JOSH STEIN
Governor
D. REID WILSON
Secretary
TANCRED MILLER
Director

NORTH CAROLINA
Environmental Quality

CRC-26-91

October 21, 2026

MEMORANDUM

TO: Coastal Resources Commission
FROM: Jonathan Howell
SUBJECT: Proposed for Rulemaking – 15A NCAC 07J .1401 Standards for Work Plats for CAMA Major and Dredge And Fill Permits, .1402 Project Narrative, .1403 Complete CAMA Major Permit and Dredge and Fill Applications, .1404 Complete Minor Permit Applications, .1405 Permit Fee, .1501 CAMA Major and Dredge and Fill Permit Application Processing, .1502 Minor Permit Application Processing, .1503 Circulation of CAMA and Dredge and Fill Applications and .1504 Permit Conditions

Through the Periodic Rules Review process under the NC Administrative Procedure Act (APA), G.S. 150B-21.3A, five of the CRC's administrative rules regarding permit processing were returned to the agency on October 5, 2023 and removed from the NC Administrative Code; specifically, 15A NCAC .07J .0203, 15A NCAC .07J .0204, 15A NCAC .07J .0206, 15A NCAC .07J .0207 and 15A NCAC .07J .0208. These rules defined permit application processing, including information required on workplans and the process by which permits were conditioned.

At that time, the Commission determined it was necessary to start the rule making process and at your April 2024 CRC meeting, directed staff to move forward with rulemaking to restore the previously removed rules. The rules were re-written to address Rules Review Commission (RRC) concerns and clarify other language within the rules and the CRC approved the rules to move forward to fiscal analysis. The fiscal analysis was approved by the Commission at a special meeting on August 6, 2024 and a public hearing was held on September 26th, 2024, at the Division of Coastal Management's Morehead City office. No public comments were received and the public comment period ended on November 4, 2024.

The trial court ruled in favor of the Commission and the old rules were returned to the administrative code on March 3, 2025, to hold the status quo during the appeal. However, the decision to return the rules to the administrative code was appealed by the RRC on March 19, 2025. The Court of Appeals found in favor of the RRC's appeal on September 16th, 2026, and a subset of the vacated rules were determined to be ambiguous.

At your August 2026 meeting, staff presented 15A NCAC 07J .1401-.1405 and 15A NCAC 07J .1501-.1504 to the Commission for awareness of future proposed rulemaking. At your October

meeting, staff will present proposed rule language to address permit processing and application requirements.

The rules for your consideration are:

- 15A NCAC 07J .1401 Standards for Work Plats for CAMA Major and Dredge And Fill Permits
- 15A NCAC 07J .1402 Project Narrative
- 15A NCAC 07J .1403 Complete CAMA Major Permit and Dredge and Fill Applications
- 15A NCAC 07J .1404 Complete CAMA Minor Permit Applications
- 15A NCAC 07J .1405 Permit Fee
- 15A NCAC 07J .1501 CAMA Major and Dredge and Fill Permit Application Processing
- 15A NCAC 07J .1502 CAMA Minor Permit Application Processing
- 15A NCAC 07J .1503 Circulation of CAMA Major and Dredge and Fill Applications and
- 15A NCAC 07J .1504 Permit Conditions.

Staff look forward to answering any questions about the proposed rules or the rule making process at your upcoming August CRC meeting.

SECTION .1400 – APPLICATION REQUIREMENTS

15A NCAC 07J .1401 STANDARDS FOR WORK PLATS FOR CAMA MAJOR AND DREDGE AND FILL PERMITS

(a) Work plats shall include a top view and a cross-sectional view. All work plats shall have a north arrow at the top of the plat. Work plats shall be drawn to a scale of 1" = 200' or less.

(b) Details of Work Plats

(1) Top View or Plan View Work Plats shall label existing and proposed features including:

A. dune systems,
B. dune elevations or contours,
C. shorelines,
D. creeks,
E. marshlands,
F. docks,
G. piers,
H. bulkheads,
I. excavated areas,
J. fill areas,
K. type and location of sewage treatment facilities,
L. effluent outlets,
M. shoreline length,
N. upland vegetation,
O. coastal wetlands,
P. 404 wetlands,
Q. houses,
R. septic tanks,
S. septic fields,
T. existing structures on adjacent property such as shoreline stabilization, docking facility,
U. Areas of Environmental Concern,
V. the 30-foot buffer or the Neuse-Tar/Pamlico DWR buffers as applicable,
W. US Army Corps of Engineers setbacks and lines,
X. First Line of Stable Natural Vegetation as defined in 15A NCAC 07H .0305(5),
Y. development setbacks,
Z. pre-project vegetation line,
AA. north arrow,

BB. submerged aquatic vegetation,

CC. shellfish,

DD. navigation markers,

EE. hydraulic dredge pipe alignment,

FF. spoil disposal location,

GG. and adjacent waterbody name.

