

REQUEST FOR TECHNICAL CHANGE

AGENCY: Coastal Resources Commission

RULE CITATION: 15A NCAC 07H .0305

DEADLINE FOR RECEIPT: Friday, March 11, 2016

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.

NOTE WELL: *This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.*

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

In Paragraph (a), line 4, what do you mean by "section"? Do you mean "Paragraph"?

In Part (a)(1)(A), line 8, please replace the comma after "occurs" with a semicolon.

In (a)(1)(B), what is a "distinct" change? Does your regulated public know?

In Subparagraph (a)(3), the reference to "primary dunes" is plural; in (a)(4), the reference to "the frontal dune" is singular. Is there a reason the language doesn't parallel?

Also in (a)(3), line 17, consider putting "dune trough" in quotation marks.

In (a)(4), line 19, what is "sufficient"? Who determines this?

In (a)(5), so that I understand, the language on line 21 states that the vegetation must be both natural and stable. Is this different from line 33, which just states "stable natural vegetation"?

On line 29, with the sentence beginning "The vegetation may be considered natural..." Is this when they were planted, or for all types?

On line 32, do you mean "may" or do you mean "shall"? If "may," then what other ways will this be established? Or do you mean that it will be determined either by ground observation or aerial photography?

On line 33, "on ground" should be hyphenated. (See Page 2, line 1)

In (a)(6), line 37, put "static vegetation line" in quotation marks, since it is being defined.

Also on line 37, who will establish this? It states in coordination with the Division, but who else is involved?

Amanda J. Reeder
Commission Counsel
Date submitted to agency: February 29, 2016

In (a)(6), Page 2, line 7, what does this sentence mean? That another line cannot be established where one already exists?

Do you still need the language on lines 12-17?

In (a)(7), line 20, please put "large-scale beach fill project" in quotation marks, since the term is being defined.

On line 22, please put "onset of construction" in quotation marks and insert a comma after "begins." However, do you need this? If so, isn't it more appropriate in (a)(6), where the phrase is used?

In (a)(9), lines 29, 30, and 33, there is no Rule 15A NCAC 07H .0304(4). There are now only three items in that Rule. Please insert a correct citation. Is it now .0304(3)?

15A NCAC 07H .0304 AECs WITHIN OCEAN HAZARD AREAS

The ocean hazard AECs contain all of the following areas:

- (1) Ocean Erodible Area. This is the area where there exists a substantial possibility of excessive erosion and significant shoreline fluctuation. The oceanward boundary of this area is the mean low water line. The landward extent of this area is determined as follows:
 - (a) a distance landward from the first line of stable and natural vegetation as defined in 15A NCAC 07H .0305(a)(5) to the recession line established by multiplying the long-term annual erosion rate times 60; provided that, where there has been no long-term erosion or the rate is less than two feet per year, this distance shall be set at 120 feet landward from the first line of stable natural vegetation. For the purposes of this Rule, the erosion rates are the long-term average based on available historical data. The current long-term average erosion rate data for each segment of the North Carolina coast is depicted on maps entitled "2011 Long-Term Average Annual Shoreline Rate Update" and approved by the Coastal Resources Commission on May 5, 2011 (except as such rates may be varied in individual contested cases, declaratory, or interpretive rulings). In all cases, the rate of shoreline change shall be no less than two feet of erosion per year. The maps are available without cost from any Local Permit Officer or the Division of Coastal Management on the internet at <http://www.nccoastalmanagement.net>; and
 - (b) a distance landward from the recession line established in Sub-Item (1)(a) of this Rule to the recession line that would be generated by a storm having a one percent chance of being equaled or exceeded in any given year.
- (2) Inlet Hazard Area. The inlet hazard areas are natural-hazard areas that are especially vulnerable to erosion, flooding and other adverse effects of sand, wind, and water because of their proximity to dynamic ocean inlets. This area extends landward from the mean low water line a distance sufficient to encompass that area within which the inlet shall migrate, based on statistical analysis, and shall consider such factors as previous inlet territory, structurally weak areas near the inlet, and external influences such as jetties and channelization. The areas on the maps identified as suggested Inlet Hazard Areas included in the report entitled INLET HAZARD AREAS, The Final Report and Recommendations to the Coastal Resources Commission, 1978, as amended in 1981, by Loie J. Priddy and Rick Carraway are incorporated by reference and are hereby designated as Inlet Hazard Areas except for:
 - (a) the Cape Fear Inlet Hazard Area as shown on the map does not extend northeast of the Bald Head Island marina entrance channel; and
 - (b) the former location of Mad Inlet, which closed in 1997.In all cases, the Inlet Hazard Area shall be an extension of the adjacent ocean erodible areas and in no case shall the width of the inlet hazard area be less than the width of the adjacent ocean erodible area. This report is available for inspection at the Department of Environment and Natural Resources, Division of Coastal Management, 400 Commerce Avenue, Morehead City, North

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Date submitted to agency: February 29, 2016

Carolina or at the website referenced in Sub-item (1)(a) of this Rule. Photocopies are available at no charge.

- (3) Unvegetated Beach Area. Beach areas within the Ocean Hazard Area where no stable natural vegetation is present may be designated as an Unvegetated Beach Area on either a permanent or temporary basis as follows:
- (a) An area appropriate for permanent designation as an Unvegetated Beach Area is a dynamic area that is subject to rapid unpredictable landform change from wind and wave action. The areas in this category shall be designated following studies by the Division of Coastal Management. These areas shall be designated on maps approved by the Coastal Resources Commission and available without cost from any Local Permit Officer or the Division of Coastal Management on the internet at the website referenced in Sub-Item (1)(a) of this Rule.
 - (b) An area that is suddenly unvegetated as a result of a hurricane or other major storm event may be designated by the Coastal Resources Commission as an Unvegetated Beach Area for a specific period of time, or the vegetation has re-established in accordance with 15A NCAC 07H .0305(a)(5). At the expiration of the time specified, or re-establishment of the vegetation, the area shall return to its pre-storm designation.

