

## SUBCHAPTER 7M - GENERAL POLICY GUIDELINES FOR THE COASTAL AREA

### SECTION .0100 - PURPOSE AND AUTHORITY

#### 15A NCAC 07M .0101 AUTHORITY

*History Note:* Authority G.S. 113A-102(b); 113A-107; 113A-124;  
Eff. March 1, 1979;  
Repealed Eff. November 1, 1984.

#### 15A NCAC 07M .0102 PURPOSE

*History Note:* Authority G.S. 113A-102(b); 113A-107; 113A-124;  
Eff. March 1, 1979;  
Expired Eff. April 1, 2018 pursuant to G.S. 150B-21.3A.

### SECTION .0200 - SHORELINE EROSION POLICIES

#### 15A NCAC 07M .0201 DECLARATION OF GENERAL POLICY

*History Note:* Authority G.S. 113A-102(b); 113A-107; 113A-124; 16 U.S.C. Sec. 1453 (12);  
Eff. March 1, 1979;  
RRC Objection due to lack of necessity Eff. October 17, 1991;  
Amended Eff. March 1, 1992;  
RRC objection September 17, 2022 and rule returned to agency on October 5, 2023.

#### 15A NCAC 07M .0202 POLICY STATEMENTS

*History Note:* Authority G.S. 113A-102(b); 113A-107; 113A-124; 16 U.S.C. Sec. 1453 (12);  
Eff. March 1, 1979;  
Amended Eff. March 1, 1985;  
RRC Objection due to lack of necessity and unclear language Eff. October 17, 1991;  
Amended Eff. March 1, 1992;  
RRC Objection due to ambiguity and lack of necessity Eff. March 16, 1995;  
Amended Eff. May 4, 1995;  
RRC objection September 17, 2022 and rule returned to agency on October 5, 2023.

### SECTION .0300 - SHOREFRONT ACCESS POLICIES

#### 15A NCAC 07M .0301 DECLARATION OF GENERAL POLICY

*History Note:* Authority G.S. 113A-124; 113A-134.1; 113A-134.3;  
Eff. March 1, 1979;  
Amended Eff. February 1, 2009; January 1, 1998; March 1, 1988; March 1, 1985; July 1, 1982;  
Readopted Eff. September 1, 2021;  
Repealed Eff. August 1, 2022.

#### 15A NCAC 07M .0302 DEFINITIONS

As used in this Section, the Public Beach and Coastal Waterfront Access Program is to provide public access to the public trust beaches and waters as defined in 15A NCAC 07H .0207(a) and 15A NCAC 07H .0305(a)(1) in the 20 coastal counties described in G.S. 113A-103(2).

- (1) "Beach" is defined in 15A NCAC 07H .0305(a)(1).

- (2) "Coastal Waterfront Access" includes the acquisition and improvement of properties located in the 20-county area under the Coastal Area Management Act (CAMA) jurisdiction as described in G.S. 113A-103(2) that are adjacent or proximate to coastal waterways to which the public has rights of access or public trust rights.
- (3) "Ocean Beach Access" includes the acquisition and improvement of properties adjacent or proximate to the Atlantic Ocean for parking and public passage to the oceanfront.
- (4) "Public Trust Areas" is defined in 15A NCAC 07H .0207(a).
- (5) A "Local Waterfront Access Plan" identifies access needs and opportunities for public access, determines access and facility requirements, establishes standards, develops project design plans or guidelines, establishes priorities, considers financial resource availability (such as grants, impact fees, or occupancy taxes) and construction timing, and provides a system for evaluation of the plan.
- (6) "Certified CAMA Land Use Plan" is defined in 15A NCAC 07B. A local government may identify access needs, develop a local waterfront access plan, and develop local policies to pursue access funding through its land use plan.
- (7) "Tier 1 communities" include Tier 1 counties, as determined annually by the North Carolina Department of Commerce as outlined in G.S. 143B-437.08, and the counties respective municipalities. The Division shall use the Tier 1 designation to encourage economic activity in economically distressed communities.

*History Note:* Authority G.S. 113A-124; 113A-134.3;  
 Eff. March 1, 1979;  
 Amended Eff. February 1, 2009; January 1, 1998; March 1, 1988; March 1, 1985; July 1, 1982;  
 Readopted Eff. September 1, 2021;  
 Amended Eff. August 1, 2022.

