

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

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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.

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

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

18 (1) Development that requires the removal of greater than ten cubic yards of sand per year from the
19 area within the AEC boundary shall require a Coastal Area Management Act permit from the
20 Division of Coastal Management or designated local official;

21 (2) All sand that is removed from the area within the AEC boundary in accordance with Subparagraph
22 (1) of this Paragraph shall be deposited at locations within the Jockey's Ridge State Park
23 designated by the Division of Coastal Management in consultation with the NC Department of
24 Natural and Cultural Resources Division of Parks and Recreation;

25 (3) Development activities within Jockey's Ridge AEC shall not alter or retard the free movement of
26 sand except when necessary for the purpose of maintaining or constructing a road, residential or
27 commercial structure, accessway, lawn, garden, or parking area unless allowed by Jockey's Ridge
28 State Park's Management Plan. Jockey's Ridge State Park's Management Plan can be found at the
29 Division of Parks and Recreation's website at <https://www.ncparks.gov>.

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31 History Note: Authority G.S. 113A-107(a),(b); 113A-113(a); 113A-113(b)(4)a., e., and g.; 113A-124.

32 Eff. September 9, 1977;

33 Amended Eff. February 1, 1982; June 1, 1979;

34 RRC objection September 17, 2022 and rule returned to agency on October 5, 2023;

35 Codifier determined that agency's findings of need did not meet criteria for emergency rule
36 on December 20, 2023;

37 Emergency Adoption Eff. January 3, 2024;

1 Emergency Rule Expired Eff. May 13, 2024:
2 Adopted Eff. January 1, 2025.

1 15A NCAC 07J .1401 is adopted as published in 39:05 NCR 213 as follows:
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3 **SECTION .1400 – APPLICATION REQUIREMENTS**
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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 existing and proposed features including dune
11 systems, dune elevations or contours, shorelines, creeks, marshlands, docks, piers, bulkheads,
12 excavated areas, fill areas, type and location of sewage treatment facilities, effluent outlets,
13 shoreline length, upland vegetation, coastal wetlands, 404 wetlands, houses, septic tanks,
14 septic fields, existing structures on adjacent property (i.e. shoreline stabilization, docking
15 facility), Areas of Environmental Concern shall be labeled, the 30' buffer or DWR buffers as
16 applicable, US Army Corps of Engineers setbacks and lines, First Line of Stable Natural
17 Vegetation, development setbacks, pre-project vegetation line, north arrow, submerged
18 aquatic vegetation, shellfish, navigation markers, hydraulic dredge pipe alignment, spoil
19 disposal location, and adjacent waterbody name. Existing water depths shall be indicated as
20 Normal Water Level or Normal High Water Level unless work plats are by a licensed
21 professional surveyor or engineer where water depths can be indicated using mean low water as
22 base or zero and shall be shown either as contours or spot elevation. In areas where the difference
23 in daily low and high tides is less than six inches, mean water level as certified by a professional
24 surveyor or engineer or normal water level shall be used. Work plats shall indicate which features
25 exist and which are proposed. Property boundaries, as they appear on the deed, and the names of
26 adjacent property owners shall be shown on the work plat with Riparian Lines and 15' riparian
27 setback. The work plat shall show areas to be excavated and the exact site for disposal of the
28 excavated material unless outside of the Area of Environmental Concern, then an address may be
29 provided. When fill material is to be placed behind a bulkhead or dike, the plan shall show the
30 exact location of such bulkheads, dikes and fill areas and calculations showing that the bulkhead
31 or dike has the capacity to confine the material. Work plats shall indicate the presence of wetlands
32 in the area of proposed work.

33 (2) Cross-Sectional Work Plats shall show the depth and elevation of proposed work relative to Normal
34 Water Level or Normal High Water Level, or to Mean Low Water and Mean High Water if certified
35 by a professional surveyor or engineer. First floor elevations shall be shown for any proposed
36 structures.

1 (3) Title of Work Plats. Each work plat shall be numbered, have a title block to identify the project or work,
2 and shall include the name of applicant or project, date the plat was prepared, and scale of the plat. The date
3 of any revisions shall be noted on the work plat. The applicant shall also include the name or initials of the
4 person who drew the plat.

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

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

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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. 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.

