15A NCAC 07J.0403 is proposed for amendment as follows:

15A NCAC 07J.0403 DEVELOPMENT PERIOD/COMMENCEMENT/CONTINUATION

(a) New dredge and fill permits and CAMA permits, excepting Major permits shall expire five years from the date of permit issuance, with the exception of publicly-sponsored, multi-phased beach nourishment projects, which shall expire 10 years from the date of permit issuance. Minor permits, except those authorizing beach bulldozing when authorized through issuance of a CAMA minor permit, shall expire on December 31 of the third year following the year of permit issuance.

(b) CAMA minor permit permits authorizing beach bulldozing shall expire 30 days from the date of permit issuance. Following permit expiration, the applicant may request permit holder is entitled to request an extension in accordance with Rule .0404(a) of this Section.

(c) Development After Permit Expiration. Any development undertaken after permit expiration shall be considered unpermitted and shall constitute a violation of G.S. 113A-118 or G.S. 113-229. Any development to be undertaken after permit expiration shall require either a new permit, or extension of the original permit according to 15A NCAC 07J.0404 with the exception of Paragraph (e) of this Rule. a new permit.

(d) Commencement of Development in Ocean Hazard AEC. No development shall begin until the oceanfront setback requirement can be met established in accordance with 15A NCAC 07H.0306. When the permit holder or an individual receiving an exception to the permit requirement is ready to begin development, they shall arrange an onsite meeting with the Division of Coastal Management or Local Permitting Officer to determine the oceanfront setback. This setback determination shall replace the one completed at the time the permit was processed and approved and development shall must begin within 60 days from the date of that meeting. In the case of a shoreline change that alters the location of the permitted development a new setback determination may be required. To determine if a new setback is required, additional coordination with the Division of Coastal Management or Local Permitting Officer shall be required. Upon completion of the measurement, the Division of Coastal Management or Local Permitting Officer will issue a written statement to the permittee certifying the same. required before development begins.

(e) Continuation of Development in the Ocean Hazard AEC. Once permitted development has begun, development in the Ocean Hazard AEC may continue beyond the authorized development period if, in the opinion of the Division of Coastal Management or Local Permitting Officer, substantial progress has been made and is continuing according to customary and usual building standards and schedules. Substantial progress is defined as beginning with the placement of foundation pilings, and proof of the local building inspector's certification that the installed pilings have passed a floor and foundation inspection.

(f) Any permit that has been stayed suspended as a result of litigation shall be extended at the permit holder's written request for a period equivalent to the period of permit suspension, but not to exceed the development period authorized under Paragraph (a) of this Rule.

History Note: Authority G.S. 113A-118; 113A-124(c)(8);
Eff. March 15, 1978;
Amended Eff. August 1, 2002; April 1, 1995; July 1, 1989; March 1, 1985; November 1, 1984;
Readopted Eff. August 1, 2021;
Amended Eff. June 1, 2022.
15A NCAC 07J.0404 is proposed for amendment as follows:

15A NCAC 07J.0404  DEVELOPMENT PERIOD EXTENSION

(a) For CAMA minor permits authorizing beach bulldozing, the permit holder may be entitled to request a one-time 30-day permit extension. No additional extensions shall be granted after the 30-day extension has expired. Notwithstanding this Paragraph, the permit holder may be eligible to apply for another minor permit authorizing beach bulldozing following expiration of the 30-day permit extension.

(b) Where no development has been initiated during the development period, the Division of Coastal Management or Local Permit Officer shall extend the authorized development period for no more than two years upon receipt of a signed and dated request from the applicant containing the following:

1. a statement of the intention of the applicant to complete the work;
2. a statement of the reasons why the project will not be completed before the expiration of the current permit;
3. a statement that there has been no change of plans since the issuance of the original permit other than changes that would have the effect of reducing the scope of the project or previously approved permit modifications;
4. notice of any change in ownership of the property to be developed and a request for transfer of the permit, if appropriate; and
5. a statement that the project is in compliance with all conditions of the current permit.

Where substantial development, either within or outside the AEC, has begun and is continuing on a permitted project, the permitting authority shall grant as many two year extensions as necessary to complete the initial development. For the purpose of this Rule, "substantial development" shall be deemed to have occurred on a project if the permittee can show that development has progressed beyond basic site preparation, such as land clearing and grading, and construction has begun and is continuing on the primary structure or structures authorized under the permit. For purposes of residential subdivision, installation of subdivision roads consistent with an approved subdivision plat shall constitute substantial development. Renewals for maintenance and repairs of previously approved projects may be granted for periods not to exceed 10 years.

(b) All other CAMA permits may be extended where substantial development, either within or outside the AEC, has begun or is continuing. The permitting authority shall grant as many two-year extensions as necessary to complete the initial development, with the exception that multi-phased beach nourishment projects may be granted ten-year extensions to allow for continuing project implementation. Renewals for maintenance of previously approved dredging projects may be granted for periods not to exceed five years. For the purpose of this Rule, substantial development shall be deemed to have occurred on a project if the permit holder can show that development has progressed beyond basic site preparation, such as land clearing and grading, and construction has begun and is continuing on the primary structure or structures authorized under the permit. For elevated structures in Ocean Hazard Areas, substantial development begins with the placement of foundation pilings, and proof of the local building inspector’s certification that the installed pilings have passed a floor and foundation inspection. For residential
subdivisions, installation of subdivision roads consistent with an approved subdivision plat shall constitute substantial
development.

(c) To request an extension pursuant to Paragraphs (a) and (b) of this Rule, the permit holder shall submit a signed
and dated request containing the following:

(1) a statement of the completed and remaining work;
(2) a statement that there has been no change of plans since the issuance of the original permit other
than changes that would have the effect of reducing the scope of the project, or previously approved
permit modifications;
(3) notice of any change in ownership of the property to be developed and a request for transfer of the
permit if appropriate; and
(4) a statement that the project is in compliance with all conditions of the current permit.

(d) When an extension request occurs in accordance with Paragraph (b) of this Rule, the Division of Coastal Management may circulate the request
to the commenting State resource agencies along with a copy of the original permit applic ation. Commenting State
resource agencies will be given three weeks 30 days in which to comment on the extension request. Upon the
expiration of the commenting period the Division of Coastal Management will notify the applicant permit holder of
its actions on the extension request.

(e) Notwithstanding Paragraphs (b) and (e) (d) of this Rule, an extension request may be denied on making findings
as required in either G.S. 113A-120 or G.S. 113-229(e). Changes in circumstances or in development standards shall
be considered and applied by the Division of Coastal Management in making a decision on an extension request.

(f) The applicant for a major development extension request shall submit, with the request, a check or money order
payable to the Department in the sum of one hundred dollars ($100.00).

(f) Modifications to extended permits may be considered pursuant to 15A NCAC 07J-0405.

History Note: Authority G.S. 113A-119; 113A-119.1; 113A-124(c)(8);
Eff. March 15, 1978;
Amended Eff. August 1, 2002; August 1, 2000; April 1, 1995; March 1, 1991; March 1, 1985;
November 1, 1984;
Readopted Eff. August 1, 2021;
Amended Eff. June 1, 2022.