

**STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES**

**REPORT OF PROCEEDINGS ON THE PROPOSED RECLASSIFICATIONS OF
WETLANDS IN NORTH CAROLINA RIVER BASINS (LITTLE TENNESSEE,
FRENCH BROAD, WATAUGA, NEW, YADKIN-PEE DEE, LUMBER,
CAPE FEAR, WHITE OAK, ROANOKE, TAR-PAMLICO, AND PASQUOTANK)
TO CLASS UWL (UNIQUE WETLANDS)**

PUBLIC HEARING DATES AND LOCATIONS

**MAY 15, 2007
GROUND FLOOR HEARING ROOM
ARCHDALE BUILDING
512 NORTH SALISBURY STREET
RALEIGH, NC**

**MAY 23, 2007
CAROLINA BEACH STATE PARK
VISITOR AUDITORIUM
1010 STATE PARK ROAD
CAROLINA BEACH, NC**

**HEARING OFFICER'S REPORT AND RECOMMENDATION TO THE
ENVIRONMENTAL MANAGEMENT COMMISSION
TABLE OF CONTENTS**

	<u>Page</u>
SUMMARY	
General Information on NC Water Quality Classifications and Standards	1
Current Information Specific to the Unique Wetlands (UWL) Classification	1
Request for Proposed UWL Reclassifications	2
Regulatory Implications of Proposed UWL Reclassifications	2
PUBLIC HEARING PROCESS AND COMMENTS RECEIVED	2
MAJOR ISSUES/COMMENTS RECEIVED AND DIVISION RESPONSE	3
RECOMMENDATION	4
APPENDIX	5
REQUESTS FOR RECLASSIFICATION WITH MAPS OF WETLANDS PROPOSED FOR RECLASSIFICATION	6-104
PROPOSED RULE AMENDMENTS TO RIVER BASIN SCHEDULE OF CLASSIFICATIONS:	105-120
• Little Tennessee 15A NCAC 2B .0303	
• French Broad 15A NCAC 2B .0304	
• Watauga 15A NCAC 2B .0305	
• New 15A NCAC 2B .0307	
• Yadkin-Pee Dee 15A NCAC 2B .0309	
• Lumber 15A NCAC 2B .0310	
• Cape Fear 15A NCAC 2B .0311	
• White Oak 15A NCAC 2B .0312	
• Roanoke 15A NCAC 2B .0313	
• Tar-Pamlico 15A NCAC 2B .0316	
• Pasquotank 15A NCAC 2B .0317	
PUBLIC HEARINGS' ANNOUNCEMENT FOR MAY 15, 2007 AND MAY 23, 2007	121
NC DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES NEWS RELEASE	123
HEARING OFFICER DESIGNATION MEMO	124
DWQ'S BROCHURE: UNIQUE WETLAND CLASSIFICATION: A WETLAND MANAGEMENT AND PROTECTION TOOL	125
LIST OF PUBLIC HEARINGS' ATTENDEES AND WRITTEN COMMENTS RECEIVED	127-134
REGULATIONS INCLUDED:	
• 15A NCAC 2B .0101, 15A NCAC 2B .0231, AND 15A NCAC 2H .0506	135-141

SUMMARY

General Information on North Carolina Water Quality Classifications and Standards

All surface waters of North Carolina are assigned a *primary* classification that is based on their best uses, by the North Carolina Division of Water Quality (DWQ) under the authority of the Environmental Management Commission (EMC). A set of numerical and narrative water quality standards is associated with each classification to protect the best uses. The most common and basic classification for all freshwaters is Class C. Additional primary freshwater classifications provide more levels of protection for water supplies for drinking, culinary, or food processing purposes (WS-I through WS-V) and primary recreation (B).

Supplemental classifications may be added to the primary classifications to provide additional protection to waters with special uses and values. Most of the supplemental classifications offer special protection to resource waters that are sensitive or highly valued. The DWQ supplemental classifications include Trout Waters (Tr), Swamp Waters (Sw), Nutrient Sensitive Waters (NSW), High Quality Waters (HQW), and Outstanding Resource Waters (ORW).

North Carolina's classifications and standards for wetlands to protect uses associated with them, including water storage, filtration, storage of sediments and nutrients, shoreline protection, and aquatic life and wildlife habitat were promulgated in 1996.

Current Information Specific to the Unique Wetlands (UWL) Classification

The UWL classification, promulgated with the passage of the state's wetland standards, is a subcategory of the aquatic life and wildlife habitat use designation and applied to wetlands upon a finding by the EMC that such areas are of *exceptional state or national ecological significance, which require special protection to maintain existing uses*. "Wetlands of state and national ecological significance" are existing natural wetlands of North Carolina identified by the North Carolina Natural Heritage Program (NHP) as supporting viable populations of imperiled or vulnerable high quality natural communities, or federal or state endangered and threatened or special concern animals and plant species, or rare species.

Under the above UWL selection criteria, DWQ and NHP jointly estimated that up to approximately 200,000 acres of wetlands could be eligible for the UWL classification as indicated in the DWQ brochure "Unique Wetland Classification: A Wetland Management and Protection Tool" (see Appendix). The majority of these wetlands are found on public lands located in three regions of the state: the Mountains, the Sandhills, and the Southeast Coastal Plain. Approximately 66% of the known potential UWLs are managed by three state and federal agencies: the US Fish and Wildlife Service, the Department of Defense, and the NC Wildlife Resources Commission. The remaining 34% are managed by a variety of public and private entities, such as municipal governments, land trusts, and private owners. The water quality standards that are applicable to all wetlands including UWLs are found in 15A NCAC 2B .0231. The requirements necessary to maintain the existing uses of classified UWLs are found at 15A NCAC 2H .0506 (e).

Request for Proposed UWL Reclassifications

A request to the EMC to undergo rulemaking to reclassify thirty-three wetland areas in eleven North Carolina river basins (the Little Tennessee, the French Broad, the Watauga, the New, the Yadkin-Pee Dee, the Lumber, the Cape Fear, the White Oak, the Roanoke, the Tar-Pamlico, and the Pasquotank) to add the supplemental UWL classification was submitted by the Division of Water Quality Wetlands Unit. (See Appendix for the Requests for Reclassifications of NC Wetland/s to Unique Wetland, a Schedule of Classifications for each affected river basin, which lists the wetlands recommended for reclassification to the UWL classification, and a map for each potential UWL wetland area that shows the boundaries of the wetlands proposed for the reclassification.) All of the wetlands requested in this initial set of proposed reclassifications are managed either by the Department of Defense, the North Carolina Division of Parks and Recreation, or the Nature Conservancy. The estimated total wetland acreage proposed for reclassification to Class UWL is 3,800 acres.

Regulatory Implications of Proposed UWL Reclassification

Activities in UWL classified wetlands are not allowed unless a demonstrated public need exists and mitigation is performed within the same watershed and wetland type when practical pursuant to 15A NCAC 2H .0506 (e).

PUBLIC HEARING PROCESS AND COMMENTS RECEIVED

In accordance with North Carolina General Statutes, public hearings were held on the proposed UWL reclassifications on May 15, 2007 in Raleigh, North Carolina and on May 23, 2007 in Carolina Beach, North Carolina. A public notice of the hearings was published in the April 16, 2007, North Carolina Register (Volume 21, Issue 20). An announcement for the public hearings was sent to those people who requested to be placed on the Water Quality Standards Rulemaking Announcements mailing and e-mail lists and local governments, public landowners, and land trusts that may be potentially affected by the proposed action (see Appendix). A Department of Environment and Natural Resources news release of the public hearings on the proposed reclassifications was also given (see Appendix). One hearing officer for both public hearings was appointed. (See Appendix for the hearing officer designation memo from the DWQ Director.)

A total of 22 individuals registered for the public hearings. During each public hearing DWQ staff gave a slide presentation and brief overview of the UWL reclassifications proposal. After the presentation of the proposal, the hearing officer invited the public to give their comments. Two people gave oral comments on the reclassifications proposal, and one of them gave the same comments in writing. One of these individuals expressed support for this proposal but the other did not. Written comments were accepted on the proposed UWL reclassifications through June 15, 2007 and four letters, three in support of the proposed reclassifications, were received during the comment period (Watauga River Conservation Partners, NC Division of Marine Fisheries, US Fish and Wildlife Service, and PCS Phosphate Mining Company). (See Appendix for these written comments.)

