

**G.S. 150B-21.3A Report for 15A NCAC 07J, PROCEDURES FOR PROCESSING AND ENFORCEMENT OF MAJOR AND MINOR DEVELOPMENT PERMITS, VARIANCE REQUESTS, APPEALS FROM PERMIT DECISIONS, DECLARATORY RULINGS, AND STATIC LINE EXCEPTIONS**

Agency - Coastal Resources Commission

Comment Period - February 14 - April 24, 2017

Date Submitted to APO - January 28, 2018

| Subchapter | Rule Section  | Rule Citation      | Rule Name   | Date and Last Agency Action on the Rule | Agency Determination [150B-21.3A(c)(1)a]      | Implements or Conforms to Federal Regulation [150B-21.3A(e)] | Federal Regulation Citation | Public Comment Received [150B-21.3A(c)(1)] | Agency Determination Following Public Comment [150B-21.3A(c)(1)] | RRC Determination of Public Comments [150B-21.3A(c)(2)] | RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)]                   | OAH Next Steps                     |
|------------|---|--------------------|---|---|---|--|-----------------------------|--|--|---|--|------------------------------------|
|            | <b>SECTION .0100 - DEFINITIONS</b>                    | 15A NCAC 07J .0101 | STATUTORY DEFINITIONS                                     | Amended Eff. November 1, 1984           | Necessary without substantive public interest | No   |                             | No   | Necessary without substantive public interest                    | No comments with merit                                  | Necessary without substantive public interest and should remain in effect without further action | Keep in Code - Update History Note |
|            |   | 15A NCAC 07J .0102 | GENERAL DEFINITIONS                                       | Amended Eff. June 1, 2006               | Necessary with substantive public interest    | No   |                             | No   | Necessary with substantive public interest                       | No comments with merit                                  | Necessary with substantive public interest and must be readopted                                 | Agency must readopt                |
|            | <b>SECTION .0200 - APPLICATION PROCESS</b>            | 15A NCAC 07J .0201 | PERMIT REQUIRED   | Amended Eff. November 1, 1984           | Necessary with substantive public interest    | No   |                             | Yes  | Necessary with substantive public interest                       | RRC not required to review comment(s)                   | Necessary with substantive public interest and must be readopted                                 | Agency must readopt                |
|            |   | 15A NCAC 07J .0202 | PERMIT APPLICATIONS                                       | Amended Eff. December 1, 1985           | Necessary without substantive public interest | No   |                             | Yes  | Necessary without substantive public interest                    | No comments with merit                                  | Necessary without substantive public interest and should remain in effect without further action | Keep in Code - Update History Note |
|            |   | 15A NCAC 07J .0203 | PREPARATION OF WORK PLATS                                 | Amended Eff. July 1, 1989               | Necessary with substantive public interest    | No   |                             | Yes  | Necessary with substantive public interest                       | RRC not required to review comment(s)                   | Necessary with substantive public interest and must be readopted                                 | Agency must readopt                |
|            |   | 15A NCAC 07J .0204 | PROCESSING THE APPLICATION                                | Amended Eff. August 1, 2000             | Necessary with substantive public interest    | No   |                             | No   | Necessary with substantive public interest                       | No comments with merit                                  | Necessary with substantive public interest and must be readopted                                 | Agency must readopt                |
|            |   | 15A NCAC 07J .0206 | PUBLIC NOTICE OF THE PROPOSED DEVELOPMENT                 | Amended Eff. January 1, 1990            | Necessary with substantive public interest    | No   |                             | No   | Necessary with substantive public interest                       | No comments with merit                                  | Necessary with substantive public interest and must be readopted                                 | Agency must readopt                |
|            |   | 15A NCAC 07J .0207 | AGENCY REVIEW/COMMENTS: MAJOR DEVELOPMENT/DREDGE AND FILL | Amended Eff. July 1, 1989               | Necessary with substantive public interest    | No   |                             | No   | Necessary with substantive public interest                       | No comments with merit                                  | Necessary with substantive public interest and must be readopted                                 | Agency must readopt                |
|            |   | 15A NCAC 07J .0208 | PERMIT CONDITIONS   | Amended Eff. March 1, 1985              | Necessary with substantive public interest    | No   |                             | No   | Necessary with substantive public interest                       | No comments with merit                                  | Necessary with substantive public interest and must be readopted                                 | Agency must readopt                |
|            |   | 15A NCAC 07J .0209 | ISSUANCE OF PERMITS                                       | Amended Eff. October 1, 1988            | Necessary with substantive public interest    | No   |                             | No   | Necessary with substantive public interest                       | No comments with merit                                  | Necessary with substantive public interest and must be readopted                                 | Agency must readopt                |
