

**SUBCHAPTER 07I - SECRETARY'S GRANT CRITERIA AND PROCEDURES FOR LOCAL
IMPLEMENTATION AND ENFORCEMENT PROGRAMS UNDER THE COASTAL AREA
MANAGEMENT ACT**

SECTION .0100 - PURPOSE

15A NCAC 07I .0101 AUTHORITY

History Note: Authority G.S. 113A-112; 113A-124;
Eff. December 10, 1977;
Amended Eff. June 1, 2006; May 1, 1990;
Expired Eff. April 1, 2018 pursuant to G.S. 150B-21.3A.

15A NCAC 07I .0102 POLICY

The purpose of these criteria is to establish the means and procedures by which local governments may request and receive the funds necessary to implement locally developed Coastal Area Management Act implementation and enforcement programs. These provisions are designed to ensure that no local government will have to forego the assumption of permit-letting authority because of inadequate local finances or to severely burden its local budget in order to undertake a Coastal Area Management Act local implementation and enforcement program. These provisions are designed to ensure that localities will be treated uniformly yet equitably with the goal that two localities in similar situations will be similarly treated.

History Note: Authority G.S. 113A-112; 113A-124;
Eff. December 10, 1977;
Amended Eff. August 1, 1978;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

SECTION .0200 - POLICY AND STANDARDS

15A NCAC 07I .0201 VALUE OF COASTAL RESOURCES

15A NCAC 07I .0202 MULTI-UNIT PROGRAMS

History Note: Authority G.S. 113A-112; 113A-124;
Eff. December 10, 1977;
ARRC Objection Lodged March 15, 1990;
Expired Eff. April 1, 2018 pursuant to G.S. 150B-21.3A.

15A NCAC 07I .0203 ELIGIBILITY: FUNDING LEVEL

History Note: Authority G.S. 113A-112; 113A-124;
Eff. December 10, 1977;
Repealed Eff. August 1, 1978.

15A NCAC 07I .0204 LOCAL ORDINANCE REQUIRED

Each local government applying for an implementation and enforcement plan grant shall have adopted local ordinance(s) necessary to give effect to the local implementation and enforcement plan that has been approved by the Commission for its jurisdiction.

History Note: Authority G.S. 113A-112; 113A-124; 113A-117;
Eff. December 10, 1977;
Readopted Eff. October 1, 2022.

15A NCAC 07I .0205 ACCOUNTABILITY

In general, local governments that are subgrantees of federal and state funds administered by the Department of Environment, Health, and Natural Resources will be subject to accounting techniques and procedures similar to

those applicable to the Department of Environment, Health, and Natural Resources as grantee of federal funds administered by the National Oceanic and Atmospheric Administration. More specifically, the requirements of General Statutes and standards generally applicable to local governments, Federal Management Circulars 74-4 and 74-7, and National Oceanic and Atmospheric Administration administrative grants standards will be observed. These standards and regulations are the same as those applicable to Coastal Area Management Act land use planning grants.

History Note: Authority G.S. 113A-112; 113A-124;
Eff. December 10, 1977;
Amended Eff. May 1, 1990; May 20, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

15A NCAC 07I .0206 FUTURE FUNDING

History Note: Authority G.S. 113A-112; 113A-124;
Eff. December 10, 1977;
Amended Eff. June 1, 2006; May 1, 1990;
Expired Eff. April 1, 2018 pursuant to G.S. 150B-21.3A.

SECTION .0300 - APPLICATION PROCEDURES

15A NCAC 07I .0301 APPLICATION FORM

History Note: Authority G.S. 113A-112; 113A-124;
Eff. December 10, 1977;
Repealed Eff. August 1, 1978.

15A NCAC 07I .0302 APPLICATION PROCESS

(a) An application form is not required for local governments having entered into previous agreements with the Department for reimbursement under this Rule. Local governments intending to establish local implementation and enforcement programs without previous agreements shall contact the Division of Coastal Management at 400 Commerce Avenue, Morehead City, NC 28557.

