

ROY COOPER

Governor

ELIZABETH S. BISER

Secretary

TANCRED MILLER

Director



NORTH CAROLINA
Environmental Quality

CRC-24-07

August 1, 2024

MEMORANDUM

TO: Coastal Resources Commission

FROM: Daniel Govoni

SUBJECT: Consideration of Approval of Permanent Rulemaking and Fiscal Analyses

At the April 2024 CRC meeting, DCM Staff presented rules that Division believe are critical to the protection of coastal resources and to the operation of the NC Coastal Program. These rules were removed through the Periodic Rules Review Process under the NC Administrative Procedures Act. At the April meeting you approved moving forward with the permanent rulemaking process for the Jockey's Ridge AEC designation and the permit application process. DCM was informed by the Office of State Budget and Management (OSBM) that two rules presented in April, 15A NCAC .07J .1400(b)(5) and 15A NCAC .07J .1400(b)(N), were considered new fees and therefore would require review by the Joint Legislative Commission on Governmental Operations. In order to not delay the rulemaking process, 15A NCAC 07J .1400(b)(5) and 15A NCAC .07J .1400(b)(N) were removed from the previously approved rule and are now both within a separate rule 15A NCAC .07J .1405. Incorporating the fees into its own rule is consistent with the format for General Permits and will make it easier for the Commission to make changes to the fees in the future. Since 15A NCAC 07J .1405 is a "new" rule, it will require your approval. 15A NCAC 07J .1405 has already been incorporated into the fiscal analysis but does not change the economic impact since there is no change to the fee.

DCM has prepared the attached fiscal analyses noting that these proposed rules are rewritten in order to reinstate rules that had been in effect up until October of last year. DEQ and OSBM have reviewed the fiscal analyses and determined the reinstatement of these rules will have little to no impact on state or local governments and no substantial economic impact. The fiscal analyses included the below rules:

15A NCAC 07J .1401 – Standards for Work Plats

15A NCAC 07J .1402 – Project Narrative

15A NCAC 07J .1403 – Complete CAMA Major Permit and Dredge and Fill Applications

15A NCAC 07J .1404 – Complete Minor Permit Applications



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15A NCAC 07J .1405 – Permit Fee
15A NCAC 07J .1501 – Application Processing
15A NCAC 07J .1502 – Circulation of CAMA and Dredge and Fill Applications
15A NCAC 07J .1503 – Permit Conditions

15A NCAC 07H .0508 Jockey’s Ridge Area of Environmental Concern

Additionally, you approved moving forward with permanent rulemaking amending 15A NCAC 07H .0314 to allow the use of wheat straw bales as sand fencing. This amendment would allow greater flexibility to local governments and state and federal agencies by providing dune protection alternatives to traditional sand fencing. DCM has prepared a fiscal analysis explaining that this amendment will have little to no fiscal impact as the rule simply allows an additional dune protection method. The fiscal analysis is currently under review by OSBM.

Staff is requesting your approval of these fiscal analyses so the rules can proceed to public hearing.

