

1 15A NCAC 07J .0403 is proposed for amendment as follows:

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3 **15A NCAC 07J .0403 DEVELOPMENT PERIOD/COMMENCEMENT/CONTINUATION**

4 (a) ~~New dredge and fill permits and CAMA permits, excepting Major permits shall expire five years from the date of~~
5 ~~permit issuance, with the exception of publicly-sponsored, multi-phased beach nourishment projects, which shall~~
6 ~~expire 10 years from the date of permit issuance. Minor permits, except those authorizing beach bulldozing when~~
7 ~~authorized through issuance of a CAMA minor permit, shall expire on December 31 of the third year following the~~
8 ~~year of permit issuance.~~

9 (b) CAMA minor ~~permit permits~~ authorizing beach bulldozing shall expire 30 days from the date of permit issuance.
10 Following permit expiration, the ~~applicant may request~~ permit holder is entitled to request an extension in accordance
11 with Rule .0404(a) of this Section.

12 (c) Development After Permit Expiration. Any development undertaken after permit expiration shall be considered
13 unpermitted and shall constitute a violation of G.S. 113A-118 or G.S. 113-229. Any development to be undertaken
14 after permit expiration shall require ~~either a new permit, or extension of the original permit according to 15A NCAC~~
15 ~~07J-.0404 with the exception of Paragraph (c) of this Rule. a new permit.~~

16 (d) Commencement of Development in Ocean Hazard AEC. No development shall begin until the oceanfront setback
17 requirement can be ~~met~~ established in accordance with 15A NCAC 07H .0306. When the permit holder or an
18 individual receiving an exception ~~to the permit requirement~~ is ready to begin development, they shall arrange an onsite
19 meeting with the Division of Coastal Management or Local Permitting Officer to determine the oceanfront setback.
20 This setback determination shall replace the one completed at the time the permit was processed and approved and
21 development ~~shall~~ must begin within ~~of~~ 60 days from the date of that meeting. In the case of a shoreline change that
22 ~~alters the location of the permitted development a new setback determination may be required. reduces the determined~~
23 ~~setback; a new setback determination may be required.~~ To determine if a new setback is required, additional
24 coordination with the Division of Coastal Management or Local Permitting Officer shall be ~~required. Upon completion~~
25 ~~of the measurement, the Division of Coastal Management or Local Permitting Officer will issue a written statement~~
26 ~~to the permittee certifying the same. required before development begins.~~

27 ~~(e) Continuation of Development in the Ocean Hazard AEC. Once permitted development has begun, development~~
28 ~~in the Ocean Hazard AEC may continue beyond the authorized development period if, in the opinion of the Division~~
29 ~~of Coastal Management or Local Permitting Officer, substantial progress has been made and is continuing according~~
30 ~~to customary and usual building standards and schedules. Substantial progress is defined as beginning with the~~
31 ~~placement of foundation pilings, and proof of the local building inspector's certification that the installed pilings have~~
32 ~~passed a floor and foundation inspection.~~

33 ~~(f)(c)~~ Any permit that has been ~~stayed~~ suspended as a result of litigation shall be extended at the permit holder's
34 written request for a period equivalent to the period of permit suspension, but not to exceed the development period
35 authorized under Paragraph (a) of this Rule.

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37 *History Note: Authority G.S. 113A-118; 113A-124(c)(8);*

1 *Eff. March 15, 1978;*
2 *Amended Eff. August 1, 2002; April 1, 1995; July 1, 1989; March 1, 1985; November 1, 1984;*
3 *Readopted Eff. August 1, 2021;*
4 *Amended Eff. June 1, 2022.*

1 15A NCAC 07J .0404 is proposed for amendment as follows:

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3 **15A NCAC 07J .0404 DEVELOPMENT PERIOD EXTENSION**

4 (a) For CAMA minor permits authorizing beach bulldozing, the permit holder ~~may~~ is entitled to request a one-time
5 30-day permit extension. No additional extensions shall be granted after the 30-day extension has expired.
6 Notwithstanding this Paragraph, the permit holder ~~may~~ is eligible to apply for another minor permit authorizing beach
7 bulldozing following expiration of the 30-day permit extension.

8 ~~(b) Where no development has been initiated during the development period, the Division of Coastal Management or~~
9 ~~Local Permit Officer shall extend the authorized development period for no more than two years upon receipt of a~~
10 ~~signed and dated request from the applicant containing the following:~~

11 (1) ~~_____ a statement of the intention of the applicant to complete the work.~~

12 (2) ~~_____ a statement of the reasons why the project will not be completed before the expiration of the current~~
13 ~~permit;~~

14 (3) ~~_____ a statement that there has been no change of plans since the issuance of the original permit other~~
15 ~~than changes that would have the effect of reducing the scope of the project or previously approved~~
16 ~~permit modifications;~~

17 (4) ~~_____ notice of any change in ownership of the property to be developed and a request for transfer of the~~
18 ~~permit, if appropriate; and~~

19 (5) ~~_____ a statement that the project is in compliance with all conditions of the current permit.~~

20 ~~Where substantial development, either within or outside the AEC, has begun and is continuing on a permitted project,~~
21 ~~the permitting authority shall grant as many two year extensions as necessary to complete the initial development. For~~
22 ~~the purpose of this Rule, "substantial development" shall be deemed to have occurred on a project if the permittee can~~
23 ~~show that development has progressed beyond basic site preparation, such as land clearing and grading, and~~
24 ~~construction has begun and is continuing on the primary structure or structures authorized under the permit. For~~
25 ~~purposes of residential subdivision, installation of subdivision roads consistent with an approved subdivision plat shall~~
26 ~~constitute substantial development. Renewals for maintenance and repairs of previously approved projects may be~~
27 ~~granted for periods not to exceed 10 years.~~

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

1 subdivisions, installation of subdivision roads consistent with an approved subdivision plat shall constitute substantial
2 development.

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

5 (1) a statement of the completed and remaining work;

6 (2) a statement that there has been no change of plans since the issuance of the original permit other
7 than changes that would have the effect of reducing the scope of the project, or previously approved
8 permit modifications;

9 (3) notice of any change in ownership of the property to be developed and a request for transfer of the
10 permit if appropriate; and

11 (4) a statement that the project is in compliance with all conditions of the current permit.

12 ~~(e)(d)~~ When an extension request For extension requests where substantial development has not ~~met the criteria of~~
13 occurred in accordance with Paragraph (b) of this Rule, the Division of Coastal Management may circulate the request
14 to the commenting State resource agencies along with a copy of the original permit application. Commenting State
15 resource agencies will be given ~~three weeks~~ 30 days in which to comment on the extension request. Upon the
16 expiration of the commenting period the Division of Coastal Management will notify the ~~applicant~~ permit holder of
17 its actions on the extension request.

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

21 ~~(e)(f)~~ The applicant for a major development extension request shall submit, with the request, a check or money order
22 payable to the Department in the sum of one hundred dollars (\$100.00).

23 ~~(f) Modifications to extended permits may be considered pursuant to 15A NCAC 07J .0405.~~

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25 *History Note: Authority G.S. 113A-119; 113A-119.1; 113A-124(c)(8);*

26 *Eff. March 15, 1978;*

27 *Amended Eff. August 1, 2002; August 1, 2000; April 1, 1995; March 1, 1991; March 1, 1985;*

28 *November 1, 1984;*

29 *Readopted Eff. August 1, 2021;*

30 *Amended Eff. June 1, 2022.*