(b) The geographic jurisdiction shall be the same as identified in the local Implementation and Enforcement Program. Where two or more local governments are combined for grant administration, a written statement to this effect shall be submitted to the Division of Coastal Management and signed by local officials authorized to enter into such agreements.

(c) Based on the availability of State or federal funds, agreements shall be renewed on an annual basis. The grant year runs from July 1 through June 30, and local governments may receive amendments to their contracts after the end of each grant year updating the previous agreements.

History Note: Authority G.S. 113A-112; 113A-124;
Eff. December 10, 1977;
Amended Eff. June 1, 2005; October 1, 1988; October 1, 1982; May 20, 1980;
Readopted Eff. October 1, 2022.

15A NCAC 07I .0303 RESERVED

15A NCAC 07I .0304 RESERVED

History Note: Authority G.S. 113A-112; 113A-124;
Eff. December 10, 1977;
Amended Eff. October 1, 1982; August 1, 1978;
Repealed Eff. August 1, 1988.

15A NCAC 07I .0305 GRANT ADMINISTRATION

- (a) Reimbursement shall be made quarterly upon submittal of composite records after the last day of the last month of the quarter. Composite records will include each minor permit applicant's name, the date of the application, the date of public notice, the AEC type, the permit decision, the decision date, and any vouchers for training expenses, or other documents as required by the contract between the locality and the Department of Environmental Quality.
- (b) Grant Contract. Prior to the disbursement of funds, the locality and the Department shall become parties to a contract in accordance with 15A NCAC 07I .0306.

*History Note: Authority G.S. 113A-112; 113A-124;
Eff. August 1, 1978;
Amended Eff. June 1, 2006; May 1, 1990; November 1, 1984; October 1, 1982; May 20, 1980;
Readopted Eff. October 1, 2022.*

15A NCAC 07I .0306 GRANT CONDITIONS

- (a) All contracts shall provide notice of any conditions which affect the quarterly grant payments.
- (b) The following conditions shall apply:
- (1) Per permit reimbursements shall only be made after certification is received by the Secretary (from the local permit officer) that all CAMA standards have been observed when the permitted activity is completed;
 - (2) Final quarterly payment for a given fiscal year shall be withheld pending receipt by the Secretary of an annual permit summary, said summary to consist of a description of all permits processed in the locality by the minor permit applicant's name, address, date of application, AEC type, permit decision, and decision date;
 - (3) Quarterly verification from the Division of Coastal Management district office field representative specified in the contract that the following permit information has been received for each permit processed in the quarter:
 - (A) one copy of the permit application mailed to the field representative or Division of Coastal Management district office within five business days of acceptance by the local government,
 - (B) one copy of the legal notice associated with the application,
 - (C) one copy of the final decision and any associated permit conditions;
- (c) No quarterly payment shall be made until all applicable grant conditions are met. Local governments not meeting the timetable specified in Subparagraph (b)(3) of this Rule shall not be reimbursed for the permits in question.

*History Note: Authority G.S. 113A-124;
Eff. May 20, 1980;
Amended Eff. May 1, 1990; June 12, 1981;
Readopted Eff. October 1, 2022.*

SECTION .0400 - GENERALLY APPLICABLE STANDARDS

15A NCAC 07I .0401 PROGRAM COSTS

- (a) Costs associated with the management of a local Implementation and Enforcement Program shall be recovered on a per permit basis unless specified elsewhere in this Section.
- (b) The per permit reimbursement rate has been set in consideration of local costs, such as salaries, office supplies, copying, mailing and telephone use, and funds made available to the Division of Coastal Management. These rates are set as follows:
- (1) All county permit-letting authorities are eligible to receive seventy-five dollars (\$75.00) for each processed permit.
 - (2) All municipal permit-letting authorities are eligible to receive fifty-five dollars (\$55.00) for each processed permit.
 - (3) For multi-unit programs involving a county and a municipality, the higher county rate applies; however, programs involving two or more municipalities shall use the municipal rate.
 - (4) Follow-up inspections are required when the permitted activity is completed, and such inspections shall be documented on a form provided by the Division; the follow-up inspection fee received by all local governments is set at forty dollars (\$40.00).

