

1 15A NCAC 07J .0204 is adopted under emergency procedures as follows:

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3 **15A NCAC 07J .0204 PROCESSING THE APPLICATION**

4 (a) On receipt of a CAMA major development and/or dredge and fill permit application the Department shall send a
5 notification to the applicant acknowledging receipt.

6 (b) Processing for a Major Permit or Major Modification to a Major Permit application shall begin when an application
7 is accepted as complete. Before an application is accepted as complete, the requirements as listed in 15A NCAC 07J
8 .0204(b)(1-5) shall be met. Any application not in compliance with these requirements shall be returned to the
9 applicant along with a notification explaining the deficiencies of the application and shall not be accepted as complete
10 until all required information is submitted.

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

12 (A) application type (major, modification or general)

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

14 (C) phone number and email;

15 (D) physical and mailing address;

16 (E) project type and location;

17 (F) authorized agent contact information;

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

20 (H) total ground disturbance resulting from the proposed development including clearing and
21 grading;

22 (I) applicable dimensions of proposed development activity including quantity, length, width,
23 elevation, slope, area, volume, distance waterward of NWL or NHW, average existing
24 depth, proposed final depth, impervious coverage, and sediment characteristics;

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

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

30 (L) type of proposed impacts and dimensions (i.e. shading, filling, excavating) to coastal
31 wetlands, submerged aquatic vegetation, shell bottom, non-coastal wetlands, and open
32 water from the proposed development activities;

33 (M) project narrative that includes a brief description of the project and any previous or active
34 state or federal permits issued on the property;

35 (N) a signed AEC Hazard Notice if the project is in the Ocean Hazard AEC if applicable; and

36 (O) acknowledgements to be attested to before submitting the application;

1 (i) I understand that any permit issued in response to this application will allow only
2 the development described in the application. The project will be subject to the
3 conditions and restrictions contained in the permit;

4 (ii) I certify that I am authorized to grant, and do in fact grant permission to
5 representatives of state and federal review agencies to enter on the aforementioned
6 lands in connection with evaluating information related to this permit application
7 and follow-up monitoring of the project;

8 (iii) I further certify that the information provided in this application is truthful to the
9 best of my knowledge; and

10 (iv) I certify that by clicking the submit button on this NC Division of Coastal
11 Management application I acknowledge that I am signing and dating the
12 application submitted therein.

13 (2) a work plan as described in 15A NCAC 07J .0203 shall be attached to all CAMA major development
14 or dredge and fill permit applications;

15 (3) a copy of a deed or other instrument under which the applicant claims title shall accompany a CAMA
16 major development or dredge and fill permit application;

17 (4) notice to adjacent riparian landowners of a CAMA Major Permit applicant shall be given as follows:

18 (A) Certified return mail receipts (or copies thereof) indicating that adjacent riparian
19 landowners (as identified in the permit application) have been sent a copy of the application
20 for the proposed development for a CAMA major development and/or dredge and fill
21 permit application. Said landowners have 30 days from the date of notification in which
22 to comment. Such comments shall be considered by the Department in reaching a final
23 decision on the application.

24 (5) the application fee shall be paid as set out in this Subparagraph:

25 (A) Major development permit application fees shall be in the form of an electronic funds
26 transfer or check or money order payable to the Department. The application fee for
27 private, non-commercial for-profit development shall be two hundred fifty dollars
28 (\$250.00). The application fee for a public or commercial for-profit project shall be four
29 hundred dollars (\$400.00).

30 (c) Minor permit application processing shall begin when an application is accepted as complete. Before an
31 application is accepted as complete, the requirements as listed in 15A NCAC 07J .0204(c)(1-4) shall be met. Any
32 application not in compliance with these requirements shall be returned to the applicant along with a notification
33 explaining the deficiencies of the application and shall not be accepted as complete until all required information is
34 submitted.

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

36 (A) first, middle, and last name of landowner;

37 (B) phone number and email;

