

1 15A NCAC 07H .1103 is proposed for amendment as follows:

2

3 **15A NCAC 07H .1103 PERMIT FEE**

4 The applicant shall pay a permit fee of ~~two hundred dollars (\$200.00) for riprap revetments sited at or above normal~~
5 ~~high water or normal water level, or a permit fee of four hundred dollars (\$400.00) for riprap revetments sited below~~
6 ~~normal high water or normal water level.~~ revetments. The applicant shall pay a permit fee of four hundred dollars
7 (\$400.00) for bulkheads. Permit fees shall be paid by check or money order payable to the ~~Department.~~ Department
8 of Environmental Quality.

9

10 *History Note: Authority G.S. 113A-107; 113A-113(b); 113A-118.1; 113A-119; 113-119.1; 113A-124; 113-229;*

11 *Eff. March 1, 1984;*

12 *Amended Eff. October 5, 2009; September 1, 2006; August 1, 2000; March 1, 1991;*

13 *Readopted Eff. April 1, 2022;*

14 *Amended January 1, 2024.*

1 15A NCAC 07H .1203 is proposed for amendment as follows:

2

3 **15A NCAC 07H .1203 PERMIT FEE**

4 The applicant shall pay a permit fee of ~~two hundred dollars (\$200.00)~~ four hundred dollars (\$400.00) by check or
5 money order payable to the ~~Department.~~ Department of Environmental Quality.

6

7 *History Note: Authority G.S. 113A-107; 113A-113(b); 113A-118.1; 113A-119; 113-119.1; 113A-124;*

8 *Eff. March 1, 1984;*

9 *Amended Eff. September 1, 2006; August 1, 2000; March 1, 1991;*

10 *Readopted Eff. December 1, 2021;*

11 *Amended Eff. January 1, 2024.*

1 15A NCAC 07H .1303 is proposed for amendment as follows:

2

3 **15A NCAC 07H .1303 PERMIT FEE**

4 The applicant shall pay a permit fee of ~~two hundred dollars (\$200.00)~~ four hundred (\$400.00) by check or money
5 order payable to the Department of Environmental Quality.

6

7 *History Note: Authority G.S. 113A-107; 113A-113(b); 113A-118.1; 113A-119; 113A-119.1; 113A-124;*

8 *Eff. March 1, 1984;*

9 *Amended Eff. September 1, 2006; August 1, 2000; March 1, 1991;*

10 *Readopted Eff. October 1, 2022;*

11 *Amended Eff. January 1, 2024.*

1 15A NCAC 07H .1403 is proposed for amendment as follows:

2

3 **15A NCAC 07H .1403 PERMIT FEE**

4 The applicant shall pay a permit fee of ~~two hundred dollars (\$200.00)~~ four hundred dollars (\$400.00) by check or
5 money order payable to the Department of Environmental Quality.

6

7 *History Note: Authority G.S. 113A-107; 113A-113(b); 113A-118.1; 113A-119; 113A-119.1; 113A-124;*

8 *Eff. March 1, 1984;*

9 *Amended Eff. September 1, 2006; August 1, 2000; March 1, 1991;*

10 *Readopted Eff. October 1, 2022;*

11 *Amended Eff. January 1, 2024.*

1 15A NCAC 07H .1503 is proposed for amendment as follows:

2

3 **15A NCAC 07H .1503 APPLICATION FEE**

4 The applicant shall pay a permit fee of ~~two hundred dollars (\$200.00) for maintenance excavation of 100 cubic yards~~
5 ~~or less or~~ four hundred dollars (\$400.00) for maintenance excavation of ~~100~~ up to 1,000 cubic yards. Permit fees shall
6 be paid by check or money order payable to the Department of Environmental Quality.