*History Note: Authority G.S. 113A-107; 113A-107.1; 113A-113; 113A-124;
Eff. September 9, 1977;
Amended Eff. December 1, 1993; November 1, 1988; September 1, 1986; December 1, 1985;
Temporary Amendment Eff. October 10, 1996;
Amended Eff. April 1, 1997;
Temporary Amendment Eff. October 10, 1996 Expired on July 29, 1997;
Temporary Amendment Eff. October 22, 1997;
Amended Eff. September 1, 2015; May 1, 2014; February 1, 2013; January 1, 2010, February 1,
2006; October 1, 2004; April 1, 2004; August 1, 1998.*

In (a)(9)(B), Page 3, line 3, there is no Subparagraph (g)(1) of this Rule. Did you mean (a)(1)?

In (a)((10), line 8, approved how?

In (b), line 13, what is "readily identifiable"?

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: February 29, 2016

1 **15A NCAC 07H .0305 is amended as published in 30:09 NCR 983-984 as follows:**

2
3 **15A NCAC 07H .0305 GENERAL IDENTIFICATION AND DESCRIPTION OF LANDFORMS**

4 (a) This section describes natural and man-made features that are found within the ocean hazard area of environmental
5 concern.

6 (1) Ocean Beaches. Ocean beaches are lands consisting of unconsolidated soil materials that extend
7 from the mean low water line landward to a point where either:

8 (A) the growth of vegetation occurs, or

9 (B) a distinct change in slope or elevation alters the configuration of the landform, whichever
10 is farther landward.

11 (2) Nearshore. The nearshore is the portion of the beach seaward of mean low water that is
12 characterized by dynamic changes both in space and time as a result of storms.

13 (3) Primary Dunes. Primary dunes are the first mounds of sand located landward of the ocean beaches
14 having an elevation equal to the mean flood level (in a storm having a one percent chance of being
15 equaled or exceeded in any given year) for the area plus six feet. The primary dune extends
16 landward to the lowest elevation in the depression behind that same mound of sand (commonly
17 referred to as the dune trough).

18 (4) Frontal Dunes. The frontal dune is deemed to be the first mound of sand located landward of the
19 ocean beach having sufficient vegetation, height, continuity and configuration to offer protective
20 value.

21 (5) Vegetation Line. The vegetation line refers to the first line of stable and natural vegetation, which
22 shall be used as the reference point for measuring oceanfront setbacks. This line represents the
23 boundary between the normal dry-sand beach, which is subject to constant flux due to waves, tides,
24 storms and wind, and the more stable upland areas. The vegetation line is generally located at or
25 immediately oceanward of the seaward toe of the frontal dune or erosion escarpment. The Division
26 of Coastal Management or Local Permit Officer shall determine the location of the stable and natural
27 vegetation line based on visual observations of plant composition and density. If the vegetation has
28 been planted, it may be considered stable when the majority of the plant stems are from continuous
29 rhizomes rather than planted individual rooted sets. The vegetation may be considered natural when
30 the majority of the plants are mature and additional species native to the region have been recruited,
31 providing stem and rhizome densities that are similar to adjacent areas that are naturally occurring.
32 In areas where there is no stable natural vegetation present, this line may be established by
33 interpolation between the nearest adjacent stable natural vegetation by on ground observations or
34 by aerial photographic interpretation.

35 (6) Static Vegetation Line. In areas within the boundaries of a large-scale beach fill project, the
36 vegetation line that existed within one year prior to the onset of initial project construction shall be
37 defined as the static vegetation line. A static vegetation line shall be established in coordination

1 with the Division of Coastal Management using on-ground observation and survey or aerial imagery
2 for all areas of oceanfront that undergo a large-scale beach fill project. Once a static vegetation line
3 is established, and after the onset of project construction, this line shall be used as the reference
4 point for measuring oceanfront setbacks in all locations where it is landward of the vegetation line.
5 In all locations where the vegetation line as defined in this Rule is landward of the static vegetation
6 line, the vegetation line shall be used as the reference point for measuring oceanfront setbacks. A
7 static vegetation line shall not be established where a static vegetation line is already in place,
8 including those established by the Division of Coastal Management prior to the effective date of this
9 Rule. A record of all static vegetation lines, including those established by the Division of Coastal
10 Management prior to the effective date of this Rule, shall be maintained by the Division of Coastal
11 Management for determining development standards as set forth in Rule .0306 of this Section.
12 Because the impact of Hurricane Floyd (September 1999) caused significant portions of the
13 vegetation line in the Town of Oak Island and the Town of Ocean Isle Beach to be relocated
14 landward of its pre-storm position, the static line for areas landward of the beach fill construction in
15 the Town of Oak Island and the Town of Ocean Isle Beach, the onset of which occurred in 2000,
16 shall be defined by the general trend of the vegetation line established by the Division of Coastal
17 Management from June 1998 aerial orthophotography.

18 (7) Beach Fill. Beach fill refers to the placement of sediment along the oceanfront shoreline. Sediment
19 used solely to establish or strengthen dunes shall not be considered a beach fill project under this
20 Rule. A large-scale beach fill project shall be defined as any volume of sediment greater than
21 300,000 cubic yards or any storm protection project constructed by the U.S. Army Corps of
22 Engineers. The onset of construction shall be defined as the date sediment placement begins with
23 the exception of projects completed prior to the effective date of this Rule, in which case the award
24 of contract date will be considered the onset of construction.

25 (8) Erosion Escarpment. The normal vertical drop in the beach profile caused from high tide or storm
26 tide erosion.

27 (9) Measurement Line. The line from which the ocean hazard setback as described in Rule .0306(a) of
28 this Section is measured in the unvegetated beach area of environmental concern as described in
29 Rule .0304(4) of this Section. Procedures for determining the measurement line in areas designated
30 pursuant to Rule .0304(4)(a) of this Section shall be adopted by the Commission for each area where
31 such a line is designated pursuant to the provisions of G.S. 150B. These procedures shall be
32 available from any local permit officer or the Division of Coastal Management. In areas designated
33 pursuant to Rule .0304(4)(b) of this Section, the Division of Coastal Management shall establish a
34 measurement line that approximates the location at which the vegetation line is expected to
35 reestablish by:

36 (A) determining the distance the vegetation line receded at the closest vegetated site to the
37 proposed development site; and

1 (B) locating the line of stable natural vegetation on the most current pre-storm aerial
2 photography of the proposed development site and moving this line landward the distance
3 determined in Subparagraph (g)(1) of this Rule.