(c) Training costs for Local Permit Officers at the Department of Environmental Quality annual training session are limited to a maximum two hundred dollars (\$200.00/LPO) for up to three LPOs per local government upon submittal of proper receipts. No funds shall be provided for attendance at Coastal Resources Commission meetings.

History Note: Authority G.S. 113A-112; 113A-124;
Eff. December 10, 1977;
Amended Eff. July 1, 2013; May 1, 1990; October 1, 1982; May 20, 1980; August 1, 1978;
Readopted Eff. October 1, 2022.

15A NCAC 07I .0402 INELIGIBLE ACTIVITIES

(a) Costs not associated with CAMA permit letting are ineligible for reimbursement.

(b) The following costs are not ineligible:

- (1) the costs of local appeal,
- (2) attorneys fees,
- (3) bookkeeping or accountant costs,
- (4) fines and penalties.

History Note: Authority G.S. 113A-112; 113A-124;
Eff. December 10, 1977;
Amended Eff. August 1, 1978;
Readopted Eff. October 1, 2022.

15A NCAC 07I .0403 COMPUTATIONS

History Note: Authority G.S. 113A-112; 113A-124;
Eff. December 10, 1977;
Repealed Eff. August 1, 1978.

15A NCAC 07I .0404 DESIGNATED LOCAL OFFICIAL

History Note: Authority G.S. 113A-112; 113A-124;
Eff. December 10, 1977;
Amended Eff. August 1, 1978;
Repealed Eff. November 1, 1984.

15A NCAC 07I .0405 PERMIT PROJECTIONS

History Note: Authority G.S. 113A-112; 113A-124;
Eff. December 10, 1977;
Amended Eff. August 1, 1978;
Repealed Eff. October 1, 1982.

15A NCAC 07I .0406 APPLICATION FEES

History Note: Authority G.S. 113A-112; 113A-119; 113A-124;
Eff. December 10, 1977;
Amended Eff. July 1, 2013; October 1, 1982; May 20, 1980; August 1, 1978;
RRC objection September 17, 2022 and rule returned to agency on October 5, 2023.

15A NCAC 07I .0407 GRANT CONSISTENCY

The application shall be consistent with the local implementation and enforcement plan adopted by the locality and approved by the Coastal Resources Commission.

History Note: Authority G.S. 113A-112; 113A-124;
Eff. December 10, 1977;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

15A NCAC 07I .0408 GRANT ADMINISTRATION

*History Note: Authority G.S. 113A-112; 113A-124;
Eff. December 10, 1977;
Amended Eff. October 1, 1982; May 20, 1980; August 1, 1978;
Repealed Eff. November 1, 1984.*

SECTION .0500 - LOCAL IMPLEMENTATION AND ENFORCEMENT PLANS

15A NCAC 07I .0501 PURPOSE

The Coastal Area Management Act authorizes, but does not require, a city or county in the coastal area to act as a permit-letting agency for minor development permits in areas of environmental concern. These Rules establish the criteria for preparation of local implementation and enforcement plans by local governments. Before a local government can become a permit-letting agency, a plan consistent with these criteria must be submitted to the Coastal Resources Commission for approval. These criteria are provided to assist local government in:

- (1) establishing procedures to be followed in developing local implementation and enforcement programs;
- (2) establishing the scope and coverage of said programs;
- (3) establishing minimum standards to be prescribed in said programs;
- (4) establishing staffing requirements of permit-letting agencies;
- (5) establishing permit-letting procedures;
- (6) establishing priorities of regional and statewide concern;
- (7) establishing that the program is consistent with the land use plan.

