



NORTH CAROLINA
Environmental Quality

ROY COOPER

Governor

ELIZABETH S. BISER

Secretary

BRAXTON DAVIS

Director

CRC-23-05

February 6, 2023

MEMORANDUM

TO: Coastal Resources Commission
FROM: Cameron Luck
SUBJECT: Fiscal Analysis, 15A NCAC 07H .1102(c), 1202(c), 1302(c), 1402(c), 1502(d), 2002(d), 2102(c), 2202(c), 2402(c), 2702(d) - General Permit Time Period Extension

Following the issuance of certain CAMA General Permits, an applicant is obligated to complete work on the permitted development within 120 days of permit issuance or must request an additional General Permit to complete work. The proposed amendment would extend the General Permit expiration date to 180 days for those permits that have an expiration date of less than 180 days. Additionally, the proposed amendments would authorize a six-month extension to General Permits where substantial development has occurred during the original authorization period.

DCM does not anticipate significant economic impacts as a result of this proposed rule change. The proposed rule change will provide potential cost savings to local, state, and private entities in terms of time and permit fees. These amendments will have no negative impacts on Department of Transportation projects or local governments. However, DCM could see a reduction in permit fees of up to \$43,500 a year associated with general permit renewals by not having to reissue an additional permit.

The fiscal analysis is currently under review by OSBM and we expect to have approval by the February 23rd, 2023 Commission meeting. Staff is recommending conditional approval of the fiscal analysis which will allow the rules to proceed to public hearing in April. At your upcoming meeting, staff will update the commission on the status with OSBM and will be prepared to discuss the details of the fiscal analysis.



North Carolina Department of Environmental Quality | Division of Coastal Management
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Fiscal Analysis

Amendments to 15A NCAC 07H .1102(c), 1202(c), 1302(c), 1402(c), 1502(d), 2002(d), 2102(c),
2202(c), 2402(c), 2702(d) - General Permit Time Period Extension

Prepared by

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February 7, 2023

Basic Information

Agency	DEQ, Division of Coastal Management (DCM) Coastal Resources Commission
Citations and Titles	15A NCAC 07H .1102(c) 15A NCAC 07H .1202(c) 15A NCAC 07H .1302(c) 15A NCAC 07H .1402(c) 15A NCAC 07H .1502(d) 15A NCAC 07H .2002(d) 15A NCAC 07H .2102(c) 15A NCAC 07H .2202(c) 15A NCAC 07H .2402(c) 15A NCAC 07H .2702(d) General Permit Time Period Extension
Description of the Proposed Rules	Following the issuance of certain CAMA General Permits, an applicant is obligated to complete work on the permitted development within 120 days of permit issuance or is required to request an additional General Permit to complete work. The proposed amendments extend the General Permit expiration date to 180 days for those permits that have an expiration date of less than 180 days and adds a substantial development clause allowing applicants to complete work begun prior to permit expiration.
Agency Contact	Cameron Luck Asst. Major Permits Coordinator Cameron.Luck@ncdenr.gov (252) 515-5419
Authority	113A-107(a); 113A-107(b); 113A-113(b); 113A-118.1; 113A-124
Necessity	The Coastal Resources Commission is proposing to amend the expiration date for several General Permits.
Impact Summary	State government: Yes Local government: Yes Private entities: Yes Substantial impact: No

Summary

For most CAMA General permits, an applicant is obligated to complete work on the permitted development within 120-days of permit issuance. After permit expiration, the permittee must cease work until it has been re-evaluated by the Division of Coastal Management (DCM). If the permit is renewed, the applicant is required to provide a new permit fee and has an additional 120 days to complete the project.

The DCM and the Coastal Resources Commission have received comments from marine contractors requesting that the Commission consider extending the General Permit expiration date due to time required to request permit renewal and the fees associated with the renewal. The Commission directed staff to explore the option of extending the amount of time a General Permit should remain active.

Staff contacted local governments to determine the time local building permits are active and discovered that most have an expiration date of 180 days from permit issuance. Projects that receive local building permits face many of the same limitations currently impacting projects permitted via CAMA General Permits yet have a longer time-period between issuance and expiration. Increasing the General Permit time-period to be consistent with local building permits would provide adequate time for applicants and contractors to complete projects. This extension would also alleviate the added burden on DCM field staff responsible for re-evaluating and reissuing expired General Permits. The Commission has proposed extending the expiration date to 180 days for most CAMA General Permits and providing no cost, 180-day extensions where substantial development has occurred prior to expiration.