|            |   | 15A NCAC 07J .0210 | REPLACEMENT OF EXISTING STRUCTURES                        | Amended Eff. August 1, 2007             | Necessary with substantive public interest    | No   |                             | No   | Necessary with substantive public interest                       | No comments with merit                                  | Necessary with substantive public interest and must be readopted                                 | Agency must readopt                |
|            |   | 15A NCAC 07J .0211 | NON-CONFORMING DEVELOPMENT                                | Amended Eff. December 1, 1991           | Necessary with substantive public interest    | No   |                             | No   | Necessary with substantive public interest                       | No comments with merit                                  | Necessary with substantive public interest and must be readopted                                 | Agency must readopt                |
|            | <b>SECTION .0300 - HEARING PROCEDURE</b>              | 15A NCAC 07J .0301 | WHO IS ENTITLED TO A CONTESTED CASE HEARING               | Amended Eff. June 1, 2005               | Necessary with substantive public interest    | No   |                             | No   | Necessary with substantive public interest                       | No comments with merit                                  | Necessary with substantive public interest and must be readopted                                 | Agency must readopt                |
|            |   | 15A NCAC 07J .0302 | PETITION FOR CONTESTED CASE HEARING                       | Amended Eff. June 1, 2005               | Necessary with substantive public interest    | No   |                             | No   | Necessary with substantive public interest                       | No comments with merit                                  | Necessary with substantive public interest and must be readopted                                 | Agency must readopt                |
|            |   | 15A NCAC 07J .0303 | CONTESTED CASE HEARING PROCEDURES                         | Amended Eff. January 1, 1989            | Necessary without substantive public interest | No   |                             | No   | Necessary without substantive public interest                    | No comments with merit                                  | Necessary without substantive public interest and should remain in effect without further action | Keep in Code - Update History Note |
|            |   | 15A NCAC 07J .0305 | BURDEN OF PROOF   | Amended Eff. October 1, 1988            | Necessary without substantive public interest | No   |                             | No   | Necessary without substantive public interest                    | No comments with merit                                  | Necessary without substantive public interest and should remain in effect without further action | Keep in Code - Update History Note |
|            |   | 15A NCAC 07J .0306 | ACTION PENDING FINAL DISPOSITION                          | Amended Eff. July 1, 1989               | Necessary without substantive public interest | No   |                             | No   | Necessary without substantive public interest                    | No comments with merit                                  | Necessary without substantive public interest and should remain in effect without further action | Keep in Code - Update History Note |
|            |   | 15A NCAC 07J .0312 | SETTLEMENT  | Amended Eff. July 1, 1989               | Necessary with substantive public interest    | No   |                             | No   | Necessary with substantive public interest                       | No comments with merit                                  | Necessary with substantive public interest and must be readopted                                 | Agency must readopt                |
|            | <b>SECTION .0400 - FINAL APPROVAL AND ENFORCEMENT</b> | 15A NCAC 07J .0401 | FINAL DECISION  | Amended Eff. October 1, 1988            | Unnecessary                                   | No   |                             | No   | Unnecessary  | No comments with merit                                  | Unnecessary and should expire on the first day of the month following the consultation           | Rule expired - remove from Code    |
|            |   | 15A NCAC 07J .0402 | CRITERIA FOR GRANT OR DENIAL OF PERMIT APPLICATIONS       | Amended Eff. January 1, 1992            | Unnecessary                                   | No   |                             | No   | Unnecessary  | No comments with merit                                  | Unnecessary and should expire on the first day of the month following the consultation           | Rule expired - remove from Code    |
|            |   | 15A NCAC 07J .0403 | DEVELOPMENT PERIOD/COMMENCEMENT/CONTINUATION              | Amended Eff. August 1, 2002             | Necessary with substantive public interest    | No   |                             | No   | Necessary with substantive public interest                       | No comments with merit                                  | Necessary with substantive public interest and must be readopted                                 | Agency must readopt                |
|            |   | 15A NCAC 07J .0404 | DEVELOPMENT PERIOD EXTENSION                              | Amended Eff. August 1, 2002             | Necessary with substantive public interest    | No   |                             | No   | Necessary with substantive public interest                       | No comments with merit                                  | Necessary with substantive public interest and must be readopted                                 | Agency must readopt                |
|            |   | 15A NCAC 07J .0405 | PERMIT MODIFICATION                                       | Amended Eff. August 1, 2000             | Necessary with substantive public interest    | No   |                             | No   | Necessary with substantive public interest                       | No comments with merit                                  | Necessary with substantive public interest and must be readopted                                 | Agency must readopt                |