7

8 *History Note: Authority G.S. 113A-107; 113A-113(b); 113A-118.1; 113A-119; 113A-119.1; 113A-124;*

9 *Eff. July 1, 1984;*

10 *Amended Eff. September 1, 2006; August 1, 2000; March 1, 1991;*

11 *Readopted Eff. October 1, 2022;*

12 *Amended Eff. January 1, 2024.*

1 15A NCAC 07H .1903 is proposed for amendment as follows:

2

3 **15A NCAC 07H .1903 PERMIT FEE**

4 The applicant shall pay a permit fee of ~~two hundred dollars (\$200.00)~~ four hundred dollars (\$400.00) by check or
5 money order payable to the ~~Department.~~ Department of Environmental Quality.

6

7 *History Note: Authority G.S. 113-229(c1); 113A-107; 113A-113(b); 113A-118.1; 113A-119; 113A-119.1;*

8 *Eff. March 1, 1989;*

9 *Amended Eff. September 1, 2006; August 1, 2000; March 1, 1991;*

10 *Readopted Eff. July 1, 2022;*

11 *Amended Eff. January 1, 2024.*

1 15A NCAC 07H .2003 is proposed for amendment as follows:

2

3 **15A NCAC 07H .2003 PERMIT FEE**

4 The applicant shall pay a permit fee of ~~two hundred dollars (\$200.00)~~ four hundred dollars (\$400.00) by check or
5 money order payable to the Department of Environmental Quality.

6

7 *History Note: Authority G.S. 113A-107; 113A-118.1; 113A-119.1;*

8 *Eff. October 1, 1993;*

9 *Amended Eff. September 1, 2006; August 1, 2000;*

10 *Readopted Eff. October 1, 2022;*

11 *Amended Eff. January 1, 2024.*

1 15A NCAC 07H .2103 is proposed for amendment as follows:

2

3 **15A NCAC 07H .2103 PERMIT FEE**

4 The applicant shall pay a permit fee of ~~two hundred dollars (\$200.00)~~ four hundred dollars (\$400.00). This fee shall
5 be paid by check or money order made payable to the Department of Environmental Quality.

6

7 *History Note: Authority G.S. 113A-107; 113A-118.1; 113A-119.1;*

8 *Eff. June 1, 1994;*

9 *Amended Eff. September 1, 2006; August 1, 2000;*

10 *Readopted Eff. October 1, 2022;*

11 *Amended Eff. January 1, 2024.*

1 15A NCAC 07H .2203 is proposed for amendment as follows:

2

3 **15A NCAC 07H .2203 PERMIT FEE**

4 The applicant shall pay a permit fee of ~~two hundred dollars (\$200.00)~~ four hundred dollars (\$400.00). This fee shall
5 be paid by check or money order made payable to the Department of Environmental Quality.

6

7 *History Note: Authority G.S. 113A-107; 113A-118.1; 113A-119; 113A-119.1;*

8 *Eff. February 1, 1996;*

9 *Amended Eff. September 1, 2006; August 1, 2000;*

10 *Readopted Eff. October 1, 2022;*

11 *Amended Eff. January 1, 2024.*

1 15A NCAC 07H .2403 is proposed for amendment as follows:

2

3 **15A NCAC 07H .2403 PERMIT FEE**

4 The applicant shall pay a permit fee of ~~two hundred dollars (\$200.00)~~ four hundred dollars (\$400.00). This fee shall
5 be paid by check or money order made payable to the Department of Environmental Quality.

6

7 *History Note: Authority G.S. 113A-107; 113A-118.1; 113A-119.1;*

8 *Eff. August 1, 2000;*

9 *Amended Eff. September 1, 2006;*

10 *Readopted Eff. October 1, 2022;*

11 *Amended Eff. January 1, 2024.*

1 15A NCAC 07H .2503 is proposed for amendment as follows:

2

3 **15A NCAC 07H .2503 PERMIT FEE**

4 The standard permit fee of ~~two hundred dollars (\$200.00)~~ four hundred dollars (\$400.00) has been waived for this
5 General Permit.