4 The measurement line established pursuant to this process shall in every case be located landward
5 of the average width of the beach as determined from the most current pre-storm aerial photography.

6 (10) Development Line. The line established in accordance with 15A NCAC 07J .1300 by local
7 governments representing the seaward-most allowable location of oceanfront development. In areas
8 that have approved development lines, the vegetation line or measurement line shall be used as the
9 reference point for measuring oceanfront setbacks instead of the static vegetation line, subject to the
10 provisions of Rule .0306(a)(2) of this Section.

11 (b) For the purpose of public and administrative notice and convenience, each designated minor development permit-
12 letting agency with ocean hazard areas may designate, subject to CRC approval in accordance with the local
13 implementation and enforcement plan as defined 15A NCAC 07I .0500, a readily identifiable land area within which
14 the ocean hazard areas occur. This designated notice area must include all of the land areas defined in Rule .0304 of
15 this Section. Natural or man-made landmarks may be considered in delineating this area.

16
17 *History Note: Authority G.S. 113A-107; 113A-113(b)(6); 113A-124;*
18 *Eff. September 9, 1977;*
19 *Amended Eff. December 1, 1992; September 1, 1986; December 1, 1985; February 2, 1981;*
20 *Temporary Amendment Eff. October 10, 1996;*
21 *Amended Eff. January 1, 1997;*
22 *Temporary Amendment Eff. October 10, 1996 Expired on July 29, 1997;*
23 *Temporary Amendment Eff. October 22, 1997;*
24 *Amended Eff. April 1, 2016; April 1, 2008; August 1, 2002; August 1, 1998.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Coastal Resources Commission

RULE CITATION: 15A NCAC 07H .0306

DEADLINE FOR RECEIPT: Friday, March 11, 2016

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:

In (a), line 5, "rules" should be lowercase.

In (a)(1), line 8, please insert a comma after "line"

In (a)(4), line 24, please replace "is" with "shall be"

Also on line 24, do you mean "long-term" erosion rate, as that is what is defined in Rule .0304?

In (a)(4), line 25, replace "is" with "shall be" or put "Development size" in quotation marks.

In (a)(4), line 32, please insert a comma after "porches"

In (a)(5)(I), Page 2, line 27, please insert a comma after "storm water"

So that I understand - in (a)(5)(J), there is no setback for parking lots less than 5000 square feet?

In (a)(5)(K), line 35, please simply remove the errant underline between "static" and "vegetation"

In (a)(5)(L)(iii), Page 3, line 6, who determines if this is not possible?

In (a)(6), line 13, please insert a comma after "line"

On line 15, what is a "practical use"?

On line 19, please strike "which"

In (a)(8), line 26, replace "on which" with "where"

In (a)(9), line 32, what is "cosmetically" attached?

Amanda J. Reeder
Commission Counsel
Date submitted to agency: February 29, 2016

In (a)(11), Page 4, lines 1 and 10, just checking - do you really mean "Section" of the Subchapter?

In line 11, approved how? What is the process for this? Or is in the permit?

In (a)(12), Page 5, line 7, what do you mean by "qualified"?

On line 8, the correct citation is G.S. 47F-1-103(3). There is no hyphen between "103" and "(3)"

On line 14, please update the cross-reference to (a)(5)(K)

On line 15, please insert a comma after "petitioner"

In (a)(12)(C), line 25, please insert a comma after "braced"

So that I understand – in (a)(12)(E), what you are saying is that the individual can use this exception if they are not (among other things) able to fit into the exception in Rule .0309(b)?

In (b), line 36, replace "is" with "shall be"

Also on line 36, please replace "which" with "that"

In (b), Page 6, line 1, who determines "otherwise impracticable"?

In (c), what is "irreversible" damage?

In (f), line 9, should there be a "the" between "with" and "general"?

In (g), line 11, please insert a comma after "resources"

In (i), line 21, what is the purpose of the sentence on lines 21-22?

In (j), line 26, end the sentence after "locations" and then begin "Septic tanks..."

On line 27, does your regulated public know the applicable laws?

In (k), line 29, please confirm that is the cross reference you mean, as Rule 07H .0308(a)(2)(B) states:

(a) Ocean Shoreline Erosion Control Activities:

(1) Use Standards Applicable to all Erosion Control Activities:

(B) Permanent erosion control structures may cause significant adverse impacts on the value and enjoyment of adjacent properties or public access to and use of the ocean beach, and, therefore, are prohibited. Such structures include bulkheads, seawalls, revetments, jetties, groins and breakwaters.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: February 29, 2016

In the History Note on Page 7, line 8, please remove the colon after “Eff” and replace it with a period.

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: February 29, 2016

1 **15A NCAC 07H .0306 IS AMENDED AS PUBLISHED IN 30:09 NCR 984-988 AS FOLLOWS:**

2
3 **15A NCAC 07H .0306 GENERAL USE STANDARDS FOR OCEAN HAZARD AREAS**

4 (a) In order to protect life and property, all development not otherwise specifically exempted or allowed by law or
5 elsewhere in the Coastal Resources Commission’s Rules shall be located according to whichever of the following is
6 applicable:

7 (1) The ocean hazard setback for development is measured in a landward direction from the vegetation
8 line, the static vegetation line or the measurement line, whichever is applicable. ~~The setback~~
9 ~~distance is determined by both the size of development and the shoreline erosion rate as defined in~~
10 ~~15A NCAC 07H .0304. Development size is defined by total floor area for structures and buildings~~
11 ~~or total area of footprint for development other than structures and buildings. Total floor area~~
12 ~~includes the following:~~

