

**Report to the North Carolina General Assembly
Environmental Review Commission**



***Report on DCM's Program Change Submittal to NOAA
Regarding Session Laws 2024-45, 2024-53, 2024-57***

March 1, 2025

**Division of Coastal Management
NORTH CAROLINA DEPARTMENT OF
ENVIRONMENTAL QUALITY**

**Pursuant to SL 2024-45, Sections 16.1.(c), 16.1A.(b); SL 2024-53, Sections 4C.11(c),
4C.12(c); and SL 2024-57, Section 2C.4**

The purpose of this report is to provide a status update regarding DEQ's activities pursuant to Session Law 2024-45, Sections 16.1.(c) and 16.1A.(b); SL 2024-53, Sections 4C.11(c) and 4C.12(c), and Session Law 2024-57 Section 2C.4.

Sections 15.1 and 16 of SL 2024-45 that directed changes to the CAMA rules were repealed by SL 2024-53 and replaced with statutory changes. Effective dates established in SL 2024-53 that were subject to NOAA approval were then repealed by SL 2024-57. The directed changes were made effective retroactive to October 25, 2024. No changes were made in SL 2024-57 to reporting requirements.

All sections of SL 2024-45 read as follows:

No later than August 1, 2024, the Department of Environmental Quality shall prepare and submit to the United States National Oceanic and Atmospheric Administration for approval by that agency the proposed changes made to Article 7 of Chapter 113A of the General Statutes, as enacted by subsection (a) of this section. The Department of Environmental Quality shall report to the Environmental Review Commission on the status of their activities pursuant to this section quarterly, beginning September 1, 2024, until such time as the General Assembly repeals this reporting requirement.

SL 2024-53, Section 4C.11(c) reads as follows:

No later than November 15, 2024, the Department of Environmental Quality shall prepare and submit to the United States National Oceanic and Atmospheric Administration for approval by that agency the proposed change made to G.S. 113A-118, as enacted by subsection (b) of this section. The Department of Environmental Quality shall report to the Environmental Review Commission on the status of their activities pursuant to this section quarterly, beginning January 1, 2025, until such time as the General Assembly repeals this reporting requirement.

SL 2024-53, Section 4C.12(c) reads as follows:

No later than November 15, 2024, the Department of Environmental Quality shall prepare and submit to the United States National Oceanic and Atmospheric Administration for approval by that agency the proposed change made to G.S. 113A-115.1, as enacted by subsection (b) of this section. The Department of Environmental Quality shall report to the Environmental Review Commission on the status of their activities pursuant to this section quarterly, beginning January 1, 2025, until such time as the General Assembly repeals this reporting requirement.

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A. Background

Session Law 2024-45 directed North Carolina's Coastal Resources Commission to amend rules applicable to dock, pier, and walkway replacement and to authorize the establishment of a measurement line for dune building projects conducted pursuant to permitted terminal groin construction. Sections 15.1 and 16 of Session Law 2024-45 were repealed by Session Law 2024- 53 and the corresponding language was inserted as statutory changes through Sections 4C.11 and 4C.12 of Session Law 2024-53.

Additionally, Session Law 2024-45 amends the NC Coastal Area Management Act to exclude aquaculture from the definitions of "Development" and authorizes the replacement of certain erosion control structures within an ocean shoreline.

In addition to the amendments above, Session Law 2024-45 requires the Department of Environmental Quality prepare and submit to the United States National Oceanic and Atmospheric Administration (NOAA) the amendments for approval no later than August 1, 2024. Session Law 2024-53 requires the Department to submit the corresponding changes to NOAA no later than November 15, 2024.

Furthermore, Session Law 2024-57 removed the link of the effective date to the NOAA Program Change Request Approval and the amendments to the Coastal Area Management Act were effective when Session Law 2024-57 became law.

B. DCM's Program Change Request

In order to satisfy Session Law 2024-45, DCM submitted a Program Change Request to NOAA on July 24, 2024. In accordance with NOAA's Program Change Request rules, DCM also published a public notice on July 24, 2024. The public comment period ended on August 14, 2024, and NOAA's decision date to concur in the incorporation of the Program Change was August 23, 2024; however, prior to the modification submitted as a result of SL 2024-53, NOAA had extended their review four times, and the review period was expected to end on November 4, 2024. Then, Session Law 2024-53 repealed Session Law 2024-45 Sections 15.1 and 16 and amended the NC Coastal Area Management Act to codify permitting changes applicable to dock, pier, and walkway replacement and the establishment of a measurement line for dune building projects conducted pursuant to permitted terminal groin construction. DCM submitted the modification of their original Program Change Request to NOAA to reflect Session Law 2024-53, and the NOAA review deadline had been extended until December 31, 2024. However, to reflect Session Law 2024-57, DCM withdrew its modification of their original Program Change Request and submitted two new Program Change Requests. The first was submitted and received by NOAA on December 16, 2024. This Program Change Request included Session Law 2024-45 amendments to the Coastal Area Management Act to exclude aquaculture from the definition of development and authorize the replacement of certain erosion control structures and to permit the construction of a terminal groin at the intersection of Frying Pan Shoals and the Atlantic Ocean. NOAA's decision date was January 15, 2025; however, NOAA has extended their

decision date until February 28, 2025. Additionally, DCM submitted a second Program Change Request pursuant to Session Laws 2024-45, 2024-53, and 2024-57. This Program Change Request included amendments to the Coastal Area Management Act to remove permitting requirements for the repair and replacement of docks, piers, and walkways that qualify under newly established criteria and authorize the establishment of a measurement line for dune building projects in municipalities with permitted terminal groin construction. These amendments are currently in effect. NOAA received this request on January 9, 2025 with decision date of February 20, 2025; however, NOAA has extended their decision date until March 10, 2025.

C. Future Updates

DCM will continue to report on the status of this Program Change quarterly, until such time as the General Assembly repeals this reporting requirement.