

**SECTION .2600 – GENERAL PERMIT FOR CONSTRUCTION OF MITIGATION BANKS AND IN-LIEU  
FEE MITIGATION PROJECTS**

**15A NCAC 07H .2601 PURPOSE**

Persons seeking to construct mitigation banks and in-lieu fee mitigation projects shall apply for a General Permit according to the rules in this Section. This permit shall be applicable only for activities resulting in net increases 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. These activities include:

- (1) restoration;
- (2) enhancement;
- (3) establishment of tidal and non-tidal wetlands and riparian areas;
- (4) restoration and enhancement of non-tidal streams and other non-tidal open waters; and
- (5) rehabilitation or enhancement of tidal streams, tidal wetlands, and tidal open waters.

This permit shall not apply within the Ocean Hazard System of Areas of Environmental Concern (AEC) or waters adjacent to these AECs with the exception of those portions of shoreline within the Inlet Hazard Area AEC that feature characteristics of Estuarine Shorelines. Such features include the presence of wetland vegetation, lower wave energy, and lower erosion rates than in the adjoining Ocean Erodible Area. A Division of Coastal Management representative will make the determination whether the site features characteristics of the Estuarine Shoreline at the time of permit application.

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