Areas of Environmental Concern (AEC)

Estuarine and Ocean System
– Public trust areas, estuarine waters, coastal wetlands, and coastal (non-ocean) shorelines

Ocean Hazard Areas
– Ocean Erodible Area, Inlet Hazard Areas Unvegetated Beach Area
§ 113A-102. Legislative findings and goals. (5)a. "Development" means any activity in a duly designated area of environmental concern (except as provided in paragraph b of this subdivision) involving, requiring, or consisting of the construction or enlargement of a structure; excavation; dredging; filling; dumping; removal of clay, silt, sand, gravel or minerals; bulkheading, driving of pilings; clearing or alteration of land as an adjunct of construction; alteration or removal of sand dunes; alteration of the shore, bank, or bottom of the Atlantic Ocean or any sound, bay, river, creek, stream, lake, or canal; or placement of a floating structure in an area of environmental concern identified in G.S. 113A-113(b)(2) or (b)(5).
Findings That Must Be Made
NCAC 15A 07H.0208(a)

• No significant adverse impact to coastal wetlands, SAV habitat, shellfish beds, spawning/nursery areas
• Will not violate water quality standards
• No adverse impact to archeological or historic resources
• No increased siltation/No stagnant water bodies
• Timed to avoid impacts on life cycles
• Will not jeopardize use of the waters for navigation and other public trust rights

Division of Coastal Management
Oceanfront Development
Key oceanfront rules
NCAC 15A 07H.0300 et seq.

• Beach nourishment projects
  • sand compatibility, timing, borrow sites, beneficial use, interagency coordination
• Permanent and temporary erosion control structures
• Structural accessways
• Dune protection / restoration
• Public trust protections
• Erosion-rate-based construction setbacks
• Storm recovery / emergency permitting
• Commission oversight of long-term beach plans
**CAMA Permits & Authorizations**

- **Minor permits** issued mostly by local governments consistent w/CRC-established standards
  ~ Decks, beach houses, walkovers, other SFR structures

- **General permits** issued by DCM staff and streamlined for routine projects
  ~ Docks, bulkheads, boat ramps

- **Major permits** reviewed by 9 state & 4 federal agencies
  ~ Beach/inlet projects, marinas…

- **Federal Consistency** reviews
Federal Consistency

• **Federal Agency Activities**
  - Navy exercises, beach and navigation projects, improvements to military bases, National Park/Seashore projects, USFWS?

• **Federal Licenses or Permits**
  - USACE permits, BOEM permits

• **Federal Assistance**
  - Federal Highway Administration, Housing and Urban Development Grants
  - Federal Emergency Management Agency (FEMA) grants
    - Expedited reviews based on “exigent circumstances”
    - Programmatic approvals, new conditions under consideration to avoid elevating structures in close proximity to public trust beaches
Enforceable Policies

State policies that have been approved and incorporated into federally-approved coastal program:

• NC Coastal Area Management Act (CAMA)

• NC Dredge and Fill Law

• CRC rules that are legally binding under state law and that have been reviewed and approved by NOAA
Federal Consistency Determinations

- DCM evaluates to determine if “complete”
- Circulate to appropriate stage agencies for comment
- Public notice or public hearing (as warranted)
- Review of proposed activity for conformance with enforceable policies
- Found consistent, consistent with conditions, or objection
- In the event of objection, ongoing coordination or begin mediation/appeal process through NOAA
Recent Federal Consistency Determinations

Average 50 submissions/year (approximately 95% found consistent)

- State Port’s Dredged Material Management Plan (USACE)
  ~ E.g. required a supplemental consistency review if, at the end of 8 years, Corps has not conducted at least 2 sand placement projects on Bogue Banks

- Proposed wind energy lease and site assessment activates for Kitty Hawk Wind Energy Area (BOEM)
  ~ required coordination with DCM and DMF prior to approval of any site assessment plans in order to avoid, minimize, and mitigate impacts or conflicts

- Proposed Geological and Geophysical (seismic) surveys in federal waters off North Carolina’s Coast (BOEM)
  ~ require pre-survey meeting with DCM and DMF to avoid, minimize, and mitigate any possible impacts or conflicts with resources
• DCM requested “supplemental consistency determinations” from each of the four companies that had received conditional concurrences in 2015 to conduct seismic testing in federal waters off of North Carolina.

