

1 15A NCAC 07B .0803 is proposed for amendment as follows:
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3 **15A NCAC 07B .0803 CERTIFICATION AND USE OF THE PLAN**

4 (a) Certification of Plans and Amendments: This Rule outlines the certification procedures and conditions for locally
5 adopted land use plans or comprehensive plans, hereinafter referred to as "the plan," or plan amendments. The
6 procedures shall be as follows:

7 (1) The Division District Planner shall submit a written report to the CRC, or qualified employee of the
8 Department pursuant to G.S. 113A-124(c)(9), on the locally adopted plan or amendment and either
9 recommend certification or identify how the plan or amendment does not meet the procedures and
10 conditions for certification as set forth in Subparagraph (a)(3) of this Rule.

11 (2) The public shall have an opportunity to submit written objections or comments on the locally
12 adopted plan or amendment prior to certification pursuant to G.S. 113A-110(e). Written objections
13 or comments shall be received by the Division no more than 30 calendar days after local adoption
14 of the plan or amendment. Written objections shall be limited to the criteria for certification as
15 defined in Subparagraph (a)(3) of this Rule, and shall identify the specific plan elements that are
16 opposed. Written objections or comments shall be sent by the Division to the local government
17 submitting the plan or amendment. Written objections or comments shall be considered in the
18 certification of the local plan or amendment.

19 (3) The CRC or qualified employee of the Department, pursuant to G.S. 113A-124(c)(9), shall certify
20 plans and amendments following the procedures and conditions specified in this Rule, and that the
21 plans and amendments meet the following conditions:

22 (A) are consistent with the Coastal Area Management Act G.S. 113A-110;

23 (B) are consistent with the rules of the CRC;

24 (C) do not violate State or federal law; and

25 (D) contain policies that address each management topic as set forth in Rule .0702(d)(2) of this
26 Subchapter.

27 (4) If the plan or amendment does not meet certification requirements, the applicant shall be informed
28 by the Division of Coastal Management within 45 calendar days regarding how the plan or
29 amendment does not meet the procedures and conditions for certification.

30 (b) Copies of the Plan. Within 90 calendar days of certification of the plan or an amendment, the local government
31 shall provide one printed and one digital copy of the plan to the Division. Amendments shall be incorporated in all
32 copies of the plan. The dates of local adoption, certification, and amendments shall be published on the cover.

33 (c) Use of the Plan. ~~Once certified, the plan shall be utilized in the review of the CAMA permits~~ Local governments
34 shall implement the plan in accordance with G.S. 113A-111. ~~Local governments shall have the option to exercise their~~
35 ~~enforcement responsibility by choosing from the following:~~ Once certified, any enforceable policies selected by the
36 local government shall be used by the Division and its Local Permit Officers in the review of CAMA permits in
37 accordance with G.S. 113A-111. For plans certified prior to the effective date of this rule, in the absence of clearly

1 identified enforceable policies the Division and its Local Permit Officers shall use all policies that meet the definition
2 of enforceable under 7B .0702(d)(1)(A) in the review of CAMA permits.

3 (1) Local administration: The local government reviews the CAMA permits for consistency with the
4 plan;

5 (2) Joint administration: The local government identifies enforceable policies, ~~including the future land~~
6 ~~use map and implementation actions~~ that will be used by the Division for the CAMA permit
7 consistency ~~reviews or~~; reviews.

8 ~~(3) Division administration: The Division reviews the CAMA permits for consistency with the plan~~
9 ~~policies, including the future land use map and implementation actions.~~

10 (d) Plan updates and Amendments. Local governments shall determine the scope, timing, and frequency of plan
11 updates and amendments.

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13 *History Note: Authority G.S. 113A-107(a); 113A-110; 113-111; 113A-124;*
14 *Eff. August 1, 2002;*
15 *Amended Eff. April 1, 2008; September 1, 2006;*
16 *Readopted Eff. February 1, 2016;*
17 *Amended Eff. July 1, 2023; February 1, 2019.*