed rule to legislative review, and any fiscal note prepared for the proposed rule.*

*G.S. 150B-21.2(d) requires that “an agency must maintain a mailing list of persons that have requested notice of rulemaking” and that the agency send a copy of the notice of text to each person on the mailing list whenever it publishes in the North Carolina Register.*

*Although you’ve checked the box stating that “the requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency’s Web site no later than the publication date of*

*the notice of text in the N.C. Register” in your Submission for Permanent Rule Form, this appears to be contradicted by Cedar Point’s November 4, 2024 letter.*

*Based on the foregoing, please answer the following questions:*

*On what date did the CRC post the information required by G.S. 150B-19.1(c) on its website for 15A NCAC 07J .1401-1405 and .1501-1503?*

*The Agency posted a Notice of Rulemaking on August 7, 2024 as referenced in Appendix A to this document. A Notice of Public Hearing was posted on August 16, 2024 as referenced in Appendix B.*

*At what web address was the information posted?*

*The information was posted on DEQ’s website at*

*<https://www.deq.nc.gov/accessdeq/rules-regulations/deq-proposed-rules/proposed-rules>.*

*DCM’s website for proposed rules links directly to the DEQ page above. DCM’s website is <https://www.deq.nc.gov/about/divisions/coastal-management/coastal-management-rules-regulations/proposed-rules>.*

*On what date did the CRC send to its interested persons mailing list the notice of text for 15A NCAC 07J .1401-.1405 and .1501-.1503?*

*DCM sent notice of rulemaking for 15A NCAC 07J .1401-.1405 and .1501-.1503 to our Interested Persons mailing list on August 1, 2024, November 1, 2024, and November 8, 2024. These notices were included within the body of the emails and within the Coastal Resources Commission meeting agendas linked within the emails.*

*Note: DCM does not have a record of any of the Member-Managers of Cedar Point Developers, LLC (as they are listed on the North Carolina Secretary of State’s website) specifically requesting notice of rulemaking pursuant to G.S. 150B-21.2(d); however, at least two individuals associated with Moore & Van Allen, representing Cedar Point Developers LLC are on DCM’s Interested Persons mailing list and should have received all of the notices issued after the date they subscribed.*

*For each of the foregoing questions, please provide supporting documentation for your answer.*

*Please refer to Appendices A, B and C for screenshots and copies of Interested Parties emails.*

*Similarly, although Cedar Point’s letter does not specifically address 15A NCAC 07H .0508, given that this rule was published contemporaneously in the N.C. Register, it seems reasonable that it may have also been affected by the same potential shortcomings as 15A NCAC 07J .1401-.1405 and .1501-.1503.*

*On what date did the CRC post the information required by G.S. 150B-19.1(c) on its website for 15A NCAC 07H .0508?*

*The Agency posted a Notice of Rulemaking on August 7, 2024 as referenced in Appendix A to this document. A Notice of Public Hearing was posted on August 16, 2024 as referenced in Appendix B.*

*At what web address was the information posted?*

*The information was posted on DEQ's website at <https://www.deq.nc.gov/accessdeq/rules-regulations/deq-proposed-rules/proposed-rules>.*

*DCM's website for proposed rules links directly to the DEQ page above. DCM's website is <https://www.deq.nc.gov/about/divisions/coastal-management/coastal-management-rules-regulations/proposed-rules>.*

*On what date did the CRC send to its interested persons mailing list the notice of text for 15A NCAC 07H .0508?*

*DCM sent notice of rulemaking for 15A NCAC 07H .0508 to our Interested Persons mailing list on August 1, 2024, November 1, 2024, and November 8, 2024. These notices were included within the body of the emails and within the Coastal Resources Commission meeting agendas linked within the emails.*

*Note: DCM does not have a record of any of the Member-Managers of Cedar Point Developers, LLC (as they are listed on the North Carolina Secretary of State's website) specifically requesting notice of rulemaking pursuant to G.S. 150B-21.2(d); however, at least two individuals associated with Moore & Van Allen, representing Cedar Point Developers LLC are on DCM's Interested Persons mailing list and should have received all of the notices issued after the date they subscribed.*

*For each of the foregoing questions, please provide supporting documentation for your answer.*

*Please refer to Appendices A, B and C for screenshots and copies of Interested Parties emails.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Coastal Resources Commission

RULE CITATION: 15 NCAC 07H .0508

**DEADLINE FOR RECEIPT: FRIDAY, DECEMBER 13, 2024**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*In (a), lines 4-7, it does not appear that the description of Jockey's Ridge meets the definition of a rule, in that it does not require the public to take some action or forbid the public from taking an action. I would suggest simply identifying Jockey's Ridge and making the designation as follows:*

*"Jockey's Ridge is located within the Town of Nags Head in Dare County, between U.S. 158 and Roanoke Sound. Given the status of Jockey's Ridge as a State Park, State Nature Preserve, complex natural area, and an area containing a unique geological formation as identified by the State Geologist, the Coastal Resources Commission hereby designates Jockey's Ridge as an Area of Environmental Concern pursuant to G.S. 113A-113." Completed.*

*In (b), line 11, the rule indicates that the CRC adopted the map containing the boundaries of Jockey's Ridge on November 14, 2024, which was the same date this Rule was adopted. I noticed in the NC Register that the date was left blank.*

*First of all, please amend your formatting to show the post-publication change. Completed, please see the amended text.*

*Second, was the map adopted at the November 14, 2024 meeting made available to the public? Yes*

*Were there changes made to the boundaries of the proposed AEC during the publication process? No*

*Third, please address whether the adoption of the map post-publication represents a substantial change pursuant to G.S. 150B-21.2(g).*

*No changes were made to the map post publication; therefore, it did not affect interested parties, did not address any subject matter, nor produce an effect that could not reasonably have been expected.*

*In (c), line 19, is that a CAMA major, minor, or general permit?  
Can be a CAMA Major or CAMA Minor Permit, please see the amended text.*

*In (c)(3), line 27, I think the “unless allowed” language is a little unclear. Is this another exception to the general prohibition on affecting the free movement of sand? Put differently, does (c)(3) not apply if the development is allowed by the Management Plan? That is correct, please see the amended text.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Coastal Resources Commission

RULE CITATION: 15 NCAC 07J .1401

**DEADLINE FOR RECEIPT: FRIDAY, DECEMBER 13, 2024**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*In (b)(1), lines 10-19, I think it might be clearer if you put these items in a numbered list.*

*Done.*

*In (b)(1), line 15, "shall be labeled" is not grammatically correct here, as this is a list.*

*Removed.*

*In (b)(1), lines 31-32, you already require wetlands to be indicated on the plat at line 13. Are these different wetlands?*

*No. Language has been deleted.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.



REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Coastal Resources Commission

RULE CITATION: 15 NCAC 07J .1402

**DEADLINE FOR RECEIPT: FRIDAY, DECEMBER 13, 2024**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*In (1), does “character” mean something other than “residential, commercial, or recreational”? Also, if you want to include an explanatory parenthetical, see 26 NCAC 02C .0110 for how to properly format that.*

*Character means specifically, “residential, commercial, or recreational”. The rule has been formatted in accordance with 26 NCAC 02C .0110.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Coastal Resources Commission

RULE CITATION: 15 NCAC 07J .1403

**DEADLINE FOR RECEIPT: FRIDAY, DECEMBER 13, 2024**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*In (b), line 10, do you mean “this Paragraph”?*

*Yes. “The” has been replaced with “this”.*

*In (b)(1)(L), if you’d like to use an explanatory parenthetical, see 26 NCAC 02C .0110 for proper formatting.*

*Rule has been formatted in accordance with 26 NCAC 02C .0110.*

*In (b)(1)(M), p.2, line 3, is this a different project narrative than described in 07J .1402? There’s no requirement to describe previous or active state or federal permits in .1402. Line 3 references the same project narrative as described in 07J .1402. The requirement to list previous or active state permits has been added to 07J .1402 and this rule has been updated to reference the requirements of 7J .1402 as part of a complete application.*

*In (b)(4), line 25, I don’t see where in (b)(1) the applicant is required to identify adjacent riparian landowners in the application. Please address.*

*Line (b)(1) states subparagraphs (1) through (5) of the paragraph shall be met for the Division to accept an application as complete. The Adjacent Riparian Property owner statement requirement is subparagraph (4) and is required for an application to be accepted as complete.*

*In (b)(4), line 28, what does it mean that the comments are “considered” by the Department?*

*Text has been edited to reflect the Division will consider comments from Adjacent Property Owners when determining if the proposed project conflicts with CRC rules.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Coastal Resources Commission

RULE CITATION: 15 NCAC 07J .1404

**DEADLINE FOR RECEIPT: FRIDAY, DECEMBER 13, 2024**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*In (b)(1)(J)(iv), p.2, line 7 what is a "simple" title block?  
The word "simple" has been removed from the rule.*

*In (b)(3), line 25, what does it mean that the comments are "considered" by the Department?  
Text has been edited to reflect the Division will consider comments from Adjacent Property Owners when determining if the proposed project conflicts with CRC rules.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Coastal Resources Commission

RULE CITATION: 15 NCAC 07J .1405

**DEADLINE FOR RECEIPT: FRIDAY, DECEMBER 13, 2024**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*In (a), line 5, please omit the “or” between “transfer” and “check”, and add commas, making a list as follows: “...in the form of an electronic funds transfer, check, or money order...”*

*Completed*

*Also in (a), add a comma following “money order”, unless “payable to the Department or the city or county” is only supposed to modify “money order”.*

*Completed*

*In (a), line 6, you’ve repeated the amount of the fee. Delete.*

*Completed*

*In (b), line 9, please omit the “or” between “transfer” and “check”, and add commas, making a list as follows: “...in the form of an electronic funds transfer, check, or money order...”*

*Completed*

*In your History Note, there’s a typo at the end of line 11. Please correct the punctuation.*

*Completed*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Coastal Resources Commission

RULE CITATION: 15 NCAC 07J .1501

**DEADLINE FOR RECEIPT: FRIDAY, DECEMBER 13, 2024**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*In your History Note, there's a typo at the end of line 21. Please correct the punctuation.*  
*Completed*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Coastal Resources Commission

RULE CITATION: 15 NCAC 07J .1502

**DEADLINE FOR RECEIPT: FRIDAY, DECEMBER 13, 2024**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*In (a), line 4, capitalize "Division".*  
*Completed*

*In (a), line 4, are these Dredge and Fill applications that will be circulated? Or applications for both Dredge and Fill and CAMA permits?*  
*(a) Line 4 refers to Dredge and Fill Applications*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

## APPENDIX A – POSTINGS TO WEBSITES

### DEQ's PROPOSED RULES WEBPAGE

#### 15A NCAC 07J .1400 and .1500 - CRC Rules for Processing CAMA Permits

The notice of rulemaking and public comment period was posted to [DEQ's Proposed Rules Webpage](https://www.deq.nc.gov/accessdeq/rules-regulations/deq-proposed-rules/proposed-rules#CRCRulesforProcessingCAMAPermits-15315) on August 7, 2024. The notice can be found here: <https://www.deq.nc.gov/accessdeq/rules-regulations/deq-proposed-rules/proposed-rules#CRCRulesforProcessingCAMAPermits-15315> and is shown below as "Screenshot #1" from December 11, 2024.