DCM approximates that over the past 5 years there were 500 re-applications for a General Permit due to expiration of the permit. The average General Permit fee for the 2022 calendar year was \$290, so over the past 5 years, permit applicants have paid approximately \$29,000 per year in permit renewal fees due to the expiration of a General Permit. The fiscal impacts of this proposed rule change are cost savings to applicants and local governments, and a reduction in permitting fees to DCM. However, DCM will have a time savings benefit by not having to reissue General Permits that have expired and applicants will experience a benefit of additional time to complete projects. With the proposed no cost extension of 180 days where substantial development has occurred, there is potential for the Division to lose up to \$14,500. This amount is based on an average estimate of 50 permit renewals issued per year where known development had begun but was not completed before the 120-day expiration. With the 60-day extension alone, DCM could see a loss of up to \$29,000 per year in permit renewal fees. With the addition of a no-cost 6 month extension following 180-day expiration where substantial development has occurred, DCM would see a loss of permit revenue of up to \$43,500 per year.

The adoption of this rule language would allow the applicants, which include private entities, local governments, and other state agencies including North Carolina Department of Transportation (NC DOT), to save up to \$43,500 per year in General Permit renewal fees. They would also benefit from a time savings by not having to submit requests for an additional General permit action.

Description of Rule Amendment

Currently, 15A NCAC 07H .1102(c), 1202(c), 1302(c), 1402(c), 1502(d), 2002(d), 2102(c), 2202(c), 2402(c), 2702(d) allows a 120-day development period from permit issuance. Due to requests from the public, the Coastal Resources Commission is proposing amendments to extend the development period from 120 days to 180 days for those General Permits that have an expiration date of 120 days. The Commission also proposes amendments that would allow contractors or applicants to request an additional 180-day no-cost extension should substantial development have occurred prior to the General Permit expiration. These amendments will allow applicants and marine contractors additional time to complete construction and will also reduce staff processing time of issuing a renewal General Permit for project completion.

Impact Analysis

Private Entities:

The fiscal impact of the proposed rule amendments are financial benefits to private entities in terms of both time and fees. The adoption of this rule language would allow private entities to avoid paying an average additional \$290 for a renewed General Permit to conclude work. There are no known significant consequences of no longer reviewing an application for a previously approved General Permit to conclude work, and as it is unlikely that environmental conditions have changed to such a significant degree to warrant such a review.

NC Department of Transportation (NC DOT):

The fiscal impact of the proposed rule amendments are financial benefits to NC DOT in terms of both time and fees. The adoption of this rule language would allow NC DOT to avoid paying an average of \$290 for an additional general permit to conclude work and save time by not being required to submit a request for an additional General Permit for previously approved work.

Local Government:

The fiscal impact of the proposed rule amendments are financial benefits to local governments in terms of both time and fees. The adoption of this rule language would allow local governments to avoid paying an average of \$290 renewal fee and save time by being required to submit a request for an additional General Permit for previously approved work.

State Government:

The fiscal impact of the proposed rule amendments are potential financial benefits to State agencies in terms of both time and fees. The adoption of this rule language would allow state agencies to avoid paying an average of \$290 for an additional General Permit to conclude work and save time by not being required to submit a request for an additional General Permit for previously approved work.

Division of Coastal Management (DCM):

DCM will realize a time-savings benefit by not having to process requests for an additional General Permit to allow work to be concluded. Based on review of renewal requests over the last five years, DCM processed a total of 500 renewal requests. On average, applicants paid \$290 in permit fees during the 2022 calendar year, so the total fees collected over the five-year period were approximately \$145,000. If the proposed changes were implemented, including the no-cost extension, it is expected that the Division would see a significant decrease in renewal requests and would result in a reduction of up to \$43,500 in permit fees per year on average (Table 1).

