



NORTH CAROLINA
Environmental Quality

ROY COOPER

Governor

MARY PENNY KELLEY

Secretary

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Director

CRC-24-17

October 28, 2024

MEMORANDUM

TO: Coastal Resources Commission

FROM: Jonathan Howell

SUBJECT: Rule Adoption – 15A NCAC 07J .1401 Standards for Work Plats for CAMA Major and Dredge And Fill Permits, .1402 Project Narrative, .1403 Complete CAMA Major Permit and Dredge and Fill Applications, .1404 Complete Minor Permit Applications, .1405 Permit Fee, .1501 Application Processing, .1502 Circulation of CAMA and Dredge and Fill Applications and .1503 Permit Conditions.

Through the Periodic Rules Review process under the NC Administrative Procedure Act (APA), G.S. 150B-21.3A, four of the CRC's administrative rules regarding permit processing were returned to the agency on October 5, 2023 and removed from the NC Administrative Code, specifically, 15A NCAC .07J .0203, 15A NCAC .07J .0204, 15A NCAC .07J .0206, 15A NCAC .07J .0207 and 15A NCAC .07J .0208. These rules were the foundation for permit application processing including information required on workplans and the manner in which permits are conditioned.

At the April 2024 CRC meeting, the CRC directed staff to move forward with rule making to restore the previously removed rules and the fiscal analysis was approved by the Commission at a special meeting on August 6, 2024. A public hearing was held on September 26th at the Division of Coastal Management's Morehead City office. No public comments were received and the public comment period will end on November 4th.

Following consideration of any public comments that may be received by November 4th deadline, the following rules will be ready for adoption:

- 15A NCAC 07J .1401 Standards for Work Plats for CAMA Major and Dredge And Fill Permits
- 15A NCAC 07J .1402 Project Narrative



North Carolina Department of Environmental Quality | Division of Coastal Management
Morehead City Office | 400 Commerce Avenue | Morehead City, North Carolina 28557
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- 15A NCAC 07J .1403 Complete CAMA Major Permit and Dredge and Fill Applications
- 15A NCAC 07J .1404 Complete Minor Permit Applications
- 15A NCAC 07J .1405 Permit Fee
- 15A NCAC 07J .1501 Application Processing
- 15A NCAC 07J .1502 Circulation of CAMA and Dredge and Fill Applications and
- 15A NCAC 07J .1503 Permit Conditions.

I'll be ready to answer any questions about the proposed rules or the rule making process at your upcoming CRC meeting in Ocean Isle Beach.



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Section .1400 – Application Requirements

15A NCAC 07J .1401 STANDARDS FOR WORK PLATS FOR CAMA MAJOR AND DREDGE AND FILL PERMITS

(a) Project plans or work plats shall include a top or plan view and a cross-sectional view. All plats shall have a north arrow at the top of the plat. Work plats shall be drawn to a scale of 1" = 200' or less.

(b) Details of Work Plats

- (1) Top View or Plan View Work Plats shall show existing and proposed features including dune systems, dune elevations or contours, shorelines, creeks, marshlands, docks, piers, bulkheads, excavated areas, fill areas, type and location of sewage treatment facilities, effluent outlets, shoreline length, upland vegetation, coastal wetlands, 404 wetlands, houses, septic tanks, septic fields, existing structures on adjacent property (i.e. shoreline stabilization, docking facility), Areas of Environmental Concern shall be labeled, the 30' buffer or DWR buffers as applicable, US Army Corps of Engineers setbacks and lines, First Line of Stable Natural Vegetation, development setbacks, pre-project vegetation line, north arrow, submerged aquatic vegetation, shellfish, navigation markers, hydraulic dredge pipe alignment, spoil disposal location, and adjacent waterbody name. Existing water depths shall be indicated as Normal Water Level or Normal High Water Level unless work plats are by a licensed professional surveyor or engineer where water depths can be indicated using mean low water as base or zero and shall be shown either as contours or spot elevation. In areas where the difference in daily low and high tides is less than six inches, mean water level as certified by a professional surveyor or engineer or normal water level shall be used. Work plats shall indicate which features exist and which are proposed. Property boundaries, as they appear on the deed, and the names of adjacent property owners shall be shown on the work plat with Riparian Lines and 15' riparian setback. The work plat shall show areas to be excavated and the exact site for disposal of the excavated material unless outside of the Area of Environmental Concern, then an address may be provided. When fill material is to be placed behind a bulkhead or dike, the plan shall show the exact location of such bulkheads, dikes and fill areas and calculations showing that the bulkhead or dike has the capacity to confine the material. Work plats shall indicate the presence of wetlands in the area of proposed work.
- (2) Cross-Sectional Work Plats shall show the depth and elevation of proposed work relative to Normal Water Level or Normal High Water Level, or to Mean Low Water and Mean High Water if certified by a professional surveyor or engineer. First floor elevations shall be shown for any proposed structures.
- (3) Title of Work Plats. Each work plat shall be numbered, have a title block to identify the project or work, and shall include the name of applicant or project, date the plat was prepared, and scale of the