The screenshot shows a web browser window with the URL <https://www.deq.nc.gov/accessdeq/rules-regulations/deq-proposed-rules/proposed-rules#CRCRulesforProcessingCAMAPermits-15315>. The page features a navigation bar with links for Manage, Shortcuts, and Production. A sidebar on the left lists various rulemaking topics, with "CRC Rules for Processing CAMA Permits" highlighted in green. The main content area displays the details for this rulemaking, including a description of the proposed rules, a public hearing date of September 25, 2024, and a public comment period ending on November 4, 2024.

**REVISIONS TO 15A NCAC 02D .0410, FRESH PARTICULATE MATTER**

- 15A NCAC 02Q .0529 Title V Insignificant Research and Development Activities Exemption
- Marine Fisheries Commission Proposed Rules 2023-2024 Package
- Marine Fisheries Commission Proposed Rules 2024-2025 Package
- Jockey's Ridge Area of Environmental Concern
- CRC Rules for Processing CAMA Permits**

The Coastal Resources Commission (CRC) is proposing to replace expired rules 15A NCAC 7J .0203, .0204, .0206 and .0207 with new rules that will be codified in 15A NCAC 07J .1400 and .1500. These rules are necessary for the regulated public to have a clear understanding of the information required to apply for a Coastal Area Management Act (CAMA) permit.

[Proposed Rules](#)

[OSBM Approved Fiscal Analysis](#)

**Public Hearing**

September 25, 2024 1:30 p.m.

NC Division of Coastal Management

400 Commerce Avenue

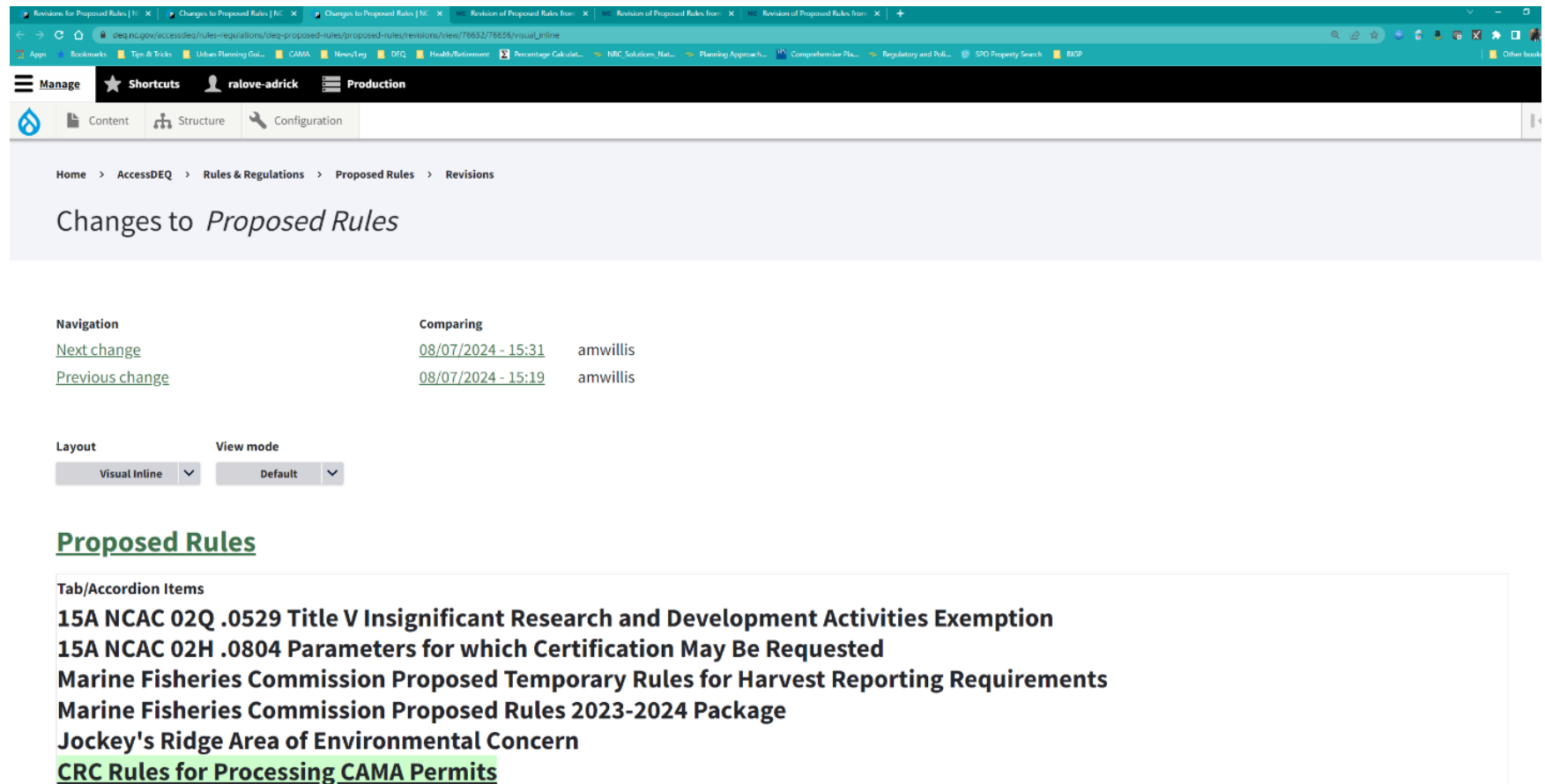
Morehead City, NC 28557

**Public Comment Period Ends:** November 4, 2024

**CRC Temporary Rules for Measurement Line (7H .0304 and 7H .0305)**

Screenshot #1

Screenshot #2 shows the revisions to DEQ’s “Proposed Rules” page. The page was revised on August 7, 2024 at 15:31 to add “Jockey’s Ridge Area of Environmental Concern” and “CRC Rules for Processing CAMA Permits”.



Screenshot #2



“Screenshot #3” shows the final page published on 8/7/2024 – 15:50

Changes to Proposed Rules | NC

Revision of Proposed Rules from

deq.nc.gov/accessdeq/rules-regulations/deq-proposed-rules/proposed-rules/revisions/view/76637/76641/visual\_inline

ManageShortcutsralove-adrickProduction

View profileEdit profileLog outModeration Dashboard

Home > AccessDEQ > Rules & Regulations > Proposed Rules > Revisions

Changes to *Proposed Rules*

Navigation

Next change

Previous change

Comparing

08/07/2024 - 15:50

08/07/2024 - 15:35

armwillis

armwillis

Layout

Visual inline

Default

View mode

Default

Proposed Rules

Tab/Accordion Items

15A NCAC 02Q .0529 Title V Insignificant Research and Development Activities Exemption

15A NCAC 02H .0804 Parameters for which Certification May Be Requested

Marine Fisheries Commission Proposed Temporary Rules for Harvest Reporting Requirements

Marine Fisheries Commission Proposed Rules 2023-2024 Package

Jockey's Ridge Area of Environmental Concern

CRC Rules for Processing CAMA Permits

Revisions for Proposed Rules | NC

Revision of Proposed Rules from

deq.nc.gov/accessdeq/rules-regulations/deq-proposed-rules/proposed-rules/revisions/76641/visual\_inline#CRCRulesforProcessingCAMAPermits-15115

ManageShortcutsralove-adrickProduction

ContentStructureConfiguration

CRC Rules for Processing CAMA Permits

The Coastal Resources Commission (CRC) is proposing to replace expired rules 15A NCAC 7J .0203, .0204, .0206 and .0207 with new rules that will be codified in 15A NCAC 07J .1400 and .1500. These rules are necessary for the regulated public to have a clear understanding of the information required to apply for a Coastal Area Management Act (CAMA) permit.

[Proposed Rules](#)

[OSBM Approved Fiscal Analysis](#)

[Public Hearing](#)

September 24, 2024 1:30 p.m. NC Division of Coastal Management, 400 Commerce Avenue Morehead City, NC 28557

Public Comment Period Ends: November 4, 2024

Screenshot #3

Links to Documents for 15A NCAC 07J .1400 and .1500

Screenshot #4 show that the [Fiscal Analysis for DCM Permit Processing](#) was published on August 7, 2024.

The screenshot displays a web browser window with multiple tabs open, including 'Media | NC DEQ' and 'Fiscal Analysis for DCM Permit P...'. The address bar shows the URL: <https://deq.nc.gov/coastal-management/fiscal-analysis-dcm-permit-processing-0>. The browser's bookmark bar contains various links related to environmental planning and regulations. The website's header features the North Carolina Environmental Quality logo and navigation links for Divisions, AccessDEQ, Outreach & Education, Energy & Climate, News, and About. A search icon is also present. The main content area shows a document titled 'Fiscal Analysis for DCM Permit Processing' with a 'View' button and a 'Revisions' tab. Below the title, the document is identified as 'Fiscal Analysis for Permit App Process OSBM Approved\_0.pdf' and is described as a 'Fiscal Analysis' PDF file, 165.47 KB, published on August 07, 2024. The 'Division/Office' is listed as 'Coastal Management'. The 'First Published' and 'Last Updated' dates are both August 7, 2024. A yellow circular badge with the number '3' is visible in the bottom right corner of the page.

