

1 15A NCAC 07M .0307 is proposed for amendment as follows:

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3 **15A NCAC 07M .0307 ELIGIBILITY, SELECTION CRITERIA AND MATCHING REQUIREMENTS**
4 **PUBLIC BEACH AND COASTAL WATERFRONT ACCESS PROGRAM**

5 ~~(a) Any local government in the 20 coastal county region having ocean beaches or estuarine or public trust waters~~
6 ~~within its jurisdiction may apply for access funds for the development of beach or coastal waterfront access facilities~~
7 ~~with associated improvements. Boat ramps, canoe/kayak launch areas may also be developed provided that the access~~
8 ~~facilities incorporate pedestrian access to coastal waters.~~

9 (a) The Division of Coastal Management (DCM) has primary responsibility for administering the Public Beach and
10 Coastal Waterfront Access Program. Subject to the availability of funds, the DCM shall annually solicit pre-
11 application proposals from local governments and shall select competitive projects for final application submittal.
12 Projects from these final applications shall be selected for funding based on criteria in Paragraph (h) of this Rule.

13 (b) The DCM may use available funds on a non-competitive basis to plan for and provide public access through
14 acquisition or improvements. Prior to expending funds, the DCM shall hold a public meeting or hearing to discuss
15 its proposal. Members of the public shall be invited to comment to the Coastal Resources Commission (CRC) for a
16 minimum of 30 days prior to the expenditure of non-competitive money by the DCM.

17 (c) Local governments have lead responsibility for the selection of public access sites within their jurisdiction. Any
18 local government in the 20 coastal county region having ocean beaches or public trust waters within their
19 jurisdiction may apply for access funds for the acquisition and development of beach or coastal waterfront access
20 facilities.

21 (d) Prior to submitting their final application for a Public Beach and Coastal Waterfront Access grant from the
22 DCM, the local government shall hold a public meeting or hearing to discuss its proposal. The local government
23 shall consider public comments prior to its decision to apply for funds from the State.

24 ~~(b)~~ (e) Eligible projects include:

25 (1) Land acquisition, including acquisition of unbuildable lots; as outlined in N.C. General Statute
26 113A-134.3(a);

27 (2) ~~Local Access Sites;~~ Development of improvements at new or existing sites that provide public
28 access, such as dune crossovers, piers, boardwalks, parking areas, restrooms, showers, benches,
29 litter receptacles, and bicycle racks;

30 (3) ~~Neighborhood Access Sites or improvements;~~

31 (4)(3) ~~Regional Access Sites or improvements;~~ Development of improvements to public access at
32 deteriorating or underutilized urban waterfronts. Such projects include the establishment or
33 rehabilitation of boardwalk areas, shoreline stabilization measures such as the installation or
34 rehabilitation of bulkheads, and the placement or removal of pilings for the purpose of public safety
35 and increased access and use of the urban waterfront;

36 (5) ~~Multi regional Access Sites or improvements;~~

37 (6) ~~Urban waterfront development access projects;~~

1 ~~(7)(4)~~ Reconstruction Reconstruction, replacement or relocation of ~~existing, damaged facilities;~~
2 deteriorating facilities;

3 ~~(8)~~ Reconstruction or replacement of aging facilities; and

4 ~~(9)(5)~~ Offsite parking areas servicing access sites within the local government's jurisdiction;

5 ~~(6)~~ Boat ramps and canoe/kayak launch areas provided that the public access facility incorporates
6 pedestrian access to coastal waters, or;

7 ~~(7)~~ Maintenance of previously funded access sites. This project category is available only to Tier 1
8 communities. Such projects include repair and maintenance of access site facilities and amenities to
9 ensure public health and safety. Repair and maintenance does not include activities such as trash
10 removal, grounds keeping, or custodial services, nor can it be used to pay local government staff
11 salaries.

12 (f) All projects must meet the standards of handicapped accessibility for individuals with disabilities according to the
13 North Carolina Building Code. Exceptions may be granted where site characteristics impede accessibility
14 improvements.

