

AMEND STREAM MITIGATION REQUIREMENTS

SECTION 3.13.(a) G.S. 143-214.7C reads as rewritten:

"§ 143-214.7C. Prohibit the requirement of mitigation for impacts to intermittent ~~streams~~.streams; establish threshold for mitigation of impacts to streams.

(a) Except as required by federal law, the Department of Environmental Quality shall not require mitigation for impacts to an intermittent stream. For purposes of this section, "intermittent stream" means a well-defined channel that has all of the following characteristics:

- (1)** It contains water for only part of the year, typically during winter and spring when the aquatic bed is below the water table.
- (2)** The flow of water in the intermittent stream may be heavily supplemented by stormwater runoff.
- (3)** It often lacks the biological and hydrological characteristics commonly associated with the conveyance of water.

(b) Except as required by federal law, the Department of Environmental Quality shall not require mitigation for losses of 300 linear feet or less of stream bed."

SECTION 3.13.(b) The Environmental Management Commission shall amend its rules consistent with subsection (a) of this section.

SECTION 3.13.(c) The cochairs of the Environmental Review Commission shall examine the mitigation thresholds for losses of stream bed under the Regional Conditions adopted by the Norfolk, Charleston, and Savannah Districts of the United States Army Corps of Engineers and shall submit written comments to the Washington, D.C., Headquarters, the Wilmington District Office of the United States Army Corps of Engineers, and the North Carolina congressional delegation to encourage the Wilmington District to adopt Regional Conditions on the thresholds for losses of stream bed that are consistent with the Regional Conditions adopted by the Norfolk, Charleston, and Savannah Districts of the United States Army Corps of Engineers.