**G.S. 150B-21.3A Report for 15A NCAC 07J, PROCEDURES FOR PROCESSING AND ENFORCEMENT OF MAJOR AND MINOR DEVELOPMENT PERMITS, VARIANCE REQUESTS, APPEALS FROM PERMIT DECISIONS, DECLARATORY RULINGS, AND STATIC LINE EXCEPTIONS**

Agency - Coastal Resources Commission  
 Comment Period - February 14 - April 24, 2017  
 Date Submitted to APO - January 28, 2018

| Subchapter | Rule Section  | Rule Citation      | Rule Name  | Date and Last Agency Action on the Rule | Agency Determination [150B-21.3A(c)(1)a]      | Implements or Conforms to Federal Regulation [150B-21.3A(e)] | Federal Regulation Citation | Public Comment Received [150B-21.3A(c)(1)] | Agency Determination Following Public Comment [150B-21.3A(c)(1)] | RRC Determination of Public Comments [150B-21.3A(c)(2)] | RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)]                   | OAH Next Steps                     |
|------------|---|--------------------|--|---|---|--|-----------------------------|--|--|---|--|------------------------------------|
|            |   | 15A NCAC 07J .0406 | PERMIT ISSUANCE AND TRANSFER                             | Amended Eff. August 1, 2000             | Necessary with substantive public interest    | No   |                             | No   | Necessary with substantive public interest                       | No comments with merit                                  | Necessary with substantive public interest and must be readopted                                 | Agency must readopt                |
|            |   | 15A NCAC 07J .0407 | PROJECT MAINTENANCE: MAJOR DEVELOPMENT/DREDGE AND FILL   | Amended Eff. June 1, 2005               | Necessary with substantive public interest    | No   |                             | No   | Necessary with substantive public interest                       | No comments with merit                                  | Necessary with substantive public interest and must be readopted                                 | Agency must readopt                |
|            |   | 15A NCAC 07J .0409 | CIVIL PENALTIES  | Amended Eff. February 1, 2008           | Necessary with substantive public interest    | No   |                             | No   | Necessary with substantive public interest                       | No comments with merit                                  | Necessary with substantive public interest and must be readopted                                 | Agency must readopt                |
|            |   | 15A NCAC 07J .0410 | RESTORATION/MITIGATION                                   | Eff. July 1, 1985                       | Necessary with substantive public interest    | No   |                             | No   | Necessary with substantive public interest                       | No comments with merit                                  | Necessary with substantive public interest and must be readopted                                 | Agency must readopt                |
|            | <b>SECTION .0500 - GENERAL PERMITS</b>                                  | 15A NCAC 07J .0501 | DEVELOPMENT INITIATED PRIOR TO MARCH 1, 1978             | Amended Eff. December 1, 1991           | Unnecessary                                   | No   |                             | No   | Unnecessary  | No comments with merit                                  | Unnecessary and should expire on the first day of the month following the consultation           | Rule expired - remove from Code    |
|            | <b>SECTION .0600 - DECLARATORY RULINGS AND PETITIONS FOR RULEMAKING</b> | 15A NCAC 07J .0601 | DECLARATORY RULINGS: GENERALLY                           | Amended Eff. October 1, 1992            | Necessary without substantive public interest | No   |                             | No   | Necessary without substantive public interest                    | No comments with merit                                  | Necessary without substantive public interest and should remain in effect without further action | Keep in Code - Update History Note |
|            |   | 15A NCAC 07J .0602 | PROCEDURE FOR REQUESTING DECLARATORY RULINGS             | Amended Eff. June 1, 2005               | Necessary with substantive public interest    | No   |                             | No   | Necessary with substantive public interest                       | No comments with merit                                  | Necessary with substantive public interest and must be readopted                                 | Agency must readopt                |
|            |   | 15A NCAC 07J .0603 | PROCEDURES: CONSIDERING REQUESTS FOR DECLARATORY RULINGS | Amended Eff. October 1, 1992            | Necessary with substantive public interest    | No   |                             | No   | Necessary with substantive public interest                       | No comments with merit                                  | Necessary with substantive public interest and must be readopted                                 | Agency must readopt                |
|            |   | 15A NCAC 07J .0604 | FEDERAL ACTIVITIES                                       | Eff. November 30, 1992                  | Necessary with substantive public interest    | No   |                             | No   | Necessary with substantive public interest                       | No comments with merit                                  | Necessary with substantive public interest and must be readopted                                 | Agency must readopt                |