• Our formal legal request was based on new information – recently published scientific studies on the impacts of seismic testing on fish behaviors, zooplankton (including fish larvae), shellfish, and crustaceans among other concerns – that the proposed surveys will affect NC’s marine resources “substantially different than originally described.” (15 CFR 930.66)
Major Development Permit Process

- Pre-Application
- Permit Determination
- Field Work
- Agency Review
- Permit Decision
- Work-Variance-Appeal
Benefits of CAMA Major Permit Process

• Application for a CAMA/D&F Permit also serves as application for the following:
  
  Water Quality Certification (DWR)
  Neuse and Tar/Pamlico Buffer Authorizations (DWR)
  Federal Wetlands Permit (USACE)
  Section 10 (Navigation) Permit (USACE)
  State Stormwater Permit (DEMLR)*
  State Submerged Lands Easement (DOA)*
  Sedimentation/Erosion Control Permit (DEMLR)*

Division of Coastal Management
# Inter- / Intra-Agency Coordination

<table>
<thead>
<tr>
<th>Federal Agencies</th>
<th>State Agencies</th>
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<tbody>
<tr>
<td>U.S. Army Corps of Engineers</td>
<td>Division of Water Resources</td>
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<tr>
<td>U.S. Fish and Wildlife Service</td>
<td>Division of Marine Fisheries</td>
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<tr>
<td>Environmental Protection Agency</td>
<td>Department of Transportation</td>
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<tr>
<td>National Marine Fisheries Service</td>
<td>Division of Energy, Mineral &amp; Land Resources</td>
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<td>Wildlife Resources Commission</td>
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<td></td>
<td>Department of Natural and Cultural Resources</td>
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<td></td>
<td>Division of Public Health</td>
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<tr>
<td>+ Local Government</td>
<td>State Property Office</td>
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<td>Community Assistance (Rural Development)</td>
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</tbody>
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Benefits of CAMA Major Permit Process

• Joint processing agreement with USACE (GP 291) eliminates need for an applicant to apply for a USACE Individual Permit.

• Joint fee for CAMA Major and DWR General Certification, generally at a savings to the applicant.

• DCM staff provide guidance on how to avoid or resolve permitting issues, and interact with numerous resource agencies on applicant’s behalf.
Benefits of CAMA Major Permit Process

• Application review process involves coordination with local governments to ensure that project meets local zoning requirements.

• Most CAMA General Permits do not require written application or approval from other federal and state agencies.
• **Benefits**
  - Collaboration
  - Cross Training
  - Rule Development

• **Success Stories**
  - Bogue Inlet Master Plan
  - Programmatic Permitting
  - Programmatic Biological Opinion

*Division of Coastal Management*
Bogue Banks Master Beach Nourishment Plan

- **Regional approach to beach management**
  - Carteret County Beach Commission
  - Executed agreement between all local governments
  - A single permit covers all the beaches

- **Committed to regular monitoring to determine long-term sand needs**
  - Annual surveys since 1999
  - Able to calculate historic sand losses from background erosion and storm events and factor in anticipated future losses from SLR
  - Extensive upfront evaluation of potential sand sources

- **Able to streamline future event requests**
<table>
<thead>
<tr>
<th>Current State</th>
<th>Future State</th>
<th>Advantages</th>
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</thead>
<tbody>
<tr>
<td>Static, paper forms</td>
<td>Online dynamic application similar to tax software</td>
<td>Fully customizable staff project dashboard</td>
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<tr>
<td>Processing fees paid through check</td>
<td>Payment online</td>
<td>Automated templates and milestone notifications</td>
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<tr>
<td>Critical review of paper application via mail</td>
<td>Critical review of electronic application via Sharepoint style interface</td>
<td>Electronic file is organized and secure</td>
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<tr>
<td>Storage of paper permit files within offices</td>
<td>Cloud Storage</td>
<td>Frees staff time</td>
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<tr>
<td>Ageing database</td>
<td>Dashboard and database supported through Microsoft Dynamics</td>
<td>Decreased processing times</td>
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<td>Increase customer access and transparency</td>
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Division of Coastal Management
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