NC Division of Coastal Management

NC Dept. of Environmental Quality

Division of Coastal Management

RRC Appeal
Consideration of Amendments and Rules for Permanent Rulemaking

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October 29, 2026

Rules Review Commission

- On October 5, 2023, as part of the Periodic Rules Review Process, some rules were returned to the Division and subsequently removed from the North Carolina Administrative Code.

- On March 3, 2025, these policies were returned to the Administrative Code pursuant to an order issued by Wake County Superior Court.

- The Rule Review Commission (RRC) appealed this decision, and the Court later determined that numerous rules contained ambiguous language.

In response, staff recommends initiating permanent rulemaking to address the ambiguities identified by the RRC and include minor revisions for clarity and to ensure compliance with current rule formatting requirements

Proposed Amendments and Rules

- **15A NCAC 07M .0401 Declaration of General Policy (Coastal Energy Policies)**
- **15A NCAC 07M .0403 Policy Statements (Coastal Energy Policies)**
- **15A NCAC 07M .0701 Declaration of General Policy (Mitigation Policies)**
- **15A NCAC 07J .1401 Standard of Work Plats**
- **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**
- **15A NCAC 07J .1504 Permit Conditions**
- **15A NCAC 07J .2305 Specific Conditions (General Permit for Bridges and Culverts)**

15A NCAC 07M .0401 Declaration of General Policy (Coastal Energy)

15A NCAC 07M .0401 ~~DECLARATION OF GENERAL POLICY~~ COASTAL ENERGY GENERAL STANDARDS

(a) ~~It is hereby declared that the general welfare and public interest require that reliable sources of energy be made available to the citizens of North Carolina. It is further declared that the development of energy facilities and energy resources within the state and in offshore waters can serve important regional and national interests. However, unwise Development of energy facilities or energy resources can conflict with the recognized and equally important public interest that rests in conserving and protecting the valuable land and water resources of the state and nation, particularly coastal lands and waters. Therefore, in order to~~ Energy facilities within or impacting coastal resources or uses within the coastal zone ~~the state and in offshore waters shall~~ balance the public benefits of necessary energy development ~~with the need to by~~ with~~:~~

~~(1) protect~~ protecting ~~valuable coastal resources;~~

~~(2) preserve~~ preserving ~~access to and utilization of public trust resources; the planning of future uses affecting both land and public trust resources the exercise of regulatory authority, and determinations of consistency with the North Carolina Coastal Management Program shall assure that the development of energy facilities and energy resources shall avoid~~ avoiding ~~significant adverse impacts, as defined in 15A NCAC 07H .0208 (a)(7) and (a)(8), upon vital coastal resources or uses, public trust areas, and public access rights.~~

~~(b)~~ Exploration ~~for the~~ for, and development of offshore and Outer Continental Shelf (OCS) energy resources has the potential to affect coastal resources and use of those resources. The Federal Coastal Zone Management Act of 1972, as amended, requires that Leasing actions of by the federal government shall be consistent to the maximum extent practicable with the enforceable policies of the federally approved North Carolina Coastal Management Program, and that exploration, development and production activities associated with such leases shall comply with those enforceable policies. Enforceable policies applicable to OCS activities include all the provisions of this Subchapter as well as any other applicable federally approved components of the North Carolina Coastal Management Program. ~~All permit applications, plans and assessments related to exploration or development of OCS resources and other relevant energy facilities shall contain sufficient information to allow analysis of the consistency of all proposed activities with these Rules.~~

15A NCAC 07M .0403 Policy Statements (Coastal Energy)

15A NCAC 07M .0403 ~~POLICY STATEMENTS~~ COASTAL ENERGY SPECIFIC STANDARDS

~~(a) The placement~~ siting ~~and operations of major energy facilities in or affecting~~ impacting ~~the use of public trust waters and adjacent lands or coastal resources of North Carolina shall be done in a manner that allows for protection of the environment and local and regional socio-economic goals as set forth in the local land-use plan(s) and state guidelines in 15A NCAC 07H and 07M. The placement and operation of such facilities shall be consistent with state rules and statutory standards and shall comply with local land use plans and with use standards for development within AECs, as set forth in 15A NCAC 07H.~~

~~(b)~~ (a) Proposals, plans and permit applications for ~~major~~ commercial energy facilities to be ~~located~~ sited in or ~~affecting~~ impacting any land or water use or coastal resource of the ~~North Carolina~~ coastal area shall include ~~a disclosure of~~ all costs and benefits associated with the project. This ~~disclosure~~ information shall be prepared ~~at the earliest feasible stage in planning for the project and shall be~~ by the applicant in the form of an impact assessment as defined in 15A NCAC 07M .0402 ~~prepared by the applicant~~. If ~~appropriate~~ the applicant prepares environmental documents ~~are prepared and reviewed~~ under the provisions of the National Environmental Policy Act (NEPA) or the North Carolina Environmental Policy Act (NCEPA), this ~~review will~~ shall satisfy the definition of "impact assessment" ~~if~~ where all issues listed in this Rule are addressed in the NEPA or NCEPA document and the NEPA or NCEPA document ~~are~~ is submitted ~~in sufficient time~~ to be used to review state permit applications for the project or ~~subsequent~~ federal consistency determinations.

