

1 15A NCAC 07M .0401 is adopted under emergency procedures as follows:
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3 **SECTION .0400 - COASTAL ENERGY DEVELOPMENT – GENERAL POLICIES**
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5 **15A NCAC 07M .0401 DECLARATION OF GENERAL POLICY**

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

9 (b) It is hereby declared that the general welfare and public interest require that reliable sources of energy be made
10 available to the citizens of North Carolina. It is further declared that the development of energy facilities and energy
11 resources within the state and in offshore waters can serve important regional and national interests. However, unwise
12 development of energy facilities or energy resources can conflict with the recognized and equally important public
13 interest that rests in conserving and protecting the land and water resources of the state and nation, particularly coastal
14 lands and waters. Therefore, in order to balance the public benefits of energy development with the need to:

15 (1) protect coastal resources; and

16 (2) preserve access to and utilization of public trust resources, the planning of future uses affecting both
17 land and public trust resources,

18 the exercise of regulatory authority, and determinations of consistency with the North Carolina Coastal Management
19 Program shall assure that the development of energy facilities and energy resources shall avoid significant adverse
20 impact upon coastal resources or uses, public trust areas and public access rights.

21 (c) Exploration for the development of offshore and Outer Continental Shelf (OCS) energy resources has the potential
22 to affect coastal resources. The Federal Coastal Zone Management Act of 1972, as amended, requires that leasing
23 actions of the federal government be consistent to the maximum extent practicable with the enforceable policies of
24 the federally approved North Carolina Coastal Management Program, and that exploration, development and
25 production activities associated with such leases comply with those enforceable policies. Enforceable policies
26 applicable to OCS activities include all the provisions of this Subchapter as well as any other federally approved
27 components of the North Carolina Coastal Management Program. All permit applications, plans and assessments
28 related to exploration or development of OCS resources and other energy facilities shall contain information to allow
29 analysis of the consistency of all proposed activities with these Rules.

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31 History Note: Authority G.S. 113A-102(b); 113A-107; 113A-124;

32 Emergency Adoption Eff. January 2, 2024.