#### **15A NCAC 07M .0303 STANDARDS FOR PUBLIC ACCESS**

*History Note:* Authority G.S. 113A-124; 113A-134.1; 113A-134.3; 153A-277(a); 160A-314(a);  
 Eff. March 1, 1979;  
 Amended Eff. March 1, 1988; March 1, 1985; July 1, 1982;  
 RRC Objection due to lack of necessity and unclear language Eff. October 17, 1991;  
 Amended Eff. February 1, 2009; August 1, 2007; January 1, 1998; March 1, 1992;  
 Readopted Eff. September 1, 2021;  
 Repealed Eff. August 1, 2022.

#### **15A NCAC 07M .0304 LOCAL PARTICIPATION REQUIREMENTS: BEACH ACCESS PROGRAM** **15A NCAC 07M .0305 MANDATORY PUBLIC NOTICE**

*History Note:* Authority G.S. 113A-124; 113A-134.3;  
 Eff. July 1, 1982;  
 Amended Eff. May 1, 1990; March 1, 1988; March 1, 1985  
 Repealed Eff. January 1, 1998.

#### **15A NCAC 07M .0306 LOCAL GOVERNMENT AND STATE INVOLVEMENT IN ACCESS**

*History Note:* Authority G.S. 113A-124; 113A-134.3;  
 Eff. January 1, 1998;  
 Amended Eff. February 1, 2009; August 1, 2007;  
 Readopted Eff. September 1, 2021;  
 Repealed Eff. August 1, 2022.

#### **15A NCAC 07M .0307 PUBLIC BEACH AND COASTAL WATERFRONT ACCESS PROGRAM**

(a) The Division of Coastal Management (DCM) has primary responsibility for administering the Public Beach and Coastal Waterfront Access Program. Subject to the availability of funds, the DCM shall annually solicit pre-application proposals from local governments and shall select competitive projects for final application submittal. Projects from these final applications shall be selected for funding based on criteria in Paragraph (h) of this Rule.

(b) The DCM may use available funds on a non-competitive basis to plan for and provide public access through acquisition and improvements. Prior to expending the funds, the DCM shall hold a public meeting or hearing at a regularly scheduled meeting of the Coastal Resources Commission (CRC) to discuss its proposal. Members of the public shall be invited to comment to the CRC for 60 days prior to the expenditure of non-competitive money by the DCM.

(c) Local governments have responsibility for the selection of public access sites within their jurisdiction. Any local government in the 20-county coastal region having ocean beaches or estuarine or public trust waters within its jurisdiction may apply for access funds for the acquisition and development of beach or coastal waterfront access facilities.

(d) Prior to submitting its final application for a Public Beach and Coastal Waterfront Access grant in accordance with Paragraph (a) of this Rule the local government shall hold a public meeting or hearing at a regularly scheduled meeting of the Commission to discuss its proposal. The local government shall consider public comments prior to its decision to apply for funds from the State.

(e) Eligible projects include:

- (1) land acquisition, including acquisition of unbuildable lots as described in G.S. 113A-134.3(a);
- (2) development of improvements at new or existing sites that provide public access, such as dune crossovers, piers, boardwalks, parking areas, restrooms, showers, benches, litter receptacles, and bicycle racks;
- (3) development of improvements to public access at deteriorating urban waterfronts. Such projects include the establishment or rehabilitation of boardwalk areas, shoreline stabilization measures such as the installation or rehabilitation of bulkheads, and the placement or removal of pilings for the purpose of public safety and increased access and use of the urban waterfront;
- (4) reconstruction, replacement, or relocation of existing, damaged facilities;
- (5) offsite parking areas servicing access sites within the local government's jurisdiction;
- (6) boat ramps and canoe/kayak launch areas provided that the public access facility incorporates pedestrian access to coastal waters; or
- (7) maintenance of previously funded access sites. This project category is available only to Tier 1 communities. Such projects include repair and maintenance of access site facilities and amenities to ensure public health and safety. Repair and maintenance does not include activities such as trash removal, grounds keeping, or custodial services, or local government staff salaries.

(f) All projects must meet the standards of handicapped accessibility for individuals with disabilities according to the North Carolina Building Code. Exceptions may be granted where site characteristics impede accessibility improvements.

