

**CAMA THIRD PARTY
HEARING REQUEST FORM**

DCM FORM 5
DCM FILE No: _____

PETITIONER'S NAME _____

COUNTY WHERE THE DEVELOPMENT IS PROPOSED _____

PLEASE TAKE NOTE that the undersigned, a person affected by the decision of (check one):

_____ a Local Permit Officer acting on a CAMA Minor Development Permit application; or

_____ the Division of Coastal Management acting on a CAMA Permit application

hereby requests permission from the Coastal Resources Commission (CRC) to file an appeal pursuant to N.C.G.S. § 113A-121.1(b) and 15A N.C.A.C. 07J .0301. *(Please attach a copy of the permit. If you cannot obtain a copy of the permit, please provide the name of the permittee, the project location, and the permit number.)* Requests are reviewed and determined by the chairman of the CRC to determine whether a hearing should be granted. 15A N.C.A.C. 07J .0301(b). Approval of a Third Party Hearing Request allows a petitioner to file a contested case petition with the Office of Administrative Hearings within twenty (20) days of receipt of the CRC's Order. N.C.G.S. § 113A-121.1(b). Denial of a Third Party Hearing Request is a final agency decision which may be appealed to Superior Court under N.C.G.S. § 113A-121.1(b) and Chapter 150B, Article 4.

For this application to be complete, the Petitioner must address each of the three factors listed below. The CRC's chairman's decision to grant a hearing will be based on whether the Petitioner:

- (1) **Has alleged that the decision is contrary to a statute or rule** [N.C.G.S. § 113A-121.1(b)(1)]; *(Please cite the statute or regulation allegedly violated by the permit decision.)*
- (2) **Is directly affected by the decision** [N.C.G.S. § 113A-121.1(b)(2)]; and *(Please describe how you are directly affected by the permit decision. Persons directly affected by a decision often include, but are not limited to, owners of real property in the vicinity of the proposed development who can show that it is likely to have a significant adverse effect on the value and enjoyment of their property, or persons who can demonstrate a history of substantial use of public resources in the area directly affected by the development.)*
- (3) **Has alleged facts or made legal arguments that demonstrate that the request for the hearing is not frivolous** [N.C.G.S. § 113A-121.1(b)(3)]. *(Summarize the evidence and arguments you would present at a hearing in support of your appeal explaining why the permit was improperly issued.)*

Please answer these questions on a separate piece of paper and attach it to this form.

The Commission notes that there are some opinions of the State Bar which indicate that non-attorneys may not represent others at quasi-judicial proceedings such as this Third Party Hearing Request before the Commission. These opinions note that the practice of non-lawyer professionals, such as engineers, surveyors or contractors, representing others in quasi-judicial proceedings through written argument may be considered the practice of law. Before you proceed with this hearing request, you may wish to seek the advice of counsel before having a non-lawyer represent your interests through preparation of this Petition.

DELIVERY OF THIS HEARING REQUEST

This request must be **received** by the Division of Coastal Management (DCM) within twenty (20) days of the date of the disputed permit decision. N.C.G.S. § 113A-121.1(b). Failure to do so constitutes waiver of the right to request a hearing. A copy of this request must also be sent to the Attorney General's Office, Environmental Division. 15A N.C.A.C. 07J .0301(b).

Contact Information for DCM:

By mail, express mail or hand delivery:

Director
Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557

By Fax:

(252) 247-3330

By Email:

Check DCM website for the email address of the current DCM Director
www.nccoastalmanagement.net

Contact Information for Attorney General's Office:

By U.S. mail:

Environmental Division
9001 Mail Service Center
Raleigh, NC 27699-9001

By express mail:

Environmental Division
114 W. Edenton Street
Raleigh, NC 27603

By Fax:

(919) 716-6767

Based on the attached responses to the above factors, the undersigned hereby requests a third party hearing.

Signature of Petitioner or Attorney

Date

Printed Name of Petitioner or Attorney

Email address of Petitioner or Attorney

Mailing Address

(_____)_____
Telephone number of Petitioner or Attorney

City

State

Zip

(_____)_____
Fax number of Petitioner or Attorney