

1 15A NCAC 07M .0306 is proposed for repeal as follows:

2
3 **15A NCAC 07M .0306 LOCAL GOVERNMENT AND STATE INVOLVEMENT IN ACCESS**

4 ~~(a) Coastal Waterfront access in the 20 county coastal area is a concern of local, state, regional and national~~
5 ~~importance. Local governments have lead responsibility for the selection of public access sites within their jurisdiction.~~
6 ~~Access shall be based on identified needs as stated in land use plans pursuant to 15A NCAC 07B .0702(d)(3)(A) and~~
7 ~~local waterfront access plans. The Division of Coastal Management may take the lead in acquiring and improving~~
8 ~~access sites as such opportunities arise.~~

9 ~~(b) A local policy in a land use plan sets the community objectives for access. A local government may, through its~~
10 ~~land use plan:~~

11 ~~(1) identify access needs and develop local policy to pursue access funding;~~

12 ~~(2) develop a local access plan; and~~

13 ~~(3) solicit access sites through corporate assistance.~~

14 ~~(c) An access plan shall identify needs and opportunities, determine access and facility requirements, establish~~
15 ~~standards, and develop specific project design plans or guidelines by appropriate site. An access plan shall consider~~
16 ~~both financial resource availability (such as grants, impact fees or hotel/motel tax revenues) and construction timing.~~
17 ~~It shall establish priorities and devise a system for annual evaluation of the plan.~~

18 ~~(d) Local governments may also include provisions in local ordinances that require access for waterfront~~
19 ~~developments or require payment in lieu of access for non water dependent subdivisions.~~

20 ~~(e) Dedicated street ends may be acceptable for accessways.~~

21 ~~(f) The Division of Coastal Management has primary responsibility for administering the Public Beach and Coastal~~
22 ~~Waterfront Access Program. Subject to the availability of funds, the Division of Coastal Management shall annually~~
23 ~~solicit pre application proposals from local governments and shall select competitive projects for full application~~
24 ~~submittal. Projects from these final applications shall be selected for funding based on criteria in Rule .0307 of this~~
25 ~~Section.~~

26 ~~(g) The Division of Coastal Management may use available funds on a non competitive basis to plan for and provide~~
27 ~~public access through acquisition of improvements. Prior to expending funds, the Division of Coastal Management~~
28 ~~shall hold a public meeting or hearing to discuss its proposal. Members of the public shall be invited to comment to~~
29 ~~the Coastal Resources Commission for a minimum of 60 days prior to the expenditure of non competitive money by~~
30 ~~the Division of Coastal Management.~~

31 ~~(h) The Division of Coastal Management shall ensure all projects funded through the Public Beach and Coastal~~
32 ~~Waterfront Access Program are making progress throughout project implementation and ensure that completed~~
33 ~~projects are operated and maintained for access purposes.~~

34
35 *History Note: Authority G.S. 113A-124; 113A-134.3;*
36 *Eff. January 1, 1998;*
37 *Amended Eff. February 1, 2009; August 1, 2007;*

Repealed Eff. September 1, 2021.