*History Note: Authority G.S. 113A-117; 113A-124(c);
Eff. November 1, 1984;
Amended Eff. December 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.*

15A NCAC 07I .0502 DEFINITIONS

- (a) All definitions set out in G.S. 113A - 100 through - 128 apply herein.
- (b) The following definitions apply whenever these words appear in this Section:
 - (1) City. The word "city" means any of the incorporated cities within the 20 coastal counties.
 - (2) County. The word "county" means any one of the 20 counties in the coastal area.
 - (3) Land Use Plan. The term "land use plan" refers to the plan prepared by local government for submission to the Coastal Resources Commission pursuant to Part 2 of the Coastal Area Management Act.
 - (4) Local Management Program. The term "local management program" means the local implementation and enforcement program of a coastal city or county that has expressed an intention (as described in G.S. 113A-117) to administer a permit program for minor development in areas of environmental concern located within such county or city.
 - (5) Local Permit Officer. The term "local permit officer" refers to the locally designated official who will administer and enforce the minor development permit program in areas of environmental concern and all parts of the land-use plan which the local government may wish to enforce over the entire planning area.
 - (6) Management Plan (Plan). The term "management plan" refers to the written description of the management program which shall be submitted to the Coastal Resources Commission.
 - (7) Secretary. The word "Secretary" refers to the Secretary of Environment and Natural Resources.

*History Note: Authority G.S. 113A-116; 113A-117; 113A-124(c);
Eff. November 1, 1984;
Amended Eff. June 1, 2006; May 1, 1990;*

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

15A NCAC 07I .0503 ADOPTION

Each local permit-letting agency submitting a letter of intent before July 1, 1976 must adopt a management plan before July 1, 1977. A local permit-letting agency submitting a letter of intent later than two years after July 1, 1974, must adopt a management plan within the time stated by the Commission upon receipt of a letter of intent.

*History Note: Authority G.S. 113A-116; 113A-117(b);
Eff. November 1, 1984;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.*

15A NCAC 07I .0504 RECORD OF HEARINGS AND COMMENTS

Each permit-letting agency shall compile and maintain a complete record of the public hearing on its proposed local implementation and enforcement plan and comments received pursuant to G.S. 113A-117. The record of the public hearing, written comment, and any documentation filed with the local permit-letting agency as to the proposed management plan shall:

- (1) consist of a written account from the minutes or transcribed from an electronic recording, and all written documents;
- (2) remain open for 15 days after the hearing; and
- (3) be available to the Coastal Resources Commission upon request.

*History Note: Authority G.S. 113-117(a); 113A-117(b); 113A-117(c);
Eff. November 1, 1984;
Readopted Eff. January 1, 2023.*

15A NCAC 07I .0505 CONTENT OF PLAN

(a) The plan for the local implementation and enforcement program shall include the following elements:

- (1) the geographic extent of jurisdiction of the local management program;
- (2) a description of the criteria to be used in choosing the local permit officer;
- (3) methods of permit processing and coordinating procedures;
- (4) methods for identifying and taking into account projects and impacts of regional, State, and national concern;
- (5) a copy of all existing or proposed local ordinances relating to zoning and land use in areas of environmental concern or any other subject in order that the Commission may determine:
 - (A) whether there is sufficient authority to enforce the program described in the local implementation and enforcement plan;
 - (B) whether any local ordinances are inconsistent with the approved land use plan. No implementation and enforcement plan shall be approved for any county or city if the Commission determines either that the local government unit lacks sufficient authority to enforce the program or that the local government unit has an ordinance or ordinances inconsistent with its land use plan.

(b) The plan may also include the following elements for the remainder of the zoning jurisdiction of the county or city:

- (1) a copy of all local ordinances relating to land use or any other subject relevant to land use;
- (2) procedures for assuring consistency of governmental actions with the approved land use plan for the entire jurisdiction.

