

1 **15A NCAC 07L .0101 WAS PUBLISHED AS AN AMENDMENT IN 31:13 NCR 1284 BUT IS NOW**
2 **REPEALED AS FOLLOWS:**

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4 **15A NCAC 07L .0101 AUTHORITY**

5 ~~The rules in this Subchapter are promulgated pursuant to G.S. 113A-112 and G.S. 113A-124 by the Secretary of the~~
6 ~~Department of Environment and Natural Resources (DENR) [Environmental Quality] in the Secretary's capacity as~~
7 ~~executive head of the state agency designated by the Governor to administer state funds and to receive and administer~~
8 ~~federal funds granted by the National Oceanic and Atmospheric Administration under the Federal Coastal Zone~~
9 ~~Management Act.~~

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11 *History Note: Authority G.S. 113A-112; 113A-124;*
12 *Eff. September 1, 1978;*
13 *Amended Eff. August 1, 2002; October 1, 1991;*
14 *Repealed Eff. July 1, 2017.*
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1 15A NCAC 07L .0503 IS AMENDED **WITH CHANGES** AS PUBLISHED IN 31:13 NCR 1285-1286 AS
2 FOLLOWS:

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4 15A NCAC 07L .0503 PRIORITIES FOR FUNDING LAND-USE PLANS AND IMPLEMENTATION
5 PLANNING AND MANAGEMENT PROJECTS

6 (a) ~~In funding local planning and management grants, the Department of Environmental Quality (DEQ) shall follow~~
7 ~~these general priorities for local planning and management grants: The Department of Environmental Quality (DEQ)~~
8 ~~program [of grants] provides funding for coastal planning and management projects [provides funding] to assist local~~
9 ~~governments in the 20 counties as defined [by the Coastal Area Management Act] in G.S. 113A-103(2) in the refining~~
10 ~~and implementing of plans and management strategies for their coastal resources. In funding local planning and~~
11 ~~management grants, DEQ shall select projects that [need local attention in order to meet] address Coastal Resources~~
12 ~~Commission (CRC) management goals pursuant to 15A NCAC 07B .0702(d)(2) or topics contained within [this~~
13 ~~Subparagraph.] Subparagraphs (a)(1) through (6) of this Rule. Priority management topics shall be designated on an~~
14 ~~annual basis following consultation with the [CRC and may include, but are not limited to, expanded] CRC. Projects~~
15 ~~may include education and [outreach efforts, special planning efforts focused on coastal resources or issues,] outreach,~~
16 ~~planning efforts, improvements in intergovernmental coordination, [targeted] research or studies, and the development~~
17 ~~of local [ordinances directly] ordinances. Projects shall be focused on coastal resources or issues, related to coastal~~
18 ~~[concerns and not in contradiction with state rules.] concerns, and shall not violate State or Federal law. Projects~~
19 ~~selected for funding shall further the CRC's goals for the [designated topics outlined below:] following designated~~
20 ~~topics:~~

21 (1) ~~The highest priority, Category I, includes projects mandated by statute, including initial and updated~~
22 ~~or amended land use plans or comprehensive plans, hereinafter referred to as the plan, local~~
23 ~~participation in projects initiated by DEQ, and projects DEQ indicates urgently need local attention~~
24 ~~in order to meet Coastal Resources Commission (CRC) management topics pursuant to 15A NCAC~~
25 ~~07B .0702(d)(2). Examples of eligible projects and their associated priority category include:~~

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

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

31 (2) ~~The second priority, Category II, includes projects related to carrying out the explicit goals of the~~
32 ~~Coastal Area Management Act (CAMA), for which DEQ indicates there is a high priority for local~~
33 ~~actions or projects which are coastally dependent (water related) or projects to implement the plan~~
34 ~~such as public facilities planning or land use regulations preparation. Examples of eligible projects~~
35 ~~and their associated priority category include:~~

