

15A NCAC 07H .2605 SPECIFIC CONDITIONS

- (a) The General Permit in this Section shall be applicable only for the construction of mitigation banks or in-lieu fee mitigation projects.
- (b) No excavation or filling of any submerged aquatic vegetation shall be authorized by this general permit.
- (c) The crossing of wetlands in transporting equipment shall be avoided or minimized to the maximum extent practicable. If the crossing of wetlands with mechanized or non-mechanized construction equipment is necessary track and low-pressure equipment or temporary construction mats shall be utilized for the area to be crossed. The temporary mats shall be removed immediately upon completion of construction.
- (d) No permanent structures shall be authorized by this general permit, except for signs, fences, water control structures, or those structures needed for site monitoring or shoreline stabilization.
- (e) The use of any portion of the site as compensatory mitigation for future projects shall be determined in accordance with applicable regulatory policies and procedures.
- (f) The development authorized pursuant to this general permit shall result in a net increase in aquatic resource functions and services per 73 FR 19670 and federal Clean Water Act, at 33 U.S.C. 401 et seq.; 33 U.S.C. 1344; and Pub. L. 108-136.
- (g) The entire mitigation bank or in-lieu fee project site shall be protected in perpetuity in its mitigated state through conservation easement, deed restriction, or other appropriate instrument attached to the title for the subject property and shall be owned by the permittee or its designee.
- (h) The Division of Coastal Management shall be provided copies of all monitoring reports prepared by the permittee or its designee for the authorized mitigation bank or in-lieu fee project site.
- (i) If water control structures or other hydrologic alterations are proposed, such activities shall not increase the likelihood of flooding any adjacent property.
- (j) Appropriate sedimentation and erosion control devices, measures, or structures such as silt fences, diversion swales or berms, and sand fences shall be implemented to ensure that eroded materials do not enter adjacent wetlands, watercourses, and property.
- (k) If one or more contiguous acre of property is to be graded, excavated, or filled, the applicant shall submit an erosion and sedimentation control plan with the Division of Energy, Mineral, and Land Resources, Land Quality Section. The plan shall be approved prior to commencing the land-disturbing activity.

*History Note: Authority G.S. 113A-107; 113A-118.1;
Eff. October 1, 2004;
Amended Eff. October 1, 2014; August 1, 2012 (see S.L. 2012-143, s.1.(f));
Readopted Eff. October 1, 2022.*