plat. The date of any revisions shall be noted on the work plat. The applicant shall also include the name or initials of the person who drew the plat.

History Note: Authority G.S. 113A-107(b); G.S. 113A-119(a); G.S. 113-229; G.S. 113A-124(a)(1)

15A NCAC 07J .1402 PROJECT NARRATIVE

Any application for a CAMA Major or Dredge and Fill permit shall include the following information:

- (1) the character of the development (i.e. residential, commercial, recreational);
- (2) a description of the development activities proposed;
- (3) a description of the development site identifying all wetlands and waters; and
- (4) the amount of land-disturbing activity, as defined in GS 113A-52(6), in the Area of Environmental Concern measured in acres or square feet.

History Note: Authority G.S. 113-229; G.S. 113A-107(a); G.S. 113A-119(a); G.S. 113A-124(a)(1)

15A NCAC 07J .1403 COMPLETE CAMA MAJOR PERMIT AND DREDGE AND FILL APPLICATIONS

(a) Processing for a Major Permit or Dredge and Fill Permit application, or a modification to a Major Permit or Dredge and Fill Permit application shall begin when an application is accepted as complete. Permit applications shall be in the form and include the content required under this Subchapter. Applications not in compliance with this form and content shall not be considered complete and the processing time specified under G.S. 113A-122(c) or G.S. 113-229(e) shall not commence.

(b) Before an application is accepted as complete, the requirements as listed in subparagraphs (1) through (5) of the paragraph shall be met. Any application not in compliance with these requirements shall be returned to the applicant along with a notification explaining the deficiencies of the application.

- (1) a current application form shall be submitted and can be found at <https://ncdeq.dynamics365portals.us/dcm-home/>. The application form shall contain:
 - (A) application type (Major or modification)
 - (B) name of entity, or first, middle, and last name(s), referenced on deed or other instrument under which ownership is claimed;
 - (C) phone number and email;
 - (D) physical address of the site of the proposed development and mailing address for the applicant;
 - (E) project type and location;
 - (F) authorized agent authorization form and contact information for agent;
 - (G) description of existing conditions and development on the project location including lot size, shoreline length, vegetation, and erosion details;



- (H) total amount of land-disturbing activity, as defined in GS 113A-52(6), in the AEC measured in acres or square feet resulting from the proposed development;
- (I) applicable dimensions of proposed development activity including quantity, length, width, elevation, slope, area, volume, distance waterward of Normal Water Level or Normal High Water Level, average existing depth, proposed final depth, impervious coverage, and sediment characteristics;
- (J) applicable erosion and sedimentation control measures, fill source and environmental mitigation efforts for the proposed development activity;
- (K) general information concerning the use of the proposed development activity, including boat type and length, proximity of structures to adjacent properties and other structures, and waterbody width;
- (L) type of proposed impacts and dimensions (i.e. shading, filling, excavating) to coastal wetlands, submerged aquatic vegetation, shell bottom, non-coastal wetlands, and open water from the proposed development activities;
- (M) project narrative that includes a brief description of the project and any previous or active State or federal permits issued on the property; and
- (N) acknowledgements to be attested to before submitting the application:
 - (i) I understand that any permit issued in response to this application will allow only the development described in the application. The project will be subject to the conditions and restrictions contained in the permit;
 - (ii) I certify that I am authorized to grant, and do in fact grant permission to representatives of State and federal review agencies to enter on the aforementioned lands in connection with evaluating information related to this permit application and follow-up monitoring of the project;
 - (iii) I certify that the information provided in this application is truthful to the best of my knowledge; and
 - (iv) I certify that by clicking the submit button on this NC Division of Coastal Management application I acknowledge that I am signing and dating the application submitted therein.
- (2) a work plan as described in 15A NCAC 07J .1401 shall be attached to all CAMA Major development or Dredge and Fill permit applications;
- (3) a copy of a deed or other instrument under which the applicant claims title shall accompany a CAMA Major Permit or Dredge and Fill Permit application, or a modification to a Major Permit or Dredge and Fill Permit application;
- (4) notice to adjacent riparian landowners of a CAMA Major Permit applicant shall be given as follows: Certified return mail receipts (or copies thereof) indicating that adjacent riparian landowners (as identified in the permit application) received a copy of the application for the proposed development for a CAMA Major development and/or Dredge and Fill Permit application. Said landowners have



30 days from the date of notification in which to comment. Such comments shall be considered by the Department in reaching a final decision on the application.