*History Note: Authority G.S. 113A-117; 113A-124(c);
Eff. November 1, 1984;
Readopted Eff. October 1, 2022.*

15A NCAC 07I .0506 ALLOCATION OF AUTHORITY

History Note: Authority G.S. 113A-117(b); 113A-124(c)(5);

Eff. November 1, 1984;
Amended Eff. June 1, 2006; May 1, 1990;
RRC objection September 17, 2022 and rule returned to agency on October 5, 2023.

15A NCAC 07I .0507 LOCAL PERMIT OFFICER

- (a) The local implementation and enforcement plan shall designate an existing local official or create a new position for an official who shall receive, review, and take all appropriate action as to applications for minor development permits. The locality shall inform the Department of all Local Permit Officers (LPO) who will implement or enforce the local implementation and enforcement plan.
- (b) The implementation and enforcement plan shall specify the job requirements of the LPO as mandated by this Section.
- (c) The LPO shall attend the Department's training course within one year of appointment. The LPO shall also attend those regular regional work sessions held by the Department to inform and coordinate the activities of the LPOs in each region.
- (d) In order to continue to process permits in a timely fashion, eligible permit-letting agencies shall immediately notify the Commission in writing when the LPO resigns or is for any reason unable to perform their duties.
- (e) This notice shall indicate the method or methods by which the locality will continue to process permits in a timely fashion. Such methods may include, but are not limited to, the following:
 - (1) The appointment of a temporary (LPO) until such time as a permanent replacement is selected.
 - (2) The appointment of one or more LPO(s).
 - (3) Evidence that an agreement exists between the locality and another agency for the assumption of the implementation and enforcement program.
 - (4) A formal request that the Secretary assume the permit function for the locality.
- (f) From date of receipt and acceptance of application and/or decision on an application, the LPO shall within five business days mail and submit copies of same to the field representative or the nearest district office of the Division of Coastal Management.
- (g) The LPO shall, on a quarterly basis, summarize for the Commission the receipt and disposition of all permit applications for the immediately preceding quarter.

History Note: Authority G.S. 113A-117; 113A-121(b); 113A-124;
Eff. November 1, 1984;
Amended Eff. May 1, 1990;
Readopted Eff. October 1, 2022.

15A NCAC 07I .0508 CONSIDERATION OF APPLICATION BY LOCAL PERMIT OFFICER

- (a) The method of consideration of minor development permit requests by the local permit officer shall be uniform in application and shall be set out in writing and available for public inspection. The Local Permit Officer (LPO) shall use only forms approved by the Coastal Resources Commission in handling of any minor development permit application.
- (b) The local implementation and enforcement plan shall specify the procedures which will be followed in the handling and consideration of all applications for a minor development permit, including response to receipt of an application for a major development permit.
- (c) The LPO shall maintain a record of all applications, correspondence, public notices, responses from public notices, and a copy of the final disposition for all permit applications whether issued or denied.
- (d) The LPO, in handling of all minor development permit applications, shall use a numbering system developed by the Coastal Resources Commission in consultation with local government.
- (e) The local government implementation and enforcement plan submitted to the Commission shall state how the local government will coordinate its review of minor development permits with all other local permits and approvals.

History Note: Authority G.S. 113A-117(c);
Eff. November 1, 1984;
Readopted Eff. March 1, 2023.

15A NCAC 07I .0509 NOTICE OF CIVIL ACTION

Local Permit Officers shall notify the Division of Coastal Management of any civil action undertaken by or against them under the Coastal Area Management Act as soon as they become aware of such action.

History Note: Authority G.S. 113A-117; 113A-126(b);
Eff. November 1, 1984;
Amended Eff. June 1, 2006; May 1, 1990;
Readopted Eff. October 1, 2022.