(g) The following criteria shall be used to select projects that may receive financial assistance:

- (1) the applicant demonstrates a need for the project due to a high demand for public access and limited availability within the local government jurisdiction;
- (2) the project is identified in the certified CAMA Land Use Plan or local access plan;
- (3) the applicant has not received previous assistance from the Public Beach and Coastal Waterfront Access Program grant program or the applicant has received assistance and demonstrated its ability to complete previous projects with funds from the grant program;
- (4) the applicant's commitment of matching funds exceeds the required local share of the total project cost provided in Paragraph (h) of this Rule;
- (5) the project proposal includes multiple funding sources;
- (6) the project location includes donated land with physical limitations, or it has been deemed unbuildable as described in G.S. 113A-134.3(a). Priority shall be given to the acquisition of lands that meet G.S. 113A-134.3(a);
- (7) the project acquires land for future access improvements;
- (8) the project creates handicapped accessible facilities at new access sites, adds handicapped accessible facilities to existing sites, or replaces deteriorating facilities; and
- (9) the project's location is within a Tier 1 community.

(h) The applicant's matching requirements are based on project type and their designations as a Tier 1 community. Match requirements are as follows:

- (1) Local government contributions for land acquisition shall be at least 15 percent of the acquisition cost, except for Tier 1 communities which shall have a local government contribution of at least 10 percent of the project cost. At least one-half of the local contribution shall be cash match, the remainder may be in-kind match.
- (2) Local government contributions for access site improvements shall be at least 25 percent of the project costs, except for Tier 1 communities which shall have a local government contribution of at least 10

percent of the project costs. At least one-half of the local contribution shall be cash match, the remainder may be in-kind match.

- (3) Local government contributions for maintenance of previously funded access sites shall be at least 10 percent of the maintenance project costs. At least one-half of the local government contribution shall be cash match, the remainder may be in-kind match. This project type is only available to Tier 1 communities.
- (i) Federal and other State funds may be used as the local government cash contribution, provided such funds are not already being used as matching funds for other State programs.
- (j) Multi-phase projects shall be considered on their own merits within the pool of applications being reviewed in any year.
- (k) Projects selected for funding may not begin until the Department of Environmental Quality and grant recipient sign a contract. An exception may be granted for land acquisition projects when a waiver has been requested by the applicant in writing and approved by the Division of Coastal Management. A waiver shall be in effect for 18 months from the date of approval. A project receiving a waiver shall not receive preferential treatment in funding decisions.

*History Note:* Authority G.S. 113A-124; 113A-134.3;  
Eff. January 1, 1998;  
Amended Eff. February 1, 2009; September 1, 2007; August 1, 2000;  
Readopted Eff. September 1, 2021;  
Amended Eff. August 1, 2022.

#### **15A NCAC 07M .0308 PUBLIC INVOLVEMENT/NOTICE**

*History Note:* Authority G.S. 113A-124; 113A-134.3;  
Eff. January 1, 1998;  
Readopted Eff. September 1, 2021;  
Repealed Eff. August 1, 2022.

#### **15A NCAC 07M .0309 COMPLIANCE WITH THE NORTH CAROLINA ENVIRONMENTAL POLICY ACT**

*History Note:* Authority G.S. 113A-2; 113A-124;  
Eff. July 1, 1990;  
Recodified from .0306 Eff. January 1, 1998;  
Amended Eff. January 1, 1998;  
Expired Eff. April 1, 2018 pursuant to G.S. 150B-21.3A.