Screenshot #4

Screenshot #5 show that the [CAMA Permit Processing Requirements](#) was published on August 7, 2024.

The screenshot displays a web browser window with the URL [deq.nc.gov/coastal-management/cama-permit-processing-requirements](http://deq.nc.gov/coastal-management/cama-permit-processing-requirements). The browser's address bar and tabs are visible at the top. Below the browser window, the website's header features the North Carolina Environmental Quality logo on the left and a navigation menu with links for Divisions, AccessDEQ, Outreach & Education, Energy & Climate, News, and About. A search icon is located on the right side of the header. The main content area of the page is titled "CAMA Permit Processing Requirements" and includes a "View" button. Below the title, there is a link to the "Permit Processing Rule Package.pdf" and a note that it is a "CRC Proposed Rules" document. The file size is listed as "PDF • 215.12 KB - August 07, 2024". The "Division/Office" section indicates that the document is from the "Coastal Management" division. The "First Published" date is "August 7, 2024", and the "Last Updated" date is also "August 7, 2024". The bottom of the screenshot shows the Windows taskbar with various application icons and the system clock displaying "11:57 AM 11/13/2024".

Home

[View](#) [Edit](#) [Delete](#) [Revisions](#)

## CAMA Permit Processing Requirements

[Permit Processing Rule Package.pdf](#)

CRC Proposed Rules

PDF • 215.12 KB - August 07, 2024

**Division/Office**

- [Coastal Management](#)

**First Published**  
August 7, 2024

**Last Updated**  
August 7, 2024

Screenshot #5

## 15A NCAC 07H .0508 – Jockey’s Ridge Area of Environmental Concern

The notice of rulemaking and public comment period was posted to [DEQ’s Proposed Rules Webpage](https://www.deq.nc.gov/accessdeq/rules-regulations/deq-proposed-rules/proposed-rules#JockeysRidgeAreaofEnvironmentalConcern-15314) on August 7, 2024. The notice can be found here: <https://www.deq.nc.gov/accessdeq/rules-regulations/deq-proposed-rules/proposed-rules#JockeysRidgeAreaofEnvironmentalConcern-15314> and a is shown below as “Screenshot #6” from December 12, 2024.

The screenshot displays a web browser window with the URL <https://www.deq.nc.gov/accessdeq/rules-regulations/deq-proposed-rules/proposed-rules#JockeysRidgeAreaofEnvironmentalConcern-15314>. The browser's address bar and tabs are visible at the top. The webpage content is organized into a sidebar on the left and a main content area on the right. The sidebar lists various rulemaking categories, including "Marine Fisheries Commission Proposed Rules 2024-2025 Package", "Jockey's Ridge Area of Environmental Concern", "CRC Rules for Processing CAMA Permits", "CRC Temporary Rules for Measurement Line (7H .0304 and 7H .0305)", "Proposed revision to 15A NCAC 02B .0309 for reclassification of waters in the Yadkin-Pee Dee River Basin", "Straw Bales as Sand Fencing 15A NCAC 07H .0314", "Proposed Amendments to 15A NCAC 02L .0202 Groundwater Quality Standards", and "Proposed Amendments to 15A NCAC 02T .0114 and .0118". The main content area displays the details for the "Jockey's Ridge Area of Environmental Concern" rulemaking. It includes a description of the rule, a link to the "Proposed Rule", a link to the "OSBM Approved Fiscal Analysis", and information about the "Public Hearing" on October 15, 2024, at 1:00 p.m. The location for the hearing is Jockey's Ridge State Park Community Room in Visitor's Center 300 W. Carolista Drive, Nags Head, NC 27959. The comment period ends on November 4, 2024. The bottom of the screenshot shows the Windows taskbar with various application icons and the system clock indicating 10:05 AM on 12/12/2024.

Changes to Proposed Rules | NC X | NC Revision of Proposed Rules from X | NC Revision of Proposed Rules from X | NC Public Notices | NC DEQ X | Revisions for Public Hearing - C X | NC Revision of Public Hearing - CR X | NC Proposed Rules | NC DEQ X

deq.nc.gov/accessdeq/rules-regulations/deq-proposed-rules/proposed-rules#JockeysRidgeAreaofEnvironmentalConcern-15314

Apps Bookmarks Tips & Tricks Urban Planning Gui... CAMA News/Leg DEQ Health/Retirement Percentage Calculat... NRC\_Solutions\_Nat... Planning Approach... Comprehensive Pla... Regulatory and Poli... SPO Property Search Other bookmarks

Manage Shortcuts ralove-adrick Production

View profile Edit profile Log out Moderation Dashboard

Marine Fisheries Commission Proposed Rules 2024-2025 Package

Jockey's Ridge Area of Environmental Concern

The CRC is proposing a rule to re-designate Jockey's Ridge as an Area of Environmental Concern (AEC), as well as use standards to protect the AEC from incompatible development and loss of sand.

[Proposed Rule](#)

[OSBM Approved Fiscal Analysis](#)

**Public Hearing** October 15, 2024 1:00 p.m.

Jockey's Ridge State Park Community Room in Visitor's Center 300 W. Carolista Drive, Nags Head, NC 27959

Comment Period Ends: November 4, 2024

CRC Rules for Processing CAMA Permits

CRC Temporary Rules for Measurement Line (7H .0304 and 7H .0305)

Proposed revision to 15A NCAC 02B .0309 for reclassification of waters in the Yadkin-Pee Dee River Basin

Straw Bales as Sand Fencing 15A NCAC 07H .0314

Proposed Amendments to 15A NCAC 02L .0202 Groundwater Quality Standards

Proposed Amendments to 15A NCAC 02T .0114 and .0118

19

Search

10:05 AM 12/12/2024

Screenshot #6

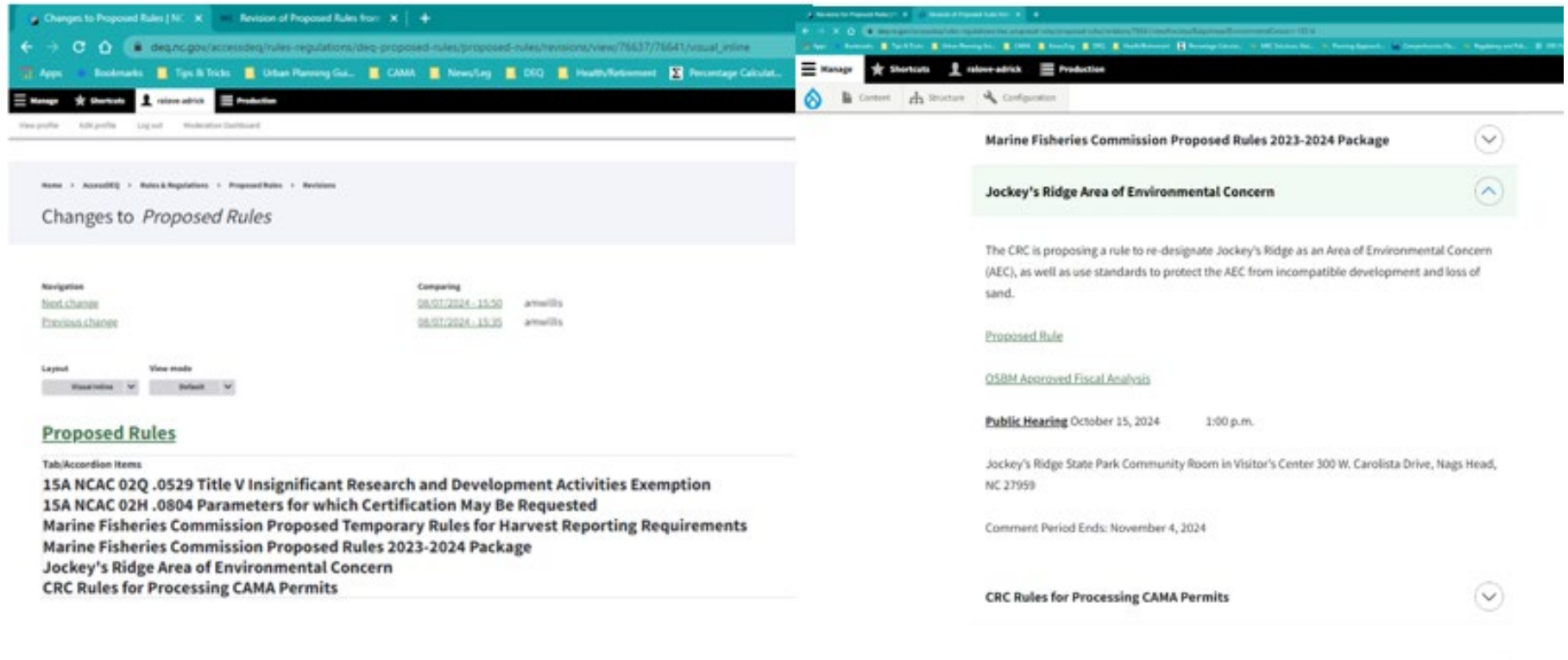
Screenshot #7 shows the revisions to DEQ's "Proposed Rules" page. The page was revised on August 7, 2024 at 15:19 to add the "Jockey's Ridge Area of Environmental Concern" (highlighted).

The screenshot shows a web browser window displaying the "Changes to Proposed Rules" page. The browser's address bar shows the URL: [https://deq.nc.gov/accessdeq/rules-regulations/deq-proposed-rules/proposed-rules/revisions/view/75133/76632/visual\\_inline](https://deq.nc.gov/accessdeq/rules-regulations/deq-proposed-rules/proposed-rules/revisions/view/75133/76632/visual_inline). The page has a dark navigation bar with "Manage", "Shortcuts", "ralove-adrick", and "Production" tabs. Below this is a light blue header with "Content", "Structure", and "Configuration" tabs. The main content area has a breadcrumb trail: Home > AccessDEQ > Rules & Regulations > Proposed Rules > Revisions. The title "Changes to *Proposed Rules*" is displayed. Below the title, there are two columns: "Navigation" with links for "Next change" and "Previous change", and "Comparing" with two entries for "08/07/2024 - 15:19" and "07/09/2024 - 12:30", both attributed to "amwillis". Further down, there are "Layout" and "View mode" sections with dropdown menus for "Visual Inline" and "Default". The main content area is titled "Proposed Rules" and contains a list of "Tab/Accordion Items":

- 15A NCAC 02Q .0529 Title V Insignificant Research and Development Activities Exemption
- 15A NCAC 02H .0804 Parameters for which Certification May Be Requested
- Marine Fisheries Commission Proposed Temporary Rules for Harvest Reporting Requirements
- Marine Fisheries Commission Proposed Rules 2023-2024 Package
- Jockey's Ridge Area of Environmental Concern** (highlighted in green)

The Windows taskbar at the bottom shows the time as 1:02 PM on 12/31/2024.