Cost/Benefits Summary

The proposed amendments for the extension of the development period would apply to local, state, and private entities. DCM has

The economic impacts of these proposed rule amendments are potential financial benefits to local, state, and private entities in terms of time and permit fees. Presently, applicants must pay on average \$290 in renewal request fees for the reissuance of a General Permit to conclude construction. Applicants include local and state government agencies, and private entities. The adoption of this rule language would allow a permittee to have an additional 60-day development period, resulting in a potential average savings of \$290 per applicant. On average, private property owners, local governments, and state agencies as a whole would save approximately \$29,000 per year. Additional saving of up to \$14,500 would also be realized by private property owners, local governments, and state agencies that qualify for the additional 180 day renewal should substantial development have occurred. Consequently, the DCM would incur loss in permit renewal fees of up to a cost of \$43,500 per year, on average (Table 1). Project applicants will also realize both time savings as the proposed amendments will eliminate the need to submit renewal requests and incentive to begin work in order to qualify for an additional no cost extension. In general, the impacts incurred from these changes are not expected to be substantial.

Table 1. Fiscal Impact Summary

Affected Party	Cost/Year	Savings/Year	Total/Year
Property Owners, Local Governments, State Government	\$0	\$43,500 plus time savings	\$43,500 plus time savings
Division of Coastal Mgmt.	\$43,500	time savings	\$0

**SECTION .1100 - GENERAL PERMIT FOR CONSTRUCTION OF BULKHEADS AND RIPRAP
REVTMENTS FOR SHORELINE PROTECTION IN ESTUARINE AND PUBLIC TRUST
WATER AND OCEAN HAZARD AREAS**

15A NCAC 07H .1102 APPROVAL PROCEDURES

(a) An applicant for a General Permit under this Subchapter shall contact the Division of Coastal Management and request approval for development. The applicant shall provide information on site location, dimensions of the project area, and the applicant's name and address.

(b) The applicant shall provide:

- (1) confirmation that a written statement has been obtained signed by the adjacent riparian property owners indicating that they have no objections to the proposed work; or
- (2) confirmation that the adjacent riparian property owners have been notified by certified mail of the proposed work. The notice shall instruct adjacent property owners to provide written comments on the proposed development to the Division of Coastal Management within 10 days of receipt of the notice and indicate that no response shall be interpreted as no objection. The Division of Coastal Management shall review all comments and determine, based on their relevance to the potential impacts of the proposed project, if the proposed project can be approved by a General Permit. If the Division of Coastal Management determines that the project exceeds the guidelines established by the General Permit Process, DCM shall notify the applicant that an application for a major development permit shall be required.

(c) No work shall begin until an on-site meeting is held with the applicant and a Division of Coastal Management representative so that the proposed alignment may be marked. Written authorization to proceed with the proposed development shall be issued if the Division representative finds that the application meets all the requirements of this Subchapter. Construction of the bulkhead or riprap revetment shall be completed within ~~120~~ 180 days of permit issuance ~~authorization~~. **Where substantial development has occurred as defined in 15A NCAC 07J .0404(b) and is continuing on the permitted project, the permitting authority shall grant a six-month extension to complete the development. If no development has begun, the authorization shall expire.**

History Note: Authority G.S. 113A-107(a); 113A-107(b); 113A-113(b); 113A-118.1; 113A-124; Eff. March 1, 1984; Amended Eff. July 1, 2009; October 1, 2007; September 1, 2006; January 1, 1990; December 1, 1987.

**SECTION .1200 - GENERAL PERMIT FOR CONSTRUCTION OF PIERS AND DOCKING
FACILITIES: IN ESTUARINE AND PUBLIC TRUST WATERS AND OCEAN HAZARD AREAS**

15A NCAC 07H .1202 APPROVAL PROCEDURES

(a) An applicant for a General Permit under this Subchapter shall contact the Division of Coastal Management and request approval for development.

(b) The applicant shall provide:

- (1) the site location, dimensions of the project area and name, and his or her address; and
- (2) confirmation that a written statement has been obtained signed by the adjacent riparian property owners indicating that they have no objections to the proposed work; or
- (3) confirmation that the adjacent riparian property owners have been notified by certified mail of the proposed work. The notice shall instruct adjacent property owners to provide any comments on the proposed development in writing for consideration by permitting officials

to the Division of Coastal Management within 10 days of receipt of the notice and indicate that no response will be interpreted as no objection. Division staff shall review all comments and determine, based on their relevance to the potential impacts of the proposed project, if the proposed project can be approved by a General Permit. If Division staff finds that the comments are worthy of more in-depth review, the Division shall notify the applicant that he or she must submit an application for a major development permit.

