

**CAMA THIRD PARTY HEARING REQUEST FORM**

**DCM FILE No:** \_\_\_\_\_

PETITIONER'S NAME \_\_\_\_\_

COUNTY WHERE THE DEVELOPMENT IS PROPOSED \_\_\_\_\_

PLEASE TAKE NOTE that the undersigned, a person affected by the decision of (check one):

\_\_\_\_\_ a Local Permit Officer acting on a CAMA Minor Development Permit application; or

\_\_\_\_\_ the Division of Coastal Management acting on a CAMA Permit application

hereby requests permission from the Coastal Resources Commission (CRC) to file an appeal pursuant to N.C.G.S. § 113A-121.1(b) and 15A N.C.A.C. 07J .0301. N.C.G.S. § 113A-121.1(b) requires that

**DCM receive your completed Third-Party Hearing Request Petition within 20 Days of the date of the permit decision.**

No later than 30 days after your request is received by the Division of Coastal Management (DCM), the Chair of the CRC will issue a decision as required by 15A N.C.A.C. 07J .0301.

- If the CRC Chair **grants** the request for a hearing in the Office of Administrative Hearings (OAH), you must file a contested case petition with the OAH within twenty (20) days of your receipt of the CRC’s final agency decision. N.C.G.S. § 113A-121.1(b).
- If the CRC Chair **denies** the request for a hearing, in whole or in part, that decision is a final agency decision which you may appeal to Superior Court within thirty (30) days of receipt of the CRC’s decision as allowed by N.C.G.S. § 113A-121.1(b) and Chapter 150B, Article 4.

**I. WHAT MUST BE INCLUDED WITH THIS REQUEST:**

For this request to be considered complete, the Petitioner must address all of the three factors listed below. The Chair’s decision will be based on whether a third-party Petitioner has demonstrated all three requirements that are listed in N.C. Gen. Stat. § 113A-121.1(b).

**(1) Petitioner must allege that the decision is contrary to a statute or rule.**

**Instruction:** In order for your answer to this question to be considered complete, you must list a statute or rule that you think is violated by or inconsistent with the decision to issue the permit. It is not sufficient to refer to local ordinances, Homeowners Association covenants, or raise property ownership disputes or other non-CAMA issues. In order to meet this requirement, you must list a specific section from one or more of the following:

- a. the Coastal Area Management Act of 1974 (found in N.C. Gen. Stat., Chapter 113A, Article 7);
- b. the Dredge & Fill Law (found in N.C. Gen. Stat. § 113-229 and -230), or
- c. the CRC’s rules implementing the coastal management program set forth in Title 15A, Chapter 7 of the N.C. Administrative Code.

These can be found on the DCM Website: [NC DEQ: Coastal Management Rules & Regulations](#)

(2) **Petitioner must demonstrate that they are directly affected by the decision**

**Instruction:** Please describe how you are directly affected by the permit decision. Persons directly affected by a decision often include, but are not limited to, owners of real property near the permitted development who can show that it is likely to have a particular adverse effect on the value and enjoyment of their property, or persons who can demonstrate a history of substantial use of public resources in the area directly affected by the development. Please note that the CRC's rules usually do not preclude issuance of a permit simply because the permitted development will have some impact on the view from your property.

(3) **Petitioner must allege facts or made legal arguments that demonstrate that the request for a hearing is not frivolous**

**Instruction:** Please summarize the evidence you might present at a hearing in support of your appeal. Explain why any alleged facts support your argument that the permit is not consistent with one of the statutory provisions or commission rules that you listed in response to the first question. For example, if you allege the permit issued is not consistent with 15A N.C. Admin. Code 07H .0208(b)(6), you might allege that the permitted pier is wider than 6 feet and there is no public safety need for the dock to exceed 6 feet. Please provide facts in support of each legal argument you are making to demonstrate that there are disputes about issues of fact or legal arguments that should be resolved through a hearing at the OAH.

**Please answer these three questions on separate piece(s) of paper or Word document.**

(Use as many as you need and submit the answers with this form.)

**Please attach a copy of the permit.** (If you cannot obtain a copy of the permit, please provide the name of the permittee, the project location, and the permit number.)

Based on the attached responses to the above factors, the undersigned hereby requests a third party hearing.

\_\_\_\_\_  
Signature of Petitioner or Attorney<sup>1</sup>

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name of Petitioner or Attorney

\_\_\_\_\_  
Email address of Petitioner or Attorney

\_\_\_\_\_  
Mailing Address

(\_\_\_\_\_)\_\_\_\_\_  
Telephone number of Petitioner or Attorney

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip

<sup>1</sup> The NC State Bar has issued opinions indicating that non-attorneys may not represent others in quasi-judicial proceedings such as this Third Party Hearing Request before the Commission. These opinions note that the practice of non-lawyer professionals, such as engineers, surveyors, or contractors, representing others in quasi-judicial proceedings through written argument may be considered the unauthorized practice of law. Individuals may represent themselves before the CRC, however before proceeding with this hearing request, you may wish to seek the advice of an attorney.

## II. DELIVERY OF THIS HEARING REQUEST

This request must be **received by** the Division of Coastal Management (DCM) within twenty (20) days of the date of the disputed permit decision. N.C.G.S. § 113A-121.1(b). Failure to do so constitutes waiver of the right to request a hearing. A copy of this request must also be sent to the Attorney General's Office, Environmental Division. 15A N.C.A.C. 07J .0301(b).

### Contact Information for DCM:

#### **By mail, express mail or hand delivery:**

Director  
Division of Coastal Management  
400 Commerce Avenue  
Morehead City, NC 28557

#### **By Email:**

Check DCM website for the email address  
of the current DCM Director  
[www.nccoastalmanagment.net](http://www.nccoastalmanagment.net)

### Contact Information for Attorney General's Office:

#### **By U.S. mail:**

NC Department of Justice–Environmental Division  
P.O. Box 629  
Raleigh, NC 27602

#### **By express mail:**

NC Department of Justice–Environmental Division  
114 W. Edenton Street  
Raleigh, NC 27603

**Form revised by CRC August, 2024**