MAJOR ISSUES/COMMENTS RECEIVED AND DIVISION RESPONSE

Issue/Comment:

A former DWQ employee, who laid the groundwork for the UWL classification, thanked the DWQ staff for its efforts on the UWL reclassifications proposal. He also said that this classification is really important in terms of protecting the wetland diversity in North Carolina.

Response:

Not Applicable

Issue/Comment:

Does the EMC, DWQ, and NHP anticipate seeking reclassifications in the future that will involve private lands (potentially with unwilling land owners)?

Response:

There are no current plans for reclassifying wetland sites on private property of unwilling landowners.

Issue/Comment:

If additional reclassifications are proposed in the future, will the same rule-making process be required?

Response:

Yes.

Issue/Comment:

How is "essential" habitat determined?

Response:

EMC Rule 15A NCAC 2B .0101 (e)(7) states that Unique Wetlands may include wetlands that have been documented to the satisfaction of the Commission as habitat essential for the conservation of state or federally listed threatened or endangered species. The approach to identifying "essential habitat" relies on NHP data, which is assumed to be scientifically valid and defensible.

Issue/Comment:

Does the EMC, DWQ, and NHP anticipate seeking additional reclassifications in the future that will include lands that have characteristics that could provide habitat for these species but do not have the documented presence of these species?

Response:

No. DWQ proposes to use the UWL criteria, which focuses on the presence of these species - state or federally listed endangered or threatened species.

Issue/Comment:

"may include" implies that there are other criteria for classification of UWLs - what are the other criteria?

Response:

EMC Rule 15A NCAC 2B .0101 (e)(7) defines UWLs as wetlands of exceptional state or national ecological significance and states that UWLs may include state or federally listed endangered or

threatened species. Other UWLs may include: 1) wetlands classified by NHP as imperiled or vulnerable high quality natural communities, 2) wetlands classified by NHP as viable imperiled or vulnerable natural communities, 3) wetlands that support a high quality occurrence of special concern species, 4) wetlands that support a viable occurrence of special concern species, 5) wetlands that support a high quality occurrence of significantly rare species, or 6) wetlands that support a viable occurrence of significantly rare species.

Issue/Comment:

Does "watershed" refer to river basin, hydrologic unit classification, or other?

Response:

In the context of Unique Wetlands, DWQ staff believes that this term refers to the same named stream rather than a broader area. However, the rule also states "when practical" which then does not result in a requirement for mitigation within the watershed of the named stream but rather encourages the mitigation search within that geographic area.

Issue/Comment:

Would all thirty-three sites be jurisdictional wetlands?

Response:

Yes, the sites meet the wetland definition in the 1987 Corps of Engineers Wetland Delineation Manual.

Several parties interested in the reclassifications proposed had asked for the following: 1) a map that shows where the proposed UWL sites are located, 2) Geographic Information System shape files for the UWL candidates, and 3) a name and telephone number of a NC Division of Parks and Recreation staff person who could be asked about public accessibility to a proposed UWL site. Both DWQ and the North Carolina Center for Geographic Information and Analysis maintain a Geographic Information Systems data layer for each of the 33 wetlands proposed for the UWL designation.

RECOMMENDATION

It is the recommendation of the hearing officer that the reclassification of thirty-three proposed UWL wetlands, as proposed herein by DWQ, be approved by the EMC. In making this recommendation, the hearing officer has considered the requirements of the General Statutes 150B.21.2, 143.214.1 and Rules within 15A NCAC 2B .0100 (Procedures for Assignment of Water Quality Standards), 15A NCAC 2B .0200 [Classifications and Water Quality Standards Applicable to Surface Waters and Wetlands of NC, specifically 15A NCAC 2B .0231 (Wetland Standards)], 15A NCAC 2B .0300 (Assignment of Stream Classifications) and 15A NCAC 2H .0500 [Water Quality Certification, specifically 15A NCAC 2H .0506 (Review of Applications)], the UWL selection criteria, and public comments that support the recommendation. In taking this action, Rules 15A NCAC 2B .0303, .0304, .0305, .0307, .0309, .0310, .0311, .0312, .0313, .0316, and .0317, which reference the Schedules of Classification for the Little Tennessee River Basin and Savannah River Drainage Area, the French Broad River Basin, the Watauga River Basin, the New River Basin, the Yadkin-Pee Dee River Basin, the Lumber River Basin, the Cape Fear River Basin, the White Oak River Basin, the Roanoke River Basin, the Tar-Pamlico River Basin, and the Pasquotank River Basin, respectively, will show that the EMC has revised the schedules for the reclassification of thirty-three wetlands to UWL.

The proposed effective date of these reclassifications is estimated November 1, 2007.

APPENDIX

**APPLICATION TO REQUEST
RECLASSIFICATION OF NC WETLAND/S TO
UNIQUE WETLAND (UWL)**

1. Date of Request: February 16, 2005
2. Requested by (include full contact information):

John Dorney
401 Certification/Wetlands Unit
2321 Crabtree Blvd.
Raleigh, NC 27604
(919) 733-9646
John.Dorney@ncmail.net

3. River Basin: Lumber County(ies): Robeson

4. List Wetland/s requested for Reclassification: (*see reverse)

<u>Wetland Name</u>	<u>Nearest Waterbody Name</u>	<u>Nearest Waterbody Index #</u>
Pretty Pond Bay	Big Marsh Swamp	14-22-2

5. Attachments:

Is a USGS 7.5 minute topographic map outlining the subject wetland/s attached?

Yes

Is a resolution from the landowner within the boundaries of the proposed wetland/s attached? Yes

6. Reason for Request, Mapping Conventions, and Any Supplemental Information (attach additional sheet if necessary): *Additional information on the reverse side of this application.*

Pretty Pond Bay is a Carolina Bay wetland dominated by Cypress Savanna Natural Community, ranked S2 by the Natural Heritage Program. NHP considers this site to be of excellent quality with an element occurrence rank of A. Pretty Pond Bay contains a number of state and federally listed plant and animal species. Based on the ranking of the natural, Pretty Pond Bay meets Tier I criteria of the Unique Wetlands classification.

The Nature Conservancy owns the entirety of the site. Present and future land use of the site is a nature preserve. Surrounding land use is residential. There is a trailer park approximately 100 feet north of the rim of the wetland. Additional low-density residential areas lie to the west of the bay. The town of St. Pauls is 2-miles west of the bay. The majority of the surrounding area is dominated by agricultural land use. The delineated Unique Wetland area is entirely within TNC's property boundary and is exclusively made up of Cypress Savanna wetlands. The total area of the Unique Wetland delineation is 21.39 acres.

*Guidance for completing #4 on the first page of this application form:

The waterbody information being requested can be found in a "Schedule of Classifications" for the subject river basin (also known as North Carolina Administrative Code, Title 15A Subchapter 2B, Section .0300). A hard copy can be requested from staff at the Division of Water Quality at the number below. The "Schedule of Classifications" containing classifications of surface waters is also available online at:

<http://h2o.enr.state.nc.us/bims/Reports/reports.html>

The North Carolina Administrative Code Rules pertinent to Water Quality Classifications (15A NCAC 2B .0100 and .0200) may be found on the internet at

<http://h2o.enr.state.nc.us/admin/rules/>

The homepage for the NC Division of Water Quality is:

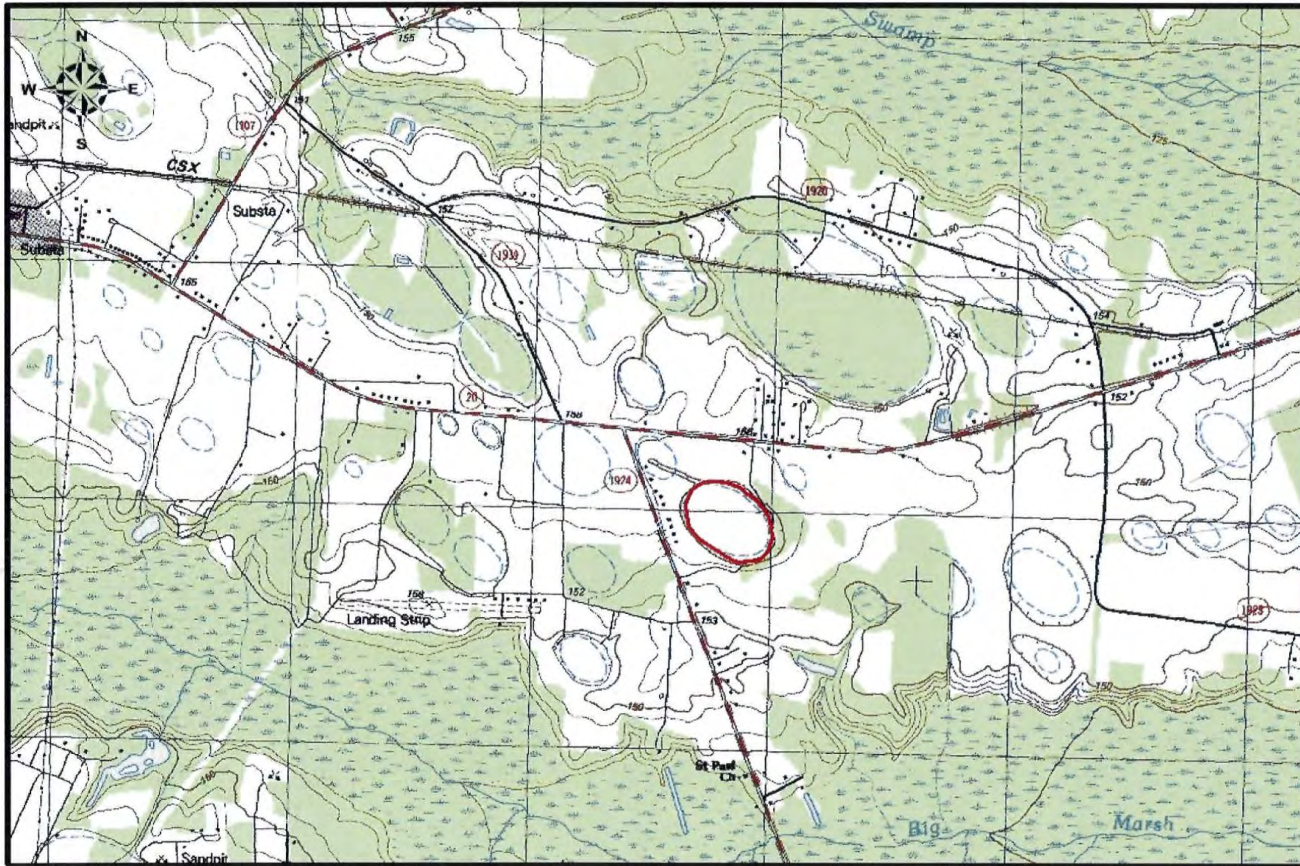
<http://h2o.enr.state.nc.us/wqs/>

IT IS EXTREMELY BENEFICIAL TO ATTACH A USGS 1:24,000 TOPOGRAPHIC MAP WITH AN OUTLINE OR HIGHLIGHT OF WETLAND/S BEING REQUESTED FOR RECLASSIFICATION

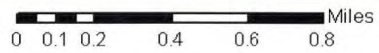
If you need additional information or would like to request an electronic or paper copy of this application form, please submit such a request to the Division of Water Quality to: Elizabeth.Kountis@ncmail.net or by calling Elizabeth Kountis at (919) 733-5083, EXT. 369 or, a letter may be submitted to the address below.

Send this completed application form and attachments to:

<p>Jeff Manning, Supervisor North Carolina Department of Environment and Natural Resources Division of Water Quality-Planning Section 1617 Mail Service Center Raleigh, NC 27699-1617</p>



UWL Name	USGS Quad
Pretty Pond Bay	Saint Pauls



June 26, 2007

**APPLICATION TO REQUEST
RECLASSIFICATION OF NC WETLAND/S TO
UNIQUE WETLAND (UWL)**

1. Date of Request: February 16, 2005
2. Requested by (include full contact information):

John Dorney
401 Certification/Wetlands Unit
2321 Crabtree Blvd.
Raleigh, NC 27604
(919) 733-9646
John.Dorney@ncmail.net
3. River Basin: Lumber County(ies): Columbus
4. List Wetland/s requested for Reclassification: (*see reverse)

<u>Wetland Name</u>	<u>Nearest Waterbody Name</u>	<u>Nearest Waterbody Index #</u>
Waccamaw Natural Lake Shoreline	Lake Waccamaw	15-2
5. Attachments:

Is a USGS 7.5 minute topographic map outlining the subject wetland/s attached?
Yes

Is a resolution from the landowner within the boundaries of the proposed wetland/s attached? Yes
6. Reason for Request, Mapping Conventions, and Any Supplemental Information (attach additional sheet if necessary): *Additional information on the reverse side of this application.*

Waccamaw Natural Lake Shoreline represents a natural community of the same name found along North Carolina's bay lakes. The Waccamaw Natural Lake Shoreline is unique in that it is primarily herbaceous dominated with a diverse flora of emergent and floating aquatic wetland plant species. This natural community is ranked S1/S2 by the Natural Heritage Program (NHP). NHP considers this site to be of excellent quality with an element occurrence rank of A. NHP has documented several state and federally listed plant and animal species along the lakeshore of Lake Waccamaw. Based on the natural community type, Waccamaw Natural Lake Shoreline meets Tier I of the Unique Wetlands classification.

The site is owned by the NC Department of Parks and Recreation (DPR) and is located in Lake Waccamaw State Park. Land use in the park is a nature preserve and outdoor recreation. A boat ramp extends through the lakeshore but is not included in the Unique Wetland delineated area. The proposed UWL is bordered by Lake Waccamaw to the north and by the state park to the south. The park extends at least ¼ to 1-mile away from the lakeshore to the south, southeast, and southwest. Private property lies within 0.05 miles of the proposed UWL area immediately east and west, where the state park ends and lakefront homes begin to line shore. The total area of the delineated Unique Wetland is 49.33 acres.

***Guidance for completing #4 on the first page of this application form:**

The waterbody information being requested can be found in a "Schedule of Classifications" for the subject river basin (also known as North Carolina Administrative Code, Title 15A Subchapter 2B, Section .0300). A hard copy can be requested from staff at the Division of Water Quality at the number below. The "Schedule of Classifications" containing classifications of surface waters is also available online at:

<http://h2o.enr.state.nc.us/birms/Reports/reports.html>

The North Carolina Administrative Code Rules pertinent to Water Quality Classifications (15A NCAC 2B .0100 and .0200) may be found on the internet at

<http://h2o.enr.state.nc.us/admin/rules/>

The homepage for the NC Division of Water Quality is:

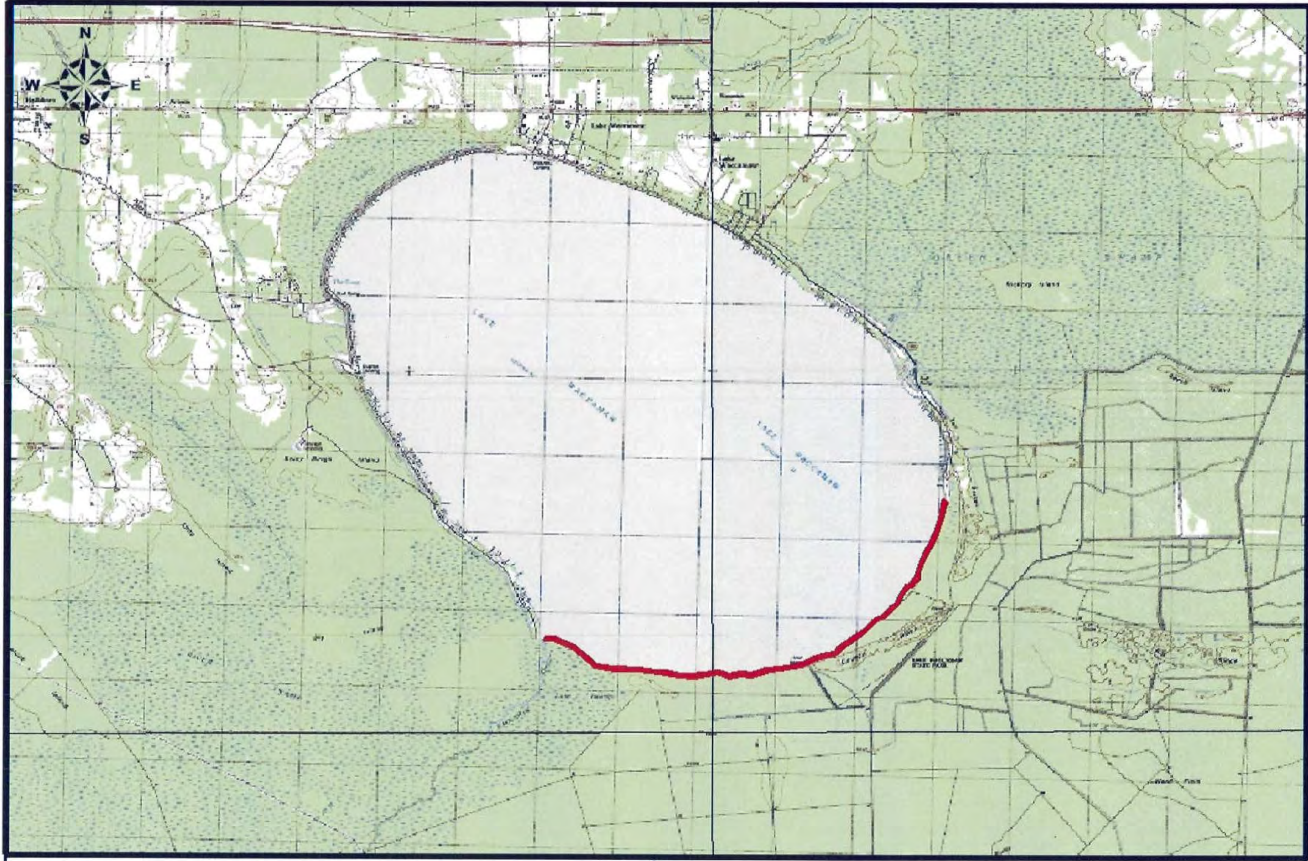
<http://h2o.enr.state.nc.us/wqs/>

IT IS EXTREMELY BENEFICIAL TO ATTACH A USGS 1:24,000 TOPOGRAPHIC MAP WITH AN OUTLINE OR HIGHLIGHT OF WETLAND/S BEING REQUESTED FOR RECLASSIFICATION

If you need additional information or would like to request an electronic or paper copy of this application form, please submit such a request to the Division of Water Quality to: Elizabeth.Kountis@ncmail.net or by calling Elizabeth Kountis at (919) 733-5083, EXT. 369 or, a letter may be submitted to the address below.

Send this completed application form and attachments to:

<p>Jeff Manning, Supervisor North Carolina Department of Environment and Natural Resources Division of Water Quality-Planning Section 1617 Mail Service Center Raleigh, NC 27699-1617</p>



UWL Name	USGS Quad
Waccamaw Lake Shoreline	Lake Waccamaw E & W



June 26, 2007

**APPLICATION TO REQUEST
RECLASSIFICATION OF NC WETLAND/S TO
UNIQUE WETLAND (UWL)**

1. Date of Request: February 16, 2005
2. Requested by (include full contact information):

John Dorney
401 Certification/Wetlands Unit
2321 Crabtree Blvd.
Raleigh, NC 27604
(919) 733-9646
John.Dorney@ncmail.net

3. River Basin: Cape Fear County(ies): Cumberland

4. List Wetland/s requested for Reclassification: (*see reverse)

<u>Wetland Name</u>	<u>Nearest Waterbody Name</u>	<u>Nearest Waterbody Index #</u>
Bushy Lake	Turnbull Creek	18-46

5. Attachments:

Is a USGS 7.5 minute topographic map outlining the subject wetland/s attached?
Yes

Is a resolution from the landowner within the boundaries of the proposed wetland/s attached? Yes

6. Reason for Request, Mapping Conventions, and Any Supplemental Information (attach additional sheet if necessary): *Additional information on the reverse side of this application.*

Bushy Lake is a peat-filled Carolina Bay dominated by a Low Pocosin natural community. The Natural Heritage Program (NHP) ranks this natural community S2. NHP considers the natural community to be of excellent quality with an element occurrence rank of A. The site has also been documented as harboring several state and federally listed plant species. Based on the presence of the Low Pocosin natural community, Bushy Lake meets the Tier I criteria of the Unique Wetlands classification.

The site is within Bushy Lake State Natural Area and is owned by the NC Department of Parks and Recreation (DPR). The area inside the State Natural Area is entirely forest/wildlife land use. The surrounding land use is primarily forest and wildlife. The State Natural Area extends along the east side of Bushy Lake. Suggs Mill Pond Game Land adjoins the lake to the south. Turnbull Creek is located ½ mile to the east of the site. There are some low-density residential areas in the vicinity and agricultural lands 1 mile to the north and northeast. NC 242 is located 0.7 miles to the east of Bushy Lake. Areas of silviculture lie immediately adjacent to Bushy Lake to the northeast. A small portion of the northeast corner of the Bushy Lake and the southeastern bay rim are privately owned but are not included in the proposed UWL area. The total area of the proposed UWL delineation is 1277.89 acres.

***Guidance for completing #4 on the first page of this application form:**

The waterbody information being requested can be found in a "Schedule of Classifications" for the subject river basin (also known as North Carolina Administrative Code, Title 15A Subchapter 2B, Section .0300). A hard copy can be requested from staff at the Division of Water Quality at the number below. The "Schedule of Classifications" containing classifications of surface waters is also available online at:
<http://h2o.enr.state.nc.us/bims/Reports/reports.html>

The North Carolina Administrative Code Rules pertinent to Water Quality Classifications (15A NCAC 2B .0100 and .0200) may be found on the internet at
<http://h2o.enr.state.nc.us/admin/rules/>

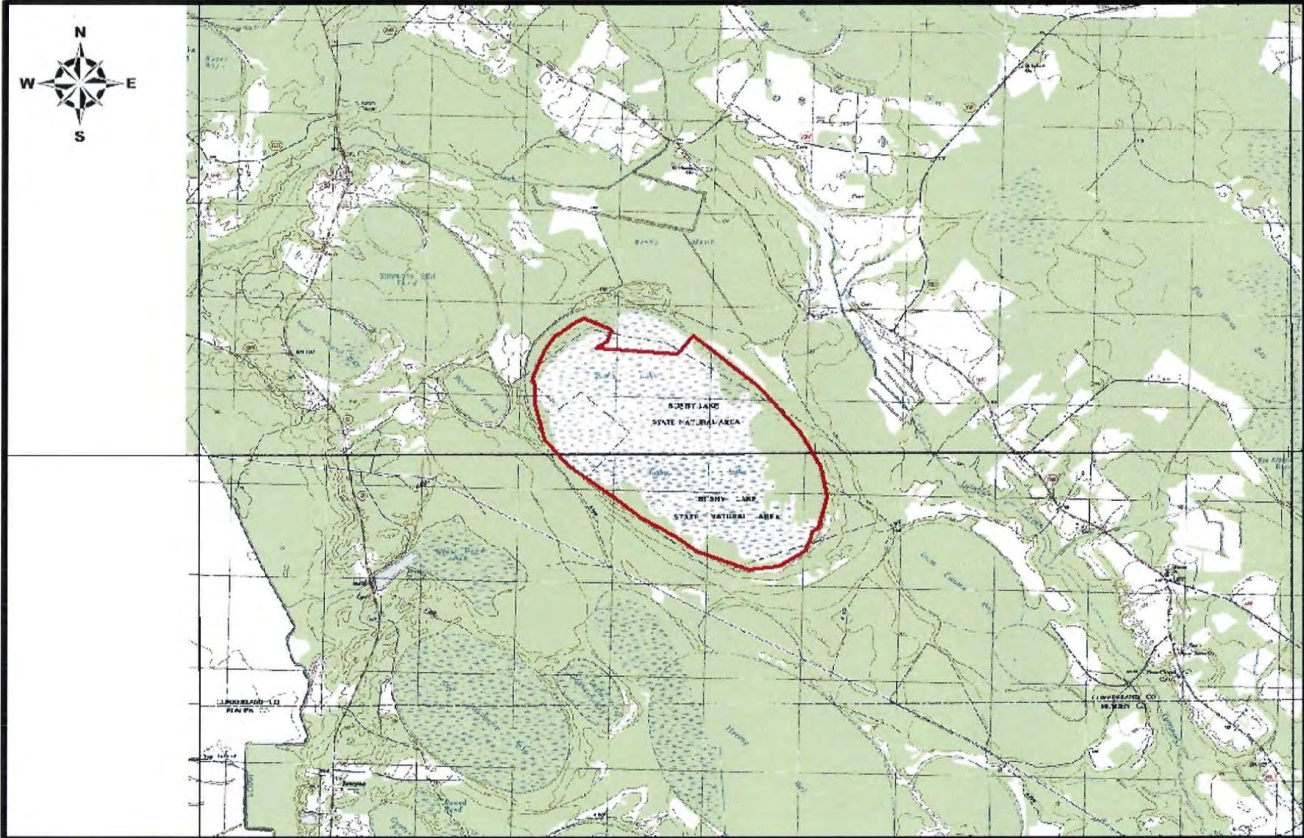
The homepage for the NC Division of Water Quality is:
<http://h2o.enr.state.nc.us/wqs/>

IT IS EXTREMELY BENEFICIAL TO ATTACH A USGS 1:24,000 TOPOGRAPHIC MAP WITH AN OUTLINE OR HIGHLIGHT OF WETLAND/S BEING REQUESTED FOR RECLASSIFICATION

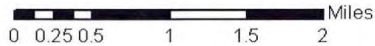
If you need additional information or would like to request an electronic or paper copy of this application form, please submit such a request to the Division of Water Quality to: Elizabeth.Kountis@ncmail.net or by calling Elizabeth Kountis at (919) 733-5083, EXT. 369 or, a letter may be submitted to the address below.