“Screenshot #8” shows the final page published on 8/7/2024 – 15:50



Screenshot #8

Links to Documents for 15A NCAC 07H .0508 – Jockey’s Ridge Area of Environmental Concern  
Screenshot #9 show that the [Proposed Rule](#) was published on August 7, 2024.

Revisions for Proposed Rules | NC DEQ | Jockey's Ridge Rule Language | Fiscal Analysis for Jockey's Ridge | 15A NCAC 07H .0508 Proposed Adoption

deq.nc.gov/coastal-management/15a-ncac-07h-0508-proposed-adoption

Manage Shortcuts ralove-adrick Production

Content Structure Configuration

View Edit Delete Revisions

## 15A NCAC 07H .0508 Proposed Adoption

[15A NCAC 07H .0508 for NCR.pdf](#)

Proposed Rules for CRC

PDF • 116.18 KB - August 07, 2024

**Division/Office**

- [Coastal Management](#)

**First Published**  
August 7, 2024

**Last Updated**  
August 7, 2024

3

Screenshot #9

Screenshot #10 show that the [OSBM Approved Fiscal Analysis](#) was published on August 7, 2024.

Revisions for Proposed Rules | NC DEQ | Jockey's Ridge Rule Language | NC Fiscal Analysis for Jockey's Ridge

deq.nc.gov/coastal-management/fiscal-analysis-jockeys-ridge-aec-0

Apps | Bookmarks | Tips & Tricks | Urban Planning Gui... | CAMA | News/Tag | DEQ | Health/Retirement | Percentage Calcula... | NRC Solutions Nat... | Planning Approach... | Comprehensive Pla... | Regulatory and Pub... | CPO Property Search | BXP

Manage | Shortcuts | ralove-adrick | Production

Content | Structure | Configuration

Edit

View | Edit | Delete | Revisions

# Fiscal Analysis for Jockey's Ridge AEC

[OSMB Approve Fiscal Analysis 2024.pdf](#)

Fiscal Analysis

PDF • 441.5 KB - August 07, 2024

**Division/Office**

- [Coastal Management](#)

**First Published**

August 7, 2024

**Last Updated**

August 7, 2024

3

Screenshot #10



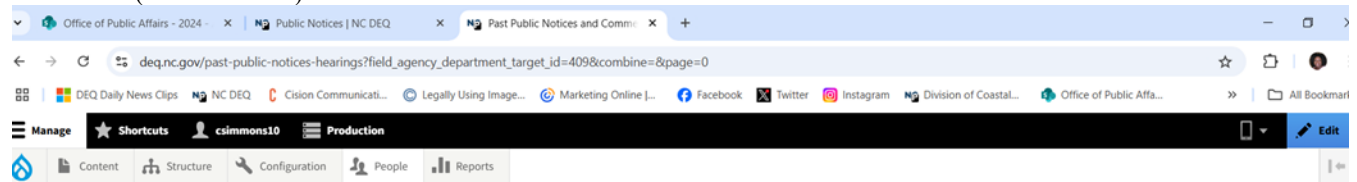
## APPENDIX B – Postings to DEQ’s Public Hearing & Notice Page

### 15A NCAC 07J .1400 and .1500 - CRC Rules for Processing CAMA Permits

CAMA Rules were initially posted to DEQ’s public hearing and notice page 8/16 with the final posted 9/10,

<https://www.deq.nc.gov/news/events/public-hearing-crc-rules-processing-cama-permits>

Initial Post (Screenshot #1)



25  
Sep

SEPTEMBER 25, 2024

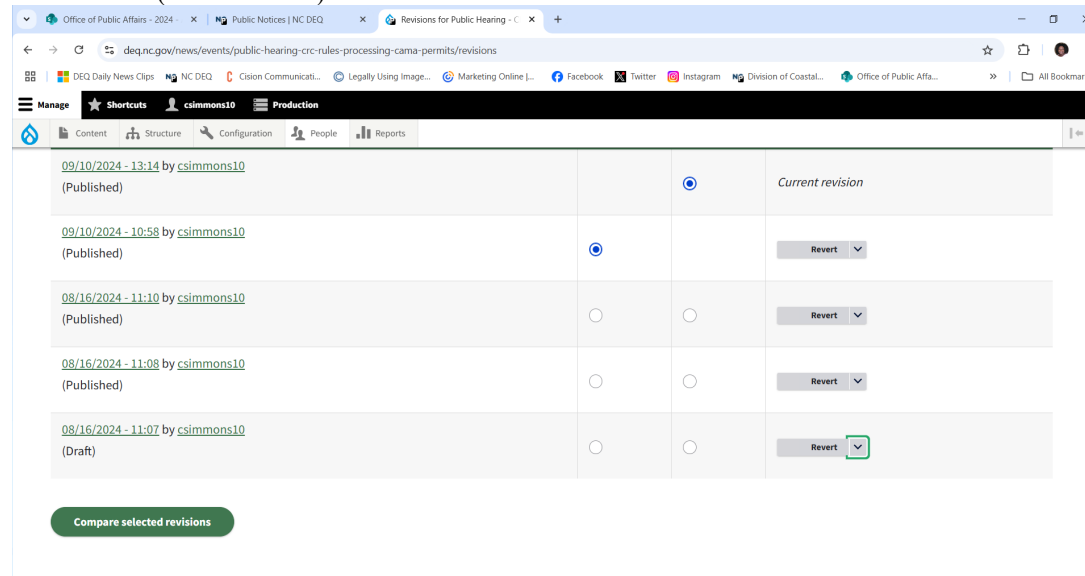
CRC Public hearing for Temporary Rules –  
Measurement Line

24  
Sep

SEPTEMBER 24, 2024

Public Hearing - CRC Rules for Processing CAMA  
Permits

Revised Post (Screenshot #2)

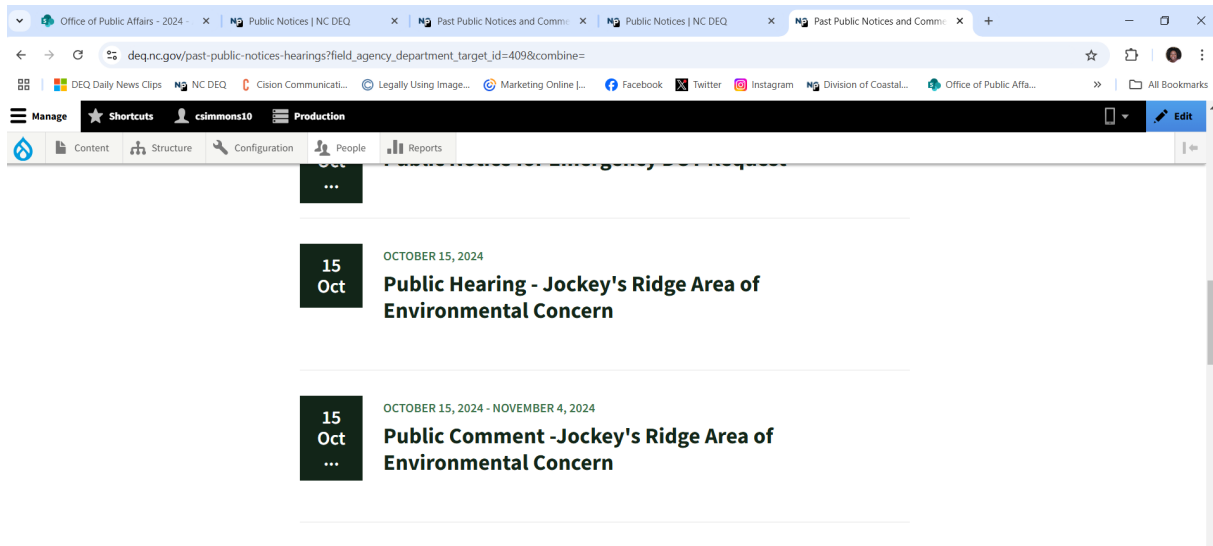


### 15A NCAC 07H .0508 – Jockey’s Ridge Area Of Environmental Concern

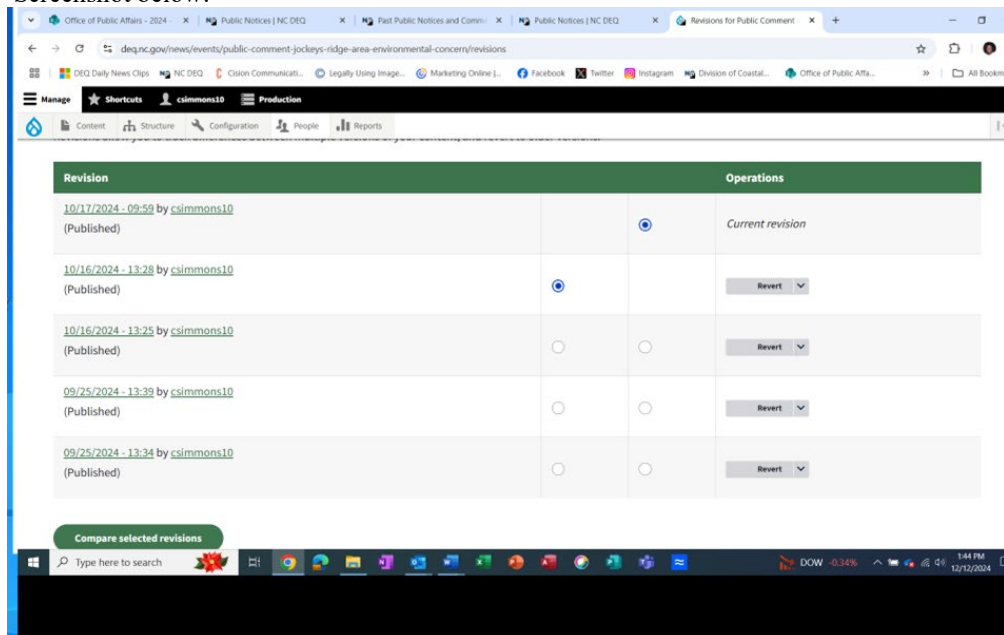
Jockey’s Ridge was posted to DEQ’s public hearing and notice page 8/16 with the final posted 9/10,

<https://www.deq.nc.gov/news/events/public-comment-jockeys-ridge-area-environmental-concern>

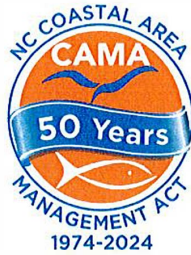
Screenshot #3



<https://www.deq.nc.gov/news/events/public-hearing-jockeys-ridge-area-environmental-concern>  
Screenshot below:



## APPENDIX C - INTERESTED PARTIES MAILINGS



### Interested Parties List Meetings, Information, Notices and News 8.1.24

**State coastal commission to hold special meeting by web conference on Aug. 6**

**MOREHEAD CITY** - The N.C. Coastal Resources Commission (CRC) will hold a special meeting August 6 by web conference to review fiscal analyses associated with permanent rulemaking. Members of the public may join by computer or phone.

