

PROPOSED RULES

These people can get very sick from a germ called Salmonella that reptiles carry. Reptiles include lizards, snakes, alligators, and turtles. Wash hands thoroughly after handling turtles or material that had contact with turtles. Do not allow water or any other substance that had contact with turtles to come in contact with food or areas where food is prepared. Do not bathe turtles or clean their tanks in your kitchen or bathroom and do not have close contact with turtles which could allow direct contamination of the mouth (e.g., kissing, etc.)."

(f) The seller shall keep a record of all purchases, losses, and other dispositions of turtles for at least one year.

Authority G.S. 130A-144.

TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice is hereby given in accordance with G.S. 150B-21.2 that the Coastal Resources Commission intends to amend the rules cited as 15A NCAC 07L .0101 and .0503 and repeal the rule cited as 15A NCAC 07L .0102.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://deq.nc.gov/permits-regulations/rules-regulations/proposed-rules>

Proposed Effective Date: July 1, 2017

Public Hearing:

Date: February 8, 2017

Time: 1:30 p.m.

Location: DoubleTree by Hilton, 2717 W. Fort Macon Road, Atlantic Beach, NC 28512

Reason for Proposed Action: Subchapter 07L establishes the criteria for funding grants to local governments for planning and management projects within the 20 coastal counties. The Coastal Resources Commission (CRC) is proposing amendments to the CAMA Planning & Management Grant Program. These amendments are intended to shift the primary focus of grant funding from local land use plans to a broad variety of local projects that address coastal issues and to allow the Division of Coastal Management to focus on specific issues or areas of Coastal Resources Commission (CRC) interest in awarding grant funds. 15A NCAC 07L .0102 has been deleted as the purpose of the grant has been incorporated into 15A NCAC 07L .0503.

Comments may be submitted to: Braxton Davis, NC Division of Coastal Management, 400 Commerce Avenue, Morehead City, NC 28557

Comment period ends: March 6, 2017

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the

rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal impact (check all that apply).

- State funds affected
- Environmental permitting of DOT affected
- Analysis submitted to Board of Transportation
- Local funds affected
- Substantial economic impact (≥\$1,000,000)
- Approved by OSBM
- No fiscal note required by G.S. 150B-21.4

CHAPTER 07 - COASTAL MANAGEMENT

SUBCHAPTER 07L - LOCAL PLANNING AND MANAGEMENT GRANTS

SECTION .0100 – PURPOSE AND AUTHORITY

15A NCAC 07L .0101 AUTHORITY

The rules in this Subchapter are promulgated pursuant to G.S. 113A-112 and G.S. 113A-124 by the Secretary of the Department of ~~Environment and Natural Resources (DENR)~~ Environmental Quality in the Secretary's capacity as executive head of the state agency designated by the Governor to administer state funds and to receive and administer federal funds granted by the National Oceanic and Atmospheric Administration under the Federal Coastal Zone Management Act.

Authority G.S. 113A-112; 113A-124.

15A NCAC 07L .0102 PURPOSE

~~The purpose of the Rules in this Subchapter is to establish the criteria and procedures for funding the Department of Environmental Quality program of grants for local land use plans or comprehensive plans, hereinafter referred to as "the plan", and coastal planning and management projects within North Carolina's coastal area. These funds are made available to assist local governments in developing and implementing plans and management strategies for their coastal resources, as mandated by the CAMA. Funds shall be used in refining and carrying out local land use planning and management programs by local governments within the 20 counties defined by the Coastal Area Management Act in G.S. 113A-103.~~

Authority G.S. 113A-112; 113A-124.