(5) the fee as detailed in 15A NCAC .07J .1405(b).

(c) A modification to a Major Permit or Dredge and Fill Permit or permit application shall be processed in accordance with the procedures outlined in G.S. 113A-119(b).

History Note: Authority G.S. 113A-107(b); G.S. 113A-120(a)(2); G.S.113A-119(a) and (b); 113A-124(a)(1)

15A NCAC 07J .1404 COMPLETE MINOR PERMIT APPLICATIONS

(a) Processing for a Minor Permit application shall begin when an application is accepted as complete. Permit applications shall be in the form and include the content required under this Subchapter. Applications not in compliance with this form and content shall not be considered complete and the processing time specified under G.S. 113A-121(c) shall not commence.

(b) Before an application is accepted as complete, the requirements as listed in subparagraphs (1) through (3) of this paragraph shall be met. Any application not in compliance with these requirements shall be returned to the applicant along with a notification explaining the deficiencies of the application and shall not be accepted as complete until all required information is submitted.

(1) a current application form shall be submitted. The application form shall contain:

(A) name of entity on deed or first, middle, and last name(s) referenced on deed;

(B) phone number and email;

(C) physical and mailing address;

(D) authorized agent first and last name and contact information;

(E) location of project including address, street name, directions to site and adjacent waterbody;

(F) description of the proposed project, including a list of all proposed construction and the amount of land-disturbing activity, as defined in G.S. 113A-52(6), in the AEC measured in acres or square feet.;

(G) size of lot or parcel in square feet and acres;

(H) proposed use, if residential, single-family or multi-family, commercial, industrial;

(I) if proposed development is located in the Ocean Hazard Area of Environmental Concern, Total Floor Area of structure in square feet including conditioned living space, parking elevated above ground level, non-conditioned space elevated above ground level but excluding non-load bearing attic space;

(J) project drawings that includes:



(i) a top or plan view, a cross-sectional view. All plats shall have the standard north arrow. North should be at the top of the plat. Work plats shall be accurately drawn to scale. A scale of 1" = 200' or less is required;

(ii) such drawings shall show existing and proposed features such as dune systems, shorelines, creeks, wetlands docks, piers, bulkheads, excavated areas, fill areas, type and location of sewage treatment facilities and effluent outlets. Property boundaries, as they are described on the deed, and the names of adjacent property owners shall be shown on the detailed plat.

(iii) cross-section drawing. A cross-sectional diagram showing elevation of proposed work relative to existing ground level. Mean low and mean high water line shall be included in the plan. The mean low water shall be the reference land elevations (i.e., mean low water should be depicted as "Elevation 0.0 MLW"). First floor elevations relative to mean sea level shall be shown for any proposed buildings.

(iv) title of Drawing. Each drawing shall have a simple title block to identify the project or work, and shall include name of applicant, date the plat was prepared, and scale of the plat. The date of any revisions shall be noted. The applicant shall also include the name of the person who drew the plat.

(K) if proposed development is located in the Coastal Shoreline Area of Environmental Concern, size of building footprint and other impervious or built upon surfaces in square feet including the area of the foundation of all buildings, driveways, covered decks, concrete or masonry patios that are within the AEC. Calculations shall be attached to project drawings;

(L) if the development is located in an area subject to a State stormwater management permit issued by the NC Division of Energy, Mineral and Land Resources, the total built upon area and impervious surfaces allowed for the lot or parcel in square feet; and

(M) the fee as detailed in 15A NCAC .07J .1405(a).

(2) a copy of a deed or other instrument under which the applicant claims title shall accompany a CAMA minor permit application.

(3) the applicant shall give actual notice to all adjacent riparian property owners who share a property line with the site of the proposed development of the applicant's intention to develop their property and apply for a CAMA minor development permit. If comments are submitted before a permit decision is made, such comments shall be considered by the Department or designated local official in reaching a final decision on the application.