The meeting will be limited to the following agenda items:

- Consideration of Permanent Rulemaking 15A NCAC 07J .1405 - Permit Fee
- Consideration of Approval of Fiscal Analysis
- Fiscal Analysis Permit Application Processing
  - 15A NCAC 07J .1401 – Standards for Work Plats
  - 15A NCAC 07J .1402 – Project Narrative
  - 15A NCAC 07J .1403 – Complete CAMA Major Permit and Dredge and Fill Applications
  - 15A NCAC 07J .1404 – Complete Minor Permit Applications
  - 15A NCAC 07J .1405 - Permit Fee
  - 15A NCAC 07J .1501 – Application Processing
  - 15A NCAC 07J .1502 – Circulation of CAMA and Dredge and Fill Applications
  - 15A NCAC 07J .1503 – Permit Conditions
- 15A NCAC 07H .0508 Jockey's Ridge Area of Environmental Concern
- 15A NCAC 07H .0313 Installation and Maintenance of Wheat Straw Bales for Sand Fencing
- Legal updates
  - Closed Session to discuss Coastal Resources Commission vs. Rules Review Commission

WHO: Coastal Resources Commission  
WHAT: Special Meeting  
WHEN: Aug. 6 at 1 p.m.  
WHERE: Meeting by video conference  
Join meeting [here](#).

A listening station will be established at the N.C. Division of Coastal Management headquarters office at 400 Commerce Avenue, Morehead City.

#### **MEETING MATERIALS AND PRESENTATIONS:**

A [full meeting agenda and briefing materials](#) will be available online at least 48 hours before the meeting. Times indicated on the agenda are subject to change.

#### **NC DEQ Division of Coastal Management**

The **North Carolina Department of Environmental Quality's** Division of Coastal Management (DCM) works to protect, conserve and manage the state's coastal resources through an integrated program of planning, permitting, education and research. DCM carries out the state's Coastal Area Management Act, the Dredge and Fill Law and the federal Coastal Zone Management Act of 1972 in the 20 coastal counties, using rules and policies of the NC Coastal Resources Commission, known as the CRC. The division serves as staff to the CRC. [Click here to learn more about the Division of Coastal Management.](#)

NC Division of Coastal Management | 400 Commerce Avenue | Morehead City, NC 28557 US

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## Interested Parties List Meetings, Information, Notices and News 8.15.24

### State coastal commission to meet in Beaufort Aug. 27-28; Coastal Resources Advisory Council to meet Aug. 27

**Morehead City, NC** -The N.C. Coastal Resources Commission (CRC) will meet Aug. 27 and 28 at the Beaufort Hotel, 2440 Lennoxville Road, Beaufort. The regular business meeting of the CRC will be called to order at 3 p.m. on Aug. 27 and will resume at 9 a.m. on Aug. 28. An in-person public comment period is scheduled for 5:00 p.m. on Aug. 27. At the chair's discretion, comments may be limited to 3 minutes per person. The public may attend the CRC meeting in-person or watch online.

The Coastal Resources Advisory Council will meet in-person only Aug. 27, at 1 p.m. at the same location.

**WHO:** N.C. Coastal Resources Advisory Council (In-person only)  
**WHAT:** Regular Business Meeting  
**WHEN:** Aug. 27 at 1 p.m.  
**WHERE:** Beaufort Hotel, 2440 Lennoxville Road, Beaufort

**WHO:** N.C. Coastal Resources Commission (In-person or by web conference)  
**WHAT:** Meeting  
**WHEN:** Aug. 27 at 3 p.m.; Aug. 28 at 9 a.m.  
**WHERE:** Beaufort Hotel, 2440 Lennoxville Road, Beaufort  
\*Public comment period – Aug. 27 at 5:00 p.m. (in-person only)  
**Watch the CRC meeting by web conference [here](#).**

Agenda items for the commission meeting include:

#### August 27

- Third Party Hearing sub-committee update;
- CAMA Permitting-Application Processing and Agency Review;
- Public Comment

#### August 28

- Consideration of variance requests:
  - Urban Waterfront use in Wilmington;
  - CAMA Buffer in Pender County;
  - Oceanfront Setback in Pender County;
  - Structures over Coastal Wetlands in Dare County
- Recommendations for Permanent Rulemaking:
  - 15A NCAC 07H .2300 General Permit for Replacement of Existing Bridges and Culverts;
  - 15A NCAC 07J .0210 Replacement of Existing Structures;
  - 15A NCAC 07H .0304 and .0305 Measurement Line for Dune Building
- Periodic Review of 15A NCAC 07B CAMA Land Use Planning
- Consideration of Approval of Fiscal Analysis 15A NCAC 07H .0314 Installation and Maintenance of Wheat Straw Bales for Sand Fencing
- Update on Litigation of Interest to the Commission

#### MEETING MATERIALS AND PRESENTATIONS:

A full meeting agenda and briefing materials can be found on the [CRC website](#). Times indicated on the agenda for individual items are subject to change.

#### NC DEQ Division of Coastal Management

The **North Carolina Department of Environmental Quality's** Division of Coastal Management (DCM) works to protect, conserve and manage the state's coastal resources through an integrated program of planning, permitting, education and research. DCM carries out the state's Coastal Area Management Act, the Dredge and Fill Law and the federal Coastal Zone Management Act of 1972 in the 20 coastal counties, using rules and policies of the NC Coastal Resources Commission, known as the CRC. The division serves as staff to the CRC. Click here to learn more about the [Division of Coastal Management](#).

###

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## Interested Parties List Meetings, Information, Notices and News 8.26.24

### REMINDER: State coastal commission to meet in Beaufort Aug. 27-28; Coastal Resources Advisory Council to meet Aug. 27

**Morehead City, NC** -The N.C. Coastal Resources Commission (CRC) will meet Aug. 27 and 28 at the Beaufort Hotel, 2440 Lennoxville Road, Beaufort. The regular business meeting of the CRC will be called to order at 3 p.m. on Aug. 27 and will resume at 9 a.m. on Aug. 28. An in-person public comment period is scheduled for 5:00 p.m. on Aug. 27. At the chair's discretion, comments may be limited to 3 minutes per person. The public may attend the CRC meeting in-person or watch online.

The Coastal Resources Advisory Council will meet in-person only Aug. 27, at 1 p.m. at the same location.

**WHO:** N.C. Coastal Resources Advisory Council (In-person only)  
**WHAT:** Regular Business Meeting  
**WHEN:** Aug. 27 at 1 p.m.  
**WHERE:** Beaufort Hotel, 2440 Lennoxville Road, Beaufort

**WHO:** N.C. Coastal Resources Commission (In-person or by web conference)  
**WHAT:** Meeting  
**WHEN:** Aug. 27 at 3 p.m.; Aug. 28 at 9 a.m.  
**WHERE:** Beaufort Hotel, 2440 Lennoxville Road, Beaufort  
\*Public comment period – Aug. 27 at 5:00 p.m. (in-person only)  
**Watch the CRC meeting by web conference [here](#).**

Agenda items for the commission meeting include:

#### August 27

- Third Party Hearing sub-committee update;
- CAMA Permitting-Application Processing and Agency Review;
- Public Comment

#### August 28

- Consideration of variance requests:
  - Urban Waterfront use in Wilmington;
  - CAMA Buffer in Pender County;
  - Oceanfront Setback in Pender County;
  - Structures over Coastal Wetlands in Dare County
- Recommendations for Permanent Rulemaking:
  - 15A NCAC 07H .2300 General Permit for Replacement of Existing Bridges and Culverts;
  - 15A NCAC 07J .0210 Replacement of Existing Structures;
  - 15A NCAC 07H .0304 and .0305 Measurement Line for Dune Building
- Periodic Review of 15A NCAC 07B CAMA Land Use Planning
- Consideration of Approval of Fiscal Analysis 15A NCAC 07H .0314 Installation and Maintenance of Wheat Straw Bales for Sand Fencing
- Update on Litigation of Interest to the Commission

#### MEETING MATERIALS AND PRESENTATIONS:

A full meeting agenda and briefing materials can be found on the [CRC website](#). Times indicated on the agenda for individual items are subject to change.

#### NC DEQ Division of Coastal Management

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###

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## Interested Parties List Meetings, Information, Notices and News 11.1.24

### State coastal commission to meet in Ocean Isle Beach Nov. 13-14; Coastal Resources Advisory Council to meet Nov. 13

**MOREHEAD CITY** - The N.C. Coastal Resources Commission (CRC) will meet Nov. 13- 14 at the Ocean Isle Beach Town Hall, 111 Causeway Dr., Ocean Isle Beach. The public may attend the CRC meeting in-person or watch online.

