

NC Division of Coastal Management

NC Dept. of Environmental Quality

Division of Coastal Management

Annual Review of Rules Report

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Annual Review of Rules



- **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”

Annual Review of Rules



- **G.S. 150B-19.1(b) remains in effect**

No statutorily-prescribed format

No reporting requirement

Agency discretion how to conduct

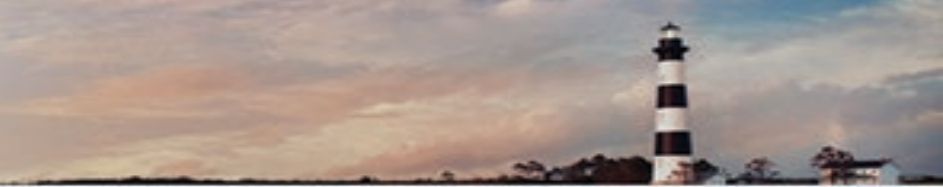
Annual Review of Rules



Developed comprehensive master spreadsheet

- Compliance with statutory criteria in G.S. 150B-19.1
- Consistency with recently enacted session laws
- Necessary
- Required by law
- Serve the public interest
- Clearly written
- Reasonably necessary to interpret federal or state law

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



15A NCAC 07H .0306– 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 – 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 would remove 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
- 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.

Annual Review of Rules



- 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.