13 ~~(A) The total square footage of heated or air conditioned living space;~~

14 ~~(B) The total square footage of parking elevated above ground level; and~~

15 ~~(C) The total square footage of non-heated or non-air conditioned areas elevated above~~
16 ~~ground level, excluding attic space that is not designed to be load-bearing.~~

17 ~~Decks, roof covered porches and walkways are not included in the total floor area unless they are~~
18 ~~enclosed with material other than screen mesh or are being converted into an enclosed space with~~
19 ~~material other than screen mesh.~~

20 ~~(2) In areas with a development line, the ocean hazard setback line shall be set at a distance in~~
21 ~~accordance with Subparagraphs (a)(3) through (9) of this Rule. In no case shall new development~~
22 ~~be sited seaward of the development line.~~

23 ~~(3) In no case shall a development line be created or established below the mean high water line.~~

24 ~~(4) The setback distance is determined by both the size of development and the shoreline erosion rate~~
25 ~~as defined in Rule .0304 of this Section. Development size is defined by total floor area for structures~~
26 ~~and buildings or total area of footprint for development other than structures and buildings. Total~~
27 ~~floor area includes the following:~~

28 ~~(A) The total square footage of heated or air-conditioned living space;~~

29 ~~(B) The total square footage of parking elevated above ground level; and~~

30 ~~(C) The total square footage of non-heated or non-air-conditioned areas elevated above ground~~
31 ~~level, excluding attic space that is not designed to be load-bearing.~~

32 ~~Decks, roof-covered porches and walkways are not included in the total floor area unless they are~~
33 ~~enclosed with material other than screen mesh or are being converted into an enclosed space with~~
34 ~~material other than screen mesh.~~

35 ~~(5)~~ (5) With the exception of those types of development defined in 15A NCAC 07H .0309, no
36 development, including any portion of a building or structure, shall extend oceanward of the ocean
37 hazard setback distance. This includes roof overhangs and elevated structural components that are

1 cantilevered, knee braced, or otherwise extended beyond the support of pilings or footings. The
2 ocean hazard setback is established based on the following criteria:

- 3 (A) A building or other structure less than 5,000 square feet requires a minimum setback of
4 60 feet or 30 times the shoreline erosion rate, whichever is greater;
- 5 (B) A building or other structure greater than or equal to 5,000 square feet but less than
6 10,000 square feet requires a minimum setback of 120 feet or 60 times the shoreline erosion
7 rate, whichever is greater;
- 8 (C) A building or other structure greater than or equal to 10,000 square feet but less than
9 20,000 square feet requires a minimum setback of 130 feet or 65 times the shoreline erosion
10 rate, whichever is greater;
- 11 (D) A building or other structure greater than or equal to 20,000 square feet but less than
12 40,000 square feet requires a minimum setback of 140 feet or 70 times the shoreline erosion
13 rate, whichever is greater;
- 14 (E) A building or other structure greater than or equal to 40,000 square feet but less than
15 60,000 square feet requires a minimum setback of 150 feet or 75 times the shoreline erosion
16 rate, whichever is greater;
- 17 (F) A building or other structure greater than or equal to 60,000 square feet but less than
18 80,000 square feet requires a minimum setback of 160 feet or 80 times the shoreline erosion
19 rate, whichever is greater;
- 20 (G) A building or other structure greater than or equal to 80,000 square feet but less than
21 100,000 square feet requires a minimum setback of 170 feet or 85 times the shoreline
22 erosion rate, whichever is greater;
- 23 (H) A building or other structure greater than or equal to 100,000 square feet requires a
24 minimum setback of 180 feet or 90 times the shoreline erosion rate, whichever is greater;
- 25 (I) Infrastructure that is linear in nature such as roads, bridges, pedestrian access such as
26 boardwalks and sidewalks, and utilities providing for the transmission of electricity, water,
27 telephone, cable television, data, storm water and sewer requires a minimum setback of 60
28 feet or 30 times the shoreline erosion rate, whichever is greater;
- 29 (J) Parking lots greater than or equal to 5,000 square feet requires a setback of 120 feet or 60
30 times the shoreline erosion rate, whichever is greater;
- 31 (K) Notwithstanding any other setback requirement of this Subparagraph, a building or other
32 structure greater than or equal to 5,000 square feet in a community with a static line
33 exception in accordance with 15A NCAC 07J .1200 requires a minimum setback of 120
34 feet or 60 times the shoreline erosion rate in place at the time of permit issuance, whichever
35 is greater. The setback shall be measured landward from either the static_vegetation line,
36 the vegetation line or measurement line, whichever is farthest landward; and

- (L) Notwithstanding any other setback requirement of this Subparagraph, replacement of single-family or duplex residential structures with a total floor area greater than 5,000 square feet shall be allowed provided that the structure meets the following criteria:
 - (i) the structure was originally constructed prior to August 11, 2009;
 - (ii) the structure as replaced does not exceed the original footprint or square footage;
 - (iii) it is not possible for the structure to be rebuilt in a location that meets the ocean hazard setback criteria required under Subparagraph ~~(a)(2)~~ (a)(5) of this Rule;
 - (iv) the structure as replaced meets the minimum setback required under Part ~~(a)(2)(A)~~ (a)(5)(A) of this Rule; and
 - (v) the structure is rebuilt as far landward on the lot as feasible.

~~(3)(6)~~ If a primary dune exists in the AEC on or landward of the lot on which the development is proposed, the development shall be landward of the crest of the primary ~~dune or dune~~, the ocean hazard setback, or development line, whichever is farthest from vegetation line, static vegetation line or measurement line, whichever is applicable. For existing lots, however, where setting the development landward of the crest of the primary dune would preclude any practical use of the lot, development may be located oceanward of the primary dune. In such cases, the development may be located landward of the ocean hazard setback but shall not be located on or oceanward of a frontal ~~dune, dune or the development line~~. The words "existing lots" in this Rule shall mean a lot or tract of land which, as of June 1, 1979, is specifically described in a recorded plat and which cannot be enlarged by combining the lot or tract of land with a contiguous lot(s) or tract(s) of land under the same ownership.

