

Fiscal Analysis

Amendments to 15A NCAC 07H .1102(c), 1202(c), 1302(c), 1402(c), 1502(d), 2002(d), 2102(c), 2202(c), 2302(c), 2402(c), 2702(d) - General Permit Time Period Extension

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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 .2302(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. Additionally, during the legislatively required periodic rule readoption process, the Commission inadvertently shortened the .2302(c) active permit period from two years to 120 days and have proposed an amendment to correct the error.
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

Background

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 should 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 ten CAMA General Permits (15A NCAC 07H .1102(c), .1202(c), .1302(c), .1402(c), .1502(d), .2002(d), .2102(c), .2202(c), .2402(c), .2702(d)) and providing no cost, 180-day extensions where substantial development has occurred prior to expiration. Additionally, during the required 5-year rule readoption process, DCM inadvertently shortened the .2302(c) active permit period from 2 years to 120 days and now proposes to change it back to the original 2 years. 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, NC DOT, Local/State Government

The main fiscal impacts of the proposed rule amendments are savings to applicants in terms of both time and permitting fees. Applicants include private entities (typically property owners, HOAs, developers, etc.) as well as other state agencies (such as NCDOT) and local governments. DCM approximates that over the past 5 years there was estimated to be 500 re-applications for a General Permit due to expiration (average of 100 re-applications per year). These 500 re-applications represent approximately four percent of the total number of general permits issued in the last five years. Assuming the average number of re-applications remains the same in the future, permit applicants would avoid paying approximately \$29,000 in fees per year (100 re-applications per year x average \$290 General Permit fee).

Even with the extended 180-day expiration date and no-cost 6-month extension (if qualified), it

is possible that some projects will still not be completed in the time allowed under the permit. In these cases, re-application with accompanying permit fee will be required. It is not possible to predict how many projects will fall into this category and require re-application, but it is unlikely to be a significant number. For this reason, the savings to applicants should be considered maximum estimates.

In addition to savings from avoided permit fees, applicants will also experience a benefit in the form of time savings from not having to contact the Division and re-apply for a permit. This additional benefit would be considered a realized cost saving since applicants can avoid placing projects and contractors on hold while they re-apply for development authorization. Due to the variability of project specific costs, it is difficult and speculative to accurately estimate this portion of cost savings.

Division of Coastal Management (DCM)

It follows that DCM will see an equivalent reduction in permitting fee revenue of up to \$29,000 (100 re-applications x \$290) per year associated with the proposed change to the expiration date from 120-days to 180-days. With the proposed no-cost 6-month extension where substantial development has occurred, there is potential for the Division to forego an additional approximately \$14,500 (50 re-applications x \$290) per year in permitting fee revenue. 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. The Division believes loss in permit revenues can be absorbed through other funding sources and is not expected to impact other programs.

DCM will also realize a significant time savings by not having to reissue General Permits that have expired. DCM estimates the average staff processing time for a renewal request is approximately four hours. Based on an average annual salary of \$50,000 of a DCM Field Representative, this equates to a time savings of an estimated \$14,825 per year (100 renewals x 4 hours x \$37.06/hr staff compensation¹).

Environment

The Division enforces permit deadlines to ensure the area has been adequately assessed for potential resource impacts prior to development. While a deadline extension from 120 to 180 days could allow additional time for changes in habitat to occur, the Division does not believe the additional time will result in a significant increase in areas of impact. In critical habitat areas where habitat changes might occur (e.g. docking facilities in close proximity to mapped SAV habitat), the Division can still require an additional site visit prior to determining reissuance at the end of the 180-day period. In short, there are no expected significant environmental consequences for the proposed permit deadline extension or the incorporation of the proposed “substantial development clause”.

¹ Staff compensation includes salary and benefits calculated using: [NC OSHR: Total Compensation Calculator](#).

Table 1. Fiscal Impact Summary

Affected Party	Cost/Year	Savings/Year
General permit applicants: Private entities, Local Governments, State Government	\$0	\$43,500 in avoided permit fees, plus unquantified time savings from not having to re-apply
Division of Coastal Mgmt.	Up to \$43,500 in reduced fee revenues	\$14,825 in staff time savings

**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 .2300 – GENERAL PERMIT FOR PREPLACEMENT OF EXISTING BRIDGES AND
CULVERTS IN ESTUARINE WATERS, ESTUARINE AND PUBLIC TRUST SHORELINES,
PUBLIC TRUST AREAS, AND COASTAL WETLANDS**

15A NCAC 07H .2302 APPROVAL PROCEDURES

(a) An applicant for a General Permit under this Subchapter shall contact the Division of Coastal Management at the Regional Office indicated on the map located at <https://ncdenr.maps.arcgis.com/apps/webappviewer/index.html?id=1a5881ec85ca40679988982e02665b51> and request approval for development as defined in G.S. 113A-130(5).

(b) The applicant shall provide:

- (1) the site location, dimensions of the project area, and his or her name and 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 to the Division of Coastal Management within 10 days of receipt of the notice and indicate that no response by the adjacent property owners will be interpreted as the adjacent property owners having 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 onsite 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 permitted under this Section shall be completed within ~~120 days~~ **two years** of permit issuance or such permit shall expire. If the applicant seeks a new permit under this Section, the Division of Coastal Management shall reexamine the proposed development to determine if the General Permit may be reissued. Pursuant to G.S. 136-44.7B, permits issued to the North Carolina Department of Transportation for projects identified in the Transportation Improvement Program shall not expire.

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

History Note: Authority G.S. 113A-107; 113A-118.1; 113A-124; Eff. June 1, 1996; Amended Eff. May 1, 2010; Readopted Eff. October 1, 2022.

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.