

15A NCAC 07J .0207 AGENCY REVIEW/COMMENTS: MAJOR DEVELOPMENT/DREDGE AND FILL

- (a) In order to determine the impact of the proposed project, the Department shall prepare a field report on each major development and/or dredge and fill permit application accepted for processing. Such report shall be prepared after an on-site investigation is made, preferably in the presence of the applicant or his agent. The report will include such topics as project location, environmental setting, project description and probable environmental impact but will not include recommendations of the office.
- (b) The Department will circulate major development permit applications to the several state review agencies having expertise in the criteria enumerated in G.S. 113A-120.
- (c) The Department will circulate dredge and fill permit applications to the several state review agencies having expertise in those matters enumerated in G.S. 113- 229(e)(1) - (5).
- (d) Each reviewing agency may make an independent analysis of the application and submit recommendations and comments to the Department. Such recommendations and comments will be considered by the Department in taking action on a permit application.
- (e) Each reviewing agency may request additional information (including Stormwater Management Plans) from the applicant through the Division of Coastal Management if such information is deemed necessary for a thorough and complete review of the application. The applicant will be notified of the requirement for additional information and permit processing will be suspended according to 15A NCAC 7J .0204(d).
- (f) The Division of Coastal Management is one of the state agencies that comments on dredge and fill project applications. In its role as a commenting agency the Division will use criteria in 15A NCAC 7H and local land use plans to assess whether to recommend permit issuance, permit issuance with conditions, or permit denial. Other commenting state agencies will make assessments, in accordance with Paragraph (c) of this Rule.

*History Note: Authority G.S. 113-229; 113A-120, 113A-124(a)(1); 113A-127;
Eff. March 15, 1978;
Amended Eff. July 1, 1989; October 1, 1988; September 1, 1985; November 1, 1984;
RRC objection September 17, 2022 and rule returned to agency on October 5, 2023;
Codifier determined that agency's findings of need did not meet criteria for emergency rule on December 20, 2023;
Emergency Adoption Eff. January 3, 2024;
Emergency Rule Exp. Eff. May 13, 2024;
Returned to Code pursuant to order of Wake County Superior Court, currently under appeal, Eff. March 3, 2025.*