The regular business meeting of the CRC will begin at 3 p.m. on Nov. 13 and will resume at 9 a.m. on Nov. 14. An in-person public comment period is scheduled for 4:30 p.m. on Nov. 13. At the chair's discretion, comments may be limited to 3 minutes per person. The Coastal Resources Advisory Council will meet in-person only Nov. 13, at 1 p.m. at the same location.

**WHO:** N.C. Coastal Resources Advisory Council (In-person only)

**WHAT:** Regular Business Meeting

**WHEN:** Nov. 13 at 1 p.m.

**WHERE:** Ocean Isle Beach Town Hall, 111 Causeway Dr., Ocean Isle Beach

**WHO:** N.C. Coastal Resources Commission (In-person or by web conference)

**WHAT:** Regular Business Meeting

**WHEN:** Nov. 13 at 3 p.m.; Nov. 14 at 9 a.m.

**WHERE:** Ocean Isle Beach Town Hall, 111 Causeway Dr., Ocean Isle Beach

\*Public comment period – Nov. 13 at 4:30 p.m. (in-person only)

Watch the CRC meeting by web conference [here](#).

Agenda items for the commission meeting include:

#### November 13

- Cape Hatteras National Seashore update
- Public Comment

#### November 14

- Recommendations for Permanent Rulemaking:
  - Amendments to 15A NCAC 07H .0209 Urban Waterfront;
- Public Comments and Consideration of Adoption
  - 15A NCAC 07J .1401 Standards for Work Plats for CAMA Major and Dredge and Fill Permits
  - 15A NCAC 07J .1402 Project Narrative
  - 15A NCAC 07J .1403 Complete CAMA Major Permit and Dredge and Fill Applications
  - 15A NCAC 07J .1404 Complete Minor Permit Applications
  - 15A NCAC 07J .1405 Permit Fee
  - 15A NCAC 07J .1501 Application Processing
  - 15A NCAC 07J .1502 Circulation of CAMA and Dredge and Fill Applications
  - 15A NCAC 07J .1503 Permit Conditions
- Consideration of Approval of Fiscal Analysis 15A NCAC 07H .2302 & .2305 General Permit for Replacement of Existing Bridges and Culverts;
- Public Comments and Consideration of Adoption 15A NCAC 07H .0508 Jockey's Ridge Area of Environmental Concern;
- Overview of Minor Permit Program;
- Town of Cape Carteret Minor Permit Program;
- Consideration of variance requests:
  - Oceanfront Setbacks in Town of Oak Island
  - Riparian Setbacks in Holden Beach
  - Oceanfront Setbacks in Avon
  - Impervious surface limits in Figure Eight Island
  - Oceanfront Setback in Town of Nags Head
- Update on Litigation of Interest to the Commission

#### MEETING MATERIALS AND PRESENTATIONS:

A full meeting agenda and briefing materials can be found on the [CRC website](#). Times indicated on the agenda for individual items are subject to change.

#### NC DEQ Division of Coastal Management

The [North Carolina Department of Environmental Quality's](#) Division of Coastal Management (DCM) works to protect, conserve and manage the state's coastal resources through an integrated program of planning, permitting, education and research. DCM carries out the state's Coastal Area Management Act, the Dredge and Fill Law and the federal Coastal Zone Management Act of 1972 in the 20 coastal counties, using rules and policies of the NC Coastal Resources Commission, known as the CRC. The division serves as staff to the CRC. Click here to learn more about the [Division of Coastal Management](#).



## Interested Parties List Meetings, Information, Notices and News 11.8.24

**REMINDER: State coastal commission to meet in Ocean Isle Beach Nov. 13-14;  
Coastal Resources Advisory Council to meet Nov. 13**

**MOREHEAD CITY** - The N.C. Coastal Resources Commission (CRC) will meet Nov. 13- 14 at the Ocean Isle Beach Town Hall, 111 Causeway Dr., Ocean Isle Beach. The public may attend the CRC meeting in-person or watch online.

The regular business meeting of the CRC will begin at 3 p.m. on Nov. 13 and will resume at 9 a.m. on Nov. 14. An in-person public comment period is scheduled for 4:30 p.m. on Nov. 13. At the chair's discretion, comments may be limited to 3 minutes per person. The Coastal Resources Advisory Council will meet in-person only Nov. 13, at 1 p.m. at the same location.

**WHO:** N.C. Coastal Resources Advisory Council (In-person only)

**WHAT:** Regular Business Meeting

**WHEN:** Nov. 13 at 1 p.m.

**WHERE:** Ocean Isle Beach Town Hall, 111 Causeway Dr., Ocean Isle Beach

**WHO:** N.C. Coastal Resources Commission (In-person or by web conference)

**WHAT:** Regular Business Meeting

**WHEN:** Nov. 13 at 3 p.m.; Nov. 14 at 9 a.m.

**WHERE:** Ocean Isle Beach Town Hall, 111 Causeway Dr., Ocean Isle Beach

\*Public comment period – Nov. 13 at 4:30 p.m. (in-person only)

**Watch the CRC meeting by web conference [here](#).**

Agenda items for the commission meeting include:

### November 13

- Cape Hatteras National Seashore update
- Public Comment

### November 14

- Recommendations for Permanent Rulemaking:
  - Amendments to 15A NCAC 07H .0209 Urban Waterfront;
- Public Comments and Consideration of Adoption
  - 15A NCAC 07J .1401 Standards for Work Plats for CAMA Major and Dredge and Fill Permits
  - 15A NCAC 07J .1402 Project Narrative
  - 15A NCAC 07J .1403 Complete CAMA Major Permit and Dredge and Fill Applications
  - 15A NCAC 07J .1404 Complete Minor Permit Applications
  - 15A NCAC 07J .1405 Permit Fee
  - 15A NCAC 07J .1501 Application Processing
  - 15A NCAC 07J .1502 Circulation of CAMA and Dredge and Fill Applications
  - 15A NCAC 07J .1503 Permit Conditions
- Consideration of Approval of Fiscal Analysis 15A NCAC 07H .2302 & .2305 General Permit for Replacement of Existing Bridges and Culverts;
- Public Comments and Consideration of Adoption 15A NCAC 07H .0508 Jockey's Ridge Area of Environmental Concern;
- Overview of Minor Permit Program;
- Town of Cape Carteret Minor Permit Program;
- Consideration of variance requests:
  - Oceanfront Setbacks in Town of Oak Island
  - Riparian Setbacks in Holden Beach
  - Oceanfront Setbacks in Avon
  - Impervious surface limits in Figure Eight Island
  - Oceanfront Setback in Town of Nags Head
- Update on Litigation of Interest to the Commission

### MEETING MATERIALS AND PRESENTATIONS:

A full meeting agenda and briefing materials can be found on the [CRC website](#). Times indicated on the agenda for individual items are subject to change.

### NC DEQ Division of Coastal Management

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1 15A NCAC 07H .0508 is adopted as published in 39:05 NCR 212-213 with changes as follows:

2  
3 **15A NCAC 07H .0508 JOCKEY’S RIDGE AREA OF ENVIRONMENTAL CONCERN**

4 (a) Description. Jockey's Ridge is ~~the tallest active sand dune (medano) along the Atlantic Coast of the United~~  
5 ~~States. Located within the Town of Nags Head in Dare County, between US 158 and Roanoke Sound, Jockey’s~~  
6 ~~Ridge represents the southern extremity of a back barrier dune system which extends north along Currituck Spit into~~  
7 ~~Virginia. Given the status of Jockey’ Ridge as a State Park, State Nature Preserve, complex natural area, and an area~~  
8 ~~containing a unique geological formation as identified by the State Geologist, the Coastal Resources Commission~~  
9 ~~hereby designates Jockey's Ridge as an Area of Environmental Concern pursuant to G.S. 113A-113. located within~~  
10 ~~the Town of Nags Head in Dare County, between U.S. 158 and Roanoke Sound. Given the status of Jockey’s Ridge~~  
11 ~~as a State Park, State Nature Preserve, complex natural area, and an area containing a unique geological formation as~~  
12 ~~identified by the State Geologist, the Coastal Resources Commission hereby designates Jockey’s Ridge as an Area~~  
13 ~~of Environmental Concern pursuant to G.S. 113A-113.~~

14 (b) The boundaries of the Jockey’s Ridge AEC shall be as depicted on a map approved by the Coastal Resources  
15 Commission on ~~(adoption date), November 14, 2024~~, and can be found at the Division of Coastal Management, 400  
16 Commerce Ave., Morehead City, NC 28557 or at the Division of Coastal Management’s website at  
17 <https://www.deq.nc.gov/about/divisions/division-coastal-management>. The AEC includes the entire rights of way of  
18 US 158 Bypass, SR 1221 (Sound Side Road), Virginia Dare Trail, and Conch Street where these roads bound this  
19 area.

20 (c) Use Standards. Development within the Jockey's Ridge AEC shall be consistent with the following use  
21 standards:

- 22 (1) Development that requires the removal of greater than ten cubic yards of sand per year from the  
23 area within the AEC boundary shall require a Coastal Area Management Act Major or Minor  
24 permit from the Division of Coastal Management or designated local official;
- 25 (2) All sand that is removed from the area within the AEC boundary in accordance with Subparagraph  
26 (1) of this Paragraph shall be deposited at locations within the Jockey's Ridge State Park  
27 designated by the Division of Coastal Management in consultation with the NC Department of  
28 Natural and Cultural Resources Division of Parks and Recreation;
- 29 (3) Development activities within Jockey’s Ridge AEC shall not alter or retard the free movement of  
30 sand except when necessary for the purpose of maintaining or constructing a road, residential or  
31 commercial structure, accessway, lawn, garden, or parking. ~~parking area unless allowed by~~  
32 ~~Jockey’s Ridge State Park’s Management Plan. Development activities consistent with Jockey’s~~  
33 ~~Ridge State Park’s Management Plan shall be allowed.~~ Jockey’s Ridge State Park’s Management  
34 Plan can be found at the Division of Parks and Recreation’s website at <https://www.ncparks.gov>.

