

1 15A NCAC 07H .0106 is proposed for amendment as follows:

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3 **15A NCAC 07H .0106 GENERAL DEFINITIONS**

4 The following definitions apply whenever these terms are used in this Chapter:

- 5 (1) "Normal High Water" is the ordinary extent of high tide based on site conditions such as presence
6 and location of vegetation which has its distribution influenced by tidal action, and the location of
7 the apparent high tide line.
- 8 (2) "Normal Water Level" is the level of water bodies with less than six inches of lunar tide during
9 periods of little or no wind. It can be determined by the presence of such physical and biological
10 indicators as erosion escarpments, trash lines, water lines, marsh grasses, and barnacles.
- 11 (3) Unless specifically limited, the term "structures" includes, but is not limited to, buildings, bridges,
12 roads, piers wharves and docks (supported on piles), bulkheads, breakwaters, jetties, mooring
13 pilings and buoys, pile clusters (dolphins), navigational aids, and elevated boat ramps.
- 14 (4) "Mining" is defined as:
- 15 (a) the breaking of the surface soil in order to facilitate or accomplish the extraction or removal
16 of mineral, ores, or other solid matter;
- 17 (b) any activity or process constituting all or part of a process for the extraction or removal of
18 minerals, ores, soils, and other solid matter from their original Location; or
- 19 (c) the preparation, washing, cleaning, or other treatment of minerals, ores, or other solid
20 matter so as to make them suitable for commercial, industrial, or construction use.
- 21 This definition applies regardless of whether the mining activity is for a commercial or
22 noncommercial purpose, and regardless of the size of the affected area. Activities such as
23 vibracoring, box coring, surface grab sampling, and other drilling and sampling for geotechnical
24 testing, mineral resource investigations, or geological research are not considered mining.
25 Excavation of mineral resources associated with the construction or maintenance of an approved
26 navigation project in accordance with 15A NCAC 7B .0200 of this Chapter is not considered mining.
- 27 (5) "Wind Energy Facility" means the turbines, accessory buildings, transmission facilities, and any
28 other equipment necessary for the operation of the facility that cumulatively, with any other wind
29 energy facility whose turbines are located within one-half mile of one another, have a rated capacity
30 of three megawatts or more of energy.
- 31 (6) The term "man-made ditches" is defined in G.S. 113A-103(8a).

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33 *History Note: Authority G.S. 113A-102; 113A-107;*
34 *Eff. June 1, 1995;*
35 *Amended Eff. February 1, 2011; August 1, 1998; October 1, 1996;*
36 *Readopted Eff. July 1, 2020;*
37 *Amended Eff. May 1, 2027.*