~~(4)(7)~~ If no primary dune exists, but a frontal dune does exist in the AEC on or landward of the lot on which the development is proposed, the development shall be set landward of the frontal ~~dune or landward of the dune~~, ocean hazard ~~setback~~ setback, or development line, whichever is farthest from the vegetation line, static vegetation ~~line~~ line, or measurement line, whichever is applicable.

~~(5)(8)~~ If neither a primary nor frontal dune exists in the AEC on or landward of the lot on which development is proposed, the structure shall be landward of the ocean hazard ~~setback~~ setback or development line, whichever is more restrictive.

~~(6)(9)~~ Structural additions or increases in the footprint or total floor area of a building or structure represent expansions to the total floor area and shall meet the setback requirements established in this Rule and 15A NCAC 07H .0309(a). New development landward of the applicable setback may be cosmetically, but shall not be structurally, attached to an existing structure that does not conform with current setback requirements.

~~(7)(10)~~ Established common law and statutory public rights of access to and use of public trust lands and waters in ocean hazard areas shall not be eliminated or restricted. Development shall not encroach upon public accessways, nor shall it limit the intended use of the accessways.

1 ~~(8)(11)~~ Beach fill as defined in this Section represents a temporary response to coastal erosion, and
 2 compatible beach fill as defined in 15A NCAC 07H .0312 can be expected to erode at least as fast
 3 as, if not faster than, the pre-project beach. Furthermore, there is no assurance of future funding or
 4 beach-compatible sediment for continued beach fill projects and project maintenance. A vegetation
 5 line that becomes established oceanward of the pre-project vegetation line in an area that has
 6 received beach fill may be more vulnerable to natural hazards along the ~~oceanfront.~~ oceanfront if
 7 the beach fill project is not maintained. A development setback measured from the vegetation line
 8 ~~provides~~ may provide less protection from ocean hazards. Therefore, development setbacks in areas
 9 that have received large-scale beach fill as defined in 15A NCAC 07H .0305 shall be measured
 10 landward from the static vegetation line as defined in this ~~Section.~~ Section unless a development
 11 line has been approved by the Coastal Resources Commission. ~~However, in order to allow for~~
 12 ~~development landward of the large scale beach fill project that is less than 2,500 square feet and~~
 13 ~~cannot meet the setback requirements from the static vegetation line, but can or has the potential to~~
 14 ~~meet the setback requirements from the vegetation line set forth in Subparagraphs (1) and (2)(A) of~~
 15 ~~this Paragraph, a local government or community may petition the Coastal Resources Commission~~
 16 ~~for a “static line exception” in accordance with 15A NCAC 07J .1200. The static line exception~~
 17 ~~applies to development of property that lies both within the jurisdictional boundary of the petitioner~~
 18 ~~and the boundaries of the large scale beach fill project. This static line exception shall also allow~~
 19 ~~development greater than 5,000 square feet to use the setback provisions defined in Part (a)(2)(K)~~
 20 ~~of this Rule in areas that lie within the jurisdictional boundary of the petitioner as well as the~~
 21 ~~boundaries of the large scale beach fill project. The procedures for a static line exception request~~
 22 ~~are defined in 15A NCAC 07J .1200. If the request is approved, the Coastal Resources Commission~~
 23 ~~shall allow development setbacks to be measured from a vegetation line that is oceanward of the~~
 24 ~~static vegetation line under the following conditions:~~

25 (A) — ~~Development meets all setback requirements from the vegetation line defined in~~
 26 ~~Subparagraphs (a)(1) and (a)(2)(A) of this Rule;~~

27 (B) — ~~Total floor area of a building is no greater than 2,500 square feet;~~

28 (C) — ~~Development setbacks are calculated from the shoreline erosion rate in place at the time~~
 29 ~~of permit issuance;~~

30 (D) — ~~No portion of a building or structure, including roof overhangs and elevated portions that~~
 31 ~~are cantilevered, knee braced or otherwise extended beyond the support of pilings or~~
 32 ~~footings, extends oceanward of the landward most adjacent building or structure. When~~
 33 ~~the configuration of a lot precludes the placement of a building or structure in line with the~~
 34 ~~landward most adjacent building or structure, an average line of construction shall be~~
 35 ~~determined by the Division of Coastal Management on a case by case basis in order to~~
 36 ~~determine an ocean hazard setback that is landward of the vegetation line, a distance no~~
 37 ~~less than 30 times the shoreline erosion rate or 60 feet, whichever is greater;~~

1 ~~(E) With the exception of swimming pools, the development defined in 15A NCAC 07H~~
2 ~~.0309(a) is allowed oceanward of the static vegetation line; and~~

3 ~~(F) Development is not eligible for the exception defined in 15A NCAC 07H .0309(b).~~

4 (12) In order to allow for development landward of the large-scale beach fill project that cannot meet the
5 setback requirements from the static vegetation line, but can or has the potential to meet the setback
6 requirements from the vegetation line set forth in Subparagraphs (1) and (5) of this Paragraph, a
7 local government, group of local governments involved in a regional beach fill project, or qualified
8 owner's association defined in G.S. 47F-1-103-(3) that has the authority to approve the locations of
9 structures on lots within the territorial jurisdiction of the association, and has jurisdiction over at
10 least one mile of ocean shoreline, may petition the Coastal Resources Commission for a "static line
11 exception" in accordance with 15A NCAC 07J .1200. The static line exception applies to
12 development of property that lies both within the jurisdictional boundary of the petitioner and the
13 boundaries of the large-scale beach fill project. This static line exception shall also allow
14 development greater than 5,000 square feet to use the setback provisions defined in Part (a)(2)(K)
15 of this Rule in areas that lie within the jurisdictional boundary of the petitioner as well as the
16 boundaries of the large-scale beach fill project. The procedures for a static line exception request
17 are defined in 15A NCAC 07J .1200. If the request is approved, the Coastal Resources Commission
18 shall allow development setbacks to be measured from a vegetation line that is oceanward of the
19 static vegetation line under the following conditions:

20 (A) Development meets all setback requirements from the vegetation line defined in
21 Subparagraphs (a)(1) and (a)(5) of this Rule;

22 (B) Development setbacks are calculated from the shoreline erosion rate in place at the time
23 of permit issuance;

24 (C) No portion of a building or structure, including roof overhangs and elevated portions that
25 are cantilevered, knee braced or otherwise extended beyond the support of pilings or
26 footings, extends oceanward of the landward-most adjacent building or structure. When
27 the configuration of a lot precludes the placement of a building or structure in line with the
28 landward-most adjacent building or structure, an average line of construction shall be
29 determined by the Division of Coastal Management on a case-by-case basis in order to
30 determine an ocean hazard setback that is landward of the vegetation line, a distance no
31 less than 30 times the shoreline erosion rate or 60 feet, whichever is greater;

32 (D) With the exception of swimming pools, the development defined in Rule
33 .0309(a) of this Section is allowed oceanward of the static vegetation line; and

34 (E) Development is not eligible for the exception defined in Rule .0309(b) of this Section.

