

REQUEST FOR TECHNICAL CHANGE

AGENCY: Coastal Resources Commission

RULE CITATION: 15A NCAC 07M .0301

DEADLINE FOR RECEIPT: Tuesday, August 10, 2021

NOTE: This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

What is the purpose of this Rule? It appears to be an amalgamation of statements in G.S. 113A, Article 7, Part 6. What is this Rule doing that the statute does not?

In (a), line 6, what does "traditionally and customarily" mean? And what about "freely use"?

On line 8, what do you mean by "continuous"? Free unrestricted access at all times, notwithstanding time of day or weather or rip tides?

On line 8, insert a comma after "enhance"

On lines 8 and 9, what is "optimum access"? Determined by whom?

On line 9, what is this region? And I believe "20-county" should be hyphenated.

On line 9, who will determine if this is "consistent"?

In (b), line 12, is the "access program" what is contained in G.S. 113A-134.2? If so, shouldn't the name be the same here as in the statute? And I note the name is spelled out in Paragraph (d).

On line 12, insert a comma after "improving"

On line 13, define "frequent intervals"

On lines 13 -14, I know "public trust resource" is defined in G.S. 113A-134.2, but what makes them "important"?

In (c), lines 15-16, who determines what is "not possible or feasible."

On line 16, define "valid public purpose"

Amanda J. Reeder
Commission Counsel
Date submitted to agency: July 27, 2021

In (d), G.S. 113A-134.2 states that the fund is for “acquiring, improving, and maintaining” the property. I assume you mean for “develop” to stand in for “improve” here, but where is the mention of maintenance? Why isn’t this in the Rule?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: July 27, 2021

1 15A NCAC 07M .0301 is readopted as published in 34:09 NCR 764 as follows:

2
3 **SECTION .0300 - SHOREFRONT ACCESS POLICIES**
4

5 **15A NCAC 07M .0301 DECLARATION OF GENERAL POLICY**

6 (a) The public has traditionally and customarily had access to enjoy and freely use the ocean beaches and estuarine
7 and public trust waters of the coastal region for recreational purposes and the State has a responsibility to provide
8 continuous access to these resources. It is the policy of the State to foster, improve, enhance and ensure optimum
9 access to the public beaches and waters of the 20 county coastal region. Access shall be consistent with rights of
10 private property owners and the concurrent need to protect important coastal natural resources such as sand dunes and
11 coastal marsh vegetation.

12 (b) The State has created an access program for the purpose of acquiring, improving and maintaining waterfront
13 recreational property at frequent intervals throughout the coastal region for public access to these important public
14 trust resources.

15 (c) In addition, some properties, due to their location, are subject to severe erosion so that development is not possible
16 or feasible. In these cases, a valid public purpose may be served by the donation or acquisition of these properties for
17 public access.

18 (d) The primary purpose of the public access program is to provide funds to acquire or develop land for public access,
19 including parking as authorized by G.S. 113A-134.3(c). Boating and fishing facilities are eligible for funding under
20 the Public Beach and Coastal Waterfront Access Program provided that pedestrian access is also incorporated in the
21 design of the facility.

22
23 *History Note: Authority G.S. 113A-124; 113A-134.1; 113A-134.3;*

24 *Eff. March 1, 1979;*

25 *Amended Eff. February 1, 2009; January 1, 1998; March 1, 1988; March 1, 1985; July 1, 1982;*

26 *Readopted Eff. September 1, 2021.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Coastal Resources Commission

RULE CITATION: 15A NCAC 07M .0302

DEADLINE FOR RECEIPT: Tuesday, August 10, 2021

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

On line 4, delete the colon after "Section" and replace it with a comma.

And on line 4, what are you doing here? Why are you defining this statutory term? If so, then why isn't "Program" capitalized? And why isn't the term in the list?

On line 5, what are the public trust "beaches and waters"?

And what are the 20 counties?

Please alphabetize the defined terms in Items (1) through (13)

In (1), line 7, and elsewhere the term is used, what is "proximate"? Who determines it?

