

§ 143-214.7C. Prohibit the requirement of mitigation for certain impacts; 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 any of the following:

(1) Impacts to an intermittent stream. For purposes of this section, "intermittent stream" means a well-defined channel that has all of the following characteristics:

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

(2) Impacts associated with the removal of a dam when the removal complies with the requirements of Part 3 of this Article.

(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. (2015-241, s. 14.30(c); 2015-286, s. 4.31(a); 2017-10, s. 3.13(a); 2017-145, s. 2(a).)