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NORTH CAROLINA
Environmental Quality

CRC-26-90

October 20, 2026

MEMORANDUM

TO: Coastal Resources Commission

FROM: Daniel Govoni

SUBJECT: Consideration of Amendments to Mitigation General Policy 15A NCAC 07M .0701

15A NCAC 07M Mitigation Policies require that adverse impacts to coastal lands and waters be mitigated or minimized through a combination of planning, proper siting, development standards, and enhancing, creating, or restoring coastal resources to maintain ecosystem health and connectivity.

On October 5, 2023, as part of the Periodic Rules Review Process, 15A NCAC 07M .0701 was returned to the Division and subsequently removed from the North Carolina Administrative Code. On March 3, 2025, 15A NCAC 07M .0701 was returned to the Administrative Code pursuant to an order issued by Wake County Superior Court. The Rule Review Commission (RRC) appealed this decision, and the Court later determined that eight rules, including 15A NCAC 07M .0701, contained ambiguous language.

In response, the Division of Coastal Management (DCM) recommends initiating permanent rulemaking to amend 15A NCAC 07M .0701. The proposed amendments address the ambiguities identified by the RRC and includes minor revisions for clarity and to ensure compliance with current rule formatting requirements.

SECTION .0700 – MITIGATION ~~– GENERAL POLICY~~

15A NCAC 07M .0701 ~~DECLARATION OF GENERAL POLICY~~ MITIGATION
(a) ~~It is the policy of the State of North Carolina to~~ The Department shall 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, as defined in 15A NCAC 07H .0208 (a)(7), of development ~~as much as feasible~~ by enhancing, creating, or

restoring areas to ~~with the goal of improving or maintaining~~ to maintain ecosystem function and areal ~~proportion~~ extent.

(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~~ permitted ~~and~~ ~~unauthorized~~ ~~unpermitted~~ development. Proposals to mitigate losses of coastal resources shall be considered only for ~~those projects~~ development shown to be in the public interest, as defined by the standards in 15A NCAC 07M .0703. ~~15A NCAC 7M .0703, and only after all other reasonable means of avoiding or minimizing such losses have been exhausted.~~