35  
36 *History Note: Authority G.S. 113A-107(a),(b); 113A-113(a); 113A-113(b)(4)a., e., and g.; 113A-124.*  
37 *Eff. September 9, 1977;*



1                   *Amended Eff. February 1, 1982; June 1, 1979;*  
2                   *RRC objection September 17, 2022 and rule returned to agency on October 5, 2023;*  
3                   *Codifier determined that agency's findings of need did not meet criteria for emergency rule*  
4                   *on December 20, 2023;*  
5                   *Emergency Adoption Eff. January 3, 2024;*  
6                   *Emergency Rule Expired Eff. May 13, 2024;*  
7                   *Adopted Eff. January 1, 2025.*

1 15A NCAC 07J .1401 is adopted as published in 39:05 NCR 213 with changes as follows:

2  
3 **SECTION .1400 – APPLICATION REQUIREMENTS**

4  
5 **15A NCAC 07J .1401 STANDARDS FOR WORK PLATS FOR CAMA MAJOR AND DREDGE AND**  
6 **FILL PERMITS**

7 (a) Project plans or work plats shall include a top or plan view and a cross-sectional view. All plats shall have a  
8 north arrow at the top of the plat. Work plats shall be drawn to a scale of 1" = 200' or less.

9 (b) Details of Work Plats

10 (1) Top View or Plan View Work Plats shall show and label existing and proposed features  
11 ~~including dune systems, dune elevations or contours, shorelines, creeks, marshlands, docks,~~  
12 ~~piers, bulkheads, excavated areas, fill areas, type and location of sewage treatment facilities,~~  
13 ~~effluent outlets, shoreline length, upland vegetation, coastal wetlands, 404 wetlands, houses,~~  
14 ~~septic tanks, septic fields, existing structures on adjacent property (i.e. shoreline stabilization,~~  
15 ~~docking facility), Areas of Environmental Concern shall be labeled, the 30' buffer or DWR~~  
16 ~~buffers as applicable, US Army Corps of Engineers setbacks and lines, First Line of Stable~~  
17 ~~Natural Vegetation, development setbacks, pre project vegetation line, north arrow,~~  
18 ~~submerged aquatic vegetation, shellfish, navigation markers, hydraulic dredge pipe~~  
19 ~~alignment, spoil disposal location, and adjacent waterbody name. including:~~

- 20 (A) dune systems,  
21 (B) dune elevations or contours,  
22 (C) shorelines,  
23 (D) creeks,  
24 (E) marshlands,  
25 (F) docks,  
26 (G) piers,  
27 (H) bulkheads,  
28 (I) excavated areas,  
29 (J) fill areas,  
30 (K) type and location of sewage treatment facilities,  
31 (L) effluent outlets,  
32 (M) shoreline length,  
33 (N) upland vegetation,  
34 (O) coastal wetlands,  
35 (P) 404 wetlands,  
36 (Q) houses,  
37 (R) septic tanks,

- (S) septic fields,
- (T) existing structures on adjacent property (i.e. shoreline stabilization, docking facility),
- (U) Areas of Environmental Concern shall be labeled, Concern,
- (V) the 30' buffer or DWR buffers as applicable,
- (W) US Army Corps of Engineers setbacks and lines,
- (X) First Line of Stable and Natural Vegetation,
- (Y) development setbacks,
- (Z) pre-project vegetation line,
- (AA) north arrow,
- (BB) submerged aquatic vegetation,
- (CC) shellfish,
- (DD) navigation markers,
- (EE) hydraulic dredge pipe alignment,
- (FF) spoil disposal location, and
- (GG) adjacent waterbody name.

Existing water depths shall be indicated as Normal Water Level or Normal High Water Level unless work plats are by a licensed professional surveyor or engineer where water depths can be indicated using mean low water as base or zero and shall be shown either as contours or spot elevation. In areas where the difference in daily low and high tides is less than six inches, mean water level as certified by a professional surveyor or engineer or normal water level shall be used. Work plats shall indicate which features exist and which are proposed. Property boundaries, as they appear on the deed, and the names of adjacent property owners shall be shown on the work plat with Riparian Lines and 15' riparian setback. The work plat shall show areas to be excavated and the exact site for disposal of the excavated material unless outside of the Area of Environmental Concern, then an address may be provided. When fill material is to be placed behind a bulkhead or dike, the plan shall show the exact location of such bulkheads, dikes and fill areas and calculations showing that the bulkhead or dike has the capacity to confine the material. ~~Work plats shall indicate the presence of wetlands in the area of proposed work.~~

- (2) Cross-Sectional Work Plats shall show the depth and elevation of proposed work relative to Normal Water Level or Normal High Water Level, or to Mean Low Water and Mean High Water if certified by a professional surveyor or engineer. First floor elevations shall be shown for any proposed structures.
- (3) Title of Work Plats. Each work plat shall be numbered, have a title block to identify the project or work, and shall include the name of applicant or project, date the plat was prepared, and scale of the plat. The date of any revisions shall be noted on the work plat. The applicant shall also include the name or initials of the person who drew the plat.

1     *History Note:*     *Authority G.S. 113A-107(b); 113A-119(a); 113-229; 113A-124(a)(1);*  
2                     *Eff. January 1, 2025.*

1 15A NCAC 07J .1402 is adopted as published in 39:05 NCR 213-214 with changes as follows:

2  
3 **15A NCAC 07J .1402 PROJECT NARRATIVE**

4 Any application for a CAMA Major or Dredge and Fill permit shall include the following information:

- 5 (1) the character of the development (~~i.e.~~ (Note: residential, commercial, recreational);
- 6 (2) a description of the development activities proposed;
- 7 (3) a description of the development site identifying all wetlands and waters; and
- 8 (4) the amount of land-disturbing activity, as defined in G.S. 113A-52(6), in the Area of
- 9 Environmental Concern measured in acres or square ~~feet.~~ feet;
- 10 (5) any previous or active state or federal permits.

11  
12 *History Note:* Authority G.S. 113-229; 113A-107(a); 113A-119(a); ~~113A-124(a)(1);~~ 113A-124(a)(1);

13 *Eff. January 1, 2025.*

1 15A NCAC 07J .1403 is adopted as published in 39:05 NCR 214-215 with changes as follows:

2  
3 **15A NCAC 07J .1403 COMPLETE CAMA MAJOR PERMIT AND DREDGE AND FILL**  
4 **APPLICATIONS**

5 (a) Processing for a Major Permit or Dredge and Fill Permit application, or a modification to a Major Permit or  
6 Dredge and Fill Permit application shall begin when an application is accepted as complete. Permit applications  
7 shall be in the form and include the content required under this Subchapter. Applications not in compliance with this  
8 form and content shall not be considered complete and the processing time specified under G.S. 113A-122(c) or  
9 G.S. 113-229(e) shall not commence.

10 (b) Before an application is accepted as complete, the requirements as listed in Subparagraphs (1) through (5) of ~~the~~  
11 this Paragraph shall be met. Any application not in compliance with these requirements shall be returned to the  
12 applicant along with a notification explaining the deficiencies of the application.

13 (1) a current application form shall be submitted and can be found at

14 <https://ncdeq.dynamics365portals.us/dcm-home/>. The application form shall contain:

- 15 (A) application type (Major or modification)  
16 (B) name of entity, or first, middle, and last name(s), referenced on deed or other instrument  
17 under which ownership is claimed;  
18 (C) phone number and email;  
19 (D) physical address of the site of the proposed development and mailing address for the  
20 applicant;  
21 (E) project type and location;  
22 (F) authorized agent authorization form and contact information for agent;  
23 (G) description of existing conditions and development on the project location including lot  
24 size, shoreline length, vegetation, and erosion details;  
25 (H) total amount of land-disturbing activity, as defined in G.S. 113A-52(6), in the AEC  
26 measured in acres or square feet resulting from the proposed development;  
27 (I) applicable dimensions of proposed development activity including quantity, length,  
28 width, elevation, slope, area, volume, distance waterward of Normal Water Level or  
29 Normal High Water Level, average existing depth, proposed final depth, impervious  
30 coverage, and sediment characteristics;  
31 (J) applicable erosion and sedimentation control measures, fill source and environmental  
32 mitigation efforts for the proposed development activity;  
33 (K) general information concerning the use of the proposed development activity, including  
34 boat type and length, proximity of structures to adjacent properties and other structures,  
35 and waterbody width;

- 1 (L) type of proposed impacts and dimensions (~~i.e. (Note: shading, filling, excavating)~~ to  
2 coastal wetlands, submerged aquatic vegetation, shell bottom, non-coastal wetlands, and  
3 open water from the proposed development activities;
- 4 (M) project narrative ~~that includes a brief description of the project and any previous or active~~  
5 State or federal permits issued on the property; as described in 15A NCAC .07J .1402;  
6 and
- 7 (N) acknowledgements to be attested to before submitting the application;
- 8 (i) I understand that any permit issued in response to this application will allow  
9 only the development described in the application. The project will be subject to  
10 the conditions and restrictions contained in the permit;
- 11 (ii) I certify that I am authorized to grant, and do in fact grant permission to  
12 representatives of State and federal review agencies to enter on the  
13 aforementioned lands in connection with evaluating information related to this  
14 permit application and follow-up monitoring of the project;
- 15 (iii) I certify that the information provided in this application is truthful to the best of  
16 my knowledge; and
- 17 (iv) I certify that by clicking the submit button on this NC Division of Coastal  
18 Management application I acknowledge that I am signing and dating the  
19 application submitted therein.
- 20 (2) work plan as described in 15A NCAC 07J .1401 shall be attached to all CAMA Major  
21 development or Dredge and Fill permit applications;
- 22 (3) a copy of a deed or other instrument under which the applicant claims title shall accompany a  
23 CAMA Major Permit or Dredge and Fill Permit application, or a modification to a Major Permit  
24 or Dredge and Fill Permit application;
- 25 (4) notice to adjacent riparian landowners of a CAMA Major Permit applicant shall be given as  
26 follows: Certified return mail receipts (or copies thereof) indicating that adjacent riparian  
27 landowners (as identified in the permit application) received a copy of the application for the  
28 proposed development for a CAMA Major development and/or Dredge and Fill Permit  
29 application. Said landowners have 30 days from the date of notification in which to comment.  
30 Such comments shall be considered by the Department ~~in reaching a final decision on the~~  
31 application. in determining if any aspect of the proposed development is inconsistent with CRC  
32 rules.
- 33 (5) the fee as detailed in 15A NCAC .07J .1405(b).
- 34 (c) A modification to a Major Permit or Dredge and Fill Permit or permit application shall be processed in  
35 accordance with the procedures outlined in G.S. 113A-119(b).