(c) No work shall begin until an on-site meeting is held with the applicant and a Division of Coastal Management representative to review the proposed development. A permit to proceed with the proposed development shall be issued if the Division representative finds that the application meets all the requirements of this Subchapter. Construction shall be completed within ~~120~~ 180 days of permit issuance-~~authorization~~ Where substantial development has occurred as defined in 15A NCAC 07J .0404(b) and is continuing on the permitted project, the permitting authority shall grant a six-month extension to complete the development. If no development has begun, the authorization shall expire.

(d) Any modification or addition to the permitted project shall require prior approval from the Division of Coastal Management.

History Note: Authority G.S. 113A-107(a); 113A-107(b); 113A-113(b); 113A-118.1; 113A-124; Eff. March 1, 1984; Amended Eff. October 1, 2007; August 1, 1998; January 1, 1990; Readopted Eff. December 1, 2021.

SECTION .1300 – GENERAL PERMIT TO CONSTRUCT BOAT RAMPS ALONG ESTUARINE AND PUBLIC TRUST SHORELINES AND INTO ESTUARINE AND PUBLIC TRUST WATERS

15A NCAC 07H .1302 APPROVAL PROCEDURES

(a) An applicant for a General Permit under this Subchapter shall contact the Division of Coastal Management and request approval for development. The applicant shall provide information on site location, dimensions of the project area, and his name and address.

(b) The applicant shall provide:

- (1) confirmation that a written statement has been obtained signed by the adjacent riparian property owners indicating that they have no objections to the proposed work; or
- (2) confirmation that the adjacent riparian property owners have been notified by certified mail of the proposed work. The notice shall instruct adjacent property owners to provide written comments on the proposed development to the Division of Coastal Management within ten days of receipt of the notice, and, indicate that no response shall be interpreted as no objection. DCM staff shall review all comments and determine, based on their relevance to the potential impacts of the proposed project, if the proposed project can be approved by a General Permit. If DCM staff determines that the project exceeds the guidelines established by the General Permit Process, DCM shall notify the applicant that he must submit an application for a major development permit.

(c) No work shall begin until an on-site meeting is held with the applicant and appropriate Division of Coastal Management representative so that the proposed boat ramp alignment may be appropriately marked. Written authorization to proceed with the proposed development may be issued during this visit. Construction of the boat ramp structure shall be completed within ~~120~~ 180 days of permit issuance-~~authorization~~ Where substantial development has occurred as defined in 15A NCAC 07J .0404(b) and is continuing on the permitted project, the permitting authority shall grant a six-month extension to complete the development. If no development has begun, the authorization shall expire.

History Note: Authority G.S. 113A-107(a); 113A-107(b); 113A-113(b); 113A-118.1; 113A-124; Eff. March

1, 1984; Amended Eff. August 1, 2007; September 1, 2006; January 1, 1990.

SECTION .1400 - GENERAL PERMIT FOR CONSTRUCTION OF GROINS IN ESTUARINE AND PUBLIC TRUST WATERS AND OCEAN HAZARD AREAS

15A NCAC 07H .1402 APPROVAL PROCEDURES

(a) An applicant for a General Permit under this Subchapter shall contact the Division of Coastal Management and request approval for development. The applicant shall provide information on site location, dimensions of the project area, and the applicant's name and address.

(b) The applicant shall provide:

- (1) confirmation that a written statement has been obtained signed by the adjacent riparian property owners indicating that they have no objections to the proposed work; or
- (2) confirmation that the adjacent riparian property owners have been notified by certified mail of the proposed work. The notice shall instruct adjacent property owners to provide written comments on the proposed development to the Division of Coastal Management within 10 days of receipt of the notice. The notice shall also indicate that no response shall be interpreted as no objection. The Division of Coastal Management shall review all comments and determine, based on their relevance to the potential impacts of the proposed project, if the proposed project can be approved by a General Permit. If the Division of Coastal Management determines that the project exceeds the rules established by the General Permit process, the applicant shall be notified that an application for a major development permit shall be required.