- 1 (C) physical and mailing address;
2 (D) authorized agent first and last name and contact information;
3 (E) location of project including address, street name, directions to site and adjacent
4 waterbody;
5 (F) description of the proposed project, including a list of all proposed construction and land
6 disturbance within the Coastal Shorelines Area of Environmental Concern (AEC) and
7 associated 30- foot buffer;
8 (G) size of lot or parcel in square feet and acres;
9 (H) proposed use, if residential, single-family or multi-family, commercial, industrial or other;
10 (I) if proposed development is located in the Ocean Hazard Area of Environmental Concern,
11 total floor area of structure in square feet including air conditioned living space, parking
12 elevated above ground level, non-conditioned space elevated above ground level but
13 excluding non-load bearing attic space;
14 (J) project drawing that includes the details stated in NCAC 07J .0204(2);
15 (K) if proposed development is located in the Coastal Shoreline AEC, size of building footprint
16 and other impervious or built upon surfaces in square feet including the area of the
17 foundation of all buildings, driveways, covered decks,
18 concrete or masonry patios that are within the AEC. Calculations shall be attached to
19 project drawings;
20 (L) if the development is located in an area subject to a State stormwater management permit
21 issued by the NC Division of Energy, Mineral and Land Resources, the total built upon
22 area and impervious surfaces allowed for the lot or parcel in square feet; and
23 (M) indication that the applicant is an owner of the property.
24 (N) Minor development permit application fees shall be in the form of an electronic funds
25 transfer or check or money order payable to the permit-letting agency in the amount of one
26 hundred dollars (\$100.00). Monies so collected shall be used only in the administration of
27 the permit program.
28 (2) a work plan shall be attached to all CAMA minor permit applications that includes:
29 (A) Work plats must include a top or planview and a cross-sectional view. All plats must
30 have the standard north arrow. North should be at the top of the plat. Work plats must be
31 accurately drawn to scale. A scale of 1" = 200' or less is required.
32 (B) Such drawings must show existing and proposed features such as dune systems,
33 shorelines, creeks, marshlands, docks, piers, bulkheads, excavated areas, fill areas, type
34 and location of sewage treatment facilities and effluent outlets. Work Plats must show
35 shoreline length, upland vegetation, coastal wetlands and/or 404 wetlands, house, septic
36 tanks, septic fields, existing structures on adjacent property (i.e.. shoreline stabilization),
37 Areas of Environmental Concern shall be labeled, the 30' buffer or DWR buffers (as

1 applicable), USACE setbacks and lines, First Line of Stable Natural Vegetation,
2 development setbacks, pre-project vegetation line, north arrow, dune elevations or
3 contours and adjacent waterbody name. Property boundaries, as they appear on the deed,
4 and the names of adjacent property owners must be shown on the detailed plat.

5 (C) Cross-Section Drawing. A cross-sectional diagram showing elevation of proposed work
6 relative to existing ground level. Mean low and mean high water line must be included in
7 the plan. The mean low water must be the reference land elevations (i.e., mean low water
8 should be depicted as "Elevation 0.0 MLW"). First floor elevations relative to mean sea
9 level must be shown for any proposed buildings.

10 (D) Title of Drawing. Each drawing must have a simple title block to identify the project or
11 work, and shall include name of applicant, date the plat was prepared, and scale of the
12 plat. The date of any revisions must be clearly noted. The applicant must also include the
13 name of the person who drew the plat.

14 (3) a copy of a deed or other instrument under which the applicant claims title shall accompany a CAMA
15 minor permit application.

16 (4) notice to adjacent property landowners of a CAMA Minor Permit application shall be given as
17 follows

18 (A) For CAMA minor development permits, the applicant must give actual notice of his or her
19 intention to develop his or her property and apply for a CAMA minor development permit
20 to all adjacent riparian property owners. Actual notice can be given by sending a certified
21 letter, informing the adjoining property owner in person or by telephone, or by using any
22 other method which satisfies the Local Permit Officers that a good faith effort has been
23 made to provide the required notice.

24 (d) If the application is found to be incomplete or inaccurate after processing has begun by the Division of Coastal
25 Management, the Division of Coastal Management shall notify the applicant of the deficiency or inaccuracy and
26 processing shall be in abeyance pending receipt of the necessary information from the applicant. During the pendency
27 of any termination of processing, the permit processing period shall not run. If the changes or additional information
28 alters the scale or scope of the project proposal, the application shall be considered new and a new permit processing
29 period will commence on the date that the additional information is accepted as complete.

30 (e) Any CAMA or Dredge and Fill violation occurring at a proposed project site for which an application is being
31 reviewed shall be processed according to the procedures in 15A NCAC 07J .0409 through .0410. If the violation
32 altered the project site and restoration is required in accordance with G.S. 113A-126, the Division of Coastal
33 Management shall notify the applicant that processing of the application will be suspended pending compliance with
34 the notice of required restoration. Restoration of any unpermitted development at the project site shall require a
35 complete review of the application and an assessment of the project's potential impacts. The Division of Coastal
36 Management shall notify the applicant when permit processing has resumed, and of the new processing deadline that

1 has been established once the Division of Coastal Management or Local Permit Officer verifies that the required
2 restoration has been completed.

3 (f) If during the public comment period a question is raised as to public rights of access across the subject property,
4 the Division of Coastal Management shall examine the access issue prior to making a permit decision. Any individual
5 or governmental entity initiating action to judicially recognize a public right of access shall obtain a court order to
6 suspend processing of the permit application. Should the parties to legal action resolve the issue, permit processing
7 shall continue.

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9 *History Note: Authority G.S. 113-229; 113A-119; 113A-119.1; 113A-122(c); 113A-124;*

10 *Emergency Adoption Eff. January 2, 2024.*