Send this completed application form and attachments to:

<p>Jeff Manning, Supervisor North Carolina Department of Environment and Natural Resources Division of Water Quality-Planning Section 1617 Mail Service Center Raleigh, NC 27699-1617</p>



UWL Name	USGS Quad
Bushy Lake Bay	Autryville and Jerome



June 26, 2007

**APPLICATION TO REQUEST
RECLASSIFICATION OF NC WETLAND/S TO
UNIQUE WETLAND (UWL)**

1. Date of Request: February 16, 2005
2. Requested by (include full contact information):

John Dorney
401 Certification/Wetlands Unit
2321 Crabtree Blvd.
Raleigh, NC 27604
(919) 733-9646
John.Dorney@ncmail.net

3. River Basin: Lumber County(ies): Hoke

4. List Wetland/s requested for Reclassification: (*see reverse)

<u>Wetland Name</u>	<u>Nearest Waterbody Name</u>	<u>Nearest Waterbody Index #</u>
Antioch Bay	Raft Swamp	14-10-1

5. Attachments:

Is a USGS 7.5 minute topographic map outlining the subject wetland/s attached?
Yes

Is a resolution from the landowner within the boundaries of the proposed wetland/s attached? Yes

6. Reason for Request, Mapping Conventions, and Any Supplemental Information (attach additional sheet if necessary): *Additional information on the reverse side of this application.*

Antioch Bay is a Carolina Bay wetland dominated by Cypress Savanna Natural Community, ranked S2 by the Natural Heritage Program. NHP considers this site to be of excellent quality with an element occurrence rank of A. Antioch Bay contains a number of state and federally listed plant and animal species. Based on the ranking of the natural community, Antioch Bay meets Tier I criteria of the Unique Wetlands classification.

The Nature Conservancy (TNC) owns the majority of the site. Present and future land use of the site is a nature preserve. Surrounding land use is predominately agricultural with some low-density residential areas nearby. The town of Antioch lies 1½ miles to the northwest. The delineated Unique Wetland area is entirely within TNC's property boundary and is exclusively made up of Cypress Savanna wetlands. Adjacent private property owners hold two small portions of the bay and much of the upland bay rim. These areas are excluded from the UWL delineation. The total area of the Unique Wetland delineation is 73.07 acres.

***Guidance for completing #4 on the first page of this application form:**

The waterbody information being requested can be found in a "Schedule of Classifications" for the subject river basin (also known as North Carolina Administrative Code, Title 15A Subchapter 2B, Section .0300). A hard copy can be requested from staff at the Division of Water Quality at the number below. The "Schedule of Classifications" containing classifications of surface waters is also available online at:
<http://h2o.enr.state.nc.us/bims/Reports/reports.html>

The North Carolina Administrative Code Rules pertinent to Water Quality Classifications (15A NCAC 2B .0100 and .0200) may be found on the internet at
<http://h2o.enr.state.nc.us/admin/rules/>

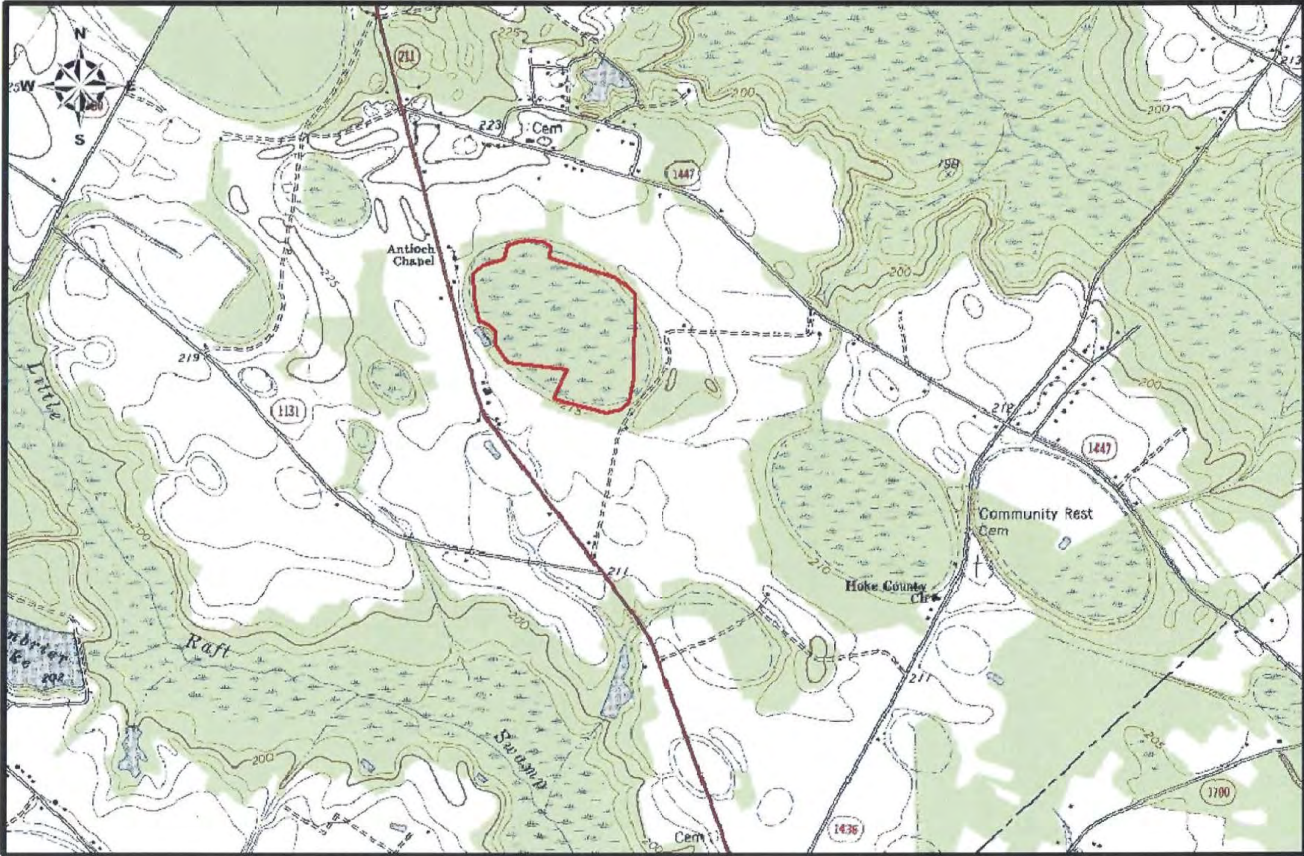
The homepage for the NC Division of Water Quality is:
<http://h2o.enr.state.nc.us/wqs/>

IT IS EXTREMELY BENEFICIAL TO ATTACH A USGS 1:24,000 TOPOGRAPHIC MAP WITH AN OUTLINE OR HIGHLIGHT OF WETLAND/S BEING REQUESTED FOR RECLASSIFICATION.

If you need additional information or would like to request an electronic or paper copy of this application form, please submit such a request to the Division of Water Quality to: Elizabeth.Kountis@ncmail.net or by calling Elizabeth Kountis at (919) 733-5083, EXT. 369 or, a letter may be submitted to the address below.

