

1 15A NCAC 07L .0102 is amended with changes as published in 30:06 NCR 632 as follows:  
2

3 **15A NCAC 07L .0102 PURPOSE**

4 The purpose of the Rules in this Subchapter is to establish the criteria and procedures for funding the DENR  
5 Department of Environmental Quality program of grants for local ~~Coastal Area Management Act (CAMA)~~ land use  
6 plans or comprehensive plans ~~plans~~, hereinafter referred to as “the plan”, and coastal planning and management  
7 projects within North Carolina's coastal area. These funds are made available to assist local governments in  
8 developing and implementing ~~CAMA land use~~ plans and management strategies for their coastal resources, as  
9 mandated ~~and encouraged~~ by the CAMA. Funds ~~are to~~ shall be used in refining and carrying out local land use  
10 planning and management programs by local governments within the 20 counties defined by the ~~CAMA~~, Coastal  
11 Area Management Act in G.S. 113A-103.

12

13 *History Note: Authority G.S. 113A-112; 113A-124;*

14 *Eff. September 1, 1978;*

15 *Amended Eff. February 1, 2016; August 1, 2002; June 1, 1980.*

16

1 15A NCAC 07L .0502 is amended with changes as published in 30:06 NCR 632 as follows:

2

3 **15A NCAC 07L .0502 CONSISTENCY WITH PLANS AND RULES**

4 ~~[All proposed projects must be consistent with, CAMA, with CAMA, state rules and standards implementing~~  
5 ~~CAMA, certified local CAMA land use plans certified by the Coastal Resources Commission (CRC), and the state's~~  
6 ~~federally approved coastal management program.]~~

7

8 *History Note: Authority G.S. 113A-112; 113A-124;*

9 *Eff. August 1, 2002;*

10 *Repealed Eff. February 1, 2016.*

1 15A NCAC 07L .0503 is amended with changes as published in 30:06 NCR 632-633 as follows:

2  
3 **15A NCAC 07L .0503 PRIORITIES FOR FUNDING CAMA LAND USE PLANS AND**  
4 **IMPLEMENTATION PROJECTS**

5 (a) In funding local planning and management grants, DENR the Department of Environmental Quality (DEQ) shall  
6 follow the these general priorities set out in 15A NCAC 07L .0503(b). Examples of the types of eligible projects are  
7 listed and have been placed in the appropriate priority category. for local planning and management grants: Any  
8 applications for project funding not specifically identified and placed in a priority category shall be assigned the  
9 appropriate priority category by DENR upon receipt of the application. Funding priorities and eligibility for the  
10 Sustainable Communities Component of the planning program are described in 15A NCAC 07L .0512.

11 (b) General priority categories for local planning and management grants are as follows:

12 (1) The highest priority priority, Category I, includes projects directly mandated by statute, including  
13 initial and updated or amended CAMA land use plans; plans or comprehensive plans, hereinafter  
14 referred to as the plan, local participation in projects initiated by DENR, DEQ, and projects DENR  
15 DEQ indicates urgently need local attention in order to meet CRC Coastal Resources Commission  
16 (CRC) management topics pursuant to 15A NCAC 07B .0702(d)(2). In general, grants for projects  
17 in this priority category, except CAMA Workbook land use plans, shall be funded for no more  
18 than 85 percent of the total project cost, although lower funding percentages may be awarded. The  
19 type of CAMA land use plan to be funded and the corresponding percentage of funding shall be  
20 based on community characteristics as determined during the scoping process described in 15A  
21 NCAC 07L .0505 to be held prior to project application. Examples of eligible projects and their  
22 associated priority category include:

23 (A) Those activities designated by DEQ on an annual basis, following consultation with the  
24 CRC and local governments, to be necessary to bring local plans into compliance with  
25 state rules for land use planning;or

26 (B) Adopting, amending, or updating plans to reflect changed conditions which may include  
27 necessary data collection, public participation, and policy development.

