

### **15A NCAC 07J .0312 SETTLEMENT**

(a) Whenever possible, the Commission encourages the resolution of disputes over the grant or denial of CAMA permits and dredge and fill permits.

(b) The Commission hereby delegates to the director the authority to enter into settlements of appeals concerning CAMA permits and dredge and fill permits prior to the time the administrative law judge opens the hearing on the permit appeal. The director may enter into a settlement without the Commission's approval. Such a settlement shall not be considered a final commission decision, but shall be subject to appeal pursuant to G.S. 113A-121.1 and G.S. 113-229(f). The Department shall provide public notice of any settlement entered into prior to the opening of the administrative hearing in the same manner as it provides public notice of permit decisions.

(c) The Commission further delegates to the director the authority to enter into negotiations concerning the settlement of any permit appeal after the opening of the hearing on it. Any settlement after the opening of the hearing on an appeal must be submitted to the Commission for adoption or rejection. All parties to a proposed settlement agreement shall waive the time limitation in G.S. 113A-122(c) so as to prevent the decision being appealed from becoming effective before the Commission's consideration of the proposed settlement. The Commission's adoption of any settlement shall constitute a final commission decision under G.S. 113A-123.

*History Note: Authority G.S. 113A-120; 113A-122; 113A-124;  
Eff. April 1, 1987;  
Amended Eff. July 1, 1989; October 1, 1988;  
RRC objection September 17, 2022 and rule returned to agency on October 5, 2023;  
Returned to Code pursuant to order of Wake County Superior Court, currently under appeal, Eff.  
March 3, 2025.*