

Burgos, Alexander N

Subject: FW: CRC: Final Rule for April 2026 RRC Meeting

From: Everett, Jennifer <jennifer.everett@deq.nc.gov>

Sent: Tuesday, April 21, 2026 11:16 AM

To: Miller, Christopher S <christopher.miller@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Bodnar, Gregg <gregg.bodnar@deq.nc.gov>; Zambon, Sarah <szambon@ncdoj.gov>; Howell, Jonathan <jonathan.howell@deq.nc.gov>; Miller, Tancred <tancred.miller@deq.nc.gov>; Willis, Angela <angela.willis@deq.nc.gov>; Goebel, Christine A <Christine.Goebel@deq.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>

Subject: RE: CRC: Final Rule for April 2026 RRC Meeting

Great, thanks for letting us know!

Jennifer Everett
DEQ Rulemaking Coordinator
N.C. Depart. Of Environmental Quality
Office of General Counsel
1601 Mail Service Center
Raleigh, NC 27699-1601
Tele: (919)-707-8595
<https://www.deq.nc.gov/accessdeq/rules-regulations>

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Miller, Christopher S <christopher.miller@oah.nc.gov>

Sent: Tuesday, April 21, 2026 11:07 AM

To: Everett, Jennifer <jennifer.everett@deq.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Bodnar, Gregg <gregg.bodnar@deq.nc.gov>; Zambon, Sarah <szambon@ncdoj.gov>; Howell, Jonathan <jonathan.howell@deq.nc.gov>; Miller, Tancred <tancred.miller@deq.nc.gov>; Willis, Angela <angela.willis@deq.nc.gov>; Goebel, Christine A <Christine.Goebel@deq.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>

Subject: RE: CRC: Final Rule for April 2026 RRC Meeting

Thank you, Jennifer. The changes look good to me. I will be recommending approval of the attached version of the rule at next week's RRC meeting.

Let me know if you have any questions before then.

Best,
Chris

Chris Miller

Rules Review Commission Counsel

North Carolina Office of Administrative Hearings | Rules Division

1711 New Hope Church Road

Raleigh, NC 27609

(984) 236-1935

NOTICE: E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by authorized State officials.

1 15A NCAC 07H .2302 is amended as published with changes in 40:07 NCR 635 as follows:

2
3 **15A NCAC 07H .2302 APPROVAL PROCEDURES**

4 (a) An applicant for a General Permit under this Subchapter shall contact the Division of Coastal Management at the
5 Regional Office indicated on the map located at
6 <https://ncdenr.maps.arcgis.com/apps/webappviewer/index.html?id=1a5881ec85ca40679988982e02665b51> and
7 request approval for development as defined in G.S. 113A-130(5), 113A-103(5).

8 (b) The applicant shall provide:

9 (1) the site location, project narrative, dimensions of the project area, and ~~his or her~~ applicant's name
10 and address; and

11 (2) a dated plat(s) showing existing and proposed development; and

12 ~~(2)(3)~~ (3) confirmation that a written statement has been ~~obtained, signed~~ obtained and signed by the adjacent
13 riparian property owners, indicating that they have no objections to the proposed work; or

14 ~~(3)(4)~~ (4) confirmation that the adjacent riparian property owners have been notified by certified mail of the
15 proposed work. The notice shall instruct adjacent riparian property owners to provide any comments
16 on the proposed development in writing to the Division of Coastal Management within 10 days of
17 receipt of the notice and indicate that no response by the adjacent riparian property owners will be
18 interpreted as the adjacent riparian property owners having no objection. Division staff shall review
19 all comments and determine, based on their relevance to the potential impacts of the proposed
20 project, if the proposed project can be approved by a General Permit. If Division staff finds that the
21 comments are worthy of more in-depth review, the Division shall notify the applicant that he or she
22 must submit an application for a major development permit.

23 (c) No work shall begin until an onsite meeting is held with the applicant and a Division of Coastal Management
24 representative to review the proposed development. A permit to proceed with the proposed development shall be
25 issued if the Division representative finds that the application meets all the requirements of this Subchapter.
26 ~~Construction permitted under this Section shall be completed within 120 days of permit issuance or such permit shall~~
27 ~~expire. Construction authorized by this permit shall be completed within two years of permit issuance or the permit~~
28 ~~shall expire and a new permit shall be required to begin or continue construction.~~ If the applicant seeks a new permit
29 under this Section, the Division of Coastal Management shall re-examine the proposed development to determine if
30 the General Permit may be reissued. Pursuant to G.S. 136-44.7B, permits issued to the North Carolina Department of
31 Transportation for projects identified in the Transportation Improvement Program shall not expire. Approval of
32 [individual] projects shall be acknowledged in writing by the Division of Coastal Management and the applicant shall
33 be provided with a copy of this General Permit.

34 (d) Any modification or addition to the permitted project shall require approval from the Division of Coastal
35 Management.

