



NC DEQ, Division of Coastal Management
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Joint Permitting Processes



Legislative Authority

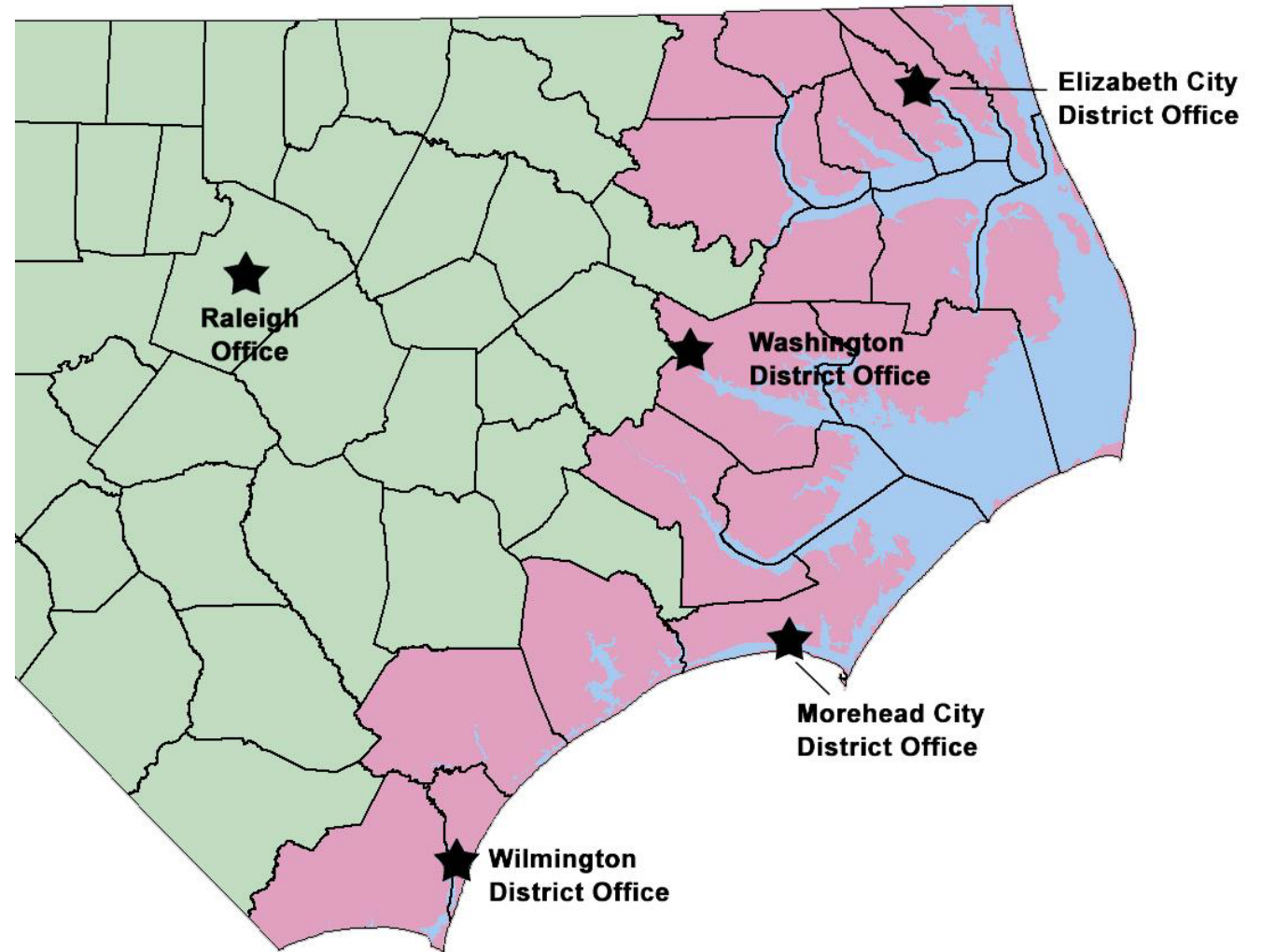


- NC Dredge and Fill Law of 1969 (G.S. 113-229)
 - Coastal Zone Management Act (CZMA) of 1972 (P.L. 92-583)
 - The State's Coastal Area Management Act (CAMA) of 1974 (G.S. 113A-229)
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Field Offices

DCM Offices:

- Elizabeth City
- Washington
- Morehead City
- Wilmington
- Raleigh



CAMA Permit Types



- Major Permits
 - 10 State and 4 Federal Agencies
 - Below NHW/NWL
 - Requires another State or Federal Authorization
 - Occupies more than 20 acres or 60,000 square feet built upon area
- General Permits
 - 17 Development Categories
 - Expedited Permits
 - Corresponding DWR 401/Corps Authorizations
- Minor Permits
 - Above Normal High Water/Normal Water Level
 - US Fish and Wildlife
 - Wildlife Resources Commission

CAMA Major Permit Steps

- 1) Applicant contacts Division of Coastal Management
- 2) Scoping meeting (not mandatory but helpful)
- 3) Application Submittal
- 4) DCM Field Representative Reviews Application; Requests any necessary changes
- 5) Re-submittal – Accepted as Complete
- 6) Field Investigation Report – Public Notice (30-day)
- 7) Agency Distribution

Umbrella Process



- Department of Transportation
- State Property Office
- Division of Marine Fisheries (Shellfish Sanitation)
- Wildlife Resources Commission
- Department of Natural and Cultural Resources
- Division of Water Resources (401 Water Quality Cert.)
- DEMLR – Sedimentation and Erosion Control
- DEMLR – Stormwater
- Department of Public Health and Safety (Public Water Supply)
- Local Government (City or County)
- US Army Corps of Engineers (Section 10, Section 404)

Process Benefits



- Single Point of Contact during/after process
 - Historic knowledge of similar projects
 - Comprehensive permitting
 - Process guidance
 - Moratorium relief
 - CAMA Permit “Maintenance Clause” allows for multiple dredging events under an active permit (5 years plus renewals)
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Process Benefits



Application/Public Notice:

- Section 401 - Water Quality Certification (DWR)
- Neuse and Tar/Pamlico Buffer Authorizations (DWR)
- Section 404 - Federal Wetlands Permit (USACE)
- Section 10 (Navigation) Permit (USACE)
- State Stormwater Permit (DEMLR)*
- State Submerged Lands Easement (DOA)*
- Sedimentation/Erosion Control Permit (DEMLR)*

Process Benefits



- USACE Regional General Permits (includes several permits for dredging)
- USACE Regional General Permit (GP291)
 - Catch-all permit for CZMA/CAMA.
 - Provides process for expeditious review for work in navigable/coastal waters.
 - Eliminates duplication of effort between USACE District and State Regulatory Programs.
 - Reduction in administrative coordination.
 - Allows for projects that don't "fit the mold".

Process Benefits



Permit Process: Corps Role

- Corps assigns an Action ID (AID) and acknowledges receipt to the State and the applicant.
- Corps determines eligibility for Joint Permit or other General Permit, Nationwide, or Standard Permit process.
- Corps provides copies of DCM's Field Investigation Report to the federal agencies (USFWS, NOAA NMFS and PRD, EPA, USCG, Corps Civil Works, and SHPO).
- Review Agencies have 30 Days to provide comments or recommendations to the Corps for inclusion in the Joint Permit.

Federal Consistency



- Federal Agency Activities, Federal Licenses or Permits, Outer Continental Shelf Plans, Federal Assistance
- **Federal actions** that may have a “reasonably foreseeable” effect on State coastal resources or uses must be found consistent with the **enforceable policies** of a state’s federally approved coastal program.
- Applies to federal actions that:
 - could have reasonably foreseeable **coastal effects**
 - are within or **outside** the state’s coastal zone (20 coastal counties to 3NM)

*Federal consistency provisions of CZMA provide states a strong voice in federal agency actions in the coastal zone

Federal Consistency Process

- Federal agency or applicant submits a Federal Consistency Determination to DCM, indicating consistency with State policies
- DCM evaluates to determine if “complete”
- Circulated to appropriate state agencies for comment
- Public notice or public hearing (as warranted)
- Review of proposed activity for conformance with enforceable policies
- State can concur, concur with conditions, or object
- In the event of objection, ongoing coordination or begin mediation/appeal process through NOAA

Federal Consistency Process



- Federal Consistency Determinations take 60 days to conclude review from receipt, but extensions can be requested if needed
- Federal Consistency Determinations do not expire as long as project parameters remain the same (some authorizations are very old)
- No modification process; new Consistency Determination is required for new or expanded activities
- Emergency situations may arise, e.g., shoaling requiring emergency dredging for safe navigation. Consistency concurrence can be expedited
- State can place conditions, e.g., limit authorization to one-time activity

Questions?