28 (2) The second priority priority, Category II, includes projects directly related to carrying out the  
29 explicit goals of CAMA, the Coastal Area Management Act (CAMA), for which DENR DEQ  
30 indicates there is a high priority for local actions or projects which are coastally dependent (water-  
31 related) or projects to implement the CAMA [a] land use the plan such as public facilities planning  
32 or land use regulations preparation. Grants for projects in this category shall be for no more than  
33 65 percent of the total project cost, although lower funding percentages may be awarded.  
34 Examples of eligible projects and their associated priority category include:

35 (A) Adopting or amending ordinances to further secure compliance with state rules in AECs  
36 pursuant to Subchapter 15A NCAC 07H:

1 (B) Beach access plans and studies which may include inventory and identification of sites,  
2 design of access improvements, acquisition plans and studies, and legal studies necessary  
3 to determine the extent of public use rights;

4 (C) Erosion control plans and studies which may include mapping, erosion rate measurement,  
5 design of protection strategies for public lands, cost-benefit analysis, and relocation plans  
6 and strategies;

7 (D) Studies and planning leading to the nomination of new AECs as described in 15A NCAC  
8 07H .0503, or locally significant environmental areas;

9 (E) Waterfront redevelopment and renewal plans and studies including feasibility studies, site  
10 design studies, and plans and studies for improving or enhancing waterfront parks and  
11 public areas which may include site design, use studies, and cost analysis;

12 (F) Preparing, adopting, or amending ordinances necessary to carry out CRC certified plans,  
13 state rules, and the state coastal zone management plan which may include regulations  
14 related to zoning, subdivision, stormwater management, dune protection beyond AEC  
15 standards, sanitation, building, mobile homes, historic preservation, signs, natural area  
16 protection, and environmental impact statements.

17 (3) The third ~~priority~~ priority, Category III, includes projects related to improving local coastal  
18 management and land use management capabilities. ~~Grants for projects in this priority category~~  
19 ~~shall be for no more than 50 percent of the total project cost, although lower funding percentages~~  
20 ~~may be awarded.~~ Examples of eligible projects and their associated priority category include:

21 (A) Initial water and sewer plans and studies;

22 (B) Land use related capital facilities programming;

23 (C) Base mapping as a management tool;

24 (D) Other planning, studies, and data acquisition supportive of coastal planning and  
25 management which may include public education or involvement on coastal issues; solid  
26 waste planning; port planning; and sport and commercial fishing studies;

27 (E) Enforcement of ordinances adopted to carry out certified plans;

28 (F) Coordination of local coastal management activities with other local management  
29 activities which may include internal coordination, and city-county coordination; or

30 (G) Other coastally related management projects.

31 ~~(e)(b)~~ In addition, ~~DENR~~ DEQ shall take into consideration the following factors listed in order of importance to  
32 establish priorities for individual projects within the general priority categories:

33 (1) project's contribution towards meeting CRC management ~~topics;~~ topics in 15A NCAC 07B  
34 .0702(d)(2);

35 (2) the extent to which the project includes measures of environmental protection beyond Areas of  
36 Environmental Concern (AEC) ~~standards;~~ standards of Subchapter 15A NCAC 07H;

37 (3) applicant's urgency of need;

- 1 (4) past history of applicant's implementation of CAMA planning and management grant program
- 2 activities;
- 3 (5) feasibility of successful completion of project by the applicant;
- 4 (6) past experience with this program land use planning and implementation projects as well as
- 5 present management and administrative capabilities;
- 6 (7) potential applicability of the project to other coastal area municipalities and counties; and
- 7 (8) geographic distribution of applicants.

8 ~~(d) In priority categories two and three, the proportion of the grant award to total project costs shall be the same for~~  
9 ~~all similar projects. For example, if one waterfront access plan is funded at a 60 percent level, all waterfront access~~  
10 ~~plans shall be funded at a 60 percent level. The only exception to this involves multi-year projects which may~~  
11 ~~receive a lower level of funding within a given priority category after the initial year.~~

12 ~~(e) [(d)] (c) Generally, available funds shall first be allocated to projects in priority category one; then, if there are~~  
13 ~~funds remaining, grants shall be made to projects in priority category two; and then, if there are funds remaining,~~  
14 ~~grants may be made to projects in priority category three. However, the factors listed in Paragraph (e) of this Rule~~  
15 ~~shall also be considered in funding decisions. Sustainable Communities projects shall be funded as described in~~  
16 ~~15A NCAC 07L .0512. Matching fund requirements are based on the [The] North Carolina Department of~~  
17 ~~Commerce's Tier designations, as outlined by the Lee Act [(G.S. 105-129.3) shall be used to determine the~~  
18 ~~economic status of counties;] (G.S. 105-129.3). Local government contributions for land use [plan] planning and~~  
19 ~~implementation projects shall be at least 25 percent of the project costs except for Tier 1 designated counties and~~  
20 ~~their respective municipalities which shall have a local government contribution of at least 10 percent of the project~~  
21 ~~costs. At least one half of the local contribution shall be cash match; the remainder may be in-kind match.~~

