



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Office for Coastal Management
Silver Spring Metro Center, Building 4
1305 East-West Highway
Silver Spring, Maryland 20910

January 20, 2022

Mr. Braxton Davis, Director
Division of Coastal Management
North Carolina Department of
Environmental Quality
400 Commerce Avenue
Morehead City, NC 28557

Dear Mr. Davis,

Thank you for the October 22, 2021 request for approval of changes to the North Carolina Coastal Management Program pursuant to the National Oceanic and Atmospheric Administration (NOAA) Coastal Zone Management Act (CZMA) regulations at 15 CFR part 923, subpart H.¹

NOAA's Office for Coastal Management approves the request subject to the qualification below.

NOAA's regulations require that the state post this decision by the Office for Coastal Management for public notice.² The public notice should state that as of the date of this decision letter the enforceable policies identified in the attached Table of Approved Changes shall be applicable in reviewing federal actions pursuant to the federal consistency requirements of the CZMA and its implementing regulations found at 15 CFR part 930.³ Please send a copy of the public notice to the Office for Coastal Management for our records to close out this file.

PUBLIC AND FEDERAL AGENCY COMMENTS

The Office for Coastal Management did not receive any comments on this program change submission.

CHANGES APPROVED

See the attached Table of Approved Changes to the North Carolina Coastal Management Program.

¹ This program change request was submitted under NOAA's revised CZMA program change regulations at 15 CFR part 923, subpart H (84 Federal Register (FR) 38118 (Aug. 6, 2019)). The Office for Coastal Management's decision due date was 11/21/21 subject to extension. The Office for Coastal Management extended its review of this program change request to 1/14/22.

² 15 CFR § 923.81(e)(5), as described at 84 FR 38133 (Aug. 6, 2019).

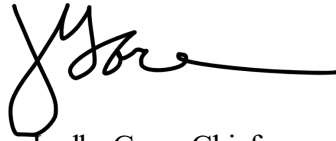
³ 15 CFR § 923.81(f), as described at 84 FR 38133 (Aug. 6, 2019).

QUALIFICATION

As a standard qualification applying to all program changes, states may not incorporate enforceable policies by reference. If an approved enforceable policy refers to another statute, regulation, policy, standard, guidance, or other such requirement or document, the referenced policy must be submitted to and approved by the Office for Coastal Management as an enforceable policy in order to be applied under the federal consistency review provisions of the CZMA. No referenced policy may be applied for CZMA federal consistency review purposes unless that policy has been separately reviewed and approved as an enforceable policy by the Office for Coastal Management.

Thank you for your cooperation in this review. Please contact Lindy Betzhold at 843-475-4318, if you have any questions. For future correspondence regarding these program changes, please refer to the file number assigned to this action, NC-2021-1.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joelle Gore', with a long horizontal flourish extending to the right.

Joelle Gore, Chief
Stewardship Division

Attachment: Table of Approved Changes NC-2021-1

TABLE OF APPROVED CHANGES TO THE NORTH CAROLINA COASTAL MANAGEMENT PROGRAM (NC-2021-1)

Please see the January 20, 2022, decision letter for any qualifications, clarifications and exceptions pertaining to this approval.

Legal Citation	Title of Policy, section, or other descriptor	Is the change new, revised, or deleted	Date effective in state	Enforceable policy	Enforceable mechanism citation
<p>General Use Standards</p> <p>15A NCAC 07H .0208(a)(1) through (6)</p>	<p>15A NCAC 07H .0208 contains the CRC’s general and specific use standards for development in the estuarine and ocean systems. The General Use Standards contain guidelines for water dependent development, Primary Nursery Areas and Submerged Aquatic Vegetation. These General Use Standards identify which uses are not water dependent shall not be permitted in coastal wetlands, estuarine waters, and public trust areas.</p>	<p>Revised</p>	<p>11/01/2021</p>	<p>Yes</p>	<p>Authority G.S. 113A-107(b); 113A108; 113-113(b); 113A-124</p>

TABLE OF APPROVED CHANGES TO THE NORTH CAROLINA COASTAL MANAGEMENT PROGRAM (NC-2021-1)

Please see the January 20, 2022, decision letter for any qualifications, clarifications and exceptions pertaining to this approval.

<p>General Use Standards</p> <p>15A NCAC 07H 0208(b)(1) through (13)</p>	<p>15A NCAC 07H .0208 contains the CRC’s general and specific use standards for development in the estuarine and ocean systems. The General Use Standards contain guidelines for water dependent development, Primary Nursery Areas and Submerged Aquatic Vegetation. These General Use Standards identify which uses are not water dependent shall not be permitted in coastal wetlands, estuarine waters, and public trust areas.</p>	<p>Revised</p>	<p>11/01/2021</p>	<p>Yes</p>	<p>Authority G.S. 113A-107(b); 113A108; 113-113(b); 113A-124</p>
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