(c) No work shall begin until an on-site meeting is held with the applicant and a Division of Coastal Management representative so that the proposed groin alignment can be marked. Written authorization to proceed with the proposed development shall be issued during this visit. Construction shall be completed within ~~120~~ 180 days of permit issuance ~~authorization~~. Where substantial development has occurred as defined in 15A NCAC 07J .0404(b) and is continuing on the permitted project, the permitting authority shall grant a six-month extension to complete the development. If no development has begun, the authorization shall expire.

(d) Any modification or addition to the authorized project shall require prior approval from the Division of Coastal Management.

History Note: Authority G.S. 113A-107(a); 113A-107(b); 113A-113(b); 113A-118.1; 113A-124; Eff. March 1, 1984; Amended Eff. February 1, 2009; October 1, 2007; August 1, 2004; May 1, 1990; January 1, 1990.

SECTION .1500 - GENERAL PERMIT FOR EXCAVATION WITHIN OR CONNECTING TO EXISTING CANALS, CHANNELS, BASINS, OR DITCHES IN ESTUARINE WATERS, PUBLIC TRUST WATERS, AND COASTAL SHORELINE AECS

15A NCAC 07H .1502 APPROVAL PROCEDURES

(a) The applicant for a general permit for excavation within or connecting to existing canals, channels, basins, or ditches in estuarine waters, public trust waters and coastal shoreline areas of environmental concern shall contact the Division of Coastal Management and request approval for development. Applicants shall provide their name and address, the site location, and the dimensions of the project area.

(b) The applicant must provide:

- (1) A written statement signed by the adjacent riparian property owners indicating that they have no objections to the proposed work; or

- (2) Certified mail return receipts (or copies thereof) indicating that the adjacent riparian property owners have been notified by certified mail of the proposed work. Such notice should instruct adjacent property owners to provide any comments on the proposed development in writing for consideration by permitting officials to the Division of Coastal Management within ten days of receipt of the notice and indicate that no response will be interpreted as no objection.
- (c) DCM staff will review the permit request and comments and determine, based on the potential impacts of the proposed project, whether the proposed project complies with the requirements of this Section and can be approved by a General Permit. If DCM staff finds that the proposed project does not comply with the requirements of this Section, the applicant will be notified that they must submit an application for a major development permit in accordance with 15A NCAC 07J .0200.
- (d) No work shall begin until an onsite meeting is held with the applicant and a Division of Coastal Management representative to inspect and mark the proposed area of excavation and spoil disposal. Written authorization to proceed with the proposed development may be issued during this site visit. All excavation shall be completed within ~~120~~ 180 days of permit issuance ~~authorization~~. Where substantial development has occurred as defined in 15A NCAC 07J .0404(b) and is continuing on the permitted project, the permitting authority shall grant a six-month extension to complete the development. If no development has begun, the authorization shall expire.

History Note: Authority G.S. 113A-107(a),(b); 113A-113(b); 113A-118.1; 113-229(c1); Eff. July 1, 1984; Amended Eff. July 1, 2015; January 1, 1990; December 1, 1987.

SECTION .2000 - GENERAL PERMIT FOR AUTHORIZING MINOR MODIFICATIONS AND REPAIR TO EXISTING PIER/MOORING FACILITIES IN ESTUARINE AND PUBLIC TRUST WATERS AND OCEAN HAZARD AREAS

15A NCAC 07H .2002 APPROVAL PROCEDURES

(a) An applicant for a General Permit under this Subchapter shall contact the Division of Coastal Management and request approval for development. The applicant shall provide information on site location, dimensions of the project area, and his/her name and address.

(b) The applicant shall provide:

(1) a dated plat(s) showing existing development and the proposed development; and

(2) confirmation that:

- (A) a written statement has been obtained and signed by the adjacent riparian property owners indicating that they have no objections to the proposed work; or
- (B) the adjacent property owners have been notified by certified mail of the proposed work. The notice shall instruct adjacent property owners to provide any comments on the proposed development in writing for consideration by permitting officials to the Division of Coastal Management within ten days of receipt of the notice, and, indicate that no response will be interpreted as no objection.

