

§ 143-215.57A. Certain airport projects deemed permitted.

(a) Notwithstanding any other provision of this Part, Chapter 166A of the General Statutes, or any other applicable statute, an airport project shall be deemed permitted for use of an eligible flood hazard area for purposes of this Part if the applicable airport authority has received a no-rise certificate for that airport project, and the no-rise certificate has been accepted by the Department. No additional permit or authorization shall be required pursuant to this Part for an airport project deemed permitted pursuant to this section.

(b) For purposes of this section, the following definitions apply:

- (1) Airport authority. – Any authority that is authorized or governed by Chapter 63 of the General Statutes or other laws enacted by the General Assembly to acquire, establish, construct, maintain, improve, and/or operate airports or other air navigation facilities; provided, however, that this definition of "airport authority" shall not include any local government as defined by this section.
- (2) Airport facility. – All properties, facilities, buildings, structures, and activities that satisfy or otherwise fall within the scope of one or more of the definitions or uses of the words or phrases "air navigation facility," "airport," or "airport protection privileges" under G.S. 63-1; the definition of "aeronautical facilities" in G.S. 63-79(1); the phrase "airport facilities" as used in G.S. 159-48(b)(1); the phrase "aeronautical facilities" as defined in G.S. 159-81 and G.S. 159-97; and the phrase "airport facilities and improvements" as used in Section 13 of Article V of the North Carolina Constitution. Airport facilities shall include, without limitation, any and all of the following:
 - a. The airport and all of its terminals and terminal shops and support buildings.
 - b. Runways, taxiways, clear zones, and other paved or unpaved areas, or open or restricted landing areas on the airport.
 - c. Airport offices and administrative buildings.
 - d. Buildings, structures, equipment, and facilities intended to support aircraft operations, including, without limitation, hangars and other aircraft maintenance buildings, storage buildings or areas, and including, without limitation, anything shown on any airport development plan submitted to the Federal Aviation Administration.
 - e. Navigational and signal systems, including any structures, mechanisms, landing lighting and lights, beacons, marks, communicating systems, or other instrumentalities or devices used or useful as an aid, or constituting an advantage or convenience to the safe taking off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport or restricted landing area.
 - f. Parking owned or operated by the airport to serve the airport's operations, whether located on the airport or as satellite parking.
 - g. Drainage ditches or pipes, stormwater structures, and related stormwater outfalls.
 - h. Retail and commercial development outside of the terminal area but located on the airport, including rental car facilities, hotels, industrial facilities, freestanding offices, and other similar buildings constructed on the airport, whether or not owned or operated by the airport.

- i. All appurtenant areas used or suitable for airport buildings or other airport facilities, including all appurtenant rights-of-way.
 - j. Easements through, or other interests in, airspace over land or water, interests in airport hazards outside the boundaries of the airport or restricted landing area, and other protection privileges, the acquisition or control of which is necessary to ensure safe approaches to the landing areas of the airport and restricted landing areas and the safe and efficient operation thereof.
 - k. Any combination of any or all of such properties, facilities, buildings, structures, activities, and easements.
- (3) Airport project. – The construction, reconstruction, repair, or other similar action of any airport facility, including any structure or area used in connection with an airport facility.
- (4) Eligible flood hazard area. – A flood hazard area to which both of the following criteria apply:
 - a. Use of the area will be consistent with the technical criteria contained in 44 C.F.R. § 60.3 for flood-prone areas, as demonstrated by a no-rise certificate accepted by the Department.
 - b. No local government has a clearly demonstrated statutory authority to issue a permit for use of the flood hazard area pursuant to this Part.
- (5) No-rise certificate, no-rise certification, no-rise/no-impact certification, or any other similarly denominated certificate or action. – A demonstration through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- (6) Permit – Any permit, license, or similar approval that grants the right to use of one or more flood hazard areas consistent with the requirements of this Part. (2024-1, s. 4.7(c).)