22 ~~(f) [(e)](d) Any local government whose CAMA land use plan is not certified by the CRC due to failure to meet the~~  
23 ~~criteria listed in 15A NCAC 07B .0803 or that has not submitted the most recent Required Periodic Implementation~~  
24 ~~Status Report as described in 15A NCAC 07B, shall not receive further funding under this program until these~~  
25 ~~inconsistencies are corrected.~~

26 ~~(g) Any local government that is not implementing its certified CAMA land use plan shall not receive additional~~  
27 ~~funding under this program. CAMA land use plan implementation shall be documented through periodic~~  
28 ~~Implementation Status Reports provided to the Division of Coastal Management (DCM), as described in 15A~~  
29 ~~NCAC 07L .0511 (Required Periodic Implementation Status Reports). A local government that is deemed by the~~  
30 ~~DCM Planner to not have implemented its current CAMA land use plan may seek a review by the Director of the~~  
31 ~~DCM to determine if the current CAMA land use plan implementation is acceptable to receive future funding.~~

32 ~~(h) All funding decisions shall be based on availability and amount of state and federal appropriations.~~

33  
34 *History Note: Authority G.S. 113A-112; 113A-124;*  
35 *Eff. August 1, 2002;*  
36 *Amended Eff. February 1, 2016.*

1 15A NCAC 07L .0504 is amended with changes as published in 30:06 NCR 633-634 as follows:  
2

3 **15A NCAC 07L .0504 ELIGIBLE PROJECTS**

4 ~~[(a) The lists in Paragraph (b) of this Rule constitute types of projects that will be considered for funding. Each~~  
5 ~~type of project listed has been assigned to one of the priority categories described in 15A NCAC 07L .0503~~  
6 ~~(Priorities For Funding CAMA Land Use Plans and Implementation Projects.) These lists are not intended to be~~  
7 ~~exhaustive or restrictive. Local governments may apply for funds for any related projects that will improve local~~  
8 ~~planning and management capabilities.~~

9 ~~(b) Examples of eligible projects and their associated priority category include:~~

10 ~~(1) Priority Category Type 1~~

11 ~~(A) Those activities specifically designated by DENR on an annual basis, following~~  
12 ~~consultation with the CRC and local governments, to be necessary to bring local plans~~  
13 ~~into compliance with state rules for land use planning;~~

14 ~~(B) Adopting, amending, or updating CAMA land use plans to reflect changed conditions~~  
15 ~~(these may include, but are not limited to: necessary data collection, public participation,~~  
16 ~~policy development).~~

17 ~~(2) Priority Category Type 2~~

18 ~~(A) Adopting or amending ordinances to further secure compliance with state rules in AECs;~~

19 ~~(B) Beach access plans and studies (these may include, but are not limited to: inventory and~~  
20 ~~identification of sites, design of access improvements, acquisition plans and studies, legal~~  
21 ~~studies necessary to determine the extent of public use rights);~~

22 ~~(C) Erosion control plans and studies (these may include, but are not limited to: mapping,~~  
23 ~~erosion rate measurement, design of protection strategies for public lands, cost benefit~~  
24 ~~analysis, relocation plans and strategies);~~

25 ~~(D) Studies and planning leading to the nomination of new AECs as described in 15A NCAC~~  
26 ~~07H .0503, or locally significant environmental areas;~~

27 ~~(E) Waterfront redevelopment and renewal plans and studies including feasibility studies, site~~  
28 ~~design studies, and plans and studies for improving or enhancing water front parks and~~  
29 ~~public areas (these may include, but are not limited to: site design, use studies, cost~~  
30 ~~analysis);~~

31 ~~(F) Preparing, adopting, or amending ordinances necessary to carry out certified CAMA land~~  
32 ~~use plans, state rules, and the state coastal zone management plan (including but not~~  
33 ~~limited to regulations on or for zoning, subdivision, stormwater management, dune~~  
34 ~~protection beyond AEC standards, sanitation, building, mobile homes, historic~~  
35 ~~preservation, signs, natural area protection, environmental impact statements);~~  
36 ~~[statements.]~~