6

7 *History Note: Authority G.S. 113A-107; 113A-118.1;*

8 *Temporary Adoption Eff. October 2, 1999;*

9 *Temporary Adoption Expired on July 28, 2000;*

10 *Eff. April 1, 2001;*

11 *Amended Eff. September 1, 2006;*

12 *Readopted Eff. July 1, 2022;*

13 *Amended Eff. January 1, 2024.*

1 15A NCAC 07H .2703 is proposed for amendment as follows:

2

3 **15A NCAC 07H .2703 PERMIT FEE**

4 The applicant shall pay a permit fee of ~~two hundred dollars (\$200.00)~~ four hundred dollars (\$400.00). This fee shall
5 be paid by check or money order made payable to the Department of Environmental Quality.

6

7 *History Note: Authority G.S. 113A-107; 113A-118.1; 113A-119.1;*

8 *Temporary Adoption Eff. June 15, 2004;*

9 *Eff. April 1, 2005;*

10 *Amended Eff. September 1, 2006;*

11 *Readopted Eff. October 1, 2022;*

12 *Amended Eff. January 1, 2024.*

1 15A NCAC 07J .0204 is proposed for amendment as follows:

2
3 **15A NCAC 07J .0204 PROCESSING THE APPLICATION**

4 (a) On receipt of a CAMA major development and/or dredge and fill permit application by the Department, a letter
5 shall be sent to the applicant acknowledging receipt.

6 (b) Application processing shall begin when an application is accepted as complete. Before an application will be
7 accepted as complete, the following requirements must be met;

- 8 (1) a current application form must be submitted;
- 9 (2) all questions on the application form must be completed or the letters "N/A" must be placed in each
10 section that does not apply;
- 11 (3) an accurate work plan as described in 15A NCAC 7J .0203 herein must be attached to all CAMA
12 major development and/or dredge and fill permit applications;
- 13 (4) a copy of a deed or other instrument under which the applicant claims title must accompany a
14 CAMA major development and/or dredge and fill permit application;
- 15 (5) notice to adjacent riparian landowners must be given as follows:
- 16 (A) Certified return mail receipts (or copies thereof) indicating that adjacent riparian
17 landowners (as identified in the permit application) have been sent a copy of the application
18 for the proposed development must be included in a CAMA major development and/or
19 dredge and fill permit application. Said landowners have 30 days from the date of
20 notification in which to comment. Such comments will be considered by the Department
21 in reaching a final decision on the application.
- 22 (B) For CAMA minor development permits, the applicant must give actual notice of his
23 intention to develop his property and apply for a CAMA minor development permit to all
24 adjacent riparian landowners. Actual notice can be given by sending a certified letter,
25 informing the adjoining property owner in person or by telephone, or by using any other
26 method which satisfies the Local Permit Officers that a good faith effort has been made to
27 provide the required notice;
- 28 (6) the application fee must be paid as set out in this Subparagraph:
- 29 (A) Major development permit - Application fees shall be in the form of a check or money
30 order payable to the Department. ~~The application fee for private, non commercial~~
31 ~~development shall be two hundred fifty dollars (\$250.00).~~ The application fee for a public
32 ~~or commercial project shall be four hundred dollars (\$400.00).~~
- 33 (B) Minor development permit - Application fees shall be in the form of a check or money
34 order payable to the permit-letting agency in the amount of one hundred dollars ~~(\$100.00).~~
35 (\$100.00) if issued by a local government participating in the local implementation and
36 enforcement program, and two hundred dollars (\$200.00) if issued directly by the Division

1 of Coastal Management. Monies so collected may be used only in the administration of the
2 permit program;

3 (7) any other information the Department or local permit officer deems necessary for a review of the
4 application must be provided. Any application not in compliance with these requirements will be
5 returned to the applicant along with a cover letter explaining the deficiencies of the application and
6 will not be considered accepted until it is resubmitted and determined to be complete and sufficient.
7 If a local permit officer receives an application for a permit that the local permit officer lacks
8 authority to grant, the permit officer shall return the application with information as to how the
9 application may be properly considered; and

10 (8) for development proposals subject to review under the North Carolina Environmental Policy Act
11 (NCEPA), G.S. 113A-100 et. seq., the permit application will be complete only on submission of
12 the appropriate environmental assessment document.