|            |   | 15A NCAC 07J .0605 | PETITIONS FOR RULEMAKING                                 | Amended Eff. October 1, 1992            | Necessary with substantive public interest    | No   |                             | No   | Necessary with substantive public interest                       | No comments with merit                                  | Necessary with substantive public interest and must be readopted                                 | Agency must readopt                |
|            | <b>SECTION .0700 - PROCEDURES FOR CONSIDERING VARIANCE PETITIONS</b>    | 15 NCAC 07J .0701  | VARIANCE PETITIONS                                       | Amended Eff. March 1, 2009              | Necessary with substantive public interest    | No   |                             | No   | Necessary with substantive public interest                       | No comments with merit                                  | Necessary with substantive public interest and must be readopted                                 | Agency must readopt                |
|            |   | 15A NCAC 07J .0702 | STAFF REVIEW OF VARIANCE PETITIONS                       | Amended Eff. July 3, 2008               | Necessary with substantive public interest    | No   |                             | No   | Necessary with substantive public interest                       | No comments with merit                                  | Necessary with substantive public interest and must be readopted                                 | Agency must readopt                |
|            |   | 15A NCAC 07J .0703 | PROCEDURES FOR DECIDING VARIANCE PETITIONS               | Amended Eff. March 1, 2009              | Necessary with substantive public interest    | No   |                             | No   | Necessary with substantive public interest                       | No comments with merit                                  | Necessary with substantive public interest and must be readopted                                 | Agency must readopt                |
|            | <b>SECTION .1100 - GENERAL PERMIT PROCEDURE</b>                         | 15A NCAC 07J .1101 | PURPOSE  | Amended Eff. December 1, 1991           | Necessary without substantive public interest | No   |                             | No   | Necessary without substantive public interest                    | No comments with merit                                  | Necessary without substantive public interest and should remain in effect without further action | Keep in Code - Update History Note |
|            |   | 15A NCAC 07J .1102 | CATEGORIES OF DEVELOPMENT                                | Eff. September 1, 1983                  | Necessary without substantive public interest | No   |                             | No   | Necessary without substantive public interest                    | No comments with merit                                  | Necessary without substantive public interest and should remain in effect without further action | Keep in Code - Update History Note |
|            |   | 15A NCAC 07J .1103 | DESIGNATION PROCEDURES                                   | Eff. September 1, 1983                  | Necessary without substantive public interest | No   |                             | No   | Necessary without substantive public interest                    | No comments with merit                                  | Necessary without substantive public interest and should remain in effect without further action | Keep in Code - Update History Note |
|            |   | 15A NCAC 07J .1104 | PERMIT MODIFICATION                                      | Eff. September 1, 1983                  | Necessary without substantive public interest | No   |                             | No   | Necessary without substantive public interest                    | No comments with merit                                  | Necessary without substantive public interest and should remain in effect without further action | Keep in Code - Update History Note |
|            |   | 15A NCAC 07J .1105 | APPLICATION PROCEDURES                                   | Eff. September 1, 1983                  | Necessary with substantive public interest    | No   |                             | No   | Necessary with substantive public interest                       | No comments with merit                                  | Necessary with substantive public interest and must be readopted                                 | Agency must readopt                |
|            |   | 15A NCAC 07J .1106 | PERMIT CONDITIONS  | Eff. September 1, 1983                  | Necessary with substantive public interest    | No   |                             | No   | Necessary with substantive public interest                       | No comments with merit                                  | Necessary with substantive public interest and must be readopted                                 | Agency must readopt                |
|            |   | 15A NCAC 07J .1107 | PERMIT COMPLIANCE  | Amended Eff. March 1, 1985              | Necessary with substantive public interest    | No   |                             | No   | Necessary with substantive public interest                       | No comments with merit                                  | Necessary with substantive public interest and must be readopted                                 | Agency must readopt                |
|            |   | 15A NCAC 07J .1108 | GENERAL PERMIT REVIEW                                    | Amended Eff. December 1, 1991           | Necessary without substantive public interest | No   |                             | No   | Necessary without substantive public interest                    | No comments with merit                                  | Necessary without substantive public interest and should remain in effect without further action | Keep in Code - Update History Note |