36 (A) ~~Adopting or amending ordinances to further secure compliance with state rules in AECs~~
37 ~~pursuant to 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, Category III, includes projects related to improving local coastal management~~
18 ~~and land use management capabilities. Examples of eligible projects and their associated priority~~
19 ~~category include:~~
- 20 (A) ~~Initial water and sewer plans and studies;~~
- 21 (B) ~~Land use related capital facilities programming;~~
- 22 (C) ~~Base mapping as a management tool;~~
- 23 (D) ~~Other planning, studies, and data acquisition supportive of coastal planning and~~
24 ~~management which may include public education or involvement on coastal issues; solid~~
25 ~~waste planning; port planning; and sport and commercial fishing studies;~~
- 26 (E) ~~Enforcement of ordinances adopted to carry out certified plans;~~
- 27 (F) ~~Coordination of local coastal management activities with other local management~~
28 ~~activities which may include internal coordination, and city county coordination; or~~
- 29 (G) ~~Other coastally related management projects.~~
- 30 (1) Public Access: Maximize public access to the beaches and the public trust waters of the
31 coastal region.
- 32 (2) Land Use Compatibility: Ensure that development and use of resources or preservation of land
33 balance protection of natural resources and fragile areas with economic development, [avoids] avoid
34 risks to public health, safety, and welfare.
- 35 (3) Infrastructure Carrying Capacity: Ensure that public infrastructure systems are sized, [located]
36 located, and managed so the quality and productivity of AECs and other fragile areas are protected
37 or restored.

1 (4) Natural Hazards: Conserve and maintain barrier dunes, beaches, flood plains, and other coastal
2 features for their natural storm protection function and their natural resources giving recognition to
3 public health, safety, and welfare issues.

4 (5) Habitat Enhancement: Maintain, protect, and [where possible enhance coastal habitats; for example,
5 marsh restoration.] enhance coastal habitats.

6 (6) Other Topics or Special Issues: developed areas and working waterfronts, urban waterfront
7 revitalization, economic growth and development, redevelopment and revitalization, recreation and
8 tourism, historic and cultural resources, public trust rights, water use and water quality, stormwater
9 management, erosion control, shoreline protection and management, open space, parks and
10 recreation, storm recovery, farmland preservation and management, [historic and cultural
11 resources,] stakeholder and citizen participation, and transportation.

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

14 (1) a project's contribution towards meeting CRC CRC's prioritized management topics in 15A NCAC
15 07B .0702(d)(2); and associated management goals pursuant to 15A NCAC 07B .0702(d)(2) or
16 topics contained in [Subparagraph (a)(1); Subparagraphs (a)(1) through (6) of this Rule;

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

19 (3) the applicant's urgency of need;

20 (4) ~~past the~~ history of applicant's implementation of planning and management grant program activities;
21 activities, if any;

22 (5) the feasibility of completion of the project as described by the applicant;

23 (6) ~~past the applicant's~~ experience with land use planning and implementation projects projects, as well
24 as present management and administrative capabilities; capabilities as described by the applicant;

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

26 (8) the geographic distribution of applicants.

27 (c) Matching fund requirements are based on the North Carolina Department of Commerce's Tier designations, as
28 outlined by ~~the Lee Act (G.S. 105-129.3);~~ G.S. 143B-437.08. Local government contributions for ~~land use~~ planning
29 and ~~implementation~~ management projects shall be at least 25 percent of the project costs except for costs. However,
30 Tier 1 designated counties and their respective municipalities which shall have a local government contribution of at
31 least 10 percent of the project costs. At least one half of the local contribution shall be cash match; the remainder may
32 be in-kind match.

33 (d) Any local government whose plan is not certified by the CRC due to failure to meet the criteria listed in 15A
34 NCAC 07B or that has not submitted the most recent Required Periodic required periodic Implementation Status
35 Report as described in 15A NCAC 07B, 15A NCAC 07B .0804, shall not receive further funding under this program
36 until these inconsistencies are corrected.

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1 *History Note: Authority G.S. 113A-112; 113A-124;*
2 *Eff. August 1, 2002;*
3 *Amended Eff. July 1, 2017; March 1, 2016.*
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