35 (b) In order to avoid weakening the protective nature of ocean beaches and primary and frontal dunes, no development
36 is permitted that involves the removal or relocation of primary or frontal dune sand or vegetation thereon which would
37 adversely affect the integrity of the dune. Other dunes within the ocean hazard area shall not be disturbed unless the

1 development of the property is otherwise impracticable. Any disturbance of these other dunes is allowed only to the
2 extent permitted by 15A NCAC 07H .0308(b).

3 (c) Development shall not cause irreversible damage to historic architectural or archaeological resources documented
4 by the Division of Archives and History, the National Historical Registry, the local land-use plan, or other sources
5 with knowledge of the property.

6 (d) Development shall comply with minimum lot size and set back requirements established by local regulations.

7 (e) Mobile homes shall not be placed within the high hazard flood area unless they are within mobile home parks
8 existing as of June 1, 1979.

9 (f) Development shall comply with general management objective for ocean hazard areas set forth in 15A NCAC
10 07H .0303.

11 (g) Development shall not interfere with legal access to, or use of, public resources nor shall such development
12 increase the risk of damage to public trust areas.

13 (h) Development proposals shall incorporate measures to avoid or minimize adverse impacts of the project. These
14 measures shall be implemented at the applicant's expense and may include actions that:

- 15 (1) minimize or avoid adverse impacts by limiting the magnitude or degree of the action;
- 16 (2) restore the affected environment; or
- 17 (3) compensate for the adverse impacts by replacing or providing substitute resources.

18 (i) Prior to the issuance of any permit for development in the ocean hazard AECs, there shall be a written
19 acknowledgment from the applicant to the Division of Coastal Management that the applicant is aware of the risks
20 associated with development in this hazardous area and the limited suitability of this area for permanent structures.
21 By granting permits, the Coastal Resources Commission does not guarantee the safety of the development and assumes
22 no liability for future damage to the development.

23 (j) All relocation of structures requires permit approval. Structures relocated with public funds shall comply with the
24 applicable setback line as well as other applicable AEC rules. Structures including septic tanks and other essential
25 accessories relocated entirely with non-public funds shall be relocated the maximum feasible distance landward of the
26 present location; septic tanks may not be located oceanward of the primary structure. All relocation of structures shall
27 meet all other applicable local and state rules.

28 (k) Permits shall include the condition that any structure shall be relocated or dismantled when it becomes imminently
29 threatened by changes in shoreline configuration as defined in 15A NCAC 07H .0308(a)(2)(B). Any such structure
30 shall be relocated or dismantled within two years of the time when it becomes imminently threatened, and in any case
31 upon its collapse or subsidence. However, if natural shoreline recovery or beach fill takes place within two years of
32 the time the structure becomes imminently threatened, so that the structure is no longer imminently threatened, then
33 it need not be relocated or dismantled at that time. This permit condition shall not affect the permit holder's right to
34 seek authorization of temporary protective measures allowed under 15A NCAC 07H .0308(a)(2).

35
36 *History Note:* Authority G.S. 113A-107; 113A-113(b)(6); 113A-124;
37 *Eff. September 9, 1977;*

1 *Amended Eff. December 1, 1991; March 1, 1988; September 1, 1986; December 1, 1985;*
2 *RRC Objection due to ambiguity Eff. January 24, 1992;*
3 *Amended Eff. March 1, 1992;*
4 *RRC Objection due to ambiguity Eff. May 21, 1992;*
5 *Amended Eff. February 1, 1993; October 1, 1992; June 19, 1992;*
6 *RRC Objection due to ambiguity Eff. May 18, 1995;*
7 *Amended Eff. August 11, 2009; April 1, 2007; November 1, 2004; June 27, 1995;*
8 *Temporary Amendment Eff: January 3, 2013;*
9 *Amended Eff. April 1, 2016; September 1, 2013.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Coastal Resources Commission

RULE CITATION: 15A NCAC 07J .1201

DEADLINE FOR RECEIPT: Friday, March 11, 2016

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:

Throughout this Rule, when you refer to "Section" I take it you mean Section .1200 of the Subchapter?

In (a), consider breaking this down further into a list. For example:

(a) The following shall be "petitioners" that are subject to a static vegetation line pursuant to 15A NCAC 07H .0305 that may petition the Coastal Resources Commission for an exception to the static line in accordance with the provisions of this Section:

(1) Any local government...

On line 4, what do you mean by "qualified"?

On line 5, the correct citation is G.S. 47F-1-103(3). There is no hyphen between "103" and "(3)"

In (b), line 10, replace "is" with "shall be"

In (c), so that I understand – the terminology is "static line exception" not "static vegetation line exception"?

On line 16, please insert a comma after "petitioner"

In (d), line 21, to be clear – the "complete" application means the materials required by Subparagraphs (d)(1) through (4)?

In (d)(1), line 26, I take it this historical data is available to the petitioner?

In (d)(2) and (3), I take it your regulated public knows which persons meet the applicable State occupational licensing requirements for the work?

In (d)(3), line 35, should this read "including maps and geophysical and geological data,..." Or are maps considered data?

Amanda J. Reeder
Commission Counsel

Date submitted to agency: February 29, 2016

In the History Note on Page 2, please create a new line "Amended Eff." and insert the new date.