In (3), line 12, the term is defined in 07H .0304(2)

In Item (4), that Rule now defines the term "Public Trust Areas"

In (5), line 15, define "distinct"

On line 17, why do you need "specifically" here since you have "legally" restricted as well?

On line 18, define or delete "customarily freely"

In (6), line 19, replace "which" with "that"

On line 19, what is "minimal" here? Who determines this?

On line 20, as well as Items (7), line 24, and (8), line 28, insert a comma after "receptacles"

What is the purpose of the language on line 21, "Vehicle parking is generally not available at these access sites."

And who will provide these racks on line 22?

Amanda J. Reeder
Commission Counsel
Date submitted to agency: July 27, 2021

Items (6) through (9) read more like descriptions than definitions, with “usually” and “generally” and “normally” being used as the language. What is the intent here?

In (9), lines 30 and 31, capitalize “State” if you mean “NC”

In (10), line 34, I believe “underutilized” is one word. And how is this determined and by whom?

In (11), Page 2, line 3, who designates the site?

On line 4, what do you mean by “most common”?

On line 5, please insert a comma after “racks”

In (12), line 9, what is this program?

On line 10, consider stating, “the useful life of that facility, as set forth in the grant contract.”

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

1 15A NCAC 07M .0302 is readopted as published in 34:09 NCR 764 as follows:

2
3 **15A NCAC 07M .0302 DEFINITIONS**

4 As used in this Section: the Public Beach and Coastal Waterfront Access program is to provide public access to the
5 public trust beaches and waters in the 20 coastal counties.

- 6 (1) "Ocean Beach Access" includes the acquisition and improvement of properties adjacent or
7 proximate to the Atlantic Ocean for parking and public passage to the oceanfront.
- 8 (2) "Coastal Waterfront Access" includes the acquisition and improvement of properties located in the
9 20 county area under the Coastal Area Management Act (CAMA) jurisdiction that are adjacent or
10 proximate to coastal waterways to which the public has rights of access or public trust rights.
- 11 (3) "Inlet Beach Access" includes the acquisition and improvement of properties located within Inlet
12 Hazard Areas as defined in 15A NCAC 07H .0304(3).
- 13 (4) "Public Trust Waters" is defined in 15A NCAC 07H .0207(a).
- 14 (5) "Beach" is defined as an area adjacent to the ocean extending landward from the mean low water
15 line to a point where either the growth of vegetation occurs or a distinct change in slope or elevation
16 alters the configuration of the landform, whichever is farther landward, or riparian owners have
17 specifically and legally restricted access above the mean high water line. This definition is intended
18 to describe those shorefront areas customarily freely used by the public.
- 19 (6) "Local Access Sites" include those public access points which offer minimal or no facilities.
20 Generally, these accessways provide only a dune crossover or pier, if needed, litter receptacles and
21 public access signs. Vehicle parking is generally not available at these access sites. However,
22 bicycle racks may be provided.
- 23 (7) "Neighborhood Access Sites" includes those public access areas offering parking, usually for 5 to
24 25 vehicles, a dune crossover or pier, litter receptacles and public access signs. Restroom facilities
25 may be installed.
- 26 (8) "Regional Access Sites" are of such size and offer such facilities that they serve the public from
27 throughout an island or community including day visitors. These sites normally provide parking for
28 25 to 80 vehicles, restrooms, a dune crossover, pier, foot showers, litter receptacles and public access
29 signs.
- 30 (9) "Multi-regional Access Sites" are generally larger than regional accessways but smaller than state
31 parks. Such facilities may be undertaken and constructed with the involvement and support of state
32 and local government agencies. Multi-regional accessways provide parking for a minimum of 80
33 vehicles, restrooms with indoor showers and changing rooms, and concession stands.
- 34 (10) "Urban Waterfront Access Projects" improve public access to deteriorating or under utilized urban
35 waterfronts. Such projects include the establishment or rehabilitation of boardwalk areas, shoreline
36 stabilization measures such as the installation or rehabilitation of bulkheads, and the placement or

1 removal of pilings for the purpose of public safety and increased access and use of the urban
2 waterfront.