Send this completed application form and attachments to:

<p>Jeff Manning, Supervisor North Carolina Department of Environment and Natural Resources Division of Water Quality-Planning Section 1617 Mail Service Center Raleigh, NC 27699-1617</p>



UWL Name	USGS Quad
Antioch Bay	Red Springs



June 26, 2007

**APPLICATION TO REQUEST
RECLASSIFICATION OF NC WETLAND/S TO
UNIQUE WETLAND (UWL)**

1. Date of Request: February 16, 2005
2. Requested by (include full contact information):

John Dorney
401 Certification/Wetlands Unit
2321 Crabtree Blvd.
Raleigh, NC 27604
(919) 733-9646
John.Dorney@ncmail.net

3. River Basin: Cape Fear County(ies): Moore

4. List Wetland/s requested for Reclassification: (*see reverse)

<u>Wetland Name</u>	<u>Nearest Waterbody Name</u>	<u>Nearest Waterbody Index #</u>
Weymouth Woods	Mill Creek	18-23-11-(1)
Sandhill Seep		

5. Attachments:

Is a USGS 7.5 minute topographic map outlining the subject wetland/s attached?

Yes

Is a resolution from the landowner within the boundaries of the proposed wetland/s attached? Yes

6. Reason for Request, Mapping Conventions, and Any Supplemental Information (attach additional sheet if necessary): *Additional information on the reverse side of this application.*

Weymouth Woods Sandhill Seep is similar community to Bower's Bog and is ranked S2/S3 by the Natural Heritage Program (NHP). The site has yet to be evaluated by NHP, however, it is in natural condition and is regularly managed with prescribed fire. Though NHP has not assessed the wetland community, they have documented an occurrence of a rare plant in the seep. Based on the ranking of the natural community, Weymouth Woods Sandhill Seep meets Tier I criteria of the Unique Wetlands classification.

Weymouth Woods Sandhill Seep is located in Weymouth Woods State Nature Preserve, which is owned and managed by the NC Division of Parks and Recreation (DPR). Present and future land use of the site is a nature preserve. Surrounding land use is natural forest/wildlife within the State Nature Preserve and low-density residential to the south and southwest. Weymouth Woods is located 2.3 miles southeast of Southern Pines and 0.7 miles east of Fort Bragg.

This site is regularly managed with prescribed fire to maintain its herbaceous nature. The total area of the Unique Wetland delineation is 3.26 acres.

***Guidance for completing #4 on the first page of this application form:**

The waterbody information being requested can be found in a "Schedule of Classifications" for the subject river basin (also known as North Carolina Administrative Code, Title 15A Subchapter 2B, Section .0300). A hard copy can be requested from staff at the Division of Water Quality at the number below. The "Schedule of Classifications" containing classifications of surface waters is also available online at:
<http://h2o.enr.state.nc.us/bims/Reports/reports.html>

The North Carolina Administrative Code Rules pertinent to Water Quality Classifications (15A NCAC 2B .0100 and .0200) may be found on the internet at
<http://h2o.enr.state.nc.us/admin/rules/>

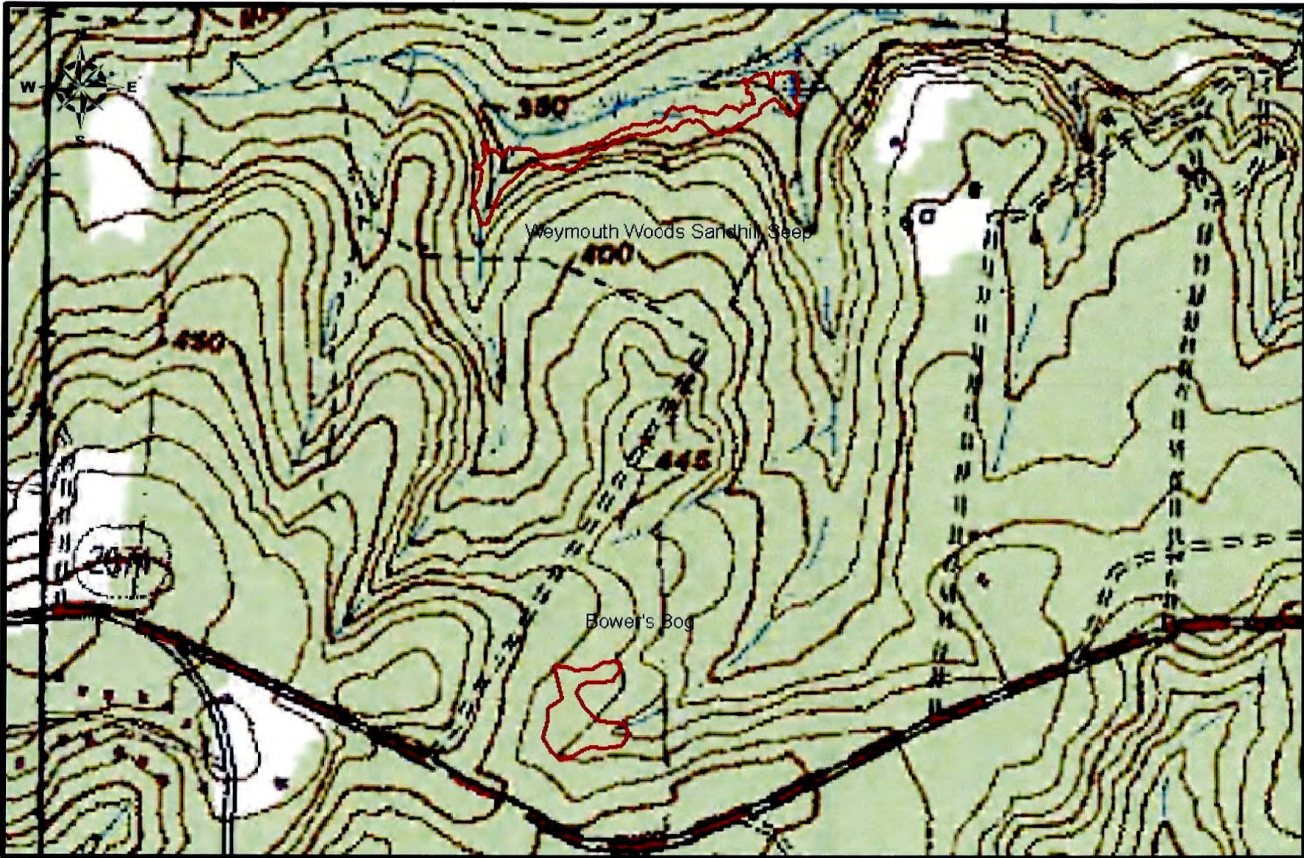
The homepage for the NC Division of Water Quality is:
<http://h2o.enr.state.nc.us/wqs/>

IT IS EXTREMELY BENEFICIAL TO ATTACH A USGS 1:24,000 TOPOGRAPHIC MAP WITH AN OUTLINE OR HIGHLIGHT OF WETLAND/S BEING REQUESTED FOR RECLASSIFICATION

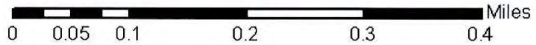
If you need additional information or would like to request an electronic or paper copy of this application form, please submit such a request to the Division of Water Quality to: Elizabeth.Kountis@ncmail.net or by calling Elizabeth Kountis at (919) 733-5083, EXT. 369 or, a letter may be submitted to the address below.

Send this completed application form and attachments to:

<p>Jeff Manning, Supervisor North Carolina Department of Environment and Natural Resources Division of Water Quality-Planning Section 1617 Mail Service Center Raleigh, NC 27699-1617</p>



UWL Name	USGS Quad
Weymouth Woods and Bower's Bog	Niagara



June 26, 2007

**APPLICATION TO REQUEST
RECLASSIFICATION OF NC WETLAND/S TO
UNIQUE WETLAND (UWL)**

1. Date of Request: February 16, 2005
2. Requested by (include full contact information):

John Dorney
401 Certification/Wetlands Unit
2321 Crabtree Blvd.
Raleigh, NC 27604
(919) 733-9646
John.Dorney@ncmail.net

3. River Basin: Cape Fear County(ies): Moore

4. List Wetland/s requested for Reclassification: (*see reverse)

<u>Wetland Name</u>	<u>Nearest Waterbody Name</u>	<u>Nearest Waterbody Index #</u>
Bower's Bog	Mill Creek	18-23-11-(1)

5. Attachments:

Is a USGS 7.5 minute topographic map outlining the subject wetland/s attached?
Yes

Is a resolution from the landowner within the boundaries of the proposed wetland/s attached? Yes

6. Reason for Request, Mapping Conventions, and Any Supplemental Information (attach additional sheet if necessary): *Additional information on the reverse side of this application.*

Bower's Bog is a Sandhill Seep natural community, ranked S2/S3 by the Natural Heritage Program (NHP). The site has yet to be evaluated by NHP, however, it is in natural condition and is regularly managed with prescribed fire. NHP has documented a state and federally listed animal in the vicinity of Bower's Bog. Based on the ranking of the natural community, Bower's Bog meets Tier I criteria of the Unique Wetlands classification.

