

## SECTION .1200 - POLICIES ON OCEAN MINING

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

(a) The Atlantic Ocean is designated a Public Trust Area Of Environmental Concern (AEC) out to the three-mile state jurisdictional boundary; however, the ocean environment does not end at the state/federal jurisdictional boundary. Mining activities impacting the federal jurisdiction ocean and its resources can, and probably would, also impact the state jurisdictional ocean and estuarine systems and vice-versa. Therefore, it is state policy that every avenue and opportunity to protect the physical ocean environment and its resources as an integrated and interrelated system will be utilized.

(b) The usefulness, productivity, scenic, historic and cultural values of the state's ocean waters will receive the greatest practical degree of protection and restoration. No ocean mining shall be conducted unless plans for such mining include reasonable provisions for protection of the physical environment, its resources, and appropriate reclamation or mitigation of the affected area as set forth and implemented under authority of the Mining Act (G.S. 74-48) and Coastal Area Management Act (G.S. 113A-100).

(c) Mining activities in state waters, or in federal waters insofar as the activities affect any land, water use or natural or historic resource of the state waters, shall be done in a manner that provides for protection of those resources and uses. The siting and timing of such activities shall be consistent with established state standards and regulations and shall comply with applicable local land use plan policies, and AEC use standards.

*History Note:* Authority G.S. 113A-102; 113A-103; 113A-107;  
Eff. August 1, 1998.

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

(a) Impacts from mining activities involving dredging, blasting, or other methods of excavation, spoil disposal, or construction of related structures that can be expected to affect the physical ocean environment or its resources shall be identified and minimized. Any significant unavoidable damages from these actions shall be mitigated under the procedures set out in 15A NCAC 7M .0700.

(b) Damage to or interference with existing or traditional public trust uses, such as fishing, navigation, or access to public trust areas, or areas with high biological, historical archaeological, or recreational value are activities that significantly affect land or water uses or natural resources of the coastal area. Damage to or interference with existing or traditional public trust uses shall be minimized.

(c) Offshore reefs, rock outcrops, hard bottom areas, and other significant living resource habitat shall be avoided unless it can be demonstrated that the mining activity will not significantly adversely affect these resources, land or water uses or the natural resources of the coastal area, or unless their existing biological functions can be sustained through mitigation.

*History Note:* Authority G.S. 113A-102; 113A-107;  
Eff. August 1, 1998.