13 (c) Upon acceptance of a major development and/or dredge and fill permit as complete, the Department shall send a
14 letter to the applicant setting forth the data on which acceptance was made.

15 (d) If the application is found to be incomplete or inaccurate after processing has begun or if additional information
16 from the applicant is necessary to adequately assess the project, the processing shall be terminated pending receipt of
17 the necessary changes or necessary information from the applicant. During the pendency of any termination of
18 processing, the permit processing period shall not run. If the changes or additional information significantly alters the
19 project proposal, the application shall be considered new and the permit processing period will begin to run from that
20 date.

21 (e) Any violation occurring at a proposed project site for which an application is being reviewed shall be processed
22 according to the procedures in 15A NCAC 7J .0408 - 0410. If the violation substantially altered the proposed project
23 site, and restoration is deemed necessary, the applicant shall be notified that processing of the application will be
24 suspended pending compliance with the notice of required restoration. Satisfactory restoration of any unauthorized
25 development that has substantially altered a project site is deemed necessary to allow a complete review of the
26 application and an accurate assessment of the project's potential impacts. The applicant shall be notified that permit
27 processing has resumed, and that a new processing deadline has been established once the required restoration has
28 been deemed satisfactory by the Division of Coastal Management or Local Permit Officer.

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

34
35 *History Note:* Authority G.S. 113-229; 113A-119; 113A-119.1; 113A-122(c); 113A-124;

36 *Eff. March 15, 1978;*

37 *Amended Eff. November 1, 1991; March 1, 1991; July 1, 1990; July 1, 1989;*

- 1 *Temporary Amendment Eff. September 2, 1998;*
- 2 *Temporary Amendment Expired June 28, 1999;*
- 3 *Amended Eff. January 1, 2024; August 1, 2000.*

1 15A NCAC 07J .0404 is proposed for amendment as follows:

2
3 **15A NCAC 07J .0404 DEVELOPMENT PERIOD EXTENSION**

4 (a) For CAMA minor permits authorizing beach bulldozing, the permit holder is entitled to request a one-time 30-
5 day permit extension. No additional extensions shall be granted after the 30-day extension has expired.
6 Notwithstanding this Paragraph, the permit holder is eligible to apply for another minor permit authorizing beach
7 bulldozing following expiration of the 30-day permit extension.

8 (b) All other CAMA permits may be extended where substantial development, either within or outside the AEC, has
9 begun or is continuing. The permitting authority shall grant as many two-year extensions as necessary to complete the
10 initial development, with the exception that multi-phased beach nourishment projects may be granted ten-year
11 extensions to allow for continuing project implementation. Renewals for maintenance of previously approved
12 dredging projects may be granted for periods not to exceed five years, For the purpose of this Rule, substantial
13 development shall be deemed to have occurred on a project if the permit holder can show that development has
14 progressed beyond basic site preparation, such as land clearing and grading, and construction has begun and is
15 continuing on the primary structure or structures authorized under the permit. For elevated structures in Ocean Hazard
16 Areas, substantial development begins with the placement of foundation pilings, and proof of the local building
17 inspector's certification that the installed pilings have passed a floor and foundation inspection. For residential
18 subdivisions, installation of subdivision roads consistent with an approved subdivision plat shall constitute substantial
19 development.

