

1 **15A NCAC 07H .2304 is proposed for amendment as follows:**

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3 **15A NCAC 07H .2304 GENERAL CONDITIONS**

4 (a) Projects authorized by this permit shall be demolition, removal, and replacement of existing bridges and culverts
5 along the existing alignment and conforming to the standards in this Rule. This permit shall be applicable only to
6 single bridge and culvert projects and shall not authorize temporary fill causeways or temporary bridges that may be
7 associated with bridge replacement projects.

8 (b) The permittee shall allow authorized representatives of the Department of ~~Environment, Health, Environment~~
9 and Natural Resources (~~DEHNR~~) (Department) to make periodic inspections at any time deemed necessary in order
10 to ~~be sure~~ ensure that the activity being performed under authority of this general permit is in accordance with the
11 terms and conditions prescribed in this Rule.

12 (c) This general permit shall not be applicable to proposed construction where ~~DEHNR believes~~ the Department
13 determines that authorization may be warranted, but that the proposed activity might significantly affect the quality
14 of human environment or unnecessarily endanger adjoining properties.

15 (d) This general permit shall not be applicable to proposed construction where ~~DEHNR determines, after any~~
16 ~~necessary investigations,~~ the Department determines that the proposed activity would ~~adversely affect areas which~~
17 ~~possess~~ have significant adverse impacts on water quality or historic, cultural, scenic, ~~conservation,~~ fisheries, or
18 ~~water quality or recreational values.~~ resources.

19 (e) This permit shall not eliminate the need to obtain any other required state, local, or federal authorization.

20 (f) Development carried out under this permit shall be consistent with all local requirements, AEC guidelines, and
21 local land use ~~plans current at the time of authorization.~~ plans.

22 (g) This permit shall not apply to projects that require work channels.

23 (h) Review of individual project requests shall be coordinated with ~~appropriate~~ the Division of Marine Fisheries or
24 the Wildlife Resources ~~Commission personnel.~~ Commission. This may result in a construction moratorium during
25 periods of significant biological productivity or critical life stages.

26 (i) Development under this permit shall be carried out within ~~existing~~ Department of Transportation (DOT) right-
27 of-ways or on lands under the ownership of the applicant in the case of a non-DOT project.

28 (j) Bridge and culvert replacements shall be designed to minimize any adverse impacts to potential navigation or
29 use of the waters by the public.

30 (k) This permit shall apply only to projects involving ~~repair or~~ replacement of bridges and culverts currently serving
31 their intended function.

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33 *History Note:* Authority G.S. 113A-107; 113A-118.1; 113A-124;
34 Amended Eff. March 1, 2010; June 1, 1996.