History Note: Authority G.S. 113A-107(b); G.S. 113A-119(a); G.S. 113A-124(a)(1); G.S. 113A-118(b)



15A NCAC 07J .1405 PERMIT FEE

(a) An applicant shall pay a Minor development permit fee of one hundred dollars (\$100.00) in the form of an electronic funds transfer or check or money order payable to the Department, or the city or county, in the amount of one hundred dollars (\$100.00). Monies so collected shall be used only in the administration of the permit program.

(b) An applicant shall pay a Major Permit application fee of two hundred fifty dollars (\$250.00) for private, non-commercial development or four hundred dollars (\$400.00) for public or commercial for-profit project in the form of an electronic funds transfer or check or money order payable to the Department.

History Note: Authority G.S. 113A-119(a); G.S. 113A-119.1(a)

Section .1500 – Permit Processing

15A NCAC 07J .1501 APPLICATION PROCESSING

(a) On receipt of a CAMA major development and/or dredge and fill permit application that complies with the form and includes the content required in 15A NCAC 07J .1403, the Department shall send a notification to the applicant acknowledging receipt of a complete application and begin processing the application.

(b) If the Division of Coastal Management finds that additional information is necessary to complete its investigation of the proposed development to determine whether a permit application shall be approved or denied, the Division shall request that additional information from the applicant.

(c) If the Division of Coastal Management finds an application is incomplete or contains inaccurate information after processing has begun, the Division shall notify the applicant of the deficiency or inaccuracy and request the applicant provide the required information. Until the requested information is provided, the permit application shall be considered incomplete and the time within which to process the application shall be stayed.

(d) In order to determine the environmental impact of the proposed project, the Department shall prepare a field report on each major development and/or dredge and fill permit application accepted for processing. Such report shall be prepared after an on-site investigation is completed. The report shall include project location, environmental setting, project description and probable environmental impact.

History Note: Authority G.S. 113-129; G.S. 113A-107(b); G.S. 113A-120(a)(2); G.S.113A-119(a) and (b)

15A NCAC 07J .1502 CIRCULATION OF CAMA MAJOR AND DREDGE AND FILL APPLICATIONS



(a) Pursuant to G.S. 113-229(e), the division shall circulate applications among all State agencies and the appropriate federal agencies having jurisdiction over the subject matter which might be affected by the project so that such agencies will have an opportunity to raise objections and coordinate. These agencies are: Division of Coastal Management, Local Government, U.S. Army Corps of Engineers, NC DEQ Division of Water Resources – Public Water Supply section, Division of Water Resources - 401 section, Division of Energy, Mineral and Land Resources – Stormwater Section, Division of Energy, Mineral and Land Resources – Sedimentation and Erosion Control Section, Department of Administration, Wildlife Resources Commission, Division of Marine Fisheries – Shellfish Section, Division of Marine Fisheries – Habitat and Enhancement Section, Department of Natural and Cultural Resources – Archives & History section and Department of Natural and Cultural Resources – Natural Heritage Program.

(b) Pursuant to G.S. 113A-124(a)(1) the division will circulate applications to the agencies having expertise in the subject matter contained in G.S. 113A-113(b). These agencies are: Division of Coastal Management, Local Government, U.S. Army Corps of Engineers, NC DEQ Division of Water Resources – Public Water Supply section, Division of Water Resources - 401 section, Division of Energy, Mineral and Land Resources – Stormwater Section, Division of Energy, Mineral and Land Resources – Sedimentation and Erosion Control Section, Department of Administration, Wildlife Resources Commission, Division of Marine Fisheries – Shellfish Section, Division of Marine Fisheries – Habitat and Enhancement Section, Department of Natural and Cultural Resources – Archives & History section and Department of Natural and Cultural Resources – Natural Heritage Program.

History Note: Authority G.S. 113-229(e); G.S. 113A-107(b); G.S. 113A-118; G.S. 113A-119(a); G.S. 113A-120(a)(2); G.S. 113A-124(a)(1)

15A NCAC 07J .1503 PERMIT CONDITIONS

Following the review of a new CAMA Major or Minor Permit application, a modification of a CAMA Major or Minor Permit application, a Dredge and Fill Permit application, or a general permit, the Division may issue a permit conditioned in accordance with G.S. 113-229(e) and G.S. 113A-120(b). Any subsequent violation of these conditions shall be a permit violation.

History Note: Authority G.S. 113-229(e); G.S. 113A-107(b); G.S. 113A-118.1(c); G.S. 113A-120(b)