#### **15A NCAC 07M .0310 STANDARDS FOR PUBLIC ACCESS**

- (a) Public access projects funded through the Public Beach and Coastal Waterfront Access program shall be consistent with public access policies contained in the local government's land use plan as required under 15A NCAC 07B .0702(d)(2)(A), its local waterfront access plan, or a local recreation plan that addresses public access.
- (b) Land acquired with Public Beach and Coastal Waterfront Access program funds shall be dedicated in perpetuity for public access and benefit of the general public, and the dedication shall be recorded in the local Register of Deeds by the grantee. Any lease or easement agreement shall extend at least 25 years. If land acquired or improved with Public Beach and Coastal Waterfront Access Program grant funds is sold or otherwise disposed of, the local government shall reimburse the State at a percentage equal to the percentage of grant funds provided for the original purchase or improvement, at current market value at the time of the sale or disposition.
- (c) Local governments that receive or have received funding through this grant program shall operate and maintain the public access sites and their facilities in such a manner that public health and safety is ensured for the useful life of that facility as set forth in the individual grant contract.
- (d) Local governments with public access sites funded by the Division of Coastal Management pursuant to G.S. 113A-134.3 may charge user fees as long as those fees are used exclusively for the operation, maintenance, and enhancement of existing public access sites, including trash removal, law enforcement and public safety, beach nourishment projects or the provision of new public access sites through acquisition or easement. Local governments shall prepare annual accounting reports for fees generated by Public Beach and Coastal Waterfront Access Program funded access sites and shall make the report available upon request. Any local government that has not made the most recent required accounting report available shall not receive further funding under this program until the inconsistency is corrected.

*History Note:* Authority G.S. 113A-124; 113A-134.1; 113A-134.3; 153A-277(a); 160A-314(a);  
Eff. August 1, 2022.

## **SECTION .0400 - COASTAL ENERGY DEVELOPMENT – GENERAL POLICIES**

### **15A NCAC 07M .0401 DECLARATION OF GENERAL POLICY**

*History Note:* Authority G.S. 113A-102(b); 113A-107; 113A-124;  
Eff. March 1, 1979;  
Amended Eff. November 3, 1997 pursuant to E.O. 121, James B. Hunt Jr., 1997;  
Temporary Amendment Eff. July 8, 1999; December 22, 1998;  
Amended Eff. February 1, 2011; August 1, 2000;  
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 Expired Eff. May 13, 2024.

### **15A NCAC 07M .0402 DEFINITIONS**

*History Note:* Authority G.S. 113A-102(b); 113A-107; 113A-119.2; 113A-124;  
Eff. March 1, 1979;  
Amended Eff. October 1, 1988;  
Amended Eff. November 3, 1997 pursuant to E.O. 121, James B. Hunt Jr., 1997;  
Temporary Amendment Eff. July 8, 1999; December 22, 1998;  
Amended Eff. March 1, 2011; August 1, 2000;  
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 Expired Eff. May 13, 2024.

### **15A NCAC 07M .0403 COASTAL ENERGY DEVELOPMENT - SPECIFIC POLICY STATEMENTS**

*History Note:* Authority G.S. 113A-102(b); 113A-107; 113A-124;  
Eff. March 1, 1979;  
Amended Eff. April 1, 1992;  
Amended Eff. November 3, 1997 pursuant to E.O. 121, James B. Hunt Jr., 1997;  
Temporary Amendment Eff. July 8, 1999; December 22, 1998;  
Amended Eff. February 1, 2011; August 1, 2000;  
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 Expired Eff. May 13, 2024.

## **SECTION .0500 - POST-DISASTER POLICIES**

### **15A NCAC 07M .0501 DECLARATION OF GENERAL POLICY**

It is hereby declared that the general welfare and public interest require that all state agencies coordinate their activities to reduce the damage from coastal disasters. As predisaster planning can lay the groundwork for better disaster recovery, it is the policy of the State of North Carolina that adequate plans for post-disaster reconstruction should be prepared by and coordinated between all levels of government prior to the advent of a disaster.

*History Note:* Authority G.S. 113A-102; 113A-107; 113A-120; 113A-124(c);

*Eff. October 1, 1982;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.*

#### **15A NCAC 07M .0502 DEFINITIONS**

*History Note: Authority G.S. 113A-102; 113A-107; 113A-120; 113A-124(c);*  
*Eff. October 1, 1982;*  
*Expired Eff. April 1, 2018 pursuant to G.S. 150B-21.3A.*

#### **15A NCAC 07M .0503 POLICY STATEMENTS**

*History Note: Authority G.S. 113A-119; 113A-124(b);*  
*Eff. October 1, 1982;*  
*Amended Eff. May 1, 1990;*  
*RRC objection September 16, 2022 and rule returned to agency on December 7, 2022.*

### **SECTION .0600 - FLOATING STRUCTURE POLICIES**

#### **15A NCAC 07M .0601 DECLARATION OF GENERAL POLICY**

It is hereby declared that the general welfare and public interest require that floating structures, as defined in G.S. 113A-103(5a), to be used for residential or commercial purposes not encroach upon the public trust, except as allowed by Rule .0603 of this Section, nor discharge into the public trust waters of the coastal area of North Carolina.