37 ~~(G) Hazard mitigation plans.~~

38 ~~(3) Priority Category Type 3~~

- 1           (A) ~~Initial water and sewer plans and studies;~~
- 2           (B) ~~Land use related capital facilities programming;~~
- 3           (C) ~~Base mapping as a management tool;~~
- 4           (D) ~~Other planning, studies, and data acquisition supportive of coastal planning and~~
- 5                 ~~management including but not limited to public education or involvement on coastal~~
- 6                 ~~issues; solid waste planning; port planning; sport and commercial fishing studies;~~
- 7           (E) ~~Enforcement of ordinances adopted to carry out certified CAMA land use plans;~~
- 8           (F) ~~Coordination of local coastal management activities with other local management~~
- 9                 ~~activities (these may include, but are not limited to: internal coordination, city county~~
- 10                ~~coordination);~~
- 11          (G) ~~Other coastally related management projects.]~~

12  
13  
14  
15  
16

*History Note:*     Authority G.S. 113A-112; 113A-124;  
                          Eff. August 1, 2002;  
                          Repealed Eff. February 1, 2016.



STATE OF NORTH CAROLINA  
**OFFICE OF ADMINISTRATIVE HEARINGS**

Mailing address:  
6714 Mail Service Center  
Raleigh, NC 27699-6714

Street address:  
1711 New Hope Church Rd  
Raleigh, NC 27609-6285

January 21, 2016

**Sent via email [jennifer.everett@ncdenr.gov](mailto:jennifer.everett@ncdenr.gov):**

Jennifer Everett, Rulemaking Coordinator  
Environmental Management Commission  
1601 Mail Service Center  
Raleigh, NC 27699-1601

Re: Extension of the Period of Review for Rules 15A NCAC 02L .0102, .0502, .0503, .0504, .0505, .0506, .0507, .0508, .0509, .0510, .0511, .0512, .0513, .0514, .0601, .0602, .0603, .0701, .702, .0703, .0704, and .0705

Dear Ms. Everett:

At its January 21, 2016 meeting, the Rules Review Commission extended the period of review on the above-identified rules in accordance with G.S. 150B-21.10 and G.S. 150B-21.13. The Commission extended the period of review in response to a request from the Coastal Resources Commission to allow additional time for review of technical change requests.

If you have any questions regarding the Commission's action, please do not hesitate to contact me directly at (919) 431-3074.

Sincerely,

Amber Cronk May  
Commission Counsel

cc: Mike Lopazanski via email

Administration  
919/431-3000  
fax: 919/431-3100

Rules Division  
919/431-3000  
fax: 919/431-3104

Judges and  
Assistants  
919/431-3000  
fax: 919/431-3100

Clerk's Office  
919/431-3000  
fax: 919/431-3100

Rules Review  
Commission  
919/431-3000  
fax: 919/431-3104

Civil Rights  
Division  
919/431-3036  
fax: 919/431-3103



## Burgos, Alexander N

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**Subject:** FW: Request for extension of review

**From:** Everett, Jennifer

**Sent:** Wednesday, January 20, 2016 10:36 AM

**To:** May, Amber Cronk <[amber.may@oah.nc.gov](mailto:amber.may@oah.nc.gov)>

**Cc:** Lopazanski, Mike <[mike.lopezanski@ncdenr.gov](mailto:mike.lopezanski@ncdenr.gov)>

**Subject:** Request for extension of review

Hi Amber,

We are requesting the RRC for an extension for period of review regarding:

15A NCAC 07L .0102  
15A NCAC 07L .0502 - .0514  
15A NCAC 07L .0601 - .0603  
15A NCAC 07L .0701 - .0705

The rules were submitted as a package with rules in 15A NCAC 07B on December 17, 2015. This extension will allow us to take the rules back to the Coastal Resources Commission (CRC) for approval of your technical change requests for 07L. The CRC's next meeting is scheduled for February 9-10, 2016. If approved by the CRC, we plan to have these rules considered on the RRC's February 18, 2016 agenda. We intend to move forward with the rules submitted for Subchapter 07B at tomorrow's RRC meeting.

Thank you.

Jennifer

**Jennifer Everett**

DEQ Rulemaking Coordinator

NC Department of Environmental Quality

919-707-8614 office

[jennifer.everett@ncdenr.gov](mailto:jennifer.everett@ncdenr.gov)

1601 Mail Service Center

Raleigh, NC 27699



Nothing Compares

*Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Coastal Resources Commission

RULE CITATION: 15A NCAC 07L .0102

**DEADLINE FOR RECEIPT: Thursday, January 14, 2016**

***NOTE WELL: This request when viewed on computer extends 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 call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

*Is Rule necessary? Do you need it to give your regulated public general information concerning the grant program?*

*On Line 4, is DENR not now DEQ?*

*On Line 7, did you intend on adding "or comprehensive plans" after "land use plans"?*