Existing water depths shall be indicated as Normal Water Level or Normal High Water Level unless work plats are certified by a licensed professional surveyor or engineer in which case water depths can be indicated using mean low water as zero. Existing water depths shall be shown either as contours or spot elevation. In areas where the difference in daily low and high tides is less than six inches, mean water level as certified by a professional surveyor or engineer or normal water level shall be used. Work plats shall indicate which features currently exist and which are proposed. Property boundaries, as they appear on the deed, and the names of adjacent property owners shall be shown on the work plat with riparian lines and the 15-foot riparian setback. The work plat shall show areas to be excavated and the exact site for disposal of the excavated material unless it is outside of an Area of Environmental Concern, then an address of the disposal site may be provided. When fill material is to be placed behind a bulkhead or dike, the plat shall show the exact location of such bulkheads, dikes and fill areas and calculations showing that the bulkhead or dike has the capacity to confine the material.

(2) Cross-Sectional Work Plats shall show the depth and elevation of proposed work relative to Normal Water Level or Normal High Water Level, or to Mean Low Water and Mean High Water if certified by a licensed surveyor or engineer. First floor elevations shall be shown for any proposed structures.

(3) Title of Work Plats. Each work plat shall be numbered, have a title block to identify the project or work, and shall include the name of the applicant or project, date the plat was prepared, and scale of the plat. The date of any revisions shall be noted on the work plat. The applicant shall include the name or initials of the person who drew the plat.

History Note: Authority G.S. 113A-107(b); 113A-119(a); 113-229; 113A-124(a)(1)

15A NCAC 07J .1402 PROJECT NARRATIVE

(a) Any application for a CAMA Major or Dredge and Fill permit shall include the following information: a statement of residential, commercial or recreational development;

(1) a description of the development activities proposed;

(2) a description of the development site identifying all wetlands and waters;

(3) the amount of land-disturbing activity, as defined in G.S. 113A-52(6), in the Area of Environmental Concern measured in acres or square feet; and

(4) any previous or active State or federal permits issued on the property.

History Note: Authority G.S. 113-229; 113A-107(a); 113A-119(a); 113A-124(a)(1)

15A NCAC 07J .1403 COMPLETE CAMA MAJOR PERMIT AND DREDGE AND FILL APPLICATIONS

(a) Processing for a Major Permit or Dredge and Fill Permit application, or a major modification to a Major Permit or Dredge and Fill Permit application shall begin when an application is accepted as complete by the division. Permit applications shall be in the form and include the content required under this Subchapter. Applications not in compliance with the form and content of this Subchapter shall not be considered complete and the processing time specified pursuant to G.S. 113A-122(c) or G.S. 113-229(e) shall not commence until the application is deemed complete.

(b) Before an application is accepted as complete, the requirements as listed in Subparagraphs (1) through (5) of this Paragraph shall be met. Any application not in compliance with these requirements shall be returned to the applicant along with a notification explaining the deficiencies of the application.

(1) a current application form shall be submitted and can be found at https://ncdeq.dynamics365portals.us/dcm-home/. The application form shall contain:

(A) application type;

(B) name of entity, or first, middle, and last name(s), referenced on deed or other instrument which shows reasonable evidence of ownership of the property or other lawful authority to make use of the property;

(C) phone number and email address;

(D) physical address of the site of the proposed development and mailing address for the applicant;

(E) project type;

(F) authorized agent authorization form and contact information for agent;

(G) description of existing conditions and development on the project location including lot size, shoreline length, vegetation, and erosion details;

(H) total amount of land-disturbing activity, as defined in G.S. 113A-52(6), in the AEC measured in acres or square feet resulting from the proposed development;

(I) applicable dimensions of proposed development activity including quantity, length, width, elevation, slope, area, volume, distance waterward of Normal Water Level or Normal High Water Level, average existing depth, proposed final depth, impervious coverage, and sediment characteristics;

(J) applicable erosion and sedimentation control measures, fill source and environmental mitigation efforts for the proposed development activity;