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: February 29, 2016

1 **15A NCAC 07J .1201 is amended as published in 30:09 NCR 988-989 as follows:**

2
3 **15A NCAC 07J .1201 REQUESTING THE STATIC LINE EXCEPTION**

4 (a) Any local ~~government~~ government, group of local governments involved in a regional beach fill project, qualified
5 owner's association defined in G.S. 47F-1-103-(3) that has the authority to approve the locations of structures on lots
6 within the territorial jurisdiction of the association, and has jurisdiction over at least one mile of ocean shoreline, or
7 permit holder of a large-scale beach fill project, herein referred to as the petitioner, that is subject to a static vegetation
8 line pursuant to 15A NCAC 07H .0305, may petition the Coastal Resources Commission for an exception to the static
9 line in accordance with the provisions of this Section.

10 (b) A petitioner is eligible to submit a request for a static vegetation line exception after ~~five years have passed since~~
11 the completion of construction of the initial large-scale beach fill project(s) as defined in 15A NCAC 07H .0305 that
12 required the creation of a static vegetation line(s). For a static vegetation line in existence prior to the effective date
13 of this Rule, the award-of-contract date of the initial large-scale beach fill project, or the date of the aerial photography
14 or other survey data used to define the static vegetation line, whichever is most recent, shall be used in lieu of the
15 completion of construction date.

16 (c) A static line exception request applies to the entire static vegetation line within the jurisdiction of the petitioner
17 including segments of a static vegetation line that are associated with the same large-scale beach fill project. If
18 multiple static vegetation lines within the jurisdiction of the petitioner are associated with different large-scale beach
19 fill projects, then the static line exception in accordance with 15A NCAC 07H .0306 and the procedures outlined in
20 this Section shall be considered separately for each large-scale beach fill project.

21 (d) A static line exception request shall be made in writing by the petitioner. A complete static line exception request
22 shall include the following:

- 23 (1) A summary of all beach fill projects in the area for which the exception is being requested including
24 the initial large-scale beach fill project associated with the static vegetation line, subsequent
25 maintenance of the initial large-scale projects(s) and beach fill projects occurring prior to the initial
26 large-scale projects(s). To the extent historical data allows, the summary shall include construction
27 dates, contract award dates, volume of sediment excavated, total cost of beach fill project(s), funding
28 sources, maps, design schematics, pre-and post-project surveys and a project footprint;
- 29 (2) Plans and related materials including reports, maps, tables and diagrams for the design and
30 construction of the initial large-scale beach fill project that required the static vegetation line,
31 subsequent maintenance that has occurred, and planned maintenance needed to achieve a design life
32 providing no less than ~~25~~ 30 years of shore protection from the date of the static line exception
33 request. The plans and related materials shall be designed and prepared by the U.S. Army Corps of
34 Engineers or persons meeting applicable State occupational licensing requirements for said work;
- 35 (3) Documentation, including maps, geophysical, and geological data, to delineate the planned location
36 and volume of compatible sediment as defined in 15A NCAC 07H .0312 necessary to construct and
37 maintain the large-scale beach fill project defined in Subparagraph (d)(2) of this Rule over its design

1 life. This documentation shall be designed and prepared by the U.S. Army Corps of Engineers or
2 persons meeting applicable State occupational licensing requirements for said work; and

3 (4) Identification of the financial resources or funding sources necessary to fund the large-scale beach
4 fill project over its design life.

5 (e) A static line exception request shall be submitted to the Director of the Division of Coastal Management, 400
6 Commerce Avenue, Morehead City, NC 28557. Written acknowledgement of the receipt of a completed static line
7 exception request, including notification of the date of the meeting at which the request will be considered by the
8 Coastal Resources Commission, shall be provided to the petitioner by the Division of Coastal Management.

9 (f) The Coastal Resources Commission shall consider a static line exception request no later than the second scheduled
10 meeting following the date of receipt of a complete request by the Division of Coastal Management, except when the
11 petitioner and the Division of Coastal Management agree upon a later date.

12
13 *History Note:* *Authority G.S. 113A-107; 113A-113(b)(6); 113A-124*

14 *Eff. April 1, 2016; March 23, 2009.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Coastal Resources Commission

RULE CITATION: 15A NCAC 07J .1301

DEADLINE FOR RECEIPT: Friday, March 11, 2016

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:

In (a), beginning on line 6, are you referring to only the qualified association as “with territorial jurisdiction...” or is that all three of the categories? If so, I think you can make this clearer. I suggest inserting commas after “project” and “association” (on line 7).

On line 9, since you are defining the term, please put “qualified owner’s association” in quotes.

On line 10, the correct citation is G.S. 47F-1-103(3).

In (b), line 12, “large-scale” is hyphenated in other Rules.

In (c), the sentence beginning on line 16, how will the petitioner make this determination?

In (c), line 17, and (d), line 19, what is the difference between “oceanward” and “seaward”?

In (d), line 19, replace “can” with “may”

On line 20, end the sentence after “Subchapter” Then state “At that time, it may only be replaced...”

In (e), it appears the first 3 lines of (d)(1) (lines 26-28) would go better with (d)(2), since they both discuss the survey.

In (d)(1), line 28, will the “record of local adoption” be applicable to all petitioners? Will this have always happened?

What is the Commission’s specific statutory authority for Paragraph (f)?

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: February 29, 2016

1 15A NCAC 07J .1301 is adopted as published in 30:09 NCR 989 as follows:

2
3 **SECTION .1300 – DEVELOPMENT LINE PROCEDURES**
4

5 **15A NCAC 07J .1301 REQUESTING THE DEVELOPMENT LINE**

6 (a) Any local government, group of local governments involved in a regional beach fill project or qualified owner’s
7 association with territorial jurisdiction over an area that is subject to ocean hazard area setbacks pursuant to 15A
8 NCAC 07H .0305, may petition the Coastal Resources Commission for a development line for the purposes of siting
9 oceanfront development in accordance with the provisions of this Section. A qualified owner’s association is an
10 owner’s association defined in G.S. 47F-1-103-(3) that has authority to approve the locations of structures on lots
11 within the territorial jurisdiction of the association and has jurisdiction over at least one mile of ocean shoreline.