15A NCAC 07M .0403 Policy Statements (Coastal Energy)

~~(c) Local governments shall not unreasonably restrict the development of necessary energy facilities; however, they may develop siting measures that will minimize impacts to local resources and to identify potential sites suitable for energy facilities. This section shall not limit the ability of a city or county to plan for and regulate the siting of a wind energy facility in accordance with land-use regulations authorized under Chapter 160A and Chapter 153A of the General Statutes. Wind energy~~ Energy ~~facilities constructed within the planning jurisdiction of a city or county shall demonstrate compliance with any local ordinance concerning land use and any applicable permitting process.~~

~~(d)~~ (b) Energy facilities that do not require shorefront access shall be sited inland of the shoreline areas. ~~In instances~~ When siting of energy facilities along shoreline portions of the coastal ~~zone~~ area ~~is necessary locations~~, shoreline siting shall be acceptable only if it can be demonstrated that there are no significant adverse impacts to coastal resources, public trust waters, and the public's right to access ~~and passage~~ will not be ~~unreasonably restricted, all reasonable mitigating measures have been taken to minimize impacts to AECs.~~ restricted. ~~Whether restrictions or mitigating measures are reasonable shall be determined after consideration of, as appropriate, economics, technical feasibility, aerial extent of impacts, uniqueness of and impacted area, and other relevant factors.~~

~~(e)~~(c) The scenic and visual qualities of coastal areas shall be considered and protected as ~~important~~ public resources consistent with G.S. 113A-1-2(b)(4)(a). Energy development shall be sited and designed to provide maximum protection of views to and along the ocean, sounds and scenic coastal areas, and to minimize the alteration of natural landforms.

15A NCAC 07M .0403 Policy Statements (Coastal Energy)

~~(f)~~ (d) All energy facilities in or affecting the use of public trust waters and adjacent lands or coastal ~~resource~~ resources shall be sited and operated so as to comply with the following criteria:

(1) Activities that could result in significant adverse impacts, as defined in 15A NCAC 07H .0208 (a)(7) and (a)(8), on resources of the coastal area, including marine and estuarine resources and wildlife resources, as defined in G.S. 113-129, and significant adverse impacts on the use of public trust waters and adjacent lands in the coastal area shall be avoided; ~~avoided unless site specific information demonstrates that each such activity will result in no significant adverse impacts on the use of public trust waters and adjacent lands or coastal resources;~~

(2) For petroleum facilities, ~~necessary~~ data and information required by the state for state permits and federal consistency reviews, pursuant to 15 CFR part 930, shall assess the risks of petroleum release or spills, evaluate possible trajectories, and enumerate response and mitigation measures employing the best available technology to be followed in the event of a release or spill. The information ~~must~~ shall demonstrate that the potential for petroleum release or spills and ensuing damage to coastal resources has been minimized and shall factor environmental conditions, currents, winds, and inclement events such as northeasters and hurricanes, in trajectory scenarios. For facilities requiring an Oil Spill Response Plan, this information shall be included in such a plan;

15A NCAC 07M .0403 Policy Statements (Coastal Energy)

(3) Dredging, spoil disposal and construction of ~~related~~ structures that are likely to have significant adverse impacts, as defined in 15A NCAC 07H .0208 (a)(7) and (a)(8),on the use of public trust waters and adjacent lands or coastal resources shall be avoided; ~~minimized, and any unavoidable actions of this sort shall minimize damage to the marine environment;~~

(4) ~~Damage to or interference with~~ Significant adverse impacts to existing or traditional uses, such as fishing, navigation and access to public trust areas, and areas with high biological or recreational value such as those listed in Subparagraph (f)(10)(A) ~~and (H)~~ of this Rule, shall be avoided ~~to the extent that such damage or interference is likely to have significant adverse impacts, as defined in 15A NCAC 07H .0208 (a)(7) and (a)(8), on the use of public trust waters and adjacent lands or coastal resources~~;

(5) Placement of structures in geologically unstable areas, such as unstable sediments and active faults, shall be avoided ~~to the extent that damage to such structures resulting from geological phenomena is likely to if the siting will have significant adverse impacts, as defined in 15A NCAC 07H .0208 (a)(7) and (a)(8), on the use of public trust waters, adjacent lands or coastal resources~~;