(K) information concerning the use of the proposed development activity, including boat type and length, proximity of structures to adjacent properties and other structures, and waterbody width;

(L) proposed shading, filling or excavating impacts and dimensions to coastal wetlands, submerged aquatic vegetation, shell bottom, non-coastal wetlands, and open water from the proposed development activities;

(M) project narrative as described in 15A NCAC .07J .1402;

(N) acknowledgement that any permit issued in response to this application will allow only the development described in the application;

(O) acknowledgement that the project will be subject to the conditions and restrictions contained in the permit;

(P) acknowledgement of authorization to grant, and the granting of permission to representatives of State and federal review agencies to enter on the lands identified in 15A NCAC 07J .1403(b)(1)(B)in connection with evaluating information related to this permit application and follow-up monitoring of the project;

(Q) acknowledgement that that the information provided in this application is truthful to the best of the applicants knowledge; and

(R) acknowledgement that clicking the submit button on the application is considered signing and dating the application submitted therein.

(2) work plats as described in 15A NCAC 07J .1401 shall be attached to all CAMA Major development or Dredge and Fill permit applications;

(3) a copy of a deed or other instrument which shows reasonable evidence of ownership of the property or other lawful authority to make use of the property shall accompany a CAMA Major Permit or Dredge and Fill Permit application, or a modification to a Major Permit or Dredge and Fill Permit application;

(4) notice to adjacent riparian landowners of a CAMA Major Permit applicant shall be given as follows: Certified return mail receipts or copies indicating that adjacent riparian landowners received a copy of the application for the proposed development for a CAMA Major development and/or Dredge and Fill Permit application. Said landowners shall have 30 days from the date of notification in which to comment. Such comments shall be considered by the Division in determining if any aspect of the proposed development is inconsistent with the rules contained in Title 15A, Chapter 7 of the Administrative Code; and

(5) the fee as detailed in 15A NCAC 07J .1405(b).

(c) A modification to a Major Permit or Dredge and Fill Permit or permit application shall be processed in accordance with the procedures in G.S. 113A-119(b) and 15A NCAC 07J .0405.

History Note: Authority G.S. 113A-107(b); 113A-120(a)(2); 113A-119(a) and (b); 113A-124(a)(1); G.S. 113-229

15A NCAC 07J .1404 COMPLETE CAMA MINOR PERMIT APPLICATIONS

(a) Processing for a Minor Permit application shall begin when an application is accepted as complete by the division or local permit officer. Permit applications shall be in the form and include the content required under this Subchapter. Applications not in compliance with this form and content shall not be considered complete and the processing time specified under G.S. 113A-121(c) shall not commence.

(b) Before an application is accepted as complete, the requirements as listed in Subparagraphs (1) through (3) of this Paragraph shall be met. Any application not in compliance with these requirements shall be returned to the applicant along with a notification explaining the deficiencies of the application and shall not be accepted as complete until all required information is submitted.

(1) A current application form shall be submitted. The application form shall contain:

(A) name of entity on deed or first, middle, and last name(s) referenced on deed;

(B) phone number and email address;

(C) physical and mailing address;

(D) authorized agent first and last name and contact information;

(E) location of project including address, street name, directions to site and adjacent waterbody;

(F) description of the proposed project, including a list of all proposed construction and the amount of land-disturbing activity, as defined in G.S. 113A-52(6), in the Area of Environmental Concern measured in acres or square feet;

(G) size of lot or parcel in square feet and acres;

(H) proposed use, if residential, single-family or multi-family, commercial, or industrial;

(I) if proposed development is located in the Ocean Hazard Area of Environmental Concern, total floor area of the structure in square feet including conditioned living space, parking elevated above ground level, non-conditioned space elevated above ground level, but excluding non-load bearing attic space;

(J) project drawings that include a top view and a cross-sectional view. All plats shall have a north arrow. North should be at the top of the plat. Work plats shall be drawn to a scale of 1" = 200' or less;

(K) project drawings shall show existing and proposed features such as dune systems, shorelines, creeks, wetlands docks, piers, bulkheads, excavated areas, fill areas, type and location of sewage treatment facilities and effluent outlets. Property boundaries, as they are described on the deed, and the names of adjacent property owners shall be shown on the detailed plat.

(L) a cross-section project drawing showing elevation of proposed work relative to existing ground level. Mean low and mean high water line shall be included in the plat. The mean low water shall be the reference for land elevations and shall be depicted as "Elevation 0.0 MLW". First floor elevations relative to mean sea level shall be shown for any proposed buildings;

(M) each project drawing shall have a title block to identify the project or work, and shall include name of applicant, date the plat was prepared, and scale of the plat. The date of any revisions shall be noted. The applicant shall also include the name of the person or initials of who drew the plat.

