

**Report to the North Carolina General Assembly
Environmental Review Commission**



***Quarterly Report on the Division of Coastal Management's
Program Change Submittal to NOAA***

September 1, 2024

**Division of Coastal Management
NORTH CAROLINA DEPARTMENT
OF ENVIRONMENTAL QUALITY**

Pursuant to SL 2024-45, Sections 15.1.(f), 16.(f), 16.1.(c), 16.1A.(b)

The purpose of this report is to provide a status update regarding DEQ's activities pursuant to Session Law 2024-45, Sections 15.1.(f), 16.(f), 16.1.(c), 16.1A.(b)

All sections read as follows:

No later than August 1, 2024, the Department of Environmental Quality shall prepare and submit to the United States National Oceanic and Atmospheric Administration for approval by that agency the proposed changes made to Article 7 of Chapter 113A of the General Statutes, as enacted by subsection (a) of this section. The Department of Environmental Quality shall report to the Environmental Review Commission on the status of their activities pursuant to this section quarterly, beginning September 1, 2024, until such time as the General Assembly repeals this reporting requirement.

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A. Background

Session Law 2024-45 directed North Carolina's Coastal Resources Commission to amend statutes and rules applicable to dock, pier, and walkway replacement (Section 15.1) and to authorize the establishment of a measurement line for dune building projects conducted pursuant to permitted terminal groin construction (Section 16). Additionally, Session Law 2024-45 amends the NC Coastal Area Management Act to exclude aquaculture from the definitions of "Development" (Section 16.1) and authorizes the replacement of certain erosion control structures within an ocean shoreline (Section 16.1A).

For the changes included in Sections 15.1, 16.1, and 16.1A, the legislation states that they will take effect on the later of the following dates: (1) October 1, 2024, or (2) the first day of a month that is 60 days after the Secretary of Environmental Quality certifies to the Revisor of Statutes that the National Oceanic and Atmospheric Administration has approved the relevant changes.

Section 16 otherwise includes the same language regarding the effective date, except that October 1, 2024 is replaced with September 1, 2024.

B. DCM's Program Change Request

In order to satisfy Session Law 2024-45, DCM submitted a Program Change Request to NOAA on July 24, 2024. In accordance with NOAA's Program Change Request rules, DCM also published a public notice on July 24. The public comment period ended on August 14, and NOAA's decision date to concur in the incorporation of the Program Change was August 23; however, NOAA had the option to extend their review period. On August 23, NOAA extended their review until September 13, 2024.

C. Future Updates

DCM will continue to report on the status of this Program Change quarterly, until such time as the General Assembly repeals this reporting requirement.