15A NCAC 07I .0510 COMMISSION REVIEW AND ACCEPTANCE OF THE LOCAL IMPLEMENTATION AND ENFORCEMENT PLAN

The local implementation and enforcement plan adopted by any local permit-letting agency shall be submitted to the Commission for review. The Commission shall evaluate the proposed local implementation and enforcement plan as required in G.S. 113A-117(c) and shall assess the plan in terms of the local land use plan, the CAMA Land Use Planning Guidelines described in 15A NCAC 7B .0100, and the Coastal Area Management Act.

History Note: Authority G.S. 113A-117(c); 113A-124;
Eff. November 1, 1984;
Amended Eff. October 1, 1988;
Readopted Eff. October 1, 2022.

15A NCAC 07I .0511 COMMITMENT TO ADOPT LOCAL MANAGEMENT PLAN AS ORDINANCE

In order for the Commission to approve a local implementation and enforcement program the local governing body shall enter into a commitment to accept the local management plan as part of the city or county code of ordinances within a three-month period.

History Note: Authority G.S. 113A-111; 113A-117(c);
Eff. November 1, 1984;
Readopted Eff. March 1, 2023.

SECTION .0600 - AMENDMENT OF LOCAL IMPLEMENTATION AND ENFORCEMENT PLAN

15A NCAC 07I .0601 NOTICE AND PUBLIC HEARING REQUIREMENT

Amendment of the local implementation and enforcement plan shall follow the notice and public hearing requirements set forth in the Coastal Area Management Act and rules of this Section pertaining to the adoption of the original program.

History Note: Authority G.S. 113A-117(b);
Eff. November 1, 1984;
Amended Eff. December 1, 1991;
Readopted Eff. October 1, 2022.

15A NCAC 07I .0602 COASTAL RESOURCES COMMISSION APPROVAL

An amendment of a local implementation and enforcement plan shall be submitted to the Coastal Resources Commission for approval in the same manner in which the original plan is submitted.

History Note: Authority G.S. 113A-117(c);
Eff. November 1, 1984;
Readopted Eff. January 1, 2023.

SECTION .0700 - FAILURE TO ENFORCE AND ADMINISTER A LOCAL IMPLEMENTATION AND ENFORCEMENT PLAN

15A NCAC 07I .0701 SANCTION FOR VIOLATIONS BY THE LOCAL PERMIT-LETTING AGENCY

(a) When the local permit-letting agency fails to administer or enforce the local implementation and enforcement plan submitted to and approved by the Commission, the Commission shall:

- (1) notify the local permit-letting agency in writing that it is in violation of the provisions of its local implementation and enforcement plan and specify the grounds for such charges of violations;
- (2) inform the local permit-letting agency of specific deficiencies in administration and enforcement;
- (3) inform the local permit-letting authority of its opportunity to request a hearing before the Commission at which time it may make any presentation or present any arguments relevant to the issue raised in the Commission letter to the local agency. The Commission may at its sole discretion allow for public comment at the hearing.

(b) If the deficiencies in administration and enforcement are not remedied or corrected within 90 days after receipt of Commission notification of such violation, the Commission shall assume the duties of the local permit-letting agency until the local permit-letting agency indicates to the Commission in writing its willingness and ability to perform in conformance with its approved local implementation and enforcement plan. Any changes in circumstances affecting the agency's willingness and ability to properly administer the local implementation and enforcement plan also shall be substantiated in writing to the Commission.

History Note: Authority G.S. 113A-117(d); 113A-124;
Eff. November 1, 1984;
Readopted Eff. October 1, 2022.

15A NCAC 07I .0702 WHEN THE LOCAL PERMITTING AGENCY EXCEEDS LOCAL AUTHORITY

History Note: Authority G.S. 113A-118(e); 113A-120(c); 113A-124(c)(5);
Eff. November 1, 1984;
RRC objection Eff. September 17, 2022 and rule returned to agency on October 5, 2023;
Codifier determined that agency's findings of need did not meet criteria for emergency rule on December 20, 2023;
Emergency Adoption Eff. January 3, 2024;
Emergency Rule Expired Eff. May 13, 2024.