(N) calculations shall be attached to each project drawing of proposed development in the Coastal Shoreline Area of Environmental Concern and shall show the size of building footprint and other impervious or built upon surfaces in square feet including the area of the foundation of all buildings, driveways, covered decks, concrete or masonry patios that are within the AEC;

(O) the total built upon area and impervious surface allowed for the lot or parcel shall be attached to the project drawings if the development is located in an area subject to a State stormwater management permit
issued by the NC Division of Energy, Mineral and Land Resources; and

(P) the fee as detailed in Rule .1405(a) of this Subchapter.

(2) A copy of a deed or other instrument which shows reasonable evidence of ownership of the property or other lawful authority to make use of the property shall accompany a CAMA minor permit application.

(3) The applicant shall give notice to all adjacent property owners who share a property line with the site of the proposed development of the applicant's intention to develop their property and apply for a CAMA minor development permit. Notice can be given by sending a certified letter, informing the adjoining property owner in person or by telephone, or by using any other method which satisfies the Local Permit Officers that a good faith effort has been made to provide the required notice. If comments are submitted to the Division before a permit decision is made, such comments shall be considered by the Division or designated official in determining if any aspect of the proposed development is inconsistent with Title 15A, Chapter 7 of the Administrative Code.

History Note: *Authority G.S. 113A-107(b); 113A-118(b); 113A-119(a); 113A-124(a)(1)*

15A NCAC 07J .1405 PERMIT FEE

(a) An applicant shall pay a Minor development permit fee of one hundred dollars ($119.00) in the form of an electronic funds transfer, check, or money order, payable to the Department, or the city or county. Monies so collected shall be used only in the administration of the permit program.

(b) An applicant shall pay a Major Permit application fee of two hundred fifty dollars ($297.00) for private, non-commercial development or four hundred dollars ($474.00) for a public or commercial for-profit project in the form of an electronic funds transfer, check, or money order, payable to the Department.

History Note: Authority G.S. 113A-119(a); 113A-119.1

SECTION .1500 - PERMIT APPLICATION PROCESSING

15A NCAC 07J .1501 CAMA MAJOR AND DREDGE AND FILL PERMIT APPLICATION PROCESSING

(a) Upon receipt of an application for a CAMA major development permit or a dredge and fill permit, DCM shall first determine whether the application meets the requirements of Rule .1403 of this Subchapter.

(b) If the application is determined to meet the requirements of Rule .1403 of this Subchapter, then then the Division shall notify the applicant that the application is complete and begin processing the application.

(c) If the Division determines that the application does not meet the requirements contained in Rule .1403 of this Subchapter, then the Division shall notify the applicant in writing of the deficiency and request that the applicant provide the required information. The Division shall not begin processing the application until it is deemed complete.

(d) If during the processing of an application the Division determines that the information contained in the application is inaccurate or that additional information is needed to complete its investigation of the proposed development and to act on the permit application in accordance with G.S. 113-229, G.S. 113A-120, or the Rules contained in Title 15A, Chapter 7, the Division shall notify the applicant in writing of the inaccuracy or of the need for additional information and specify what information is required to remedy the inaccuracy or to complete its investigation. The processing of the application and any applicable timeframes shall be stayed until the applicant provides the information specified by the Division.

(e) If the applicant refuses to provide any information required under Rule .1403, or to provide any information specified by the Division as necessary to correct an inaccuracy or to complete its investigation, then the Division shall deny the application upon notice from the applicant that the additional information will not be provided.

(f) "Inaccurate information" shall include any errors discovered in any of the information required to be provided by G.S. 113-229, G.S. 113A-120, Rule .1403 of this Subchapter, or by Title 15A NCAC, Chapter 7 of the Code. "Additional information" or "supplemental information" shall include any information deemed necessary to take final action on the permit application pursuant to G.S. 113-229 or G.S. 113A-120, or to determine whether the proposed development meets any requirement or standard established by 15A NCAC, Chapter 7 of the Code.

