



ROY COOPER

Governor

MICHAEL S. REGAN

Secretary

S. JAY ZIMMERMAN

Director

October 6, 2017

TO: DENR-DWR-Wetlands-Public Listserv

FROM: Karen Higgins, 401 & Buffer Permitting Branch
Amy Chapman, Transportation Permitting Branch

RE: Proposed Revised Water Quality General Certifications and Isolated and Other non-404 Jurisdictional Wetlands and Waters Permit Revisions; Proposed Umbrella Mitigation Banking Instrument in the Haw River Sub-Watershed – Restoration Systems, LLC; Nutrient Rules (Neuse, Tar-Pamlico, Randleman) Stakeholder Meeting – October 18th

The purpose of this Public Notice is outlined below. This notice is available electronically at <https://deq.nc.gov/about/divisions/water-resources/water-resources-permits/wastewater-branch/401-wetlands-buffer-permits/401-public-notice>.

I. Proposed Revised Water Quality General Certifications and Isolated and Other non-404 Jurisdictional Wetlands and Waters Permit Revisions

The Division of Water Resources (DWR) invites public comment on proposed revisions to 401 Water Quality General Certifications (GCs) and the Isolated and Other non-404 Jurisdictional Wetlands and Waters Permit (IWP). These revisions are being undertaken to incorporate recent legislation passed by the N.C. General Assembly pertinent to the 401 program and requirements, to incorporate consistency between the U.S. Army Corps of Engineers and the state for projects conducted within Trout waters, and streamline certification of Commercial Shellfish Aquaculture Activities and Living Shorelines.

The complete text of each revised GC and the revised IWP is available online: <http://deq.nc.gov/about/divisions/water-resources/water-resources-permits/wastewater-branch/401-wetlands-buffer-permits/401-general-certifications>. The file names are shown as the existing GC number suffixed by REV (revision). For example, the proposed changes to GC3890 will be listed as a hyperlink to the document named “3890REV.” Within each draft revised GC and IWP, items to be deleted are shown as struck through, and items to be added are shown as underlined. If you lack internet access, please contact Sue Homewood at 336-776-9693 to request copies of the specific draft revised GCs you would like to review.

The public is invited to comment in writing to the DWR on the documents described above. Comments should be mailed to the NC Division of Water Resources, Attn: Sue Homewood, 450 W. Hanes Mill Rd., Winston-Salem, NC, 27107. Comments may also be emailed to: sue.homewood@ncdenr.gov. **Comments must be received no later than close of business on November 6, 2017.**

II. UMBI for Riparian Buffer Mitigation & Nutrient Offset Credits in the Haw River Sub-Watershed

An Umbrella Mitigation Banking Instrument (UMBI) has been prepared by Restoration Systems, LLC (RS) for review and approval by the Division of Water Resources under the Buffer Mitigation Rule 15A NCAC 02B .0295 and the Nutrient Offset Rule 15A NCAC 02B .0240. This UMBI, if approved, will allow RS to sell riparian buffer mitigation and nutrient offset credits within the Haw River Sub-Watershed of the Jordan Lake Watershed. Four site-specific Bank Parcel Development Packages are anticipated to be submitted for review and approval under this UMBI.

The proposed UMBI can be found online at

<http://edocs.deq.nc.gov/WaterResources/0/doc/591472/Page1.aspx> . Persons wishing to comment are invited to submit their comments in writing to Katie Merritt at (katie.merritt@ncdenr.gov or 1617 Mail Service Center, Raleigh, NC 27699-1617). All comments received by DWR by close of business (5:00 p.m.) on October 23, 2017 will be considered during preparation and approval of the final UMBI. If you have any questions, please contact Katie Merritt at 919-807-6371.

III. Nutrient Rules (Neuse, Tar-Pamlico, Randleman) Stakeholder Meeting – October 18, 2017

The Division of Water Resources will hold a stakeholder meeting on Wednesday, October 18th, 2017 from 9 a.m. to 4 p.m. in Wilson (Wedgewood Country Club, 3201 Stantonsburg Road SE, Wilson, NC 27893) to present and receive input on the draft proposed revisions to the Neuse, Tar-Pamlico, and Randleman Nutrient Strategy Rules. This is still the informal stage of the rulemaking process and this meeting will provide a great opportunity to share any comments or concerns you may have before the draft rules firm up for the formal rule making process in January.

We expect this to be the last “All-Parties” stakeholder meeting of the informal stage of the nutrient strategies rulemaking process, but are happy to meet with individual parties both before and after the meeting as the need arises for those wishing to provide comments. The current rulemaking schedule has been modified from previous announcements. Procedurally, the beginning of the formal rulemaking process has been reset for January 2018 and will likely last at least 18 months. During that process there will be additional opportunity for public to comment on the rules.

Draft revisions to the “02B” rules, which include the nutrient strategy rules, are posted on the Division’s website (<https://deq.nc.gov/about/divisions/water-resources/water-resources-regulations-guidance/dwr-classifications-standards/rule-readoption-process>). The meeting on the 18th will be an all-day meeting with rules topics organized into a morning session and afternoon session. The morning session will cover the Buffer, Stormwater, and Nutrient Offset rules while the afternoon session will cover Agriculture, Wastewater and the remainder of the nutrient strategy rules. For additional meeting details please see the attached agenda. Following the meeting on the 18th we will share with stakeholders how comments from the meeting were addressed.

We look forward to meeting with you on October 18th. In the meantime, if you have any questions please do not hesitate to give John Huisman a call at (919-807-6436) or email at John.Huisman@ncdenr.gov.