*On Line 8, is "and encouraged" necessary?*

*Line 8, please change "Funds are to be used..." to "Funds **are to shall** be used..."*

*On Line 9, did you intend on including "comprehensive" after "land use" so that it reads "local land use **and comprehensive** planning and management programs..."*

*On Line 9, where can the 20 counties defined by the CAMA be found?*

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

Amber Cronk May  
Commission Counsel  
Date submitted to agency: December 31, 2015

1 15A NCAC 07L .0102 is amended as published in 30:06 NCR 632 as follows:  
2

3 **15A NCAC 07L .0102 PURPOSE**

4 The purpose of the Rules in this Subchapter is to establish the criteria and procedures for funding the DENR  
5 program of grants for local ~~Coastal Area Management Act (CAMA)~~ land use plans or comprehensive plans and  
6 coastal planning and management projects within North Carolina's coastal area. These funds are made available to  
7 assist local governments in developing and implementing ~~CAMA~~ land use plans and management strategies for their  
8 coastal resources, as mandated and encouraged by the CAMA. Funds are to be used in refining and carrying out  
9 local land use planning and management programs by local governments within the 20 counties defined by the  
10 CAMA.

11

12 *History Note: Authority G.S. 113A-112; 113A-124;*

13 *Eff. September 1, 1978;*

14 *Amended Eff. February 1, 2016; August 1, 2002; June 1, 1980.*

15

REQUEST FOR TECHNICAL CHANGE

AGENCY: Coastal Resources Commission

RULE CITATION: 15A NCAC 07B .0502

**DEADLINE FOR RECEIPT: Thursday, January 14, 2016**

***NOTE WELL: This request when viewed on computer extends 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 call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

*Is this Rule necessary? Don't all proposed projects have to comply with CAMA, rules, land use plans, etc absent this Rule?*

*On Line 4, please change "must" to "shall."*

*Also on Line 4, you have said "CAMA" while in other places in these Rules you have said "the CAMA." Please be consistent.*

*On Line 4, what is meant by "standards"? Do you mean the rules?*

*On Line 5, what is meant by "certified" in certified local land use plans?*

*On line 6, what is the "state's federally approved coastal management program"?*

*Is your regulated public familiar with all of the requirements referenced in this Rule?*

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

Amber Cronk May  
Commission Counsel  
Date submitted to agency: December 31, 2015

1 15A NCAC 07L .0502 is amended as published in 30:06 NCR 632 as follows:

2

3 **15A NCAC 07L .0502 CONSISTENCY WITH PLANS AND RULES**

4 All proposed projects must be consistent ~~with, CAMA,~~ with CAMA, state rules and standards implementing  
5 CAMA, certified local ~~CAMA~~ land use plans ~~certified by the Coastal Resources Commission (CRC),~~ and the state's  
6 federally approved coastal management program.

7

8 *History Note: Authority G.S. 113A-112; 113A-124;*

9 *Eff. August 1, 2002;*

10 *Amended Eff. February 1, 2016.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Coastal Resources Commission

RULE CITATION: 15A NCAC 07B .0503

**DEADLINE FOR RECEIPT: Thursday, January 14, 2016**

***NOTE WELL: This request when viewed on computer extends 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 call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

*Please note the references to DENR throughout this Rule. Should this not be DEQ?*

*Why is (a) necessary? It seems as though it would be appropriate to combine (a) and (b) into one paragraph.*

*In (b)(1) and (b)(2), please delete or define "directly."*

*In Sub-Paragraphs (b)(1), (b)(2), and (b)(3), how is DEQ making the determination regarding the priority? Is it based on the information contained in Paragraph (c)? If so, please clarify.*

*In (c)(1), what are the CRC management topics? Where can these be found?*

*In (c)(2), where can the "AEC standards be found? Have these been incorporated by reference elsewhere in your rules?*

*In (c)(5), please delete or define "successful."*

*In (c)(6), to what program are you referring by "this program"?*

*In language in Paragraph (d) does not seem to fit within this Rule. Please provide some clarifying language as to how this information is to be used within the parameters of this Rule?*

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

Amber Cronk May  
Commission Counsel  
Date submitted to agency: December 31, 2015

1 15A NCAC 07L .0503 is amended as published in 30:06 NCR 632-633 as follows:

2  
3 **15A NCAC 07L .0503 PRIORITIES FOR FUNDING ~~CAMA~~ LAND USE PLANS AND**  
4 **IMPLEMENTATION PROJECTS**

5 (a) In funding local planning and management grants, DENR shall follow the general priorities set out in 15A  
6 NCAC 07L .0503(b). Examples of the types of eligible projects are listed and have been placed in the appropriate  
7 priority category. ~~Any applications for project funding not specifically identified and placed in a priority category~~  
8 ~~shall be assigned the appropriate priority category by DENR upon receipt of the application. Funding priorities and~~  
9 ~~eligibility for the Sustainable Communities Component of the planning program are described in 15A NCAC 07L~~  
10 ~~.0512.~~

11 (b) General priority categories for local planning and management grants are as follows:

- 12 (1) The highest priority includes projects directly mandated by statute, including initial and updated  
13 ~~CAMA~~ land use plans, local participation in projects initiated by DENR, and projects DENR  
14 indicates urgently need local attention in order to meet CRC management topics. ~~In general,~~  
15 ~~grants for projects in this priority category, except CAMA Workbook land use plans, shall be~~  
16 ~~funded for no more than 85 percent of the total project cost, although lower funding percentages~~  
17 ~~may be awarded. The type of CAMA land use plan to be funded and the corresponding~~  
18 ~~percentage of funding shall be based on community characteristics as determined during the~~  
19 ~~scoping process described in 15A NCAC 07L .0505 to be held prior to project application.~~
- 20 (2) The second priority includes projects directly related to carrying out the explicit goals of CAMA,  
21 for which DENR indicates there is a high priority for local actions or projects which are coastally  
22 dependent (water-related) or projects to implement ~~the CAMA~~ a land use plan such as public  
23 facilities planning or land use regulations preparation. ~~Grants for projects in this category shall be~~  
24 ~~for no more than 65 percent of the total project cost, although lower funding percentages may be~~  
25 ~~awarded.~~
- 26 (3) The third priority includes projects related to improving local coastal management and land use  
27 management capabilities. ~~Grants for projects in this priority category shall be for no more than 50~~  
28 ~~percent of the total project cost, although lower funding percentages may be awarded.~~

29 (c) In addition, DENR shall take into consideration the following factors listed in order of importance to establish  
30 priorities for individual projects within the general priority categories:

- 31 (1) project's contribution towards meeting CRC management topics;  
32 (2) the extent to which the project includes measures of environmental protection beyond Areas of  
33 Environmental Concern (AEC) standards;  
34 (3) applicant's urgency of need;  
35 (4) past history of applicant's implementation of CAMA planning and management activities;  
36 (5) feasibility of successful completion of project by the applicant;  
37 (6) past experience with this program as well as present management and administrative capabilities;

1 (7) potential applicability of the project to other coastal area municipalities and counties; and

2 (8) geographic distribution of applicants.

3 ~~(d) In priority categories two and three, the proportion of the grant award to total project costs shall be the same for~~  
4 ~~all similar projects. For example, if one waterfront access plan is funded at a 60 percent level, all waterfront access~~  
5 ~~plans shall be funded at a 60 percent level. The only exception to this involves multi year projects which may~~  
6 ~~receive a lower level of funding within a given priority category after the initial year.~~

7 ~~(e) (d) Generally, available funds shall first be allocated to projects in priority category one; then, if there are funds~~  
8 ~~remaining, grants shall be made to projects in priority category two; and then, if there are funds remaining, grants~~  
9 ~~may be made to projects in priority category three. However, the factors listed in Paragraph (c) of this Rule shall~~  
10 ~~also be considered in funding decisions. Sustainable Communities projects shall be funded as described in 15A~~  
11 ~~NCAC 07L .0512. The North Carolina Department of Commerce's Tier designations, as outlined by the Lee Act~~  
12 ~~(G.S. 105-129.3) shall be used to determine the economic status of counties. Local government contributions for~~  
13 ~~land use plan and implementation projects shall be at least 25 percent of the project costs except for Tier 1~~  
14 ~~designated counties and their respective municipalities which shall have a local government contribution of at least~~  
15 ~~10 percent of the project costs. At least one half of the local contribution shall be cash match; the remainder may be~~  
16 ~~in-kind match.~~

17 ~~(f) (e) Any local government whose CAMA land use plan is not certified by the CRC due to failure to meet the~~  
18 ~~criteria listed in 15A NCAC 07B .0803 or that has not submitted the most recent Required Periodic Implementation~~  
19 ~~Status Report as described in 15A NCAC 07B, shall not receive further funding under this program until these~~  
20 ~~inconsistencies are corrected.~~