(g) In order to determine the environmental impact of the proposed project, the Department shall prepare a field report on each major development or dredge and fill permit application accepted for processing. Such report shall be prepared after an on-site investigation is completed. The report shall include project location, environmental setting, project description and environmental impact

History Note: Authority G.S. 113-229; 113A-107(b); 113A-120); 113A-119(a) and (b); 113A-124

15A NCAC 07J .1502 MINOR PERMIT APPLICATION PROCESSING

(a) Upon receipt of an application for a CAMA minor development permit, DCM shall first determine whether the application meets the requirements of Rule .1404 of this Subchapter.

(b) If the application is determined to meet the requirements of Rule .1404 of this Subchapter, then then the Division shall begin processing the application.

(c) If the Division determines that the application does not meet the requirements contained in Rule .1404 of this Subchapter, then the Division shall notify the applicant in writing of the deficiency and request that the applicant provide the required information. The Division shall not begin processing the application until it is deemed complete.

(d) If during the processing of an application the Division determines that the information contained in the application is inaccurate or that additional information is needed to complete its investigation of the proposed development and to act on the permit application in accordance with G.S. 113A-120, or the Rules contained in Title 15A, Chapter 7, the Division shall notify the applicant in writing of the inaccuracy or of the need for additional information and specify what information is required to remedy the inaccuracy or to complete its investigation. The processing of the application and any applicable timeframes shall be stayed until the applicant provides the information specified by the Division.

(e) If the applicant refuses to provide any information required under Rule .1404, or to provide any information specified by the Division as necessary to correct an inaccuracy or to complete its investigation, then the Division shall deny the application upon notice from the applicant that additional information will not be provided.

(f) "Inaccurate information" shall include any errors discovered in any of the information required to be provided by G.S. 113A-120, Rule .1404 of this Subchapter, or by Title 15A NCAC, Chapter 7 of the Code. "Additional information" or "supplemental information" shall include any information deemed necessary to take final action on the permit application pursuant to G.S. 113A-120, or to determine whether the proposed development meets any requirement or standard established by 15A NCAC, Chapter 7 of the Code.

History Note: Authority G.S. 113-229; 113A-107(b); 113A-120; 113A-119(a) and (b); 113A-124

15A NCAC 07J .1503 CIRCULATION OF CAMA MAJOR AND DREDGE AND FILL APPLICATIONS

(a) Pursuant to G.S. 113-229(e), the Division shall circulate applications among State agencies and the federal agencies having jurisdiction over the subject matter that might be affected by the project so that such agencies will have an opportunity to raise objections and coordinate. These agencies are: Division of Coastal Management, Local Government, U.S. Army Corps of Engineers, NC DEQ Division of Water Resources – Public Water Supply Section, Division of Water Resources - 401 Section, Division of Energy, Mineral and Land Resources – Stormwater Section, Division of Energy, Mineral and Land Resources – Sedimentation and Erosion Control Section, Department of Administration, Wildlife Resources Commission, Division of Marine Fisheries – Shellfish Section, Division of Marine Fisheries – Habitat and Enhancement Section, Department of Natural and Cultural Resources – Archives & History Section and Department of Natural and Cultural Resources – Natural Heritage Program.

(b) Pursuant to G.S. 113A-124(a)(1) the Division shall circulate applications to the agencies having expertise in the subject matter contained in G.S. 113A-113(b). These agencies are: Division of Coastal Management, Local Government, U.S. Army Corps of Engineers, NC DEQ Division of Water Resources – Public Water Supply Section, Division of Water Resources - 401 Section, Division of Energy, Mineral and Land Resources – Stormwater Section, Division of Energy, Mineral and Land Resources – Sedimentation and Erosion Control Section, Department of Administration, Wildlife Resources Commission, Division of Marine Fisheries – Shellfish Section, Division of Marine Fisheries – Habitat and Enhancement Section, Department of Natural and Cultural Resources – Archives & History Section and Department of Natural and Cultural Resources – Natural Heritage Program.

History Note: *Authority G.S. 113-229(e); 113A-107(b); 113A-118; 113A-119(a); 113A-120(a)(2); 113A-124(a)(1)*

15A NCAC 07J .1504 PERMIT CONDITIONS

Following the review of a new CAMA Major or Minor Permit application, a modification of a CAMA Major or Minor Permit application, a Dredge and Fill Permit application, or a general permit, the Division may impose permit conditions in accordance with G.S. 113-229(e) and G.S. 113A-120(b) and necessary to address comments received from the coordinating agencies set forth in Rule .1504 of this Subchapter. The failure to comply with any permit condition shall constitute a violation of the permit.

History Note: Authority G.S. 113-229(e); 113A-107(b); 113A-118.1(c); 113A-120(b)