**G.S. 150B-21.3A Report for 15A NCAC 07J, PROCEDURES FOR PROCESSING AND ENFORCEMENT OF MAJOR AND MINOR DEVELOPMENT PERMITS, VARIANCE REQUESTS, APPEALS FROM PERMIT DECISIONS, DECLARATORY RULINGS, AND STATIC LINE EXCEPTIONS**

Agency - Coastal Resources Commission

Comment Period - February 14 - April 24, 2017

Date Submitted to APO - January 28, 2018

| Subchapter | Rule Section   | Rule Citation      | Rule Name   | Date and Last Agency Action on the Rule | Agency Determination [150B-21.3A(c)(1)a]   | Implements or Conforms to Federal Regulation [150B-21.3A(e)] | Federal Regulation Citation | Public Comment Received [150B-21.3A(c)(1)] | Agency Determination Following Public Comment [150B-21.3A(c)(1)] | RRC Determination of Public Comments [150B-21.3A(c)(2)] | RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)] | OAH Next Steps      |
|------------|--|--------------------|---|---|--|--|-----------------------------|--|--|---|--|---------------------|
|            | <b>SECTION .1200 – STATIC AND VEGETATION LINE EXCEPTION PROCEDURES</b> | 15A NCAC 07J .1201 | REQUESTING THE STATIC LINE EXCEPTION  | Amended Eff. April 1, 2016              | Necessary with substantive public interest | No   |                             | No   | Necessary with substantive public interest                       | No comments with merit                                  | Necessary with substantive public interest and must be readopted               | Agency must readopt |
|            |  | 15A NCAC 07J .1202 | REVIEW OF THE STATIC LINE EXCEPTION REQUEST   | Eff. March 23, 2009                     | Necessary with substantive public interest | No   |                             | No   | Necessary with substantive public interest                       | No comments with merit                                  | Necessary with substantive public interest and must be readopted               | Agency must readopt |
|            |  | 15A NCAC 07J .1203 | PROCEDURES FOR APPROVING THE STATIC LINE EXCEPTION  | Eff. March 23, 2009                     | Necessary with substantive public interest | No   |                             | No   | Necessary with substantive public interest                       | No comments with merit                                  | Necessary with substantive public interest and must be readopted               | Agency must readopt |
|            |  | 15A NCAC 07J .1204 | REVIEW OF THE LARGE-SCALE BEACH-FILL PROJECT AND APPROVED STATIC LINE EXCEPTIONS          | Eff. March 23, 2009                     | Necessary with substantive public interest | No   |                             | No   | Necessary with substantive public interest                       | No comments with merit                                  | Necessary with substantive public interest and must be readopted               | Agency must readopt |
|            |  | 15A NCAC 07J .1205 | REVOCAION AND EXPIRATION OF THE STATIC LINE EXCEPTION                                     | Eff. March 23, 2009                     | Necessary with substantive public interest | No   |                             | No   | Necessary with substantive public interest                       | No comments with merit                                  | Necessary with substantive public interest and must be readopted               | Agency must readopt |
