



CRC-25-36

November 5, 2025

MEMORANDUM

TO: Coastal Resources Commission

FROM: Daniel Govoni

SUBJECT: Annual Review of Rules Report

In accordance with G.S. 150B-19.1(b) and as outlined in the attached memorandum (CRC-25-32), staff have conducted the annual review of the Coastal Resources Commission rules. In addition to the purposes specified in 150B 19.1(b) this review focuses on ensuring existing rules are consistent with recent laws, are clear and technically accurate and provide the agency with an opportunity to identify potential needs for rule amendments.

To date, staff have compiled the following summary of rulemaking activities and will continue to provide annual updates.

Past Rule Amendments and Adoptions

15A NCAC 07H .0314 – Use of Straw Bales as Sand Fencing

This amendment establishes specific use standards for the installation and maintenance of wheat straw bales as an alternative to traditional wooden sand fencing within Ocean Hazard Areas.

15A NCAC 07H .0209 – Temporary Enclosures in Urban Waterfront Areas

The amendment to this rule allows for the temporary enclosure of decks and boardwalks using removable materials within Urban Waterfront Areas. Permanent installations, including HVAC systems, remain prohibited.

15A NCAC 07H .0309 – Structure Size in Ocean Hazard Areas

This amendment removes the previous 1,000 square foot footprint limit and the requirement that lots be created before June 1, 1979. It increases the allowable total floor area for structures to 2,500 square feet, provided all other setback and design standards are met. This change expands development opportunities on oceanfront lots while maintaining protective standards.



Pending Rule Action

15A NCAC 07H .0508 – Jockey’s Ridge Area of Environmental Concern (AEC)

The readoption of this rule was approved by the CRC but received an objection from the RRC, which determined that Paragraph (a) is unnecessary. The CRC will either amend the rule to address the objection or respond with no changes.

Ongoing Rule Review and Potential Amendments

As part of the annual rule review process, staff have identified the following rules for potential amendment:

15A NCAC 07H .0306, .0309, and 07J .2010 – Clarification of requirements for the location of septic tanks seaward of the vegetation line.

15A NCAC 07H .0208 – Consideration of alternative sandbag designs for the protection of public roads.

15A NCAC 07H .0209 – Clarification that artificial turf is not considered landscaping and is not permitted within the 30-foot buffer.

15A NCAC 07H .0200 – Potential reorganization of AEC categories to improve clarity in interpreting rules related to estuarine waters, coastal wetlands, public trust areas, and estuarine/public trust shorelines.

Additional Technical and Clarifying Changes – Numerous technical corrections and clarifications have been identified and will be addressed during the Periodic Review Process.

Recent Senate Bills

Senate Bill 734 and Senate Bill 665 will necessitate amendments to the Coastal Resources Commission (CRC) rules to ensure consistency with the Coastal Area Management Act (CAMA):

Senate Bill 734 – Clarifying Estuarine Waters AEC under CAMA

Senate Bill 734 amends the definition of estuarine waters under CAMA by excluding man-made ditches, canals, ponds, and similar features from Areas of Environmental Concern (AECs). This legislation removes such features from CAMA and Dredge and Fill permitting jurisdiction, thereby exempting development activities in these areas from CRC oversight.

Senate Bill 665 – Upland Basin Permitting Reform

Senate Bill 665 introduces significant changes to the permitting process for upland basin marinas including the authorization to excavate coastal wetlands for upland basin construction, with no mitigation required for:

- Up to 10% of the linear shoreline; and
- Up to 5% of the total basin area



Elimination of the 30-foot vegetated buffer along newly created marina basin shorelines. However, the buffer requirement remains in place for non-basin shorelines.

Reduction in permitting review time from 75 days to 60 days.

Staff have not identified any rules that are “unnecessary, unduly burdensome, or inconsistent with the principles set forth” in G.S. 150B 21.9(a), that would be subject to repeal.