SECTION .0500 - GENERAL STANDARDS

15A NCAC 07L .0503 PRIORITIES FOR FUNDING PLANNING AND MANAGEMENT PROJECTS

(a) ~~In funding local planning and management grants, the Department of Environmental Quality (DEQ) shall follow these general priorities for local planning and management grants: The Department of Environmental Quality (DEQ) program of grants for coastal planning and management projects provides funding to assist local governments in the 20 counties as defined by the Coastal Area Management Act in the refining and implementing of plans and management strategies for their coastal resources. In funding local planning and management grants, DEQ shall select projects that need local attention in order to meet Coastal Resources Commission (CRC) management goals pursuant to 15A NCAC 07B .0702(d)(2) or contained within this Subparagraph. Priority management topics shall be designated on an annual basis following consultation with the CRC and may include, but are not limited to, expanded education and outreach efforts, special planning efforts focused on coastal resources or issues, improvements in intergovernmental coordination, targeted research or studies, and the development of local ordinances directly related to coastal concerns and not in contradiction with state rules. Projects selected for funding shall further the CRC's goals for the designated topics outlined below:~~

(1) ~~The highest priority, Category I, includes projects mandated by statute, including initial and updated or amended land use plans or comprehensive plans, hereinafter referred to as the plan, local participation in projects initiated by DEQ, and projects DEQ indicates urgently need local attention in order to meet Coastal Resources Commission (CRC) management topics pursuant to 15A NCAC 07B .0702(d)(2). Examples of eligible projects and their associated priority category include:~~

(A) ~~Those activities designated by DEQ on an annual basis, following consultation with the CRC and local governments, to be necessary to bring local plans into compliance with state rules for land use planning; or~~

(B) ~~Adopting, amending, or updating plans to reflect changed conditions which may include necessary data collection, public participation, and policy development.~~

(2) ~~The second priority, Category II, includes projects related to carrying out the explicit goals of the Coastal Area Management Act (CAMA), for which DEQ indicates there is a high priority for local actions or projects which are coastally dependent (water-related) or projects to implement the plan such as public facilities planning or land use regulations preparation. Examples of eligible projects and their associated priority category include:~~

(A) ~~Adopting or amending ordinances to further secure compliance with state~~

~~rules in AECs pursuant to 15A NCAC 07H;~~

(B) ~~Beach access plans and studies which may include inventory and identification of sites, design of access improvements, acquisition plans and studies, and legal studies necessary to determine the extent of public use rights;~~

(C) ~~Erosion control plans and studies which may include mapping, erosion rate measurement, design of protection strategies for public lands, cost-benefit analysis, and relocation plans and strategies;~~

(D) ~~Studies and planning leading to the nomination of new AECs as described in 15A NCAC 07H .0503, or locally significant environmental areas;~~

(E) ~~Waterfront redevelopment and renewal plans and studies including feasibility studies, site design studies, and plans and studies for improving or enhancing waterfront parks and public areas which may include site design, use studies, and cost analysis;~~

(F) ~~Preparing, adopting, or amending ordinances necessary to carry out CRC certified plans, state rules, and the state coastal zone management plan which may include regulations related to zoning, subdivision, stormwater management, dune protection beyond AEC standards, sanitation, building, mobile homes, historic preservation, signs, natural area protection, and environmental impact statements.~~

(3) ~~The third priority, Category III, includes projects related to improving local coastal management and land use management capabilities. Examples of eligible projects and their associated priority category include:~~

(A) ~~Initial water and sewer plans and studies;~~

(B) ~~Land use related capital facilities programming;~~

(C) ~~Base mapping as a management tool;~~

(D) ~~Other planning, studies, and data acquisition supportive of coastal planning and management which may include public education or involvement on coastal issues; solid waste planning; port planning; and sport and commercial fishing studies;~~

(E) ~~Enforcement of ordinances adopted to carry out certified plans;~~

(F) ~~Coordination of local coastal management activities with other local management activities which may~~

