



ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

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Director

CRC-17-32

MEMORANDUM

TO: Coastal Resource Commission

FROM: Rachel Love-Adrick, District Planner
Division of Coastal Management

SUBJECT: Proposed Amendments to 15A NCAC 7B .0803, Land Use Plan Certification

DATE: October 24, 2017

Attached are proposed amendments to 15A NCAC 7B .0803 "Certification and Use of the Plan". The proposed amendments are required due to the passage of House Bill 56 and subsequent session law (SL 2017-209). The law added a new subdivision to the Coastal Area Management Act Section 113A-124(c) giving the Commission authority "To delegate the power to approve land-use plans in accordance with G.S. 113A-110(f) to any qualified employee of the Department". The Division is proposing to amend the rule language to grant authority to the Secretary of the Department of Environmental Quality.

15A NCAC 07b .0803 is proposed for amendment as follows:

15A NCAC 07B .0803

CERTIFICATION AND USE OF THE PLAN

(a) **CRC** Certification of Plans and Amendments: This Rule outlines the certification procedures and conditions for locally adopted land use plans or comprehensive plans, hereinafter referred to as “the plan”, or plan amendments. The procedures are as follows:

- (1) The Division District Planner shall submit a written report to the CRC **or qualified employee of the Department, pursuant to G.S. 113A-124(c)(9),** on the locally adopted plan or amendment and either recommend certification or identify how the plan or amendment does not meet the procedures and conditions for certification as set forth in Subparagraph (a)(3) of this Rule.
- (2) The public shall have an opportunity to submit written objections or comments on the locally adopted plan or amendment prior to **certification, action by the CRC.** Written objections or comments shall be received by the Division no more than 30 calendar days after local adoption of the plan or amendment. Written objections shall be limited to the criteria for certification as defined in Subparagraph (a)(3) of this Rule, and shall identify the specific plan elements that are opposed. Written objections or comments shall be sent by the Division to the local government submitting the plan or amendment. Written objections or comments shall be considered **by the CRC** in the certification of the local plan or amendment.
- (3) The CRC **or qualified employee of the Department, pursuant to G.S. 113A-124(c)(9),** shall certify plans and amendments following the procedures and conditions specified in this rule, ~~Rule.~~ **The CRC Secretary shall certify plans and amendments** which:
 - (A) are consistent with the current federally approved North Carolina Coastal Management Program;
 - (B) are consistent with the rules of the CRC;
 - (C) do not violate state or federal law; and
 - (D) contain policies that address each management topic as set forth in Rule .0702(d)(2) of this Subchapter.
- (4) If the plan or amendment does not meet certification requirements, **the local government shall be informed the CRC shall** within 45 calendar days **inform the local government, regarding** how the plan or amendment does not meet the procedures and conditions for certification.

(b) Copies of the Plan. Within 90 calendar days of certification of the plan or an amendment, the local government shall provide one printed and one digital copy of the plan to the Division. Amendments shall be incorporated in all copies of the plan. The dates of local adoption, certification, and amendments shall be published on the cover.

(c) Use of the Plan. Once certified, the plan shall be utilized in the review of the CAMA permits in accordance with G.S. 113A-111. Local governments shall have the option to exercise their enforcement responsibility by choosing from the following:

- (1) Local administration: The local government reviews the CAMA permits for consistency with the plan;
- (2) Joint administration: The local government identifies policies, including the future land use map and implementation actions that will be used by the Division for the CAMA permit consistency reviews or;

- (3) Division administration: The Division reviews the CAMA permits for consistency with the plan policies, including the future land use map and implementation actions.
- (d) Plan updates and Amendments. Local governments shall determine the scope, timing, and frequency of plan updates and amendments.

*History Note: Authority G.S. 113A-107(a); 113A-110; 113-111; 113A-124;
Eff. August 1, 2002;
Amended Eff. April 1, 2008; September 1, 2006;
Readopted and Amended Eff. February 1, 2016.*