Bower's Bog is located in Weymouth Woods Sandhills Nature Preserve, which is owned and managed by the NC Division of Parks and Recreation (DPR). Present and future land use of the site is a nature preserve. Surrounding land use is natural forest/wildlife within the State Nature Preserve and low-density residential to the south and southwest. Weymouth Woods is located 2.3 miles southeast of Southern Pines and 0.7 miles east of Fort Bragg. Bower's Bog is 300 feet north of NC 2074 (Fort Bragg Road). This site is regularly managed with prescribed fire to

maintain its herbaceous nature. The total area of the Unique Wetland delineation is 2.12 acres.

***Guidance for completing #4 on the first page of this application form:**

The waterbody information being requested can be found in a "Schedule of Classifications" for the subject river basin (also known as North Carolina Administrative Code, Title 15A Subchapter 2B, Section .0300). A hard copy can be requested from staff at the Division of Water Quality at the number below. The "Schedule of Classifications" containing classifications of surface waters is also available online at:
<http://h2o.enr.state.nc.us/bims/Reports/reports.html>

The North Carolina Administrative Code Rules pertinent to Water Quality Classifications (15A NCAC 2B .0100 and .0200) may be found on the internet at
<http://h2o.enr.state.nc.us/admin/rules/>

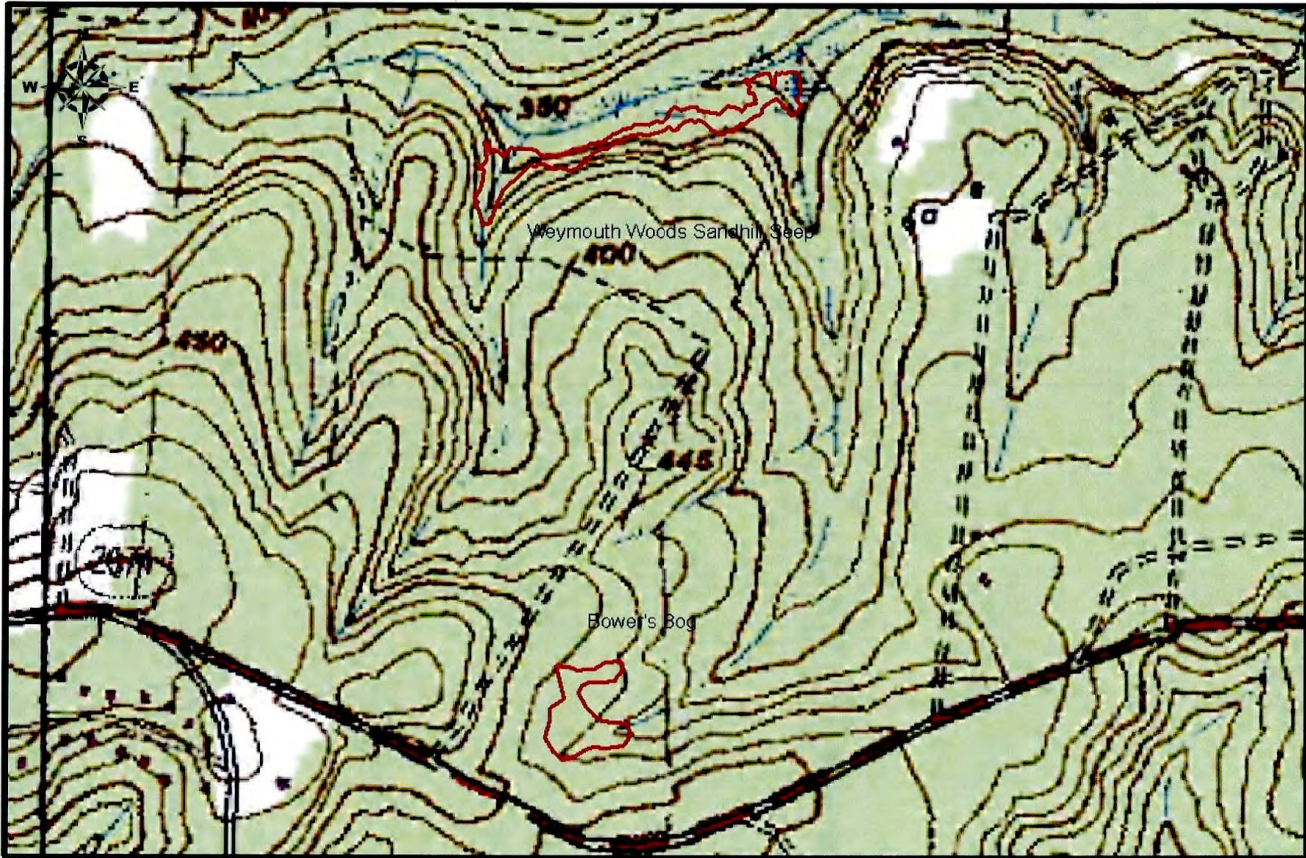
The homepage for the NC Division of Water Quality is:
<http://h2o.enr.state.nc.us/wqs/>

IT IS EXTREMELY BENEFICIAL TO ATTACH A USGS 1:24,000 TOPOGRAPHIC MAP WITH AN OUTLINE OR HIGHLIGHT OF WETLAND/S BEING REQUESTED FOR RECLASSIFICATION

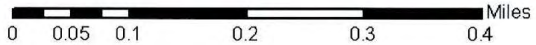
If you need additional information or would like to request an electronic or paper copy of this application form, please submit such a request to the Division of Water Quality to: Elizabeth.Kountis@ncmail.net or by calling Elizabeth Kountis at (919) 733-5083, EXT. 369 or, a letter may be submitted to the address below.

Send this completed application form and attachments to:

Jeff Manning, Supervisor
North Carolina Department of Environment and Natural Resources
Division of Water Quality-Planning Section
1617 Mail Service Center
Raleigh, NC 27699-1617



UWL Name	USGS Quad
Weymouth Woods and Bower's Bog	Niagara



June 26, 2007

**APPLICATION TO REQUEST
RECLASSIFICATION OF NC WETLAND/S TO
UNIQUE WETLAND (UWL)**

1. Date of Request: February 16, 2005
2. Requested by (include full contact information):

John Dorney
401 Certification/Wetlands Unit
2321 Crabtree Blvd.
Raleigh, NC 27604
(919) 733-9646
John.Dorney@ncmail.net

3. River Basin: White Oak County(ies): Carteret

4. List Wetland/s requested for Reclassification: (*see reverse)

<u>Wetland Name</u>	<u>Nearest Waterbody Name</u>	<u>Nearest Waterbody Index #</u>
Theodore Roosevelt Maritime Swamp Forest	Roosevelt Natural Area Swamp	20-36-9.5-(1)

5. Attachments:

Is a USGS 7.5 minute topographic map outlining the subject wetland/s attached?
Yes

Is a resolution from the landowner within the boundaries of the proposed
wetland/s attached? Yes

6. Reason for Request, Mapping Conventions, and Any Supplemental Information (attach additional sheet if necessary): *Additional information on the reverse side of this application.*

Theodore Roosevelt Maritime Swamp Forest is a dune swale-ridge complex with Maritime Swamp Forest occurring in the swale bottoms. The Natural Heritage Program (NHP) ranks this natural community S1/S2. Also present are areas of Interdune Ponds, also ranked S1/S2. The Maritime Swamp Forest is considered by NHP to be of excellent quality with an element occurrence rank of A. The Interdune Pond is of viable quality but did not merit an element occurrence rank of A or B. At least one rare plant species has been documented from the swamp forest. Due to the presence of the Maritime Swamp Forest, Theodore Roosevelt Maritime Swamp Forest meets the Tier I of the Unique Wetlands classification.

