

JOSH STEIN
Governor
D. REID WILSON
Secretary
TANCRED MILLER
Director



February 13, 2025

CRC-25-03

MEMORANDUM

TO: Coastal Resources Commission
FROM: Gregg Bodnar
SUBJECT: Major Permit Renewals and Extensions

Permit Renewal

15A NCAC 07J .0404 (Development Period Extension) is the rule governing the renewal and extension of CAMA Major and Dredge and Fill Permits (CAMA/D&F). This rule provides for the extension of the time period of a CAMA Major or Dredge and Fill Permit where the development was not completed prior to the initial development period of the permit.

In addition to 15A NCAC 07J .0404, General Statute 136-44.7B applies to permits issued to the N.C. Department of Transportation (NCDOT) project with a Transportation Improvement Program (TIP) designation, removing the expiration date for CAMA/D&F permits issued under this statute. NCDOT projects that are not TIP projects follow the same procedures as non-DOT projects, with applicable expiration dates.

For permits that have not expired and substantial development has occurred on site since permit issuance, the permit timeline may be extended for 2 years for typical permits, up to 5 years for maintenance dredging permits, and 10 years for multi-phased beach nourishment permits. These extensions may be granted as many times as necessary to complete the initial development, or to continue the maintenance or project implementation. For permits that have not expired and where no substantial development has occurred since permit issuance, the original permit and request can be circulated to the commenting State resource agencies for review to determine if changes in circumstances or development standards have changed that make the project inconsistent with those circumstances or development standards. 15A NCAC 07J.0404(d) sets a 30-day deadline for comments. Depending on the age of the permit and the size of the file, this can take hours for staff to scan and distribute. If the file is already available electronically, this time is significantly reduced.



For this rule, substantial development is defined under 15A NCAC 07J .0404(b), as “development has progressed beyond basic site preparation, such as land clearing and grading, and construction has begun and is continuing on the primary structure or structures **authorized under the permit.**” (emphasis added). The substantial development determination pertains to the last permit action.

Within 15A NCAC 07J .0404, renewal and extension are used interchangeably, but the rule language does use the term renewal when discussing maintenance dredging and extension when discussing the permit action itself and the time frame for those permit actions. Finally, a request for renewal must include an applicable fee and attestation to four conditions of the permitted project. These conditions are:

- a statement of the completed and remaining work;
- a statement that there has been no change of plans since the issuance of the original permit other than changes that would have the effect of reducing the scope of the project, or previously approved permit modifications;
- notice of any change in ownership of the property to be developed and a request for transfer of the permit;
- and a statement that the project is in compliance with all conditions of the current permit.

Over the years DCM has received requests to renew expired permits that range from 1-day past expiration to multiple years past expiration. To handle these requests, DCM has reviewed the project specifics and determined a path forward ranging from issuance (typically for a request less than 6 months expired), utilization of the renewal circulation procedures for no substantial development, and denial of the renewal. On rare occasions the denial of the renewal has occurred due to the project being completed as authorized and did not include any maintenance dredging requirements. This can create uneven rule application, so DCM would like to review the rule and seeks the Commission’s input to potential amendments to 15A NCAC 07J .0404. Potential amendments include, but are not limited to rule language to address the following:

1. Clarify that only active permits may be renewed or specify potential avenues to renew an expired permit;
2. Maintenance excavation would not be subject to the substantial development clause as dredging events can be sporadic and depend on shoaling and therefore, could be renewed if expired.



15A NCAC 07J .0404 DEVELOPMENT PERIOD EXTENSION

(a) For **active** CAMA minor permits authorizing beach bulldozing, the permit holder is entitled to request a one-time 30-day permit extension. No additional extensions shall be granted after the 30-day extension has expired. Notwithstanding this Paragraph, the permit holder is eligible to apply for another minor permit authorizing beach bulldozing following expiration of the 30-day permit extension.

(b) All other **active** CAMA permits may be extended where substantial development, either within or outside the AEC, has begun or is continuing. The permitting authority shall grant as many two-year extensions as necessary to complete the initial development, with the exception that multi-phased beach nourishment projects may be granted ten-year extensions to allow for continuing project implementation. Renewals for maintenance of previously approved dredging projects may be granted for periods not to exceed five years. For the purpose of this Rule, substantial development shall be deemed to have occurred on a project if the permit holder can show that development has progressed beyond basic site preparation, such as land clearing and grading, and construction has begun and is continuing on the primary structure or structures authorized under the permit. For elevated structures in Ocean Hazard Areas, substantial development begins with the placement of foundation pilings, and proof of the local building inspector's certification that the installed pilings have passed a floor and foundation inspection. For residential subdivisions, installation of subdivision roads consistent with an approved subdivision plat shall constitute substantial development.

(c) To request an extension pursuant to Paragraphs (a) and (b) of this Rule, the permit holder shall submit a signed and dated request containing the following:

- (1) a statement of the completed and remaining work;
- (2) a statement that there has been no change of plans since the issuance of the original permit other than changes that would have the effect of reducing the scope of the project, or previously approved permit modifications;
- (3) notice of any change in ownership of the property to be developed and a request for transfer of the permit; and
- (4) a statement that the project is in compliance with all conditions of the current permit.

(d) For extension requests where substantial development has not occurred in accordance with Paragraph (b) of this Rule, the Division of Coastal Management may circulate the request to the commenting State resource agencies along with a copy of the original permit application. Commenting State resource agencies will be given 30 days in which to comment on the extension request. Upon the expiration of the commenting period the Division of Coastal Management will notify the permit holder of its actions on the extension request. **For the purposes of this rule, maintenance requests described in Paragraph (b) of this rule are not subject to the substantial development requirement.**

(e) Notwithstanding Paragraphs (b) and (d) of this Rule, an extension request may be denied on making findings as required in either G.S. 113A-120 or G.S. 113-229(e). Changes in circumstances or in development standards shall be considered and applied by the Division of Coastal Management in making a decision on an extension request.

(f) The applicant for a major development extension request shall submit, with the request, a check or money order payable to the Department, **or electronic payment**, in the sum of **one two hundred and fifty** hundred dollars **(\$100.00) (\$250)**.

*History Note: Authority G.S. 113A-119; 113A-119.1; 113A-120; 113A-124(c)(8); 113-229(e);
Eff. March 15, 1978;
Amended Eff. August 1, 2002; August 1, 2000; April 1, 1995; March 1, 1991; March 1,
1985;
November 1, 1984;
Readopted Eff. August 1, 2021;
Amended Eff. August 1, 2022.*

