

**15A NCAC 05B .0111 PUBLIC HEARINGS**

(a) If the department determines that there exists a significant public interest in an application for a new mining permit, the director shall appoint a hearing officer to conduct a public hearing on the application which shall be held no sooner than 20 or later than 60 days of the filing of the application and before the department makes its final decision regarding the application.

(b) At least ten days prior to the public hearing, the department shall publish notice thereof in a newspaper of general circulation in the county in which the proposed mine is located. The department may also give notice to the public by other means. In addition, the department shall cause written notice of the hearing to be sent by certified or registered mail to the applicant and to the known owners of all adjoining land.

(c) Any person may appear at the public hearing and give oral or written comments on the proposed application. The hearing officer may impose reasonable limitations on the length of time that any person may speak and may summarize comments rather than recording them in full. The hearing officer may allow additional written comments to be submitted after the hearing within a period of time he deems appropriate which shall not exceed ten days.

(d) Within ten days after the hearing or time for additional comment, the hearing officer shall prepare a written report summarizing the comments that were submitted regarding the application. The report shall include copies of all written comments that were submitted. Copies of the report shall be made available to the applicant or members of the public upon request. The department shall give full consideration to all comments contained in the hearing record in making its final determination on the application.

*History Note: Authority G.S. 74-51; 74-63;  
Eff. May 1, 1982.*