

15A NCAC 02R .0302 MITIGATION BANKS

All sponsors of mitigation banks that submit a prospectus to the United States Army Corps of Engineers after the effective date of this Rule shall provide the Secretary or the Secretary's designee documentation that the proposed mitigation bank is consistent with the approved Basinwide Restoration Plan for the appropriate river basin and meets the requirements of G.S. 143-214.11(f). A mitigation bank is consistent with the Basinwide Restoration Plans if the mitigation bank demonstrates that it advances the functional improvement goals identified in the Basinwide Restoration Plan, is located at a site that is otherwise consistent with the goals outlined in the Basinwide Restoration Plan for the appropriate river basin, or is approved by the United States Army Corps of Engineers. The Secretary or the Secretary's designee shall provide comments concerning this documentation through participation on the Interagency Review Team in accordance with 33 CFR Part 332 Compensatory Mitigation for Losses of Aquatic Resources. The signature of the Secretary or the Secretary's designee on the Mitigation Banking Instrument, described in 33 CFR Part 332, shall be considered as a finding by the Department that the mitigation bank is consistent with the Basinwide Restoration Plan.

*History Note: Authority G.S. 143-214.11; 143-214.12; 143-215.3;
Eff. August 1, 1998;
Readopted Eff. March 1, 2018.*