~~(6) Procedures necessary to secure an energy facility in the event of severe weather conditions, such as extreme wind, currents and waves due to northeasters and hurricanes, shall be initiated sufficiently in advance of the commencement of severe weather to ensure that significant adverse impacts, as defined in 15A NCAC 07H .0208 (a)(7) and (a)(8), on the use of public trust waters, adjacent lands and coastal resources shall be avoided;~~

~~(7) Significant adverse impacts on federally listed threatened or endangered species shall be avoided;~~

15A NCAC 07M .0403 Policy Statements (Coastal Energy)

(8) Major energy facilities ~~are not appropriate uses in~~ shall not cause significant adverse impacts to fragile or historic areas, and other areas containing environmental or natural resources of more than local significance, as defined in G.S. 113A-113(b)(4), such as parks, recreation areas, wildlife refuges, and historic sites;

(9) ~~No energy~~ Energy facilities shall not be sited in areas where they pose a threat to the integrity of the facility and surrounding areas, such as ~~ocean front~~oceanfront areas with high erosion rates, areas having a history of overwash or inlet formation, and ~~areas in the vicinity of existing inlets~~ Inlet Hazard Areas identified in 15A NCAC 07H .0304;

(10) In the siting of energy facilities and related structures, significant adverse impacts, as defined in 15A NCAC 07H .0208 (a)(7) and (a)(8), to the following areas shall be avoided:

(A) areas of high biological significance, including offshore reefs, rock outcrops, hard bottom areas, sea turtle nesting beaches, coastal wetlands, primary or secondary nursery areas or spawning areas and essential fish habitat areas of particular concern as designated by the appropriate fisheries management agency, oyster sanctuaries, submerged aquatic vegetation as defined by the Marine Fisheries Commission, colonial bird nesting areas, and migratory bird routes;

(B) tracts of maritime forest in excess of 12 contiguous acres and areas identified as eligible for registration or dedication by the North Carolina Natural Heritage Program;

(C) ~~crossings of streams, rivers, and lakes except for existing readily-accessible corridors;~~

(D) anchorage areas and port areas;

(E) artificial reefs, shipwrecks, and submerged archaeological resources;

(F) ~~dump sites~~ Ocean Dredged Material Disposal Sites;

(G) primary dunes and frontal dunes;

15A NCAC 07M .0403 Policy Statements (Coastal Energy)

(H) established recreation or wilderness areas, such as federal, state and local parks, forests, and wildlife refuges ~~and other areas used in a like manner~~;

(I) military air space, training or target area and transit lanes;

(J) cultural or historic sites of more than local significance; and

(K) segments of Wild and Scenic River System.

(11) Construction of energy facilities shall ~~occur only during periods of lowest biological vulnerability~~ be timed to avoid significant adverse impacts on life cycles of estuarine and ocean systems. Nesting and spawning periods shall be avoided.~~; and~~

~~(12) If facilities located in the coastal area are abandoned, habitat of value equal to or greater than that existing prior to construction shall be restored as soon as practicable following abandonment. For abandoned facilities outside the coastal area, habitat in the areas shall be restored to its preconstruction state and functions as soon as practicable if the abandonment of the structure is likely to have significant adverse impacts on the use of public trust waters, adjacent lands or coastal resources.~~

15A NCAC 07M .0701 Declaration of General Policy (Mitigation)

SECTION .0700 – MITIGATION ~~– GENERAL POLICY~~

15A NCAC 07M .0701 ~~DECLARATION OF GENERAL POLICY~~ MITIGATION

(a) ~~It is the policy of the State of North~~ Carolina ~~to~~ The Department shall require that adverse impacts to coastal lands and waters be mitigated or minimized through proper planning, site selection, compliance with standards for development, and creation or restoration of coastal resources. Coastal ecosystems shall be protected and maintained as complete and functional systems by mitigating the adverse impacts, as defined in 15A NCAC 07H .0208 (a)(7), of development ~~as much as feasible~~ by enhancing, creating, or restoring areas to ~~with the goal of improving or maintaining~~ to maintain ecosystem function and areal ~~proportion~~ extent.

(b) The CRC shall apply mitigation requirements as defined in this Section consistent with the goals, policies and objectives set forth in the Coastal Area Management Act for coastal resource management and development. Mitigation shall be used to enhance coastal resources and offset any potential losses occurring from ~~approved~~ permitted ~~and unauthorized~~ ~~unpermitted~~ development. Proposals to mitigate losses of coastal resources shall be considered only for ~~those projects~~ development shown to be in the public interest, as defined by the standards in 15A NCAC 07M .0703. ~~15A NCAC 7M .0703, and only after all other reasonable means of avoiding or minimizing such losses have been exhausted.~~

15A NCAC 07J .1401 Standards for Work Plats

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,

15A NCAC 07J .1401 Standards for Work Plats

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,

15A NCAC 07J .1401 Standards for Work Plats

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.

