

THE MAJOR DEVELOPMENT PERMIT PROCESS

MAJOR DEVELOPMENT

The Coastal Area Management Act (CAMA) authorizes the Division of Coastal Management (DCM) to manage development in Areas of Environmental Concern (AECs) in North Carolina's 20 coastal counties. These AECs encompass oceanfront, soundfront and riverfront areas, as well as some special water supply and unique geologic areas. Any activity involving construction, excavation, filling or other land disturbance within an AEC is considered development and requires authorization under CAMA.

A project is considered major development if it requires another state or federal authorization (permit license, etc.), involves alteration of more than 20 acres of land and/or water, or involves the construction of one or more structures covering a ground area greater than 60,000 square feet within an AEC. Projects usually are considered major development if they involve: excavation, filling or construction in public trust waters or wetlands within an AEC; or activities disturbing more than one acre of land. Such projects must be authorized by a CAMA Major Development Permit.

MAJOR DEVELOPMENT PERMIT

The Major Development Permit process covers application for authorization needed under certain state and federal laws. State authorizations needed include: Coastal Area Management Act, Dredge and Fill Act; Water Quality Certification; and Easement in Public Trust Areas. Federal authorization include: Rivers and Harbors Act (Section 10, Navigable Waters) and Clean Water Act (Section 404, Jurisdictional Wetlands). The state review is coordinated by DCM and involves the divisions of Environmental Management, Water Resources, Land Resources, Marine Fisheries, Environmental Health, Archives and History and

Community Assistance, as well as the Wildlife Resources Commission, the Department of Administration and the Department of Transportation. The federal review is coordinated by the Army Corps of Engineers and involves the Environmental Protection Agency, National Marine Fisheries Service, and the Fish and Wildlife Service.

Each project also is reviewed for compliance with local regulations and for consistency with the local government's land use plan. The CAMA land use plan sets forth the community's policies regarding development and identifies land classifications where certain activities may or may not be allowed. A conservation land classification for example typically is very restrictive where developed or community classifications are not.

The application review process begins the date DCM receives an application that is complete. That review takes approximately 75 days; however, DCM is allowed an additional 75 days, by law, if more time is needed. An application also may be put on hold, and the review delayed, if more information is needed to complete the permit file.

A permit application will be denied if the project is inconsistent with any state, federal, local regulation, or the CAMA land use plan. If the application is denied, the applicant may file for an appeal within 20 days of the decision.

If the project is approved, a major development permit will be issued. Typically, the permit will list specific conditions or restrictions on the development. The project must be constructed according to the permit and any changes will require modification of the permit.

Major development permits are valid for a period of three years and typically expire on December 31 of the third year. If the project is not completed within that time, the permit may

be renewed at the applicant's request. Any changes in ownership of the project will require a transfer of the permit at the discretion of the Director of the DCM.

THE PERMIT APPLICATION

An application package for a Major Development Permit should consist of : 1) a completed application form; 2) a narrative description of the project, including its proposed use and construction methods; 3) detailed work plat(s) that have been signed and dated and that show a plan view and cross-sectional drawings; 4) a site map that shows the location and/or gives directions to the project site; 5) a copy of a deed or other proof of ownership for the project site and authorization from the property owner, if applicable; 6) a stormwater management plan, sedimentation and erosion control plan, sewage treatment plan or special use permit, if applicable; and 7) a \$250 application fee by check or money order made payable to the North Carolina Department of Environment, Health and Natural Resources (DEHNR).

This application form consists of a basic information section and specific subsections for various types of development. The basic information section should be completed by all applicants. The appropriate subsection(s) (Excavation and Fill, Upland Development, Structures, Bridges and Culverts, and Marinas) should be completed to provide information about the proposed development. All of the information in these sections should accurately correspond with the submitted work plat(s).

Excavation and Fill (DCM-MP-2) information should include all dredging and excavation work or filling in public trust waters or wetlands. All excavation depths should be expressed in number of feet below the elevations of mean low water (MLW) or normal water level (NWL). Any fill in water or wetlands should also be clearly shown on the plat(s).

Upland Development (DCM-MP-3) includes all land disturbing activities, such as grading, filling and construction of buildings. Critical issues to be reviewed in this section are the amount of impervious surfaces within the Estuarine Shoreline AEC and the control of stormwater

runoff and erosion on the project site. For oceanfront development, you should show the appropriate setbacks, any impacts to public beach access, and indicate when the property was platted.

Structures (DCM-MP-4) information includes all structural development in public trust waters. This includes piers, docks, boathouses, bulkheads, groins, breakwaters and mooring structures.

Bridges and Culverts (DCM-MP-5) section should include all road crossings of public trust waters or wetlands within the project area. Impacts to traditional navigation or drainage patterns will be carefully considered in the review of this type of development proposal.

Marina Development (DCM-MP-6) section applies to all facilities providing dockage or mooring for more than ten boats. The area of public trust waters impacted, the number of slips provided, and the waste-handling facilities to be provided will be carefully considered.

NOTE: Contact the appropriate Regional Office (see map) for pre-application meetings and assistance in completing any portion of this application. Also, see DCM-MP-1, Section 5 of the application form for other instructions.