This annual review serves as an important tool to ensure the Commission’s rules continue to reflect current law and policy while supporting effective program implementation. Moving forward, staff will continue to evaluate and refine the rules as needed, coordinating with the Commission to identify priorities and maintain consistency across all regulatory efforts.

We look forward to discussing this review at your November CRC meeting.



North Carolina Department of Environmental Quality | Division of Coastal Management
Morehead City Office | 400 Commerce Avenue | Morehead City, North Carolina 28557
252.515.5400



CRC-25-32

August 13, 2025

MEMORANDUM

TO: Coastal Resources Commission

FROM: Cameron Luck

SUBJECT: Annual Review of Rules

Following the establishment of the Coastal Resources Commission (CRC) in 1974, the Commission implemented a comprehensive framework of 589 rules to regulate development across the 20 designated coastal counties of North Carolina. The subsequent rules established by the CRC were intended to safeguard fragile coastal ecosystems, promote sustainable economic development, and balance public and private interests along the shoreline. Since then, the total number of CRC rules has been reduced by roughly fifty percent today for a variety of reasons, including amending for greater clarity, repealing when deemed redundant or outdated, or replaced to address emerging coastal management challenges.

At the CRC's February 2025 meeting, Commissioner Hennessy raised a question regarding the agency's compliance with the North Carolina Administrative Procedure Act (APA), which requires agencies to conduct a review of their rules annually. Specifically, G.S. 150B-19.1(b) directs that,

Each agency subject to this Article shall conduct an annual review of its rules to identify existing rules that are unnecessary, unduly burdensome, or inconsistent with the principles set forth in subsection (a) of this section. The agency shall repeal any rule identified by this review.

As outlined in the attached memorandum that was presented by Special Deputy Attorney General Mary Lucasse at the April 2025 meeting, a "periodic review" process was codified in G.S. 150B-21.3A in 2013. That statute requires agencies to review their existing rules at least once every ten years under a formal, public-facing process overseen by the Rules Review Commission (RRC). Because the periodic review process includes rule-by-rule classification and repeal or readoption through rulemaking, there was some uncertainty as to whether the periodic review (occurring every ten years) was to become the prevailing mechanism for rule maintenance, replacing the annual review requirement. Ms. Lucasse notes in her memo that in



addition to the periodic review, the agency's rules frequently undergo technical changes, substantive amendments, or the creation of new rules annually.

Regardless, G.S. 150B-19.1(b) remains in effect and requires DCM to conduct an agency-level review of the commission's rules. Staff are also reviewing the rules for consistency with recent session law, clarity standards, technical accuracy. As there is no statutorily-prescribed format or reporting requirement for this annual review, it is staff's understanding that agencies have discretion in how to conduct this review. To implement this annual review, staff have developed a comprehensive master spreadsheet cataloging all rules under the commission's jurisdiction. Each rule is being individually reviewed for compliance with the statutory criteria in G.S. 150B-19.1, as well as for consistency with recently enacted session laws to identify any technical or substantive issues that may warrant revision. Staff will assess whether each rule is necessary, considering the guidance provided in G.S. 150B-19.1(a)(1) and (3), which require that rules to be both authorized by law and necessary to serve the public interest, and that they be clearly written and reasonably necessary to implement or interpret federal or state law. Any comments and/or observations gathered from staff are documented alongside the corresponding rule in the spreadsheet as a comprehensive record of concerns and recommendations to be addressed through the various rulemaking pathways available to agencies. Please review the attached draft spreadsheet. It is currently under review by staff for additional input.

While it does require staff to commit additional time and resources to a formal, annual review, it will assist in proactively managing the CRC's obligations under the periodic review process required by G.S. 150B-21.3A. As a result, the Commission will be able to approach the periodic review process with a well-informed, strategic understanding of its rulebook to reduce the need for reactive measures.

We look forward to discussing this review at your August CRC meeting.



North Carolina Department of Environmental Quality | Division of Coastal Management
Morehead City Office | 400 Commerce Avenue | Morehead City, North Carolina 28557
252.515.5400