

Final Report to the North Carolina General Assembly

Regulatory Flexibility during the Coronavirus Emergency

June 29, 2021



**NORTH CAROLINA DEPARTMENT OF
ENVIRONMENTAL QUALITY**

***Submitted to the Joint Legislative Administrative Procedure Oversight
Committee, the Joint Legislative Commission on Governmental Operations,
and the Office of State Budget and Management***

Regulatory Flexibility Report – June 29, 2021

On September 4th, 2020, the North Carolina General Assembly chaptered [Session Law 2020-97](#) to provide additional legislative relief for the Coronavirus Emergency. Included in Section 3.20 of this legislation are provisions to allow regulatory flexibility for entities regulated by various state agencies. This report, pursuant to Section 3.20.(c), is a follow up to the [December 1, 2020 Interim Coronavirus Regulatory Flexibility Report](#) and documents efforts made by the North Carolina Department of Environmental Quality (DEQ) between November 1, 2020 and March 31, 2021 to exercise regulatory flexibility, as allowed by this legislation.

Two Divisions within DEQ reported having used regulatory flexibility allowed under Section 3.20. They are as follows:

Division of Coastal Management (DCM):

The DCM has extended permit expiration dates for eight different projects authorized under Coastal Area Management Act General Permits. These extensions were based on a case-by-case review by the DCM director, where the work (labor, materials, logistics), permit applicants, or their authorized agents were delayed partially or wholly due to Covid-19. Most of these projects would otherwise be required to be completed within 120 days of permit issuance, or a new General Permit would need to be issued with a fee ranging from \$200 to \$400.

Division of Marine Fisheries (DMF):

The DMF halted the on-board fishery observer program. On-board observers are a requirement of the Sea Turtle and Sturgeon Incidental Take Reduction Permits (ITP) for anchored gills nets so that staff observe sea turtle and sturgeon interactions. National Oceanic and Atmospheric Administration Fisheries, who issued the permits, provided a waiver exempting the requirements for on-board observers. Alternative platform observations (observers on a separate state-owned vessel) have been implemented for the ITP compliance measures.

Additionally, DMF waived the 30-day application requirement for the Recreational Fishing Tournament License to Sell Fish. Marine Fisheries Commission rule requires tournament organizers to apply for the license 30 days prior to the starting date of the tournament if they intend to sell fish harvested during the tournament. This flexibility has been implemented to accommodate organizers whose tournaments are delayed, postponed, or forced to make late decisions on whether or not to hold the tournament.