The site is owned by the NC Department of Parks and Recreation (DPR) and is managed as Theodore Roosevelt Natural Area, a nature preserve. The Pine Knoll Shores Aquarium (currently under construction) is also within the Natural Area, though the UWL delineation excludes the aquarium grounds and the access road. An electric substation and a powerline lie just to the east of the UWL delineation and the state natural area. The site is bounded by salt marshes and Bogue Sound to the north and NC 58 to the south. Low-density residential development is present across NC 58 from the Natural Area and to the west of the site as well. A marina also lies due west of the Natural Area on Bogue Sound. The UWL delineation is 196.35 acres in two separate areas, the main area between NC 58 and Bogue Sound and an additional section across the Aquarium access road from the main area. The UWL delineation contains some upland dune ridges, however, the UWL restrictions will not apply to these areas. The delineated areas occur exclusively within the property boundary of the State Natural Area.

***Guidance for completing #4 on the first page of this application form:**

The waterbody information being requested can be found in a "Schedule of Classifications" for the subject river basin (also known as North Carolina Administrative Code, Title 15A Subchapter 2B, Section .0300). A hard copy can be requested from staff at the Division of Water Quality at the number below. The "Schedule of Classifications" containing classifications of surface waters is also available online at:
<http://h2o.enr.state.nc.us/bims/Reports/reports.html>

The North Carolina Administrative Code Rules pertinent to Water Quality Classifications (15A NCAC 2B .0100 and .0200) may be found on the internet at
<http://h2o.enr.state.nc.us/admin/rules/>

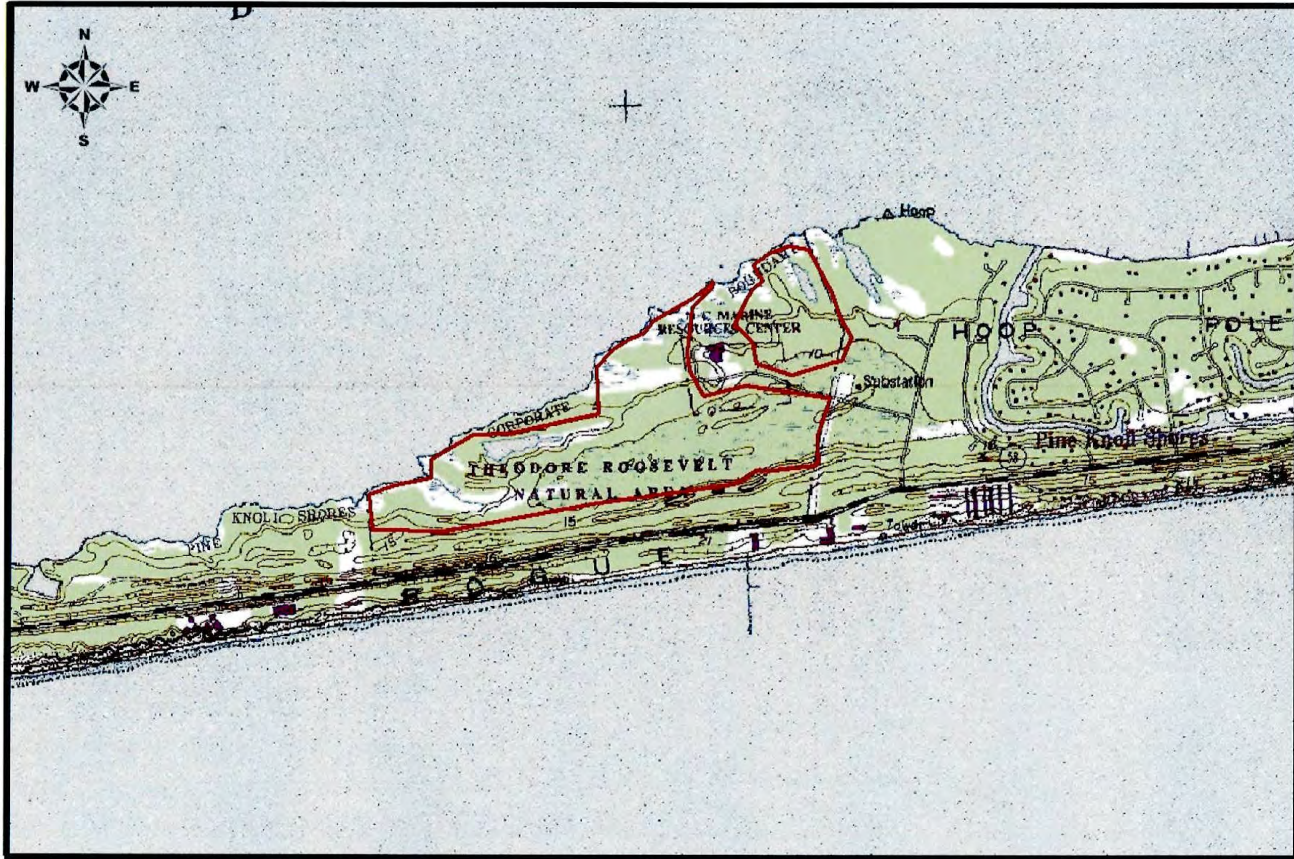
The homepage for the NC Division of Water Quality is:
<http://h2o.enr.state.nc.us/wqs/>

IT IS EXTREMELY BENEFICIAL TO ATTACH A USGS 1:24,000 TOPOGRAPHIC MAP WITH AN OUTLINE OR HIGHLIGHT OF WETLAND/S BEING REQUESTED FOR RECLASSIFICATION

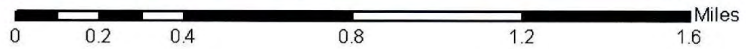
If you need additional information or would like to request an electronic or paper copy of this application form, please submit such a request to the Division of Water Quality to: Elizabeth.Kountis@ncmail.net or by calling Elizabeth Kountis at (919) 733-5083, EXT. 369 or, a letter may be submitted to the address below.

Send this completed application form and attachments to:

<p>Jeff Manning, Supervisor North Carolina Department of Environment and Natural Resources Division of Water Quality-Planning Section 1617 Mail Service Center Raleigh, NC 27699-1617</p>



UWL Name	USGS Quad
T.R. Maritime Swamp Forest	Mansfield



June 26, 2007

**APPLICATION TO REQUEST
RECLASSIFICATION OF NC WETLAND/S TO
UNIQUE WETLAND (UWL)**

1. Date of Request: February 16, 2005
2. Requested by (include full contact information):

John Dorney
401 Certification/Wetlands Unit
2321 Crabtree Blvd.
Raleigh, NC 27604
(919) 733-9646
John.Dorney@ncmail.net

3. River Basin: Little Tennessee County(ies): Jackson

4. List Wetland/s requested for Reclassification: (*see reverse)

<u>Wetland Name</u>	<u>Nearest Waterbody Name</u>	<u>Nearest Waterbody Index #</u>
Richland Balsam Seep	Beechflat Creek	2-79-28-3-2

5. Attachments:

Is a USGS 7.5 minute topographic map outlining the subject wetland/s attached?
Yes

Is a resolution from the landowner within the boundaries of the proposed wetland/s attached? Yes

6. Reason for Request, Mapping Conventions, and Any Supplemental Information (attach additional sheet if necessary): *Additional information on the reverse side of this application.*

Richland Balsam is a High Elevation Seep natural community, ranked S2/S3 by the Natural Heritage Program (NHP). NHP considers this site to be of excellent/good quality with an element occurrence rank of AB. Richland Balsam contains two state listed plant species. Based on the ranking of the natural community, Richland Balsam meets Tier I criteria of the Unique Wetlands Classification.

The Nature Conservancy owns the entirety of the site. Present and future land use of the site is a nature preserve. The surrounding area is entirely owned by the Blue Ridge Parkway Unit of the National Park Service and is exclusively in forest/wildlife land use. The site is approximately 500 feet west of the Blue Ridge Parkway, down a steep slope with no road or trail access. The delineated Unique Wetland area is entirely within TNC's property boundary and is exclusively comprised of two areas of seepage wetlands. The total area of the Unique Wetland delineation is 0.84 acres.

*Guidance for completing #4 on the first page of this application form:

The waterbody information being requested can be found in a "Schedule of Classifications" for the subject river basin (also known as North Carolina Administrative Code, Title 15A Subchapter 2B, Section .0300). A hard copy can be requested from staff at the Division of Water Quality at the number below. The "Schedule of Classifications" containing classifications of surface waters is also available online at: <http://h2o.enr.state.nc.us/bims/Reports/reports.html>

The North Carolina Administrative Code Rules pertinent to Water Quality Classifications (15A NCAC 2B .0100 and .0200) may be found on the internet at <http://h2o