36  
37 *History Note: Authority G.S. 113A-107(b); 113A-120(a)(2); 113A-119(a) and (b); ~~113A-124(a)(1); 113A-~~*  
38 *124(a)(1);*

1     *Eff. January 1, 2025.*



1 15A NCAC 07J .1404 is adopted as published in 39:05 NCR 215-216 with changes as follows:

2  
3 **15A NCAC 07J .1404 COMPLETE MINOR PERMIT APPLICATIONS**

4 (a) Processing for a Minor Permit application shall begin when an application is accepted as complete. Permit  
5 applications shall be in the form and include the content required under this Subchapter. Applications not in  
6 compliance with this form and content shall not be considered complete and the processing time specified under  
7 G.S. 113A-121(c) shall not commence.

8 (b) Before an application is accepted as complete, the requirements as listed in Subparagraphs (1) through (3) of  
9 this Paragraph shall be met. Any application not in compliance with these requirements shall be returned to the  
10 applicant along with a notification explaining the deficiencies of the application and shall not be accepted as  
11 complete until all required information is submitted.

12 (1) a current application form shall be submitted. The application form shall contain:

- 13 (A) name of entity on deed or first, middle, and last name(s) referenced on deed;  
14 (B) phone number and email;  
15 (C) physical and mailing address;  
16 (D) authorized agent first and last name and contact information;  
17 (E) location of project including address, street name, directions to site and adjacent  
18 waterbody;  
19 (F) description of the proposed project, including a list of all proposed construction and the  
20 amount of land-disturbing activity, as defined in G.S. 113A-52(6), in the AEC measured  
21 in acres or square feet.;  
22 (G) size of lot or parcel in square feet and acres;  
23 (H) proposed use, if residential, single-family or multi-family, commercial, industrial;  
24 (I) if proposed development is located in the Ocean Hazard Area of Environmental Concern,  
25 Total Floor Area of structure in square feet including conditioned living space, parking  
26 elevated above ground level, non-conditioned space elevated above ground level but  
27 excluding non-load bearing attic space;  
28 (J) project drawings that includes:  
29 (i) a top or plan view, a cross-sectional view. All plats shall have the standard north  
30 arrow. North should be at the top of the plat. Work plats shall be accurately  
31 drawn to scale. A scale of 1" = 200' or less is required;  
32 (ii) such drawings shall show existing and proposed features such as dune systems,  
33 shorelines, creeks, wetlands docks, piers, bulkheads, excavated areas, fill areas,  
34 type and location of sewage treatment facilities and effluent outlets. Property  
35 boundaries, as they are described on the deed appear on the deed, and the names  
36 of adjacent property owners shall be shown on the detailed plat.

- (iii) Cross-Section Drawing. A cross-sectional diagram showing elevation of proposed work relative to existing ground level. Mean low and mean high water line shall be included in the plan. The mean low water shall be the reference land elevations (i.e., mean low water should be depicted as "Elevation 0.0 MLW"). First floor elevations relative to mean sea level shall be shown for any proposed buildings.
- (iv) Title of Drawing. Each drawing shall have a ~~simple~~ title block to identify the project or work, and shall include name of applicant, date the plat was prepared, and scale of the plat. The date of any revisions shall be noted. The applicant shall also include the name of the person who drew the plat.
- (K) if proposed development is located in the Coastal Shoreline Area of Environmental Concern, size of building footprint and other impervious or built upon surfaces in square feet including the area of the foundation of all buildings, driveways, covered decks, concrete or masonry patios that are within the AEC. Calculations shall be attached to project drawings;
- (L) if the development is located in an area subject to a State stormwater management permit issued by the NC Division of Energy, Mineral and Land Resources, the total built upon area and impervious surfaces allowed for the lot or parcel in square feet; and
- (M) the fee as detailed in 15A NCAC 07J .1405(a).
- (2) a copy of a deed or other instrument under which the applicant claims title shall accompany a CAMA minor permit application.
- (3) the applicant shall give actual notice to all adjacent riparian property owners who share a property line with the site of the proposed development of the applicant's intention to develop their property and apply for a CAMA minor development permit. If comments are submitted before a permit decision is made, such comments shall be considered by the Department or designated official ~~in reaching a final decision on the application.~~ in determining if any aspect of the proposed development is inconsistent with CRC rules.
- History Note: Authority G.S. 113A-107(b); 113A-119(a); 113A-124(a)(1); ~~113A-118(b);~~ 113A-118(b); Eff. January 1, 2025.*

1 15A NCAC 07J .1405 is adopted as published in 39:05 NCR 216 with Changes as follows:

2  
3 **15A NCAC 07J .1405 PERMIT FEE**

4 (a) An applicant shall pay a Minor development permit fee of one hundred dollars (\$100.00) in the form of an  
5 electronic funds ~~transfer or check~~ transfer, check, or money-~~order~~ order, payable to the Department, or the city or  
6 ~~county, in the amount of one hundred dollars (\$100.00).~~ county. Monies so collected shall be used only in the  
7 administration of the permit program.

8 (b) An applicant shall pay a Major Permit application fee of two hundred fifty dollars (\$250.00) for private, non-  
9 commercial development or four hundred dollars (\$400.00) for public or commercial for-profit project in the form of  
10 an electronic funds ~~transfer or check~~ transfer, check, or money-~~order~~ order, payable to the Department.

11  
12 *History Note:* Authority G.S. 113A-119(a); ~~113A-119.1(a);~~ 113A-119.1(a);

13 *Eff. January 1, 2025.*

1 15A NCAC 07J .1501 is adopted as published in 39:05 NCR 216 with changes as follows:

2  
3 **SECTION .1500 - PERMIT PROCESSING**  
4

5 **15A NCAC 07J .1501 APPLICATION PROCESSING**

6 (a) On receipt of a CAMA major development and/or dredge and fill permit application that complies with the form  
7 and includes the content required in 15A NCAC 07J .1403, the Department shall send a notification to the applicant  
8 acknowledging receipt of a complete application and begin processing the application.

9 (b) If the Division of Coastal Management finds that additional information is necessary to complete its  
10 investigation of the proposed development to determine whether a permit application shall be approved or denied,  
11 the Division shall request that additional information from the applicant.

12 (c) If the Division of Coastal Management finds an application is incomplete or contains inaccurate information  
13 after processing has begun, the Division shall notify the applicant of the deficiency or inaccuracy and request the  
14 applicant provide the required information. Until the requested information is provided, the permit application shall  
15 be considered incomplete and the time within which to process the application shall be stayed.

16 (d) In order to determine the environmental impact of the proposed project, the Department shall prepare a field  
17 report on each major development and/or dredge and fill permit application accepted for processing. Such report  
18 shall be prepared after an on-site investigation is completed. The report shall include project location, environmental  
19 setting, project description and probable environmental impact.  
20

21 *History Note: Authority G.S. 113-129; 113A-107(b); 113A-120(a)(2); 113A-119(a) and ~~(b)~~ (b);*  
22 *Eff. January 1, 2025.*

1 15A NCAC 07J .1502 is adopted as published in 39:05 NCR 216-217 with changes as follows:

2  
3 **15A NCAC 07J .1502 CIRCULATION OF CAMA MAJOR AND DREDGE AND FILL APPLICATIONS**

4 (a) Pursuant to G.S. 113-229(e), the ~~division~~ Division shall circulate applications among all State agencies and the  
5 appropriate federal agencies having jurisdiction over the subject matter which might be affected by the project so  
6 that such agencies will have an opportunity to raise objections and coordinate. These agencies are: Division of  
7 Coastal Management, Local Government, U.S. Army Corps of Engineers, NC DEQ Division of Water Resources –  
8 Public Water Supply section, Division of Water Resources - 401 section, Division of Energy, Mineral and Land  
9 Resources – Stormwater Section, Division of Energy, Mineral and Land Resources – Sedimentation and Erosion  
10 Control Section, Department of Administration, Wildlife Resources Commission, Division of Marine Fisheries –  
11 Shellfish Section, Division of Marine Fisheries – Habitat and Enhancement Section, Department of Natural and  
12 Cultural Resources – Archives & History section and Department of Natural and Cultural Resources – Natural  
13 Heritage Program.

14 (b) Pursuant to G.S. 113A-124(a)(1) the ~~division~~ Division will circulate applications to the agencies having expertise  
15 in the subject matter contained in G.S. 113A-113(b). These agencies are: Division of Coastal Management, Local  
16 Government, U.S. Army Corps of Engineers, NC DEQ Division of Water Resources – Public Water Supply section,  
17 Division of Water Resources - 401 section, Division of Energy, Mineral and Land Resources – Stormwater Section,  
18 Division of Energy, Mineral and Land Resources – Sedimentation and Erosion Control Section, Department of  
19 Administration, Wildlife Resources Commission, Division of Marine Fisheries – Shellfish Section, Division of  
20 Marine Fisheries – Habitat and Enhancement Section, Department of Natural and Cultural Resources – Archives &  
21 History section and Department of Natural and Cultural Resources – Natural Heritage Program.

22  
23 *History Note: Authority G.S. 113-229(e); 113A-107(b); 113A-118; 113A-119(a); 113A-120(a)(2); 113A-*  
24 *124(a)(1);*  
25 *Eff. January 1, 2025.*

1 15A NCAC 07J .1503 is adopted as published in 39:05 NCR 217 with changes as follows:

2  
3 **15A NCAC 07J .1503 PERMIT CONDITIONS**

4 Following the review of a new CAMA Major or Minor Permit application, a modification of a CAMA Major or  
5 Minor Permit application, a Dredge and Fill Permit application, or a general permit, the Division may issue a permit  
6 conditioned in accordance with G.S. 113-229(e) and G.S. 113A-120(b). Any subsequent violation of these  
7 conditions shall be a permit violation.

8 *History Note:* Authority G.S. 113-229(e); 113A-107(b); 113A-118.1(c); ~~113A-120(b)~~; 113A-120(b);  
9 *Eff. January 1, 2025.*