3 (11) "Improvements" are facilities that are added to promote public access at a designated access site.
4 The most common improvements include dune crossovers, piers, boardwalks, litter receptacles,
5 parking areas, restrooms, gazebos, boat ramps, canoe/kayak launches, bicycle racks and foot
6 showers.

7 (12) "Maintenance" is the upkeep and repair of public access sites and their facilities in such a manner
8 that public health and safety is ensured. Where the local government uses or has used access funds
9 administered by the North Carolina Coastal Management Program (NCCMP), the local government
10 shall provide operation and maintenance of the facility for the useful life of that facility. The useful
11 life of a facility shall be defined in the individual grant contract.

12 (13) "Handicapped Accessible" is defined as meeting the standards of the State Building Code for
13 handicapped accessibility.

14
15 *History Note: Authority G.S. 113A-124; 113A-134.3;*
16 *Eff. March 1, 1979;*
17 *Amended Eff. February 1, 2009; January 1, 1998; March 1, 1988; March 1, 1985; July 1, 1982;*
18 *Readopted Eff. September 1, 2021.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Coastal Resources Commission

RULE CITATION: 15A NCAC 07M .0303

DEADLINE FOR RECEIPT: Tuesday, August 10, 2021

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), line 4, what is a “public beach nourishment program”?

On line 5, define “maximum” And who determines this?

In (b), line 6, delete “under this”

On lines 7 and 8, please confirm this cross-reference is correct.

In (c), line 10, define “exclusively”

On line 13, I take it the local government will know the year in which the report is due?

On lines 13 and 14, Rule 07L .0511 was repealed in 2016. If you require the report in another Rule, please provide the updated citation.

In (d), line 17, I take it you need to retain “at least” here?

In the History Note, G.S. 153A-227 was repealed in 1983. I assume you have a different citation for counties you can provide?

Also in the History Note, why are you citing to 16 USC 1453?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: July 27, 2021

1 15A NCAC 07M .0303 is readopted as published in 34:09 NCR 764 as follows:

2

3 **15A NCAC 07M .0303 STANDARDS FOR PUBLIC ACCESS**

4 (a) Public beach nourishment projects undertaken with public funds shall include provisions for public access and
5 parking within the boundaries of the project to achieve maximum public use and benefit of these areas.

6 (b) Public access projects funded under this through the Public Beach and Coastal Waterfront Access Program shall
7 be consistent with public access policies contained in the local government's land use plan as required in 15A NCAC
8 07B .0702(d)(3)(A) and its local waterfront access plan, or a local recreation plan that addresses public access.

9 (c) Local governments with public access sites funded by the Division of Coastal Management pursuant to G.S. 113-
10 134.3 may charge user fees as long as those fees are used exclusively for operation and maintenance, or provision of
11 new public access. Local governments shall include biannual accounting reports for fees generated by Public Beach
12 and Coastal Waterfront Access Program funded access sites. Biannual accounting reports shall be submitted to the
13 Director of the Division of Coastal Management by June 30 of the year in which it is due. Accounting reports may
14 be included in Biannual LUP Implementation Status Reports under 15A NCAC 07L .0511.

15 (d) Land acquired with Public Beach and Coastal Waterfront Access grant funds shall be dedicated in perpetuity for
16 public access and benefit of the general public. The dedication shall be recorded in the property records by the grantee.
17 Any lease or easement agreement shall extend at least 25 years. If land acquired or improved with access grant funds
18 is sold or otherwise disposed of, the local government shall reimburse the State at a percentage equal to the proportion
19 of access grant funds provided for the original purchase at current market value at the time of sale.

