

1 15A NCAC 07M .0704 is adopted under emergency procedures as follows:

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3 **15A NCAC 07M .0704 MITIGATION - SPECIFIC POLICIES**

4 (a) The policy statements in this section are enforceable and shall be considered by local governments and DCM
5 when issuing permits and implementing the coastal management program under this Subchapter and commenting on
6 federal permits and activities pursuant to Section 307 of the federal Coastal Zone Management Act.

7 (b) The Division of Coastal Management shall consider mitigation requests based on the following order of
8 preference:

9 (1) Enhancement of coastal resources with created or restored systems determined to be more
10 productive of the resources characteristic of unaltered North Carolina ecosystems than those
11 destroyed.

12 (2) Creation or restoration of an area of similar ecological utility and potential biological value than that
13 destroyed or altered.

14 (3) Creation or restoration of an area with a different ecological function or potential than that destroyed
15 or altered.

16 (4) The following forms of mitigation shall be considered by the Division of Coastal Management and
17 may be used in combination with Subparagraphs (a) (1) through (3) to achieve the stated goal set
18 forth in 15A NCAC 07M .0703(d).

19 (A) Acquisition for public ownership of unique and ecologically important systems not
20 protected by state or federal regulatory programs. The type of impacts to be mitigated and
21 the quality of the area to be acquired will be considered on a case-by-case basis.

22 (B) Transfer of privately owned lands subject to state and federal regulation into public
23 ownership.

24 (C) Provisions of funds for State, federal or accredited institution research or management
25 programs.

26 (D) Increased public access to public trust resources for recreational use.

27 (c) Mitigation proposals may be the basis for approval of a development which is otherwise in conflict with general
28 or specific use standards set forth in 15A NCAC 07H .0208.

29 (d) Mitigation proposals to offset losses of coastal resources due to publicly funded projects shall be reviewed by the
30 Division of Coastal Management with the sponsoring agency and incorporated into the project by the State or federal
31 agency.

32 (e) Approved mitigation proposals for all categories of development shall become a part of permit conditions
33 according to G.S. 113A-120(b) and thereby subject to enforcement authority pursuant to G.S. 113A-126.

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35 *History Note: Authority G.S. 113A-102(b); 113A-107; 113A-113; 113A-120(a); 113A-124; 113A-126;*

36 *Emergency Adoption January 2, 2024.*