

§ 143-215.25. Definitions.

As used in this Part, unless the context otherwise requires:

- (1) Dam. – A structure and appurtenant works erected to impound or divert water.
- (1a) Mill dam. – A dam built across a stream to raise the level of water for the purpose of providing water to a mill for the operation of the mill.
- (2) Minimum stream flow or minimum flow. – A stream flow of a quantity and quality sufficient in the judgment of the Department to meet and maintain stream classifications and water quality standards established by the Department under G.S. 143-214.1 and applicable to the waters affected by the project under consideration, and to maintain aquatic habitat in the length of the stream that is affected.
- (2a) Phased compliance eligible dam. – A dam that (i) is categorized as high hazard by the Department, (ii) was constructed prior to January 1, 1968, and (iii) is not owned by a unit of local government, special district, or public authority, as those terms are defined in G.S. 159-7.
- (3) Professionally supervised dam removal. – The voluntary removal of a low or intermediate hazard mill dam or run-of-river dam that (i) is not operated primarily for flood control or hydroelectric power generation purposes and (ii) the removal of which is designed and supervised by a qualified engineer.
- (4) Qualified engineer. – An engineer licensed as a professional engineer under Chapter 89C of the General Statutes.
- (5) Run-of-river dam. – A riverine or stream dam that is designed or operated to release water at approximately the same rate as the natural flow of the river or stream. (1967, c. 1068, s. 3; 1973, c. 1262, ss. 23, 38; 1977, c. 771, s. 4; c. 878, ss. 2, 4; 1983, c. 306; 1987, c. 827, ss. 154, 175; 1993, c. 394, s. 2; 2017-145, s. 1(a); 2023-131, s. 1(a).)