36
37 *History Note: Authority G.S. 113A-107; 113A-118.1; 113A-124;*

1 *Eff. June 1, 1996;*
2 *Amended Eff. May 1, 2010;*
3 *Readopted Eff. October 1, 2022;*
4 *Amended Eff. May 1, 2026.*

Burgos, Alexander N

Subject: FW: CRC: Final Rule for April 2026 RRC Meeting
Attachments: 15A NCAC 07H .2302 for Code with tech changes.docx; Request for Changes - 15A NCAC 07H .2302.docx

From: Everett, Jennifer <jennifer.everett@deq.nc.gov>
Sent: Monday, April 20, 2026 2:19 PM
To: Miller, Christopher S <christopher.miller@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Bodnar, Gregg <gregg.bodnar@deq.nc.gov>; Zambon, Sarah <szambon@ncdoj.gov>; Howell, Jonathan <jonathan.howell@deq.nc.gov>; Miller, Tancred <tancred.miller@deq.nc.gov>; Willis, Angela <angela.willis@deq.nc.gov>; Goebel, Christine A <Christine.Goebel@deq.nc.gov>
Subject: RE: CRC: Final Rule for April 2026 RRC Meeting

Hello Mr. Miller,

Attached are responses to your technical change requests and the rewritten Coastal Resources Commission rule - 15A NCAC 07H .2302.

Thank you.

Jennifer Everett
DEQ Rulemaking Coordinator
N.C. Depart. Of Environmental Quality
Office of General Counsel
1601 Mail Service Center
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Tele: (919)-707-8595
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**Request for Changes Pursuant to
N.C. Gen. Stat. § 150B-21.10**

Staff reviewed these Rules to ensure that each Rule is within the agency’s statutory authority, reasonably necessary, clear, and unambiguous, and adopted in accordance with Part 2 of the North Carolina Administrative Procedure Act. Following review, staff has issued this document that may request changes pursuant to G.S. 150B-21.10 from your agency or ask clarifying questions.

Questions contained herein suggest that the rule as written is unclear or there is some ambiguity. If this document includes questions and you do not understand the question, please contact the reviewing attorney to discuss. Failure to respond may result in a staff opinion recommending objection.

Staff may suggest the agency “consider” an idea or language in this document. This is in no way a formal request that the agency adopt the idea or language but rather is offered merely for the agency’s consideration which the agency may find preferable and clarifying.

To properly submit rewritten rules, please refer to the following Rules in the NC Administrative Code:

- Rule 26 NCAC 02C .0108 – The Rule addresses general formatting.
- Rule 26 NCAC 02C .0404 – The Rule addresses changing the introductory statement.
- Rule 26 NCAC 02C .0405 – The Rule addresses properly formatting changes made after publication in the NC Register.

Note the following general instructions:

1. You must submit the revised rule via email to oah.rules@oah.nc.gov and copy RRC Counsel. The electronic copy must be saved as the official rule name (XX NCAC XXXX).
2. For rules longer than one page, insert a page number.
3. Use line numbers; if the rule spans more than one page, have the line numbers reset at one for each page.
4. Do not use track changes. Make all changes using manual strikethroughs, underlines and highlighting.
5. You cannot change just one part of a word. For example:
 - Wrong: “~~a~~Association”
 - Right: “~~association~~ Association”
6. Treat punctuation as part of a word. For example:
 - Wrong: “day~~,~~ and”
 - Right: “~~day,~~ day, and”
7. Formatting instructions and examples may be found at:
www.ncoah.com/rules/examples.html

If you have any questions regarding proper formatting of edits after reviewing the rules and examples, please contact the reviewing attorney.

Christopher S. Miller
Commission Counsel

Date submitted to agency: April 15, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Coastal Resources Commission

RULE CITATION: 15A NCAC 07H .2302

DEADLINE FOR RECEIPT: April 21, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*(a), line 7: Please check this citation. Does G.S. 113A-130(5) exist? Based on my review, I found the following: “§§ 113A-130 through 113A-134. Reserved for future codification purposes.” **Changed to 113A-103(5)***

*(b)(1): Is a “project narrative” just a written description of the project? Or does this have some other special meaning? **Correct, a “project narrative” is a written description of the project.***

*(c), line 32: What is an “individual” project? Is there a separate process or rules for non-individual projects? **Deleted “individual”***

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

Christopher S. Miller
Commission Counsel

Date submitted to agency: April 15, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

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RULE CITATION: 15A NCAC 07H .2302

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Burgos, Alexander N

From: Miller, Christopher S
Sent: Wednesday, April 15, 2026 3:25 PM
To: Everett, Jennifer
Cc: Burgos, Alexander N; Miller, Christopher S; Bodnar, Gregg
Subject: CRC: Final Rule for April 2026 RRC Meeting
Attachments: Request for Changes - 15A NCAC 07H .2302.docx

Hello,

I'm the staff attorney who reviewed the rule submitted by the Coastal Resources Commission for the April 2026 RRC meeting. The RRC will formally review the rule at its meeting on Tuesday, April 28, 2026, at 10:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an invite should be sent to you as we get close to the meeting. If there are any other representatives from your agency who want to attend virtually, please let me know prior to the meeting, and we will get invites out to them as well.

Attached is my Request for Changes Pursuant to G.S. 150B-21.10. Please submit the response and revised rule to me via email, no later than **5 p.m. on April 21, 2026**.

Let me know if you have any questions.

Best,
Chris

Chris Miller

Rules Review Commission Counsel
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