*History Note: Authority G.S. 113A-102; 113A-107; 113A-108; 113A-118; 113A-120(a)(8); 113A-103; 113A-113(5);*  
*Eff. July 1, 1983;*  
*Readopted Eff. January 1, 2023.*

#### **15A NCAC 07M .0602 DEFINITIONS**

*History Note: Authority G.S. 113A-102; 113A-107; 113A-108; 113A-118; 113A-120(a)(8);*  
*113A-124(c)(5);*  
*Eff. July 1, 1983;*  
*Repealed Eff. September 1, 2023.*

#### **15A NCAC 07M .0603 POLICY STATEMENTS**

- (a) Floating structures shall not be allowed or permitted within the public trust waters of the coastal area except in a marina permitted as development pursuant to the Coastal Area Management Act of 1974.
- (b) All floating structures shall be in conformance with local regulations for on-shore sewage treatment.
- (c) A boat shall be deemed a floating structure when its means of propulsion has been removed or rendered inoperative and it contains at least 200 square feet of living space area.

*History Note: Authority G.S. 113A-102; 113A-103; 113A-107; 113A-108; 113A-118; 113A-119.2(a)(2);*  
*113A-120(a)(8);*  
*Eff. July 1, 1983;*  
*Readopted Eff. January 1, 2023;*  
*Amended Eff. June 17, 2024.*

### **SECTION .0700 – MITIGATION - GENERAL POLICY**

#### **15A NCAC 07M .0701 DECLARATION OF GENERAL POLICY**

*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 Expired Eff. May 13, 2024.*

#### **15A NCAC 07M .0702 DEFINITIONS**

For the purposes of this Subchapter, mitigation is defined as the enhancement, creation, or restoration of coastal resources to maintain the characteristics and processes of coastal ecosystems such as natural biological productivity, habitat and species diversity, physical integrity, water quality and aesthetics.

*History Note: Authority G.S. 113A-102(b); 113A-107; 113A-113; 113A-120(a); 113A-124;*  
*Eff. January 1, 1984;*  
*Readopted Eff. October 1, 2022.*

#### **15A NCAC 07M .0703 MITIGATION PROJECTS**

*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 Expired Eff. May 13, 2024.*

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

*History Note: Authority G.S. 113A-102(b); 113A-107; 113A-113; 113A-120(a); 113A-124; 113A-126;*  
*Eff. January 1, 1984;*  
*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 January 3, 2024;*  
*Emergency Rule Expired Eff. May 13, 2024.*

#### **15A NCAC 07M .0705 REVIEW PROCEDURES**

Initial denials of mitigation projects, pursuant to the procedures of 15A NCAC 7M .0703(c), and permit denials, based on inconsistency with 15A NCAC 7H .0208, which are to be offset by mitigation proposals shall be reviewed by the CRC through the appeal procedures set forth in 15A NCAC 7J .0300.

*History Note: Authority G.S. 113A-102(b); 113A-107; 113A-113; 113A-120(a); 113A-124;*  
*Eff. January 1, 1984;*  
*Amended Eff. November 1, 1984;*  
*Readopted Eff. October 1, 2022.*

### **SECTION .0800 - COASTAL WATER QUALITY POLICIES**

#### **15A NCAC 07M .0801 DECLARATION OF GENERAL POLICIES**

*History Note: Authority G.S. 113A-102(b); 113A-107; 113A-124; 16 U.S.C. s. 1453(12);*  
*Eff. November 1, 1985;*  
*RRC objection September 16, 2022 and rule returned to agency on December 7, 2022.*

#### **15A NCAC 07M .0802 POLICY STATEMENTS**

*History Note:* Authority G.S. 113A-102(b); 113A-107; 113A-124; 16 U.S.C. s. 1453(12);  
Eff. November 1, 1985;  
Amended Eff. October 1, 1988;  
RRC objection September 16, 2022 and rule returned to agency on December 7, 2022.