20 (c) To request an extension pursuant to Paragraphs (a) and (b) of this Rule, the permit holder shall submit a signed
21 and dated request containing the following:

- 22 (1) a statement of the completed and remaining work;
- 23 (2) a statement that there has been no change of plans since the issuance of the original permit other
24 than changes that would have the effect of reducing the scope of the project, or previously approved
25 permit modifications;
- 26 (3) notice of any change in ownership of the property to be developed and a request for transfer of the
27 permit; and
- 28 (4) a statement that the project is in compliance with all conditions of the current permit.

29 (d) For extension requests where substantial development has not occurred in accordance with Paragraph (b) of this
30 Rule, the Division of Coastal Management may circulate the request to the commenting State resource agencies along
31 with a copy of the original permit application. Commenting State resource agencies will be given 30 days in which to
32 comment on the extension request. Upon the expiration of the commenting period the Division of Coastal Management
33 will notify the permit holder of its actions on the extension request.

34 (e) Notwithstanding Paragraphs (b) and (d) of this Rule, an extension request may be denied on making findings as
35 required in either G.S. 113A-120 or G.S. 113-229(e). Changes in circumstances or in development standards shall be
36 considered and applied by the Division of Coastal Management in making a decision on an extension request.

1 (f) The applicant for a major development extension request shall submit, with the request, a check or money order
2 payable to the Department of Environmental Quality in the sum of ~~one hundred dollars (\$100.00)~~; four hundred dollars
3 (\$400.00).

4
5 *History Note: Authority G.S. 113A-119; 113A-119.1; 113A-120; 113A-124(c)(8); 113-229(e);*
6 *Eff. March 15, 1978;*
7 *Amended Eff. August 1, 2002; August 1, 2000; April 1, 1995; March 1, 1991; March 1, 1985;*
8 *November 1, 1984;*
9 *Readopted Eff. August 1, 2021;*
10 *Amended Eff. January 1, 2024; August 1, 2022.*

1 15A NCAC 07J .0405 is proposed for amendment as follows:

2
3 **15A NCAC 07J .0405 PERMIT MODIFICATION**

4 (a) A permit holder may modify their permitted major development and/or dredge and fill project only after approval
5 by the Division of Coastal Management. In order to modify a permitted project the permit holder shall make a written
6 request to the Division of Coastal Management showing the proposed modifications. Minor modifications may be
7 shown on the existing approved application and plat. Modification requests which, in the opinion of the Division of
8 Coastal Management are major shall require a new application. Modification requests are subject to the same
9 processing procedure applicable to original permit applications. A permit need not be circulated to all agencies
10 commenting on the original application if the Commission determines that the modification is so minor that circulation
11 would serve no purpose.

12 (b) Modifications to a permitted project that are imposed or made at the request of the U.S. Army Corps of Engineers
13 or other federal agencies shall be approved by the Division of Coastal Management under provisions of this Rule
14 dealing with permit modification procedures.

15 (c) Modifications of projects for the benefit of private waterfront property owners that meet the following criteria
16 shall be considered minor modifications and shall not require a new permit application, but shall be approved under
17 the provisions of Paragraph (a) of this Rule:

18 (1) for bulkheads:

19 (A) bulkhead shall be positioned so as not to extend more than an average distance of two feet
20 waterward of the mean high water and in no place shall the bulkhead be more than five feet
21 waterward of the mean high water contour;

22 (B) all backfill must come from an upland source;

23 (C) no marsh area may be excavated or filled;

24 (D) work must be undertaken because of the necessity to prevent loss of private residential
25 property due to erosion;

26 (E) the bulkhead must be constructed prior to any backfilling activities;

27 (F) the bulkhead must be constructed so as to prevent seepages of backfill materials through
28 the bulkhead; and

29 (G) the bulkhead may not be constructed in the Ocean Hazard AEC;

30 (2) for piers, docks and boathouses:

31 (A) the modification or addition shall not be within 150 feet of the edge of a
32 federally-maintained channel;

33 (B) the structure, as modified, must be 200 feet or less in total length offshore;

34 (C) the structure, as modified, must not extend past the four feet mean low water contour line
35 (four feet depth at mean low water) of the waterbody;

36 (D) the project as modified, must not exceed six feet in width;

37 (E) the modification or addition must not include an enclosed structure; and

- 1 (F) the project shall continue to be used for private, residential purposes;
2 (3) for boatramps:
3 (A) the project, as modified, shall not exceed 10 feet in width and 20 feet offshore; and
4 (B) the project shall continue to be used for private, residential purposes.