21 ~~(g) Any local government that is not implementing its certified CAMA land use plan shall not receive additional~~  
22 ~~funding under this program. CAMA land use plan implementation shall be documented through periodic~~  
23 ~~Implementation Status Reports provided to the Division of Coastal Management (DCM), as described in 15A~~  
24 ~~NCAC 07L .0511 (Required Periodic Implementation Status Reports). A local government that is deemed by the~~  
25 ~~DCM Planner to not have implemented its current CAMA land use plan may seek a review by the Director of the~~  
26 ~~DCM to determine if the current CAMA land use plan implementation is acceptable to receive future funding.~~

27 ~~(h) All funding decisions shall be based on availability and amount of state and federal appropriations.~~

28  
29 *History Note: Authority G.S. 113A-112; 113A-124;*

30 *Eff. August 1, 2002;*

31 *Amended Eff. February 1, 2016.*

32



REQUEST FOR TECHNICAL CHANGE

AGENCY: Coastal Resources Commission

RULE CITATION: 15A NCAC 07B .0504

**DEADLINE FOR RECEIPT: Thursday, January 14, 2016**

***NOTE WELL: This request when viewed on computer extends 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 call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

*Please consider combining Paragraphs (a) and (b).*

*In (a), please change "will" to "shall."*

*Please also add some clarifying language in either this Rule or in 15A NCAC 07L .0503 as to how the Sub-Paragraphs (b)(1) through (b)(3) of .0503 and Paragraph (b) of .0504 go together. It seems as though the information should all be contained in the same Rule.*

*In (b)(1)(A), please delete "specifically."*

*In (b)(1)(A), please correct the reference to "DENR."*

*In (b)(1) and (b)(2), please delete any and all "but not limited to."*

*In (b)(1) and (b)(2), please consider removing the parenthesis from all applicable places and changing the language from "(these may include, but are not limited to...)" to "(these which may include include, but are not limited..)" A full example of this language in (b)(1)(2) would be as follows:*

Adopting, amending, or updating CAMA land use plans to reflect changed conditions (these which may include include, but are not limited to: necessary data collection, public participation, and policy development). development.

*Please note that this would be applicable to (b)(1)(B), (b)(2)(B), (b)(2)(C), (b)(2)(E), (b)(2)(F), (b)(3)(D), and (b)(3)(F).*

*Please add an "and" in the following places:*

*In (b)(2)(B) – in between "studies," and "legal studies..."*

Amber Cronk May  
Commission Counsel  
Date submitted to agency: December 31, 2015

*In (b)(2)(E) – in between “use studies,” and “cost analysis”*

*In (b)(2)(F) – in between “protection,” and “environmental impact...”*

*In (b)(3)(D) – in between “port planning” and “sport and commercial fishing...”*

*In (b)(3)(f) – in between “internal coordination” and “city-county coordination”*

*In (b)(2)(D), what is meant by “locally significant environmental areas”?*

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

Amber Cronk May  
Commission Counsel  
Date submitted to agency: December 31, 2015

1 15A NCAC 07L .0504 is amended as published in 30:06 NCR 633-634 as follows:  
2

3 **15A NCAC 07L .0504 ELIGIBLE PROJECTS**

4 (a) The lists in Paragraph (b) of this Rule constitute types of projects that will be considered for funding. Each type  
5 of project listed has been assigned to one of the priority categories described in 15A NCAC 07L .0503 (Priorities  
6 For Funding ~~CAMA~~ Land Use Plans and Implementation Projects.) These lists are not intended to be exhaustive or  
7 restrictive. Local governments may apply for funds for any related projects that will improve local planning and  
8 management capabilities.

9 (b) Examples of eligible projects and their associated priority category include:

10 (1) Priority Category-Type 1

11 (A) Those activities specifically designated by DENR on an annual basis, following  
12 consultation with the CRC and local governments, to be necessary to bring local plans  
13 into compliance with state rules for land use planning;

14 (B) Adopting, amending, or updating ~~CAMA~~ land use plans to reflect changed conditions  
15 (these may include, but are not limited to: necessary data collection, public participation,  
16 policy development).