## **SECTION .0900 - POLICIES ON USE OF COASTAL AIRSPACE**

### **15A NCAC 07M .0901 DECLARATION OF GENERAL POLICY**

*History Note:* Authority G.S. 113A-102(b); 113A-107; 16 U.S.C. Sec. 1453 (12);  
Eff. March 1, 1990;  
RRC Objection due to lack of necessity Eff. October 17, 1991;  
Amended Eff. March 1, 1992;  
Expired Eff. April 1, 2018 pursuant to G.S. 150B-21.3A.

### **15A NCAC 07M .0902 POLICY STATEMENTS**

(a) It is the policy of the State of North Carolina that access corridors free of special use airspace designations shall be preserved along the length of the barrier islands and laterally at intervals not to exceed 25 miles to provide unobstructed access both along the coastline and from inland areas to the coast. Such access corridors shall extend from the surface to an altitude of 6000 feet above sea level except where communication and radar services allow positive aircraft control at lower altitudes.

(b) Development of aviation-related projects and associated airspace management practices shall, to the maximum extent practicable, facilitate use of aircraft by local, state and federal government agencies for purposes of resource management, law enforcement and other activities related to the public health, safety and welfare. In any case, access to restricted areas shall be provided on a periodic basis for routine enforcement flights and access shall be provided on an emergency basis when required to respond to an immediate threat to public health and safety.

*History Note:* Authority G.S. 113A-102(b); 113A-107;  
Eff. March 1, 1990.

## **SECTION .1000 - POLICIES ON WATER AND WETLAND BASED TARGET AREAS FOR MILITARY TRAINING ACTIVITIES**

### **15A NCAC 07M .1001 DECLARATION OF GENERAL POLICY**

*History Note:* Authority G.S. 113A-102(b); 113A-107;  
Eff. March 1, 1990.  
RRC objection September 17, 2022 and rule returned to agency on October 5, 2023.

### **15A NCAC 07M .1002 POLICY STATEMENTS**

*History Note:* Authority G.S. 113A-102(b); 113A-107;  
Eff. March 1, 1990;  
RRC objection September 17, 2022 and rule returned to agency on October 5, 2023.

## **SECTION .1100 - BENEFICIAL USE OF DREDGED MATERIALS FROM NAVIGATIONAL CHANNEL MAINTENANCE AND EXCAVATION – GENERAL POLICIES**

### **15A NCAC 07M .1101 DECLARATION OF GENERAL POLICY**

*History Note:* Authority G.S. 113A-107; 113-229;  
Eff. October 1, 1992;  
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 Expired Eff. May 13, 2024.*

**15A NCAC 07M .1102 POLICY STATEMENTS**

(a) Clean, beach quality material that meets the criteria set forth in Rule 15A NCAC 07H .0312 dredged from navigation channels within the active nearshore or ocean beach as defined in 15A NCAC 07H .0305 or inlet hazard area as defined in 15A NCAC 07H .0304(2) shall not be removed permanently from the active nearshore, beach or inlet hazard area unless the Director of the Division of Coastal Management determines that no practicable alternative exists pursuant to the criteria in G.S. 113A-120(a)(9). Preferably, this dredged material will be disposed of on the ocean beach or shallow active nearshore area where environmentally acceptable and compatible with other uses of the beach.

(b) The Division of Coastal Management shall grant proposals for the use of dredged material in disposal sites not privately owned shall be available by anyone proposing placement in or on the active nearshore, ocean beach, or inlet hazard area in a manner not inconsistent with Paragraph (a) of this Rule based on the availability of dredged material, priority of the requests, and consideration of the criteria in G.S. 113A-120(a).

*History Note: Authority G.S. 113A-107; 113A-118(f); 113-229;  
Eff. October 1, 1992;  
Readopted Eff. March 1, 2023.*

**SECTION .1200 - POLICIES ON OCEAN MINING**

**15A NCAC 07M .1201 DECLARATION OF GENERAL POLICY**

*History Note: Authority G.S. 113A-102; 113A-103; 113A-107;  
Eff. August 1, 1998;  
RRC objection September 16, 2022 and rule returned to agency on December 7, 2022.*

**15A NCAC 07M .1202 POLICY STATEMENTS**

*History Note: Authority G.S. 113A-102; 113A-107;  
Eff. August 1, 1998;  
RRC objection September 16, 2022 and rule returned to agency on December 7, 2022.*