5 (d) An applicant may modify his permitted minor development project only after approval by the local permit-letting
6 authority. In order to modify a permitted project the applicant must make a written request to the local minor
7 permit-letting authority showing in detail the proposed modifications. The request shall be reviewed in consultation
8 with the appropriate Division of Coastal Management field consultant and granted if all of the following provisions
9 are met:

- 10 (1) the size of the project is expanded less than 20 percent of the size of the originally permitted project;
11 (2) a signed, written statement is obtained from all adjacent riparian property owners indicating they
12 have no objections to the proposed modifications;
13 (3) the proposed modifications are consistent with all local, State, and federal standards and local Land
14 Use Plans in effect at the time of the modification requests; and
15 (4) the type or nature of development is not changed.

16 Failure to meet this Paragraph shall necessitate the submission of a new permit application.

17 (e) The applicant for a major permit modification shall submit with the request a check or money order payable to the
18 Department of Environmental Quality in the sum of ~~one hundred dollars (\$100.00)~~ two hundred fifty dollars (\$250.00)
19 for a minor modification and ~~two hundred fifty dollars (\$250.00)~~ four hundred dollars (\$400.00) for a major
20 modification.

21

22 *History Note: Authority G.S. 113A-119; 113A-119.1; 113-229;*

23 *Eff. March 15, 1978;*

24 *Amended Eff. August 1, 2000; March 1, 1991; August 1, 1986; November 1, 1984;*

25 *Readopted Eff. August 1, 2021;*

26 *Amended Eff. January 1, 2024.*

1 15A NCAC 07J .0406 is proposed for amendment as follows:

2

3 **15A NCAC 07J .0406 PERMIT ISSUANCE AND TRANSFER**

4 (a) Upon the approval of an application and the issuance of the permit, the permit shall be delivered to the applicant,
5 or to any person designated by the applicant to receive the permit, by hand, first class mail or any means.

6 (b) Anyone holding a permit shall not assign, transfer, sell, or otherwise dispose of a permit to a third party, unless
7 approval is granted by the Director of the Division of Coastal Management pursuant to Paragraph (c) of this Rule.

8 (c) A permit may be transferred to a new party at the discretion of the Director of the Division of Coastal Management
9 upon finding each of the following:

10 (1) a written request from the new owner or developer of the involved properties;

11 (2) a deed, a sale, lease, or option to the proposed new party showing the proposed new party as having
12 the sole legal right to develop the project;

13 (3) that the applicant transferee will use the permit for the purposes for which it was issued;

14 (4) no change in conditions, circumstances, or facts affecting the project;

15 (5) no change or modification of the project as proposed in the original application.

16 (d) A person aggrieved by a decision of the Director as to the transfer of a permit may request a declaratory ruling by
17 the Coastal Resources Commission as per 15A NCAC 07J .0600.

18 (e) The applicant for a permit transfer shall submit with the request a check or money order payable to the Department
19 of Environmental Quality in the sum of ~~one hundred dollars (\$100.00)~~; four hundred dollars (\$400.00).

20

21 *History Note: Authority G.S. 113A-118(c); 113A-119(a); 113A-119.1; 113A-124(c)(8);*

22 *Eff. March 15, 1978;*

23 *Amended Eff. August 1, 2000; March 1, 1991; March 1, 1990; October 15, 1981;*

24 *Readopted Eff. June 1, 2021;*

25 *Amended Eff. January 1, 2024.*