

07 NCAC 13C .0315 APPLICATION DENIAL AND PERMIT REVOCATION PROCEDURES

(a) Before revoking any state lake permit under these Rules, the Division shall give written notice of its intent to revoke to the permit holder by U.S. mail or electronic mail at the address provided by the permit holder on the permit application. Upon the denial of any application for a state lake permit under these Rules, the Division shall give written notice of its action to the applicant by U.S. mail or electronic mail at the address provided by the applicant on the application.

(b) The notice required by Paragraph (a) of this Rule shall contain the following:

- (1) facts:
 - (A) in the case of a state lake permit revocation, the facts relied upon by the Division to support its intended revocation; and
 - (B) in the case of a state lake permit application denial, the facts relied upon as the basis for the denial;
- (2) rules: the rules or statutes under which the Division acts or intends to act;
- (3) corrective action: a statement of the corrective action, if any action is possible, to bring the permit holder, or applicant's application, into compliance. In the case of a permit revocation for failure to pay a fee in the time provided, late payment, including payment of any additional late fees, shall constitute corrective action;
- (4) final date: the date on which the revocation or denial shall become final if the permit holder or applicant does not request a hearing in accordance with Chapter 150B, Article 3, of the North Carolina General Statutes, and 26 NCAC 03. The final date shall be no sooner than the 61st day after service of notice on the permit holder or applicant;
- (5) right to a hearing: a statement informing the permit holder or applicant of the right, the procedure, and the time limit to file a contested case petition made in accordance with Chapter 150B, Article 3 of the North Carolina General Statutes, and 26 NCAC 03; and
- (6) failure to exhaust remedies: a statement that the failure to request a hearing in the form, manner, and time required by Chapter 150B, Article 3 of the North Carolina General Statutes, and 26 NCAC 03 constitutes a failure to exhaust all administrative remedies and shall preclude judicial review under G.S. 150B of any denial or revocation by the Division.

*History Note: Authority G.S. 143B-135.16; 150B-23;
Eff. February 1, 1976;
Amended Eff. October 1, 1988; April 4, 1979;
Transferred from 15A NCAC 12C .0315 Eff. April 1, 2017;
Readopted Eff. February 1, 2023.*