12 (b) A development line request applies to the entire large scale project area as defined in 15A NCAC 07H .0305(a)(7),
13 and at the petitioner’s request may be extended to include the entire oceanfront jurisdiction or legal boundary of the
14 petitioner.

15 (c) The petitioner shall utilize an adjacent neighbor sight-line approach, resulting in an average line of structures. In
16 areas where the seaward edge of existing development is not linear, the petitioner may determine an average line of
17 construction on a case-by-case basis. In no case shall a development line be established seaward of the most seaward
18 structure within the petitioner’s oceanfront jurisdiction.

19 (d) An existing structure that is oceanward of an approved development line can remain in place until damaged greater
20 than 50 percent in accordance with Rule .0210 of this Subchapter; and can only be replaced landward of the
21 development line, and must meet the applicable ocean hazard setback requirements as defined in 15A NCAC 07H
22 .0306(a).

23 (e) A request for a development line or amendment shall be made in writing by the petitioner and submitted to the
24 CRC by sending the written request to the Director of the Division of Coastal Management. A complete request shall
25 include the following:

26 (1) A detailed survey of the development line using on-ground observation and survey, or aerial imagery
27 along the oceanfront jurisdiction or legal boundary; any local regulations associated with the
28 development line; a record of local adoption of the development line by the petitioner; and
29 documentation of incorporation of development line into local ordinances or rules and regulations
30 of an owner’s association.

31 (2) The survey shall include the development line and static vegetation line.

32 (3) Surveyed development line spatial data in a geographic information systems (GIS) format
33 referencing North Carolina State Plane North American Datum 83 US Survey Foot, to include
34 Federal Geographic Data Committee (FGDC) compliant metadata.

35 (f) Once a development line is approved by the Coastal Resources Commission, only the petitioner may request a
36 change or reestablishment of the position of the development line.

1 (g) A development line request shall be submitted to the Director of the Division of Coastal Management, 400
2 Commerce Avenue, Morehead City, NC 28557. Written acknowledgement of the receipt of a completed development
3 line request, including notification of the date of the meeting at which the request will be considered by the Coastal
4 Resources Commission, shall be provided to the petitioner by the Division of Coastal Management.

5 (h) The Coastal Resources Commission shall consider a development line request no later than the second scheduled
6 meeting following the date of receipt of a complete request by the Division of Coastal Management, except when the
7 petitioner and the Division of Coastal Management agree upon a later date.

8

9 History Note: Authority G.S. 113A-107; 113A-113(b)(6); 113A-124

10 Eff. April 1, 2016.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Coastal Resources Commission

RULE CITATION: 15A NCAC 07J .1302

DEADLINE FOR RECEIPT: Friday, March 11, 2016

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:

In (a), this is all that will happen, or the Commission may ask questions, etc.?

In (a)(1) and (a)(2), do you want to repeat that the Chair may limit time? Do you not just want to add an (a)(3) that states that? And without the limit, how long may someone speak? Are you relying upon Rule .0603(d), which sets the procedures for declaratory ruling hearings, for the time (30 minutes)?

Also, since the Chair "may" limit time, when will this happen?

In (b), line 12, are the standards those set forth in Paragraphs (c) and (d) of Rule .1301?

Consider taking the language on lines 12-15 and creating a new Paragraph for those, since the first sentence of (b) sets the reasons the CRC will approve, and the remaining language is the timeline and notice regarding the CRC's decision.

In the History Note, please add G.S. 113A-123.

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: February 29, 2016

1 **15A NCAC 07J .1302 is adopted as published in 30:09 NCR 989-990 as follows:**

2

3 **15A NCAC 07J .1302 PROCEDURES FOR APPROVING THE DEVELOPMENT LINE**

4 (a) At the meeting that the development line request is considered by the Coastal Resources Commission, the
5 following shall occur:

6 (1) A representative for the petitioner shall orally present the request described in Rule .1301 of this
7 Section. The Chairman of the Coastal Resources Commission may limit the time allowed for oral
8 presentations.

9 (2) Additional persons may provide written or oral comments relevant to the development line request.
10 The Chairman of the Coastal Resources Commission may limit the time allowed for oral comments.

11 (b) The Coastal Resources Commission shall approve a development line request if the request contains the
12 information required and meets the standards set forth in Rule .1301 of this Section. The final decision of the Coastal
13 Resources Commission shall be made at the meeting at which the matter is heard or in no case later than the next
14 scheduled meeting. The final decision shall be transmitted to the petitioner by registered mail within 10 business days
15 following the meeting at which the decision is reached.

16 (c) The decision to authorize or deny a development line is a final agency decision and is subject to judicial review in
17 accordance with G.S. 113A-123.

18

19 *History Note: Authority G.S. 113A-107; 113A-113(b)(6); 113A-124*
20 *Eff. April 1, 2016.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Coastal Resources Commission

RULE CITATION: 15A NCAC 07J .1303

DEADLINE FOR RECEIPT: Friday, March 11, 2016

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:

In Line 5, when did the conditions occur? Did the CRC add them when making the decision under Rule .1302? If so, why isn't there any mention of those conditions in that Rule? Are they on the permit?

On line 7, what time is the office open for inspection? And this data is not kept online somewhere?

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: February 29, 2016

1 15A NCAC 07J .1303 is adopted as published in 30:09 NCR 990 as follows:

2

3 **15A NCAC 07J .1303 LOCAL GOVERNMENTS AND COMMUNITIES WITH DEVELOPMENT**
4 **LINES**

5 A list of development lines in place for petitioners and any conditions under which the development lines exist,
6 including the date(s) the development lines were approved, shall be maintained by the Division of Coastal
7 Management. The list of development lines shall be available for inspection at the Division of Coastal Management,
8 400 Commerce Avenue, Morehead City, NC 28557.

9

10 *History Note: Authority G.S. 113A-107; 113A-113(b)(6), 113A-124*
11 *Eff. April 1, 2016.*