(c) DCM staff shall review all comments. If DCM determines that the comments are relevant to the potential impacts of the proposed project and the permitting issues raised by the comments are worthy of more detailed review, DCM shall notify the applicant that he/she must submit an application for a major

development permit.

(d) Approval of individual projects shall be acknowledged in writing by the Division of Coastal Management and the applicant shall be provided a copy of this Section. Construction authorized by this permit shall be completed within ~~120~~ 180 days of permit issuance-authorization. Where substantial development has occurred as defined in 15A NCAC 07J .0404(b) and is continuing on the permitted project, the permitting authority shall grant a six-month extension to complete the development. If no development has begun, the authorization shall expire.

History Note: Authority G.S. 113A-107; 113A-118.1; Eff. January 1, 1994; Amended Eff. August 1, 2007.

SECTION .2100 - GENERAL PERMIT FOR CONSTRUCTION OF SHEETPILE SILL FOR SHORELINE PROTECTION IN ESTUARINE AND PUBLIC TRUST WATERS AND OCEAN HAZARD AREAS

15A NCAC 07H .2102 APPROVAL PROCEDURES

(a) An applicant for a General Permit under this Subchapter shall contact the Division of Coastal Management and request approval for development. The applicant shall provide information on site location, dimensions of the project area, and the applicant's name and address.

(b) The applicant shall provide:

- (1) confirmation that a written statement has been obtained signed by the adjacent riparian property owners indicating that they have no objections to the proposed work; or
- (2) confirmation that the adjacent riparian property owners have been notified by certified mail of the proposed work. The notice shall instruct adjacent property owners to provide written comments on the proposed development to the Division of Coastal Management within 10 days of receipt of the notice and indicate that no response shall be interpreted as no objection. The Division of Coastal Management shall review all comments and determine, based on their relevance to the potential impacts of the proposed project, if the proposed project can be approved by a General Permit. If the Division of Coastal Management determines that the project exceeds the rules established by the General Permit Process, DCM shall notify the applicant that an application for a major development permit shall be required.

(c) No work shall begin until an on-site meeting is held with the applicant and a Division of Coastal Management representative so that the proposed sill alignment may be marked. Written authorization to proceed with the proposed development shall be issued if the Division representative finds that the application meets all the requirements of this Subchapter. Construction of the sill shall be completed within ~~120~~ 180 days of permit issuance-authorization. Where substantial development has occurred as defined in 15A NCAC 07J .0404(b) and is continuing on the permitted project, the permitting authority shall grant a six-month extension to complete the development. If no development has begun, the authorization shall expire.

History Note: Authority G.S. 113A-107; 113A-118.1; Eff. June 1, 1994; Amended Eff. February 1, 2009; October 1, 2007; September 1, 2006; August 1, 2000.

SECTION .2200 – GENERAL PERMIT FOR CONSTRUCTION OF FREESTANDING MOORINGS AND BIRD NESTING POLES IN ESTUARINE WATERS AND PUBLIC TRUST AREAS AND OCEAN HAZARD AREAS

15A NCAC 07H .2202 APPROVAL PROCEDURES

(a) An applicant for a General Permit under this Subchapter shall contact the Division of Coastal

Management and request approval for development pursuant to Paragraph (b) of this Rule.

(b) The applicant shall provide:

- (1) information on site location, dimensions of the project area, and applicant name and address;
- (2) a dated plat(s) showing existing and proposed development; and
- (3) evidence that:
 - (A) a written statement has been obtained and signed by the adjacent riparian property owners indicating that they have no objections to the proposed work; or
 - (B) the adjacent riparian property owners have been notified by certified mail of the proposed work. The notice shall instruct adjacent property owners to provide any comments on the proposed development in writing for consideration by permitting officials to the Division of Coastal Management within 10 calendar days of receipt of the notice, and indicate that no response shall be interpreted as no objection. Division of Coastal Management staff shall review all comments. If the Division of Coastal Management determines that:
 - (i) the comments are relevant to the potential impacts of the proposed project; and
 - (ii) the Division of Coastal Management shall review all comments and determine, based on their relevance to the potential impacts of the proposed project, if the proposed project may be approved by a General Permit. If the Division of Coastal Management determines that the project exceeds the guidelines established by the General Permit process provided in 15A NCAC 07J .1100, the Division shall notify the applicant that an application for a major development permit shall be required.