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

12 Eff. January 1, 2025.

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

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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 Paragraph shall be met. Any application not in compliance with these requirements shall be returned to the applicant
12 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;

36 (L) type of proposed impacts and dimensions (i.e. shading, filling, excavating) to coastal

1 wetlands, submerged aquatic vegetation, shell bottom, non-coastal wetlands, and open
2 water from the proposed development activities;

3 (M) project narrative that includes a brief description of the project and any previous or active
4 State or federal permits issued on the property; and

5 (N) acknowledgements to be attested to before submitting the application;

6 (i) I understand that any permit issued in response to this application will allow
7 only the development described in the application. The project will be subject to
8 the conditions and restrictions contained in the permit;

9 (ii) I certify that I am authorized to grant, and do in fact grant permission to
10 representatives of State and federal review agencies to enter on the
11 aforementioned lands in connection with evaluating information related to this
12 permit application and follow-up monitoring of the project;

13 (iii) I certify that the information provided in this application is truthful to the best of
14 my knowledge; and

15 (iv) I certify that by clicking the submit button on this NC Division of Coastal
16 Management application I acknowledge that I am signing and dating the
17 application submitted therein.

18 (2) work plan as described in 15A NCAC 07J .1401 shall be attached to all CAMA Major
19 development or Dredge and Fill permit applications;

20 (3) a copy of a deed or other instrument under which the applicant claims title shall accompany a
21 CAMA Major Permit or Dredge and Fill Permit application, or a modification to a Major Permit
22 or Dredge and Fill Permit application;

23 (4) notice to adjacent riparian landowners of a CAMA Major Permit applicant shall be given as
24 follows: Certified return mail receipts (or copies thereof) indicating that adjacent riparian
25 landowners (as identified in the permit application) received a copy of the application for the
26 proposed development for a CAMA Major development and/or Dredge and Fill Permit
27 application. Said landowners have 30 days from the date of notification in which to comment.
28 Such comments shall be considered by the Department in reaching a final decision on the
29 application.

30 (5) the fee as detailed in 15A NCAC .07J .1405(b).

31 (c) A modification to a Major Permit or Dredge and Fill Permit or permit application shall be processed in
32 accordance with the procedures outlined in G.S. 113A-119(b).

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34 History Note: Authority G.S. 113A-107(b); 113A-120(a)(2); 113A-119(a) and (b); 113A-124(a)(1);

35 Eff. January 1, 2025.

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

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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.

1 (iii) Cross-Section Drawing. A cross-sectional diagram showing elevation of
2 proposed work relative to existing ground level. Mean low and mean high water
3 line shall be included in the plan. The mean low water shall be the reference
4 land elevations (i.e., mean low water should be depicted as "Elevation 0.0
5 MLW"). First floor elevations relative to mean sea level shall be shown for any
6 proposed buildings.

7 (iv) Title of Drawing. Each drawing shall have a simple title block to identify the
8 project or work, and shall include name of applicant, date the plat was prepared,
9 and scale of the plat. The date of any revisions shall be noted. The applicant
10 shall also include the name of the person who drew the plat.

11 (K) if proposed development is located in the Coastal Shoreline Area of Environmental
12 Concern, size of building footprint and other impervious or built upon surfaces in
13 square feet including the area of the foundation of all buildings, driveways, covered
14 decks, concrete or masonry patios that are within the AEC. Calculations shall be attached
15 to project drawings;

16 (L) if the development is located in an area subject to a State stormwater management permit
17 issued by the NC Division of Energy, Mineral and Land Resources, the total built upon
18 area and impervious surfaces allowed for the lot or parcel in square feet; and

19 (M) the fee as detailed in 15A NCAC 07J .1405(a).

20 (2) a copy of a deed or other instrument under which the applicant claims title shall accompany a
21 CAMA minor permit application.

22 (3) the applicant shall give actual notice to all adjacent riparian property owners who share a property
23 line with the site of the proposed development of the applicant's intention to develop their
24 property and apply for a CAMA minor development permit. If comments are submitted before a
25 permit decision is made, such comments shall be considered by the Department or designated
26 local official in reaching a final decision on the application.

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28 History Note: Authority G.S. 113A-107(b); 113A-119(a); 113A-124(a)(1); 113A-118(b);
29 Eff. January 1, 2025.

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

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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 or money order payable to the Department, or the city or county, in the amount of
6 one hundred dollars (\$100.00). Monies so collected shall be used only in the administration of the permit program.

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

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

12 Eff. January 1, 2025.

1 15A NCAC 07J .1501 is adopted as published in 39:05 NCR 216 as follows:
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3 **SECTION .1500 - PERMIT PROCESSING**
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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.
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21 History Note: Authority G.S. 113-129; 113A-107(b); 113A-120(a)(2); 113A-119(a) and (b);
22 Eff. January 1, 2025.

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

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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 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 will circulate applications to the agencies having expertise in the
15 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.

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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 as follows:

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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);

9 Eff. January 1, 2025.