15 ~~(e)~~ (g) The following criteria shall be used to select projects that may receive financial assistance:

16 ~~(1)~~ Priority shall be given to the acquisition of lands that meet N.C. General Statute 113A-134.3(a);

17 ~~(2)~~ The project acquires land for future access improvements;

18 ~~(3)~~ The project creates handicapped-accessible facilities at new access sites, adds handicapped-
19 accessible facilities to existing sites, or replaces deteriorating facilities;

20 ~~(4)(4)~~ Applicant The applicant demonstrates a need for the project due to a high demand for public access
21 and limited availability;

22 ~~(2)(5)~~ Project The project is identified in the ~~local land use plan~~ certified CAMA Land Use Plan or local
23 access plan;

24 ~~(3)(6)~~ Applicant The applicant has not received previous assistance from this grant program or the
25 applicant has received assistance and demonstrated its ability to complete previous projects
26 successfully with funds from this grant program;

27 ~~(4)(7)~~ Applicant's The applicant's commitment of matching funds exceeds the required local share of the
28 total project cost provided in Paragraphs (d) and (e) Paragraph (h) of this Rule;

29 ~~(5)(8)~~ Project The project proposal includes multiple funding sources;

30 ~~(6)(9)~~ The project location includes donated land deemed unbuildable due to regulations or physical
31 limitations; The project's location is within a Tier 1 community.

32 ~~(d)~~ The North Carolina Department of Commerce's Tier designations, as outlined by the Lee Act (G.S. 105-129.3)
33 shall be used to determine the economic status of counties. Land acquisition, including acquisition of unbuildable lots,
34 shall include a local government contribution of at least 15 percent of the acquisition cost, except for Tier 1 and Tier
35 2 counties as designated by the N.C. Department of Commerce, and their respective municipalities which shall have
36 a contribution of at least 10 percent. At least one half of the local contribution shall be cash match, the remainder
37 may be in kind match.

1 ~~(e) Local government contributions for access site improvements shall be at least 25 percent of the project costs,~~
2 ~~except for Tier 1 and Tier 2 designated counties and their respective municipalities which shall have a local~~
3 ~~government contribution of at least 10 percent of the project costs. At least one half of the local contribution shall be~~
4 ~~cash match; the remainder may be in-kind match.~~

5 (h) The applicant's matching requirements are based on project type and their designation as a Tier 1 community.
6 Match requirements are as follows:

7 (1) Local government contributions for land acquisition shall be at least 15 percent of the acquisition
8 cost, except for Tier 1 communities which shall have a local government contribution of at least 10
9 percent of the project cost. At least one-half of the local contribution shall be cash match, the
10 remainder may be in-kind match.

11 (2) Local government contributions for access site improvements shall be at least 25 percent of the
12 project costs, except for Tier 1 communities which shall have a local government contribution of at
13 least 10 percent of the project costs. At least one-half of the local contribution shall be cash match;
14 the remainder may be in-kind match.

15 (3) Local government contributions for maintenance of previously funded access sites shall be at least
16 10 percent of the maintenance project costs. At least one-half of the local contributions shall be cash
17 match; the remainder may be in-kind match. This project type is only available to Tier 1
18 communities.

19 ~~(i)~~ Federal and other State funds may be used as the local government cash contribution, provided such funds are
20 not already being used as matching funds for other state programs.

21 ~~(j)~~ Multi-phase projects ~~and previous contingency projects~~ shall be considered on their own merits within the pool
22 of applications being reviewed in any year.

23 (k) Projects selected for funding may not begin until the Department of Environmental Quality and grant recipient
24 sign a contract. An exception may be granted for eligible land acquisition projects when a waiver has been requested
25 by the applicant in writing and approved by the DCM. A waiver shall be in effect for 18 months from the date of
26 approval. A project receiving a waiver shall not receive preferential treatment in funding decisions.

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28 *History Note: Authority G.S. 113A-124; 113A-134.3;*
29 *Eff. January 1, 1998;*
30 *Amended Eff. September 1, 2021; February 1, 2009; September 1, 2007; August 1, 2000.*