20

21 *History Note: Authority G.S. 113A-124; 113A-134.1; 113A-134.3; 153A-227(a); 160A-314(a); 16 U.S.C. Sec.*
22 *1453;*

23 *Eff. March 1, 1979;*

24 *Amended Eff. March 1, 1988; March 1, 1985; July 1, 1982;*

25 *RRC Objection due to lack of necessity and unclear language Eff. October 17, 1991;*

26 *Amended Eff. February 1, 2009; August 1, 2007; January 1, 1998; March 1, 1992;*

27 *Readopted Eff. September 1, 2021.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Coastal Resources Commission

RULE CITATION: 15A NCAC 07M .0306

DEADLINE FOR RECEIPT: Tuesday, August 10, 2021

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), line 4, why is "waterfront" capitalized?

I note that here you refer to the "20-county coastal area" but in other rules, it's a "region" Should this be changed here to be consistent with other rules?

On line 4, please capitalize "State" since you mean NC here.

But what is the point of the sentence on lines 4-5? What is "regional" and "national" importance?

On line 5, what do you mean by "lead" responsibility?

On line 6, I believe the correct cross-reference is .0702(d)(2)(A), as there is no (d)(3)(A).

On line 7, under what circumstances/ opportunities will the Division take the lead? Guidance beyond "as such opportunities arise" must be included within the Rule.

In (b), line 9, what is the purpose of this sentence?

So that I'm clear – Paragraph (b) applies to the land use plan and Paragraph (c) is for the "access plan" and those are different? And is the "access plan" on line 14 the same as the "local waterfront access plan" on line 7? Should the terminology be the same both places?

In (c), line 14, "needs and opportunities" for what?

On line 15, what "standards" are you referring to?

On line 15, what do you mean by "specific" plans or guidelines and what is the "appropriate" site?

On line 16, insert a comma after "impact fees"

On line 17, what do you mean by "priorities"?

What does Paragraph (d) mean? Your regulated public may understand this, but I do not.

In (e), line 20, what are "dedicated" street ends?

Amanda J. Reeder
Commission Counsel

Date submitted to agency: July 27, 2021

Also on line 20, do you mean “shall” instead of “may”? If not, then under what circumstances will dedicated street ends not be acceptable? Guidance must be provided within the Rule text. In (f), line 21, define “primary” responsibility. And G.S. 113A-134.2 states that the Division and the Commission shall administer the program. Is the intention here that the Commission is delegating its administrative duties?

On line 23, what do you mean by “full” application?

In (g), line 28, how does this invitation to the public get extended?

On line 29, do you need to retain “a minimum of”? As rules set the minimum standards, language such as “minimum” and “at least” are not favored in rules. If you need to retain it, that’s fine, but I wanted to inquire.

In (h), line 32, define “making progress” How is this measured, based upon what standard?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

1 15A NCAC 07M .0306 is readopted as published in 34:09 NCR 764 as follows:

2
3 **15A NCAC 07M .0306 LOCAL GOVERNMENT AND STATE INVOLVEMENT IN ACCESS**

4 (a) Coastal Waterfront access in the 20-county coastal area is a concern of local, state, regional and national
5 importance. Local governments have lead responsibility for the selection of public access sites within their jurisdiction.
6 Access shall be based on identified needs as stated in land use plans pursuant to 15A NCAC 07B .0702(d)(3)(A) and
7 local waterfront access plans. The Division of Coastal Management may take the lead in acquiring and improving
8 access sites as such opportunities arise.

9 (b) A local policy in a land use plan sets the community objectives for access. A local government may, through its
10 land use plan:

- 11 (1) identify access needs and develop local policy to pursue access funding;
- 12 (2) develop a local access plan; and
- 13 (3) solicit access sites through corporate assistance.

14 (c) An access plan shall identify needs and opportunities, determine access and facility requirements, establish
15 standards, and develop specific project design plans or guidelines by appropriate site. An access plan shall consider
16 both financial resource availability (such as grants, impact fees or hotel/motel tax revenues) and construction timing.
17 It shall establish priorities and devise a system for annual evaluation of the plan.

18 (d) Local governments may also include provisions in local ordinances that require access for waterfront
19 developments or require payment in lieu of access for non-water dependent subdivisions.

20 (e) Dedicated street ends may be acceptable for accessways.

21 (f) The Division of Coastal Management has primary responsibility for administering the Public Beach and Coastal
22 Waterfront Access Program. Subject to the availability of funds, the Division of Coastal Management shall annually
23 solicit pre-application proposals from local governments and shall select competitive projects for full application
24 submittal. Projects from these final applications shall be selected for funding based on criteria in Rule .0307 of this
25 Section.

26 (g) The Division of Coastal Management may use available funds on a non-competitive basis to plan for and provide
27 public access through acquisition of improvements. Prior to expending funds, the Division of Coastal Management
28 shall hold a public meeting or hearing to discuss its proposal. Members of the public shall be invited to comment to
29 the Coastal Resources Commission for a minimum of 60 days prior to the expenditure of non-competitive money by
30 the Division of Coastal Management.

31 (h) The Division of Coastal Management shall ensure all projects funded through the Public Beach and Coastal
32 Waterfront Access Program are making progress throughout project implementation and ensure that completed
33 projects are operated and maintained for access purposes.

34
35 *History Note: Authority G.S. 113A-124; 113A-134.3;*
36 *Eff. January 1, 1998;*
37 *Amended Eff. February 1, 2009; August 1, 2007;*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Coastal Resources Commission

RULE CITATION: 15A NCAC 07M .0307

DEADLINE FOR RECEIPT: Tuesday, August 10, 2021

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), line 4, please hyphenate "20-county"

In (b)(1), line 9, what is an "unbuildable lot"? Is this determined using the standard in G.S. 113A-134.3(a)?

In (b)(2), line 10, why is "Access Sites" capitalized? And please note the same for (b)(3), line 11, (b)(4), line 12, and (b)(5), line 13. I know these terms are defined in Rule .0302, but other terms in this list are also defined and you are not capitalizing all words in those.

In (b)(8), line 16, what are "aging" facilities? Who determines this?

Consider beginning (c)(1) through (6) with articles.

In (c)(1), line 19, what is "high demand"? What is "limited availability"? How is this determined and by whom?

In (c)(3), line 22, consider replacing "this" with "the" or stating, "the Public Beach and Coastal Waterfront Access Program" and then replacing "this" on line 24 with "the"

On line 23, what is "successfully" here? Who determines it, based upon what criteria?

In (c)(4), line 25, so that I'm clear – the Division is considering whether the applicant exceeds the requirements in this Rule as a criterion for selecting projects?

End (c)(5), line 27, with an "and" or "or" depending upon what you mean.

In (c)(6), line 28, deemed unbuildable by whom?

End the sentence on line 29 with a period, not a semicolon.

In (d), line 30, G.S. 105-129.3 was repealed effective January 2007. You must either provide a new citation or strike Paragraphs (d) and (e) to provide for the tier system you are citing to.

If you rewrite these Paragraphs with current statutory authority, insert a comma after "municipalities" on lines 33 and 37.

Amanda J. Reeder
Commission Counsel

Date submitted to agency: July 27, 2021

In (f), Page 2, line 4, capitalize “State” as I believe you mean NC.

In (g), line 5, what are “previous contingency projects”?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

1 15A NCAC 07M .0307 is readopted as published in 34:09 NCR 764 as follows:

2
3 **15A NCAC 07M .0307 ELIGIBILITY, SELECTION CRITERIA AND MATCHING REQUIREMENTS**

4 (a) Any local government in the 20 coastal county region having ocean beaches or estuarine or public trust waters
5 within its jurisdiction may apply for access funds for the development of beach or coastal waterfront access facilities
6 with associated improvements. Boat ramps, canoe/kayak launch areas may also be developed provided that the access
7 facilities incorporate pedestrian access to coastal waters.

8 (b) Eligible projects include:

- 9 (1) Land acquisition, including acquisition of unbuildable lots;
- 10 (2) Local Access Sites;
- 11 (3) Neighborhood Access Sites or improvements;
- 12 (4) Regional Access Sites or improvements;
- 13 (5) Multi-regional Access Sites or improvements;
- 14 (6) Urban waterfront development access projects;
- 15 (7) Reconstruction or relocation of existing, damaged facilities;
- 16 (8) Reconstruction or replacement of aging facilities; and
- 17 (9) Offsite parking areas servicing access sites within the local government's jurisdiction.

18 (c) The following criteria shall be used to select projects that may receive financial assistance:

- 19 (1) Applicant demonstrates a need for the project due to a high demand for public access and limited
20 availability;
- 21 (2) Project is identified in the local land use plan or local access plan;
- 22 (3) Applicant has not received previous assistance from this grant program or the applicant has received
23 assistance and demonstrated its ability to complete previous projects successfully with funds from
24 this grant program;
- 25 (4) Applicant's commitment of matching funds exceeds the required local share of the total project cost
26 provided in Paragraphs (d) and (e) of this Rule;
- 27 (5) Project proposal includes multiple funding sources;
- 28 (6) The project location includes donated land deemed unbuildable due to regulations or physical
29 limitations;

30 (d) The North Carolina Department of Commerce's Tier designations, as outlined by the Lee Act (G.S. 105-129.3)
31 shall be used to determine the economic status of counties. Land acquisition, including acquisition of unbuildable lots,
32 shall include a local government contribution of at least 15 percent of the acquisition cost, except for Tier 1 and Tier
33 2 counties as designated by the N.C. Department of Commerce, and their respective municipalities which shall have
34 a contribution of at least 10 percent. At least one-half of the local contribution shall be cash match, the remainder
35 may be in-kind match.

36 (e) Local government contributions for access site improvements shall be at least 25 percent of the project costs,
37 except for Tier 1 and Tier 2 designated counties and their respective municipalities which shall have a local

1 government contribution of at least 10 percent of the project costs. At least one half of the local contribution shall be
2 cash match; the remainder may be in-kind match.

3 (f) Federal and other State funds may be used as the local government cash contribution, provided such funds are not
4 already being used as matching funds for other state programs.

5 (g) Multi-phase projects and previous contingency projects shall be considered on their own merits within the pool
6 of applications being reviewed in any year.

7

8 *History Note: Authority G.S. 113A-124; 113A-134.3;*

9 *Eff. January 1, 1998;*

10 *Amended Eff. February 1, 2009; September 1, 2007; August 1, 2000;*

11 *Readopted Eff. September 1, 2021.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Coastal Resources Commission

RULE CITATION: 15A NCAC 07M .0308

DEADLINE FOR RECEIPT: Tuesday, August 10, 2021

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In reviewing this Rule, the staff recommends the following technical changes be made:

On line 4, what do you mean by "final application"? When is this submitted – in accordance with Rule 07M .0306(f)?

And what are the contents of this application? How is it acquired? The APA requires the contents of forms to be in rule or law.

On line 5, so that I'm clear - the local government can decide whether to hold a hearing or a meeting? All that is required by this Rule is that one or the other is held?

On lines 5-6, how will the public comments be collected? Is there an amount of time that the public must be given to comment or is this entirely up to the local government to determine?

So that I'm clear - on line 6, by "prior to apply[ing for] funds" you mean only for the "final" application and not the initial application for consideration?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel

Date submitted to agency: July 27, 2021

1 15A NCAC 07M .0308 is readopted as published in 34:09 NCR 764 as follows:

2

3 **15A NCAC 07M .0308 PUBLIC INVOLVEMENT/NOTICE**

4 Prior to submitting its final application for a public access grant from the Division of Coastal Management, the local
5 government shall hold a public meeting or hearing to discuss its proposal. The local government shall consider public
6 comments prior to its decision to apply for funds from the State.

7

8 *History Note: Authority G.S. 113A-124; 113A-134.3;*

9 *Eff. January 1, 1998;*

10 *Readopted Eff. September 1, 2021.*