



NOTICE OF TEXT

[Authority G.S. 150B-21.2(c)]

OAH USE ONLY

VOLUME:

ISSUE:

CHECK APPROPRIATE BOX:

- ☒ Notice with a scheduled hearing
☐ Notice without a scheduled hearing
☐ Republication of text. Complete the following cite for the volume and issue of previous publication, as well as blocks 1 - 4 and 7 - 14. If a hearing is scheduled, complete block 5.
Previous publication of text was published in Volume: Issue:

1. Rule-Making Agency: Coastal Resources Commission

2. Link to agency website pursuant to G.S. 150B-19.1(c):

<https://www.deq.nc.gov/about/divisions/coastal-management/coastal-resources-commission/crc-proposed-rules>

3. Proposed Action -- Check the appropriate box(es) and list rule citation(s) beside proposed action:

☐ ADOPTION:

☒ AMENDMENT: 15A NCAC 07H .0209; 15A NCAC 07H .0309

☐ REPEAL:

☐ READOPTION with substantive changes:

☐ READOPTION without substantive changes:

☐ REPEAL through READOPTION:

4. Proposed effective date: November 1, 2025

5. Is a public hearing planned? ☒ Yes ☐ No

If yes: Public Hearing date: July 8, 2025

Public Hearing time: 5:00 p.m.

Public Hearing location: NC Division of Coastal Management, 400 Commerce Avenue, Morehead City, NC 28557

6. If no public hearing is scheduled, provide instructions on how to demand a public hearing:

7. Explain Reason For Proposed Rule(s):

15A NCAC 07H .0209

The Coastal Resources Commission is proposing to revise 15A NCAC 07H.0209(g) to provide allowance for decks and boardwalks built over water within Urban Waterfront areas to be enclosed using removable materials.

15A NCAC 07H .0309

In the event that proposed development cannot meet the oceanfront setback defined in 15A NCAC 07H .0306(a), current Rule 15A NCAC 07H .0309(b) serves as an exception for lots platted before June 1, 1979 that may allow a structure no greater than 2,000 square feet to be constructed if it can meet a minimum setback of 60 feet and be sited no further oceanward than its landward-most adjacent neighbor. The proposed amendments remove the reference to when a lot was platted, making this development option available to eligible oceanfront property owners regardless of when their lot was platted; increase the structure size limit from 2,000 square feet to 2,500 square feet; and remove the 1,000 square feet footprint condition.

8. Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or email. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 984-236-1850.

☐ **Rule(s) is automatically subject to legislative review. Cite statutory reference:**

9. The person to whom written comments may be submitted on the proposed rule(s):**Name:** Tancred Miller**Address:**

400 Commerce Avenue

Morehead City, NC 28557

Phone (optional):**Fax (optional):****E-Mail (optional):** crerulemaking@deq.nc.gov**10. Comment Period Ends:** August 15, 2025**11. Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.**

- ☒ **State funds affected**
- ☒ **Local funds affected**
- ☐ **Substantial economic impact (\geq \$1,000,000)**
- ☒ **Approved by OSBM**
- ☐ **No fiscal note required**

12. Rule-making Coordinator: Jennifer Everett**Phone:** 919-707-8595**E-Mail:** Jennifer.Everett@deq.nc.gov**Additional agency contact, if any:** Angela Willis**Phone:** 252-515-5410**E-mail:** Angela.Willis@deq.nc.gov

13. The Agency formally proposed the text of this rule(s) on
Date: April 30, 2025

14. Signature of Agency Head* or Rule-making Coordinator:

Typed Name: Jennifer Everett
Title: DEQ Rulemaking Coordinator

**If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.*