

15A NCAC 07M .0307 PUBLIC BEACH AND COASTAL WATERFRONT ACCESS PROGRAM

(a) The Division of Coastal Management (DCM) has primary responsibility for administering the Public Beach and Coastal Waterfront Access Program. Subject to the availability of funds, the DCM shall annually solicit pre-application proposals from local governments and shall select competitive projects for final application submittal. Projects from these final applications shall be selected for funding based on criteria in Paragraph (h) of this Rule.

(b) The DCM may use available funds on a non-competitive basis to plan for and provide public access through acquisition and improvements. Prior to expending the funds, the DCM shall hold a public meeting or hearing at a regularly scheduled meeting of the Coastal Resources Commission (CRC) to discuss its proposal. Members of the public shall be invited to comment to the CRC for 60 days prior to the expenditure of non-competitive money by the DCM.

(c) Local governments have responsibility for the selection of public access sites within their jurisdiction. Any local government in the 20-county coastal region having ocean beaches or estuarine or public trust waters within its jurisdiction may apply for access funds for the acquisition and development of beach or coastal waterfront access facilities.

(d) Prior to submitting its final application for a Public Beach and Coastal Waterfront Access grant in accordance with Paragraph (a) of this Rule the local government shall hold a public meeting or hearing at a regularly scheduled meeting of the Commission to discuss its proposal. The local government shall consider public comments prior to its decision to apply for funds from the State.

(e) Eligible projects include:

- (1) land acquisition, including acquisition of unbuildable lots as described in G.S. 113A-134.3(a);
- (2) development of improvements at new or existing sites that provide public access, such as dune crossovers, piers, boardwalks, parking areas, restrooms, showers, benches, litter receptacles, and bicycle racks;
- (3) development of improvements to public access at deteriorating urban waterfronts. Such projects include the establishment or rehabilitation of boardwalk areas, shoreline stabilization measures such as the installation or rehabilitation of bulkheads, and the placement or removal of pilings for the purpose of public safety and increased access and use of the urban waterfront;
- (4) reconstruction, replacement, or relocation of existing, damaged facilities;
- (5) offsite parking areas servicing access sites within the local government's jurisdiction;
- (6) boat ramps and canoe/kayak launch areas provided that the public access facility incorporates pedestrian access to coastal waters; or
- (7) maintenance of previously funded access sites. This project category is available only to Tier 1 communities. Such projects include repair and maintenance of access site facilities and amenities to ensure public health and safety. Repair and maintenance does not include activities such as trash removal, grounds keeping, or custodial services, or local government staff salaries.

(f) All projects must meet the standards of handicapped accessibility for individuals with disabilities according to the North Carolina Building Code. Exceptions may be granted where site characteristics impede accessibility improvements.

(g) The following criteria shall be used to select projects that may receive financial assistance:

- (1) the applicant demonstrates a need for the project due to a high demand for public access and limited availability within the local government jurisdiction;
- (2) the project is identified in the certified CAMA Land Use Plan or local access plan;
- (3) the applicant has not received previous assistance from the Public Beach and Coastal Waterfront Access Program grant program or the applicant has received assistance and demonstrated its ability to complete previous projects with funds from the grant program;
- (4) the applicant's commitment of matching funds exceeds the required local share of the total project cost provided in Paragraph (h) of this Rule;
- (5) the project proposal includes multiple funding sources;
- (6) the project location includes donated land with physical limitations, or it has been deemed unbuildable as described in G.S. 113A-134.3(a). Priority shall be given to the acquisition of lands that meet G.S. 113A-134.3(a);
- (7) the project acquires land for future access improvements;
- (8) the project creates handicapped accessible facilities at new access sites, adds handicapped accessible facilities to existing sites, or replaces deteriorating facilities; and
- (9) the project's location is within a Tier 1 community.

(h) The applicant's matching requirements are based on project type and their designations as a Tier 1 community. Match requirements are as follows:

- (1) Local government contributions for land acquisition shall be at least 15 percent of the acquisition cost, except for Tier 1 communities which shall have a local government contribution of at least 10 percent of the project cost. At least one-half of the local contribution shall be cash match, the remainder may be in-kind match.
- (2) Local government contributions for access site improvements shall be at least 25 percent of the project costs, except for Tier 1 communities which shall have a local government contribution of at least 10 percent of the project costs. At least one-half of the local contribution shall be cash match, the remainder may be in-kind match.
- (3) Local government contributions for maintenance of previously funded access sites shall be at least 10 percent of the maintenance project costs. At least one-half of the local government contribution shall be cash match, the remainder may be in-kind match. This project type is only available to Tier 1 communities.

(i) Federal and other State funds may be used as the local government cash contribution, provided such funds are not already being used as matching funds for other State programs.

(j) Multi-phase projects shall be considered on their own merits within the pool of applications being reviewed in any year.

(k) Projects selected for funding may not begin until the Department of Environmental Quality and grant recipient sign a contract. An exception may be granted for land acquisition projects when a waiver has been requested by the applicant in writing and approved by the Division of Coastal Management. A waiver shall be in effect for 18 months from the date of approval. A project receiving a waiver shall not receive preferential treatment in funding decisions.

*History Note: Authority G.S. 113A-124; 113A-134.3;
Eff. January 1, 1998;
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Readopted Eff. September 1, 2021;
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