North Carolina Department of Environment and Natural Resources
Division of Coastal Management
Beverly Eaves Perdue, Governor James H. Gregson, Director Dee Freeman, Secretary

November 1, 2010

MEMORANDUM

TO: CRC & Interested Parties
FROM: Tancred Miller
SUBJECT: Rulemaking Update

Along with this memo is a spreadsheet that contains all of the Commission's rules that are currently in the rulemaking process—from those being proposed for initial action to those reviewed by the N.C. Rules Review Commission (RRC) since the last CRC meeting. Listed below is a description and recent history of the CRC's action on each rule. Complete drafts of rules scheduled for public hearing at this meeting will be available on the DCM website.

RULE DESCRIPTIONS

1. 15A NCAC 7H.0106 General Definitions (Wind Energy)
   Status: Eligible for adoption.
   The proposed amendment creates a definition for wind energy facilities.

2. 15A NCAC 7H.0208 Estuarine System Use Standards (Wind energy)
   Status: Eligible for adoption.
   This rule is being amended to establish use standards for wind energy facilities.

3. 15A NCAC 7H.0304 AECs Within Ocean Hazard Areas
   Status: Going to public hearing.
   The proposed amendment changes the formula used to calculate the Ocean Erodible AEC to make it consistent with the CRC's new oceanfront setbacks. The amendment would also remove the "unvegetated beach" designation for Hatteras Island that was adopted in 2004.

4. 15A NCAC 7H.0310 Use Standards for Inlet Hazard Areas
   Status: Under Science Panel review.
   The CRC Science Panel and DCM staff continue to work on recommendations to bring to the CRC at a later meeting. Staff will report on meetings with local governments to discuss the proposed approach.

5. 15A NCAC 7H.0214 Installation and Maintenance of Regulatory Signs Exempted
   Status: Proposed for rulemaking.
   DCM is proposing the Commission initiate rulemaking to exempt certain regulatory signs from permitting requirements.

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6. 15A NCAC 7M.0400
   Status: Eligible for adoption.
   Amendments proposed in January to define policies for wind energy facilities were approved for public hearing, which was held in September 2010.

DCM is proposing the Commission initiate rulemaking to exempt certain regulatory signs from permitting requirements.					
Item #	**Rule Citation**	**Rule Title**	**November '10 Status**	**November Action Required?**	**Next Steps**
1	15A NCAC7H.0106	General Definitions	Eligible for adoption	**Yes**	Public hearing in September, rule will be eligible for adoption in November.
2	15A NCAC 7H.0208	Estuarine System Use Standards	Eligible for adoption	**Yes**	Public hearing in September, rule will be eligible for adoption in November.
3	15A NCAC 7H.0304	AECs Within Ocean Hazard Areas	Going to public hearing	No	Changes proposed to make the ocean erodible area calculation consistent with oceanfr calculations, and to remove "unvegetated beach" designation for Hatteras Island.
4	15A NCAC 7H.0310	Use Standards for Inlet Hazard Areas	Under Science Panel review	No	DCM and Science Panel continue to work on recommendations to CRC.
5	15A NCAC 7K.0214	Installation & Maintenance of Regulatory Signs Exempted	Proposed for rulemaking	**Yes**	DCM is proposing the Commission initiate rulemaking to exempt certain regulatory sign grequirements.
6	15A NCAC 7M.0400	Coastal Energy Policies	Eligible for adoption	**Yes**	Public hearing in September, rule will be eligible for adoption in November.