15A NCAC 07J .1401 Standards for Work Plats

(2) Cross-Sectional Work Platsshallshow the depth and elevation of proposed work relative to Normal Water Level or Normal High Water Level, or to Mean LowWater 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.

15A NCAC 07J .1402 Project Narrative

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.

15A NCAC 07J .1403 Complete CAMA Major Permit and Dredge and Fill Applications

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;

15A NCAC 07J .1403 Complete CAMA Major Permit and Dredge and Fill Applications

(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;

15A NCAC 07J .1403 Complete CAMA Major Permit and Dredge and Fill Applications

(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 I 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.

15A NCAC 07J .1404 Complete Minor Permit Applications

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.

15A NCAC 07J .1404 Complete Minor Permit Applications

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.

15A NCAC 07J .1404 Complete Minor Permit Applications

(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.

15A NCAC 07J .1404 Complete Minor Permit Applications

(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.

15A NCAC 07J .1405 Permit Fee

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.

15A NCAC 07J .1501 CAMA Major and Dredge and Fill 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.

15A NCAC 07J .1501 CAMA Major and Dredge and Fill Permit Application Processing

(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

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.

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.

15A NCAC 07J .1504 Permit Conditions

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.

15A NCAC 07H .2305 Specific Conditions (General Permit for Bridges and Culverts)

15A NCAC 07H .2305 SPECIFIC CONDITIONS

(a) This ~~general permit~~ General Permit is applicable to bridge replacement projects spanning no more than 400 feet of estuarine waters, public trust areas, ~~and~~ or coastal wetlands AECs~~.~~.

(b) Existing roadway deck width shall not be expanded to create additional lanes, with the exception that an existing one lane bridge may be expanded to two lanes ~~where the Department of Environment and Natural Resources determines that authorization is warranted and~~ provided the proposed project does not ~~significantly affect the quality of the human and natural environment or unnecessarily endangers adjoining properties~~ create significant adverse impacts as defined in 15A NCAC 07H .0208 (a)(8).

(c) Replacement of existing bridges with new bridges shall not reduce vertical or horizontal navigational clearances.

(d) All demolition debris shall be disposed of landward of ~~all~~ coastal wetlands and the ~~normal water level~~ ~~(NWL)~~ Normal Water Level or Normal High Water ~~normal high water~~ ~~(NHW)~~ level ~~(as~~ as defined in ~~15A NCAC 07H .0106),~~ 15A NCAC 07H .0106, and shall employ soil stabilization measures to prevent entry of sediments in the adjacent water bodies or wetlands.

~~(e) Bridges and culverts shall be designed to allow passage of anticipated high water flows.~~

(f) Measures ~~sufficient~~ to restrain sedimentation and erosion shall be implemented at each site.

(g) Bridge or culvert replacement activities involving excavation or fill in wetlands, public trust areas, and estuarine waters shall meet the following conditions:

(1) Replacing bridges with culverts shall not be allowed in primary nursery areas as defined by the Marine Fisheries ~~or Wildlife Resources Commissions~~.

(2) The total area of public trust area, estuarine waters, and wetlands to be excavated or filled shall not exceed 2,500 square feet except that the coastal wetland component shall not exceed 750 square feet.

(3) Culverts shall not be used to replace bridges with open water spans greater than 50 feet.

15A NCAC 07H .2305 Specific Conditions (General Permit for Bridges and Culverts)

(4) There shall be no temporary placement or double handling of excavated or fill materials within waters or vegetated wetlands.

(5) No excavated or fill material shall be placed in any wetlands or surrounding waters outside of the alignment of the fill area indicated on the work plat(s).

(6) All excavated materials shall be confined above Normal Water Level ~~NWL~~ or Normal High Water ~~NHW~~ and landward of any wetlands behind dikes or other retaining structures to prevent spill-over of solids into any wetlands or surrounding waters.

(7) No bridges with a clearance of four feet or greater above the Normal Water Level ~~NWL~~ or Normal High Water ~~NHW~~ shall be allowed to be replaced with culvert(s) unless the culvert design maintains the existing water depth, vertical clearance and horizontal clearance.

(8) If a bridge is being replaced by a culvert(s) then the width of the waterbody shall not be decreased by more than 40 percent.

(9) All pipe and culvert inverts placed within the Public Trust or the Estuarine Waters AEC~~s~~ shall be buried at least one foot below normal bed elevation to allow for passage of water and aquatic life. Culverts placed in wetlands are not subject to this requirement.