17 (2) Priority Category-Type 2

18 (A) Adopting or amending ordinances to further secure compliance with state rules in AECs;

19 (B) Beach access plans and studies (these may include, but are not limited to: inventory and  
20 identification of sites, design of access improvements, acquisition plans and studies, legal  
21 studies necessary to determine the extent of public use rights);

22 (C) Erosion control plans and studies (these may include, but are not limited to: mapping,  
23 erosion rate measurement, design of protection strategies for public lands, cost-benefit  
24 analysis, relocation plans and strategies);

25 (D) Studies and planning leading to the nomination of new AECs as described in 15A NCAC  
26 07H .0503, or locally significant environmental areas;

27 (E) Waterfront redevelopment and renewal plans and studies including feasibility studies, site  
28 design studies, and plans and studies for improving or enhancing water-front parks and  
29 public areas (these may include, but are not limited to: site design, use studies, cost  
30 analysis);

31 (F) Preparing, adopting, or amending ordinances necessary to carry out certified ~~CAMA~~ land  
32 use plans, state rules, and the state coastal zone management plan (including but not  
33 limited to regulations on or for zoning, subdivision, stormwater management, dune  
34 protection beyond AEC standards, sanitation, building, mobile homes, historic  
35 preservation, signs, natural area protection, environmental impact ~~statements~~);  
36 statements.

37 ~~(G) Hazard mitigation plans.~~

38 (3) Priority Category-Type 3

- 1 (A) Initial water and sewer plans and studies;
- 2 (B) Land use related capital facilities programming;
- 3 (C) Base mapping as a management tool;
- 4 (D) Other planning, studies, and data acquisition supportive of coastal planning and
- 5 management including but not limited to public education or involvement on coastal
- 6 issues; solid waste planning; port planning; sport and commercial fishing studies;
- 7 (E) Enforcement of ordinances adopted to carry out certified ~~CAMA~~ land use plans;
- 8 (F) Coordination of local coastal management activities with other local management
- 9 activities (these may include, but are not limited to: internal coordination, city-county
- 10 coordination);
- 11 (G) Other coastally related management projects.

12

13 *History Note: Authority G.S. 113A-112; 113A-124;*

14 *Eff. August 1, 2002;*

15 *Amended Eff. February 1, 2016.*

16

1 15A NCAC 07L .0505 - .0514 are repealed as published in 30:06 NCR 634-638 as follows:

2

3 **15A NCAC 07L .0505 SCOPING OF PLANNING NEEDS**

4 **15A NCAC 07L .0506 PUBLIC PARTICIPATION**

5 **15A NCAC 07L .0507 MINIMUM CAMA LAND USE PLANNING AND FUNDING REQUIREMENTS**

6 **15A NCAC 07L .0508 STATE TECHNICAL ASSISTANCE, REVIEW AND COMMENT ON**  
7 **PRELIMINARY DRAFT PLAN**

8 **15A NCAC 07L .0509 INTERGOVERNMENTAL COORDINATION**

9 **15A NCAC 07L .0510 PUBLIC HEARING AND LOCAL ADOPTION REQUIREMENTS**

10 **15A NCAC 07L .0511 REQUIRED PERIODIC IMPLEMENTATION STATUS REPORTS**

11 **15A NCAC 07L .0512 SUSTAINABLE COMMUNITIES COMPONENT OF THE PLANNING**  
12 **PROGRAM**

13 **15A NCAC 07L .0513 PROJECT DURATION**

14 **15A NCAC 07L .0514 RELATION TO OTHER FUNDING**

15

16 *History Note: Authority G.S. 113A-112; 113A-124;*

17 *Eff. August 1, 2002;*

18 *Repealed Eff. February 1, 2016.*

1 15A NCAC 07L .0601 - .0603 are repealed as published in 30:06 NCR 638-639 as follows:

2

3 **15A NCAC 07L .0601 APPLICATION FORM**

4 **15A NCAC 07L .0602 ASSISTANCE IN COMPLETING APPLICATIONS AND SUBMITTAL**

5 **15A NCAC 07L .0603 PROCEDURE FOR APPROVAL AND DISAPPROVAL**

6

7 *History Note: Authority G.S. 113A-112; 113A-124;*

8 *Eff. August 1, 2002;*

9 *Repealed Eff. Febraury 1, 2016.*

1 15A NCAC 07L .0701 - .0705 are repealed as published in 30:06 NCR 639 as follows:

2

3 **15A NCAC 07L .0701 CONTRACT AGREEMENT**

4 **15A NCAC 07L .0702 PROGRESS REPORTS AND GRANT MONITORING**

5 **15A NCAC 07L .0703 PAYMENT**

6 **15A NCAC 07L .0704 PROJECT COMPLETION REPORT**

7 **15A NCAC 07L .0705 ACCOUNTABILITY**

8

9 *History Note: Authority G.S. 113A-112; 113A-124*

10 *Eff. August 1, 2001;*

11 *Repealed Eff. February 1, 2016.*