(c) Approval of individual projects shall be acknowledged in writing by the Division of Coastal Management and the applicant shall be provided a copy the rules of this Section. Construction authorized by this permit shall be completed within ~~120~~ 180 days of permit issuance-~~authorization~~ Where substantial development has occurred as defined in 15A NCAC 07J .0404(b) and is continuing on the permitted project, the permitting authority shall grant a six-month extension to complete the development. If no development has begun, the authorization shall expire.

History Note: Authority G.S. 113A-107; 113A-118.1; Eff. February 1, 1996; Amended Eff. January 1, 2018; August 1, 2007.

SECTION .2400 - GENERAL PERMIT FOR PLACEMENT OF RIPRAP REVETMENTS FOR WETLAND PROTECTION IN ESTUARINE AND PUBLIC TRUST WATERS

15A NCAC 07H .2402 APPROVAL PROCEDURES

(a) An applicant for a General Permit under this Subchapter shall contact the Division of Coastal Management and request approval for development. The applicant shall provide information on site location, dimensions of the project area, and the applicant's name and address.

(b) The applicant shall provide:

- (1) confirmation that a written statement has been obtained signed by the adjacent riparian property owners indicating that they have no objections to the proposed work; or

- (2) confirmation that the adjacent riparian property owners have been notified by certified mail of the proposed work. The notice shall instruct adjacent property owners to provide any comments on the proposed development in writing for consideration by permitting officials to the Division of Coastal Management within 10 days of receipt of the notice, and indicate that no response shall be interpreted as no objection. The Division of Coastal Management shall review all comments and determine, based on their relevance to the potential impacts of the proposed project, if the proposed project can be approved by the General Permit process. If not, the applicant shall be notified that an application for a major development permit shall be required.

(c) No work shall begin until an on-site meeting is held with the applicant and a Division of Coastal Management representative so that the structure location can be marked. Written authorization to proceed with the proposed development shall be issued during this visit. Construction of the structure shall be completed within ~~120~~ 180 days of permit issuance ~~authorization~~. Where substantial development has occurred as defined in 15A NCAC 07J .0404(b) and is continuing on the permitted project, the permitting authority shall grant a six-month extension to complete the development. If no development has begun, the authorization shall expire.

History Note: Authority G.S. 113A-107; 113A-118.1; Eff. August 1, 2000; Amended Eff. February 1, 2009; October 1, 2007.

SECTION .2700 – GENERAL PERMIT FOR THE CONSTRUCTION OF MARSH SILLS

15A NCAC 07H .2702 APPROVAL PROCEDURES

- (a) An applicant for a General Permit under this Subchapter shall contact the Division of Coastal Management and request approval for development. The applicant shall provide information on site location, dimensions of the project area, and applicant name and address.
- (b) The applicant shall provide:
 - (1) confirmation that a written statement has been obtained signed by the adjacent riparian property owners indicating that they have no objections to the proposed work; or
 - (2) confirmation that the adjacent riparian property owners have been notified by certified mail of the proposed work. The notice shall instruct adjacent property owners to provide any comments on the proposed development in writing for consideration by permitting officials to the Division of Coastal Management within 10 days of receipt of the notice, and, indicate that no response will be interpreted as no objection.

(c) DCM staff shall review all comments and determine, based on their relevance to the potential impacts of the proposed project, if the proposed project can be approved by a General Permit. (d) No work shall begin until an on-site meeting is held with the applicant and a Division of Coastal Management representative to review the proposed development. Written authorization to proceed with the proposed development shall be issued if the Division representative finds that the application meets all the requirements of this Subchapter. Construction shall be completed within ~~120~~ 180 days of permit issuance ~~authorization~~. Where substantial development has occurred as defined in 15A NCAC 07J .0404(b) and is continuing on the permitted project, the permitting authority shall grant a six-month extension to complete the development. If no development has begun, the authorization shall expire.

History Note: Authority G.S. 113A-107; 113A-118.1; Temporary Adoption Eff. June 15, 2004; Eff. April 1, 2005; Amended Eff. October 1, 2007.