

15A NCAC 07H .2604 GENERAL CONDITIONS

- (a) The permit in this Section authorizes only those activities associated with the construction of mitigation banks and in-lieu fee mitigation projects.
- (b) Permittees shall allow representatives of the Department of Environmental Quality to make inspections at any time in order to ensure that the activity being performed under authority of this General Permit set forth in this Section is in accordance with the terms and conditions prescribed herein.
- (c) There shall be no interference with navigation or use of the waters by the public. No attempt shall be made by the permittee to prevent the use by the public of all navigable waters at or adjacent to the development authorized pursuant to the rules of this Section.
- (d) This permit shall not be applicable to proposed construction where the Division of Coastal Management has determined, based on an initial review of the application, that notice and review pursuant to G.S. 113A-119 is required because there are unresolved questions concerning the proposed activity's impact on Areas of Environmental Concern.
- (e) At the discretion of the Division of Coastal Management, review of individual project requests shall be coordinated with the Department of Environmental Quality to determine if a construction moratorium during periods of significant biological productivity or critical life stages of fisheries resources is necessary to protect those resources.

*History Note: Authority G.S. 113A-107; 113A-118.1;
Eff. October 1, 2004;
Amended Eff. October 1, 2014;
Readopted Eff. October 1, 2022.*