|            |  | 15A NCAC 07J .1206 | LOCAL GOVERNMENTS AND COMMUNITIES WITH STATIC VEGETATION LINES AND STATIC LINE EXCEPTIONS | Eff. March 23, 2009                     | Necessary with substantive public interest | No   |                             | No   | Necessary with substantive public interest                       | No comments with merit                                  | Necessary with substantive public interest and must be readopted               | Agency must readopt |
|            | <b>SECTION .1300 – DEVELOPMENT LINE PROCEDURES</b>                     | 15A NCAC 07J .1301 | REQUESTING THE DEVELOPMENT LINE   | Amended Eff. September 1, 2017          | Necessary with substantive public interest | No   |                             | No   | Necessary with substantive public interest                       | No comments with merit                                  | Necessary with substantive public interest and must be readopted               | Agency must readopt |
|            |  | 15A NCAC 07J .1302 | PROCEDURES FOR APPROVING THE DEVELOPMENT LINE   | Eff. April 1, 2016                      | Necessary with substantive public interest | No   |                             | No   | Necessary with substantive public interest                       | No comments with merit                                  | Necessary with substantive public interest and must be readopted               | Agency must readopt |
|            |  | 15A NCAC 07J .1303 | LOCAL GOVERNMENTS AND COMMUNITIES WITH DEVELOPMENT LINES                                  | Eff. April 1, 2016                      | Necessary with substantive public interest | No   |                             | No   | Necessary with substantive public interest                       | No comments with merit                                  | Necessary with substantive public interest and must be readopted               | Agency must readopt |

Agency: Coastal Resources Commission G.S. 150B-21.3A  
Report for 15A NCAC Subchapter 07J PROCEDURES FOR PROCESSING AND ENFORCEMENT OF MAJOR  
AND MINOR DEVELOPMENT PERMITS, VARIANCE REQUESTS, APPEALS FROM PERMIT DECISIONS,  
DECLARATORY RULINGS, AND STATIC LINE EXCEPTIONS

**15A NCAC 07J .0201                      PERMIT REQUIRED**

Commenter Name: ANONYMOUS  
Company/Organization:

*Comments received on website:*

Do I agree with the Agency's determination? Yes  
I would determine this rule's classification as: undefined  
Do I want to submit a written comment on this rule? No  
My comment type on this rule is: undefined  
Do I want to enter a comment, or submit a file? undefined

Agency response: Agree.

**15A NCAC 07J .0202                      PERMIT APPLICATIONS**

Commenter Name: ANONYMOUS  
Company/Organization:

*Comments received on website:*

Do I agree with the Agency's determination? Yes  
  
I would determine this rule's classification as: undefined  
Do I want to submit a written comment on this rule? No  
My comment type on this rule is: undefined  
Do I want to enter a comment, or submit a file? undefined

Agency response: Agree.

**15A NCAC 07J .0203                      PREPARATION OF WORK PLATS**

Commenter Name: Theron Jackson  
Company/Organization: Guilford County

*Comments received on website:*

Do I agree with the Agency's determination? Yes  
I would determine this rule's classification as: undefined  
Do I want to submit a written comment on this rule? No  
My comment type on this rule is: undefined  
Do I want to enter a comment, or submit a file? undefined

Agency response: Agree.