

SECTION .0700 – MITIGATION - GENERAL POLICY

15A NCAC 07M .0701 DECLARATION OF GENERAL POLICY

(a) It is the policy of the State of North Carolina to require that adverse impacts to coastal lands and waters be mitigated or minimized through proper planning, site selection, compliance with standards for development, and creation or restoration of coastal resources. Coastal ecosystems shall be protected and maintained as complete and functional systems by mitigating the adverse impacts of development as much as feasible by enhancing, creating, or restoring areas with the goal of improving or maintaining ecosystem function and areal proportion.

(b) The CRC shall apply mitigation requirements as defined in this Section consistent with the goals, policies and objectives set forth in the Coastal Area Management Act for coastal resource management and development. Mitigation shall be used to enhance coastal resources and offset any potential losses occurring from approved and unauthorized development. Proposals to mitigate losses of coastal resources shall be considered only for those projects shown to be in the public interest, as defined by the standards in 15A NCAC 7M .0703, and only after all other reasonable means of avoiding or minimizing such losses have been exhausted.

History Note: Authority G.S. 113A-102(b); 113A-107; 113A-113; 113A-120(a); 113A-124; 113-229;
Eff. January 1, 1984;
Amended Eff. September 1, 1985;
RRC objection September 17, 2022 and rule returned to agency on October 5, 2023;
Codifier determined that agency's findings of need did not meet criteria for emergency rule on December 20, 2023;
Emergency Adoption Eff. January 3, 2024;
Emergency Rule Exp. Eff. May 13, 2024;
Returned to Code pursuant to order of Wake County Superior Court, currently under appeal, Eff. March 3, 2025.