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- ~~(G) Other coastally related management projects.~~
- (1) Public Access: Maximize public access to the beaches and the public trust waters of the coastal region.
- (2) Land Use Compatibility: Ensure that development and use of resources or preservation of land balance protection of natural resources and fragile areas with economic development, avoids risks to public health, safety, and welfare.
- (3) Infrastructure Carrying Capacity: Ensure that public infrastructure systems are sized, located and managed so the quality and productivity of AECs and other fragile areas are protected or restored.
- (4) Natural Hazards: Conserve and maintain barrier dunes, beaches, flood plains, and other coastal features for their natural storm protection function and their natural resources giving recognition to public health, safety, and welfare issues.
- (5) Habitat Enhancement: Maintain, protect, and where possible enhance coastal habitats; for example, marsh restoration.
- (6) Other Topics or Special Issues: developed areas and working waterfronts, urban waterfront revitalization, economic growth and development, redevelopment and revitalization, recreation and tourism, historic and cultural resources, public trust rights, water use and water quality, stormwater management, erosion control, shoreline protection and management, open space, parks and recreation, storm recovery, farmland preservation and management, historic and cultural resources, stakeholder and citizen participation, and transportation.

(b) ~~In addition,~~ DEQ shall take into consideration the following factors listed in order of importance to establish priorities for individual projects ~~within the general priority categories; projects:~~

- (1) project's contribution towards meeting CRC CRC's prioritized management topics in 15A NCAC 07B .0702(d)(2); and associated management goals pursuant to 15A NCAC 07B .0702(d)(2) or contained in Subparagraph (a)(1) of this Rule;
- (2) the extent to which the project includes measures of environmental protection beyond Areas of Environmental Concern (AEC) standards of Subchapter 15A NCAC 07H;
- (3) applicant's urgency of need;
- (4) past history of applicant's implementation of planning and management grant program activities;
- (5) feasibility of completion of project by the applicant;

- (6) past experience with land use planning and implementation projects as well as present management and administrative capabilities;
- (7) potential applicability of the project to other coastal area municipalities and counties; and
- (8) geographic distribution of applicants.

(c) Matching fund requirements are based on the North Carolina Department of Commerce's Tier designations, as outlined by the Lee Act (G.S. 105-129.3). Local government contributions for ~~land use planning and implementation management~~ projects shall be at least 25 percent of the project costs except for Tier 1 designated counties and their respective municipalities which shall have a local government contribution of at least 10 percent of the project costs. At least one half of the local contribution shall be cash match; the remainder may be in-kind match.

(d) Any local government whose plan is not certified due to failure to meet the criteria listed in 15A NCAC 07B or that has not submitted the most recent Required Periodic Implementation Status Report as described in 15A NCAC 07B, shall not receive further funding under this program until these inconsistencies are corrected.

Authority G.S. 113A-112; 113A-124.

TITLE 25 – OFFICE OF STATE HUMAN RESOURCES

Notice is hereby given in accordance with G.S. 150B-21.2 that the State Human Resources Commission intends to adopt the rule cited as 25 NCAC 01J .0619 and amend rules cited as 25 NCAC 01H .0630-.0632, .0634, .0635, .0701, .0801, .0902, .1001, .1104, 01J .0603, .0605, .0606, .0610-.0614 and .1101.

Link to agency website pursuant to G.S. 150B-19.1(c): <http://oshr.nc.gov/about-oshr/state-hr-commission/proposed-rulemaking>

Proposed Effective Date: *June 1, 2017*

Public Hearing:

Date: *January 24, 2017*

Time: *2:00 p.m.*

Location: *Learning & Development Center, Coastal Room, 101 W. Peace Street, Raleigh, NC 27603*

Reason for Proposed Action: *These amendments are based on recent changes to the statewide Salary Administration Policy, the statewide Performance Management Policy, and HB 495 (S.L. 2015-260).*

Comments may be submitted to: *Margaret Duke, 1331 Mail Service Center, Raleigh, NC 27699-1331, phone (919) 807-4869, fax (919) 715-9750, email Margaret.b.duke@nc.gov*

Comment period ends: *March 6, 2017*

Procedure for Subjecting a Proposed Rule to Legislative Review: *If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules*