

15A NCAC 07J .1204 REVIEW OF BEACH MANAGEMENT PLANS

(a) Progress Reports. The petitioner that received a Beach Management Plan approval shall provide a progress report to the Coastal Resources Commission every five years from date the Beach Management Plan is approved. The progress report shall address the criteria defined in 15A NCAC 07J .1201(d)(1) through (d)(4) and be submitted in writing to the Director of the Division of Coastal Management, 400 Commerce Avenue, Morehead City, NC 28557. The Division of Coastal Management shall provide the petitioner with written acknowledgement of the receipt of a completed progress report, including notification of the meeting date at which the report will be presented to the Coastal Resources Commission.

(b) The Coastal Resources Commission shall review a Beach Management Plan approved under 15A NCAC 07J .1203 every five years from the initial authorization in order to renew its findings for the conditions defined in 15A NCAC 07J .1201(d) through (e). The Coastal Resources Commission shall also consider the following conditions:

- (1) Updates to the Beach Management Plan, including performance of past projects and maintenance events, changes in conditions, and design changes to future projects, provided that the changes are designed and prepared by the U.S. Army Corps of Engineers or persons meeting applicable State occupational licensing requirements for the work;
- (2) Design changes to the location and volume of compatible sediment, as defined by 15A NCAC 07H .0312, necessary to construct and maintain the large-scale beach fill project defined in 15A NCAC 07J .1201(d)(2), including design changes defined in this Rule provided that the changes have been designed and prepared by the U.S. Army Corps of Engineers or persons meeting applicable State occupational licensing requirements for the work; and
- (3) Changes in the financial resources or funding sources necessary to fund the large-scale beach fill project(s) defined in 15A NCAC 07J .1201(d)(2). If the project has been amended to include design changes defined in this Rule, then the Coastal Resources Commission shall consider the financial resources or funding sources necessary to fund the changes.
- (4) Local governments with an unexpired Static Line Exception approved by the Commission may petition the Commission for approval of a Beach Management Plan by supplementing information required under the Static Line Exception to be compliant with the provisions of 15A NCAC 07J .1200 prior to or upon the expiration of the previously approved Static Line Exception.

(c) The Petitioner shall orally present a summary of the progress report the Coastal Resources Commission no later than the second scheduled meeting following the date the report was received, except when a later meeting is agreed upon by the local government or community submitting the progress report and the Division of Coastal Management. The Division of Coastal Management shall provide the Coastal Resources Commission with a review and recommendation of the progress report on whether the conditions defined in 15A NCAC 07J .1201(d)(1) through (d)(4) have been met. The petitioner submitting the progress report shall be provided an opportunity to review the recommendation prepared by the Division of Coastal Management no less than 10 days prior to the meeting at which it is to be considered by the Coastal Resources Commission.

History Note: Authority G.S. 113A-107; 113A-113(b)(6); 113A-124;
Eff. March 23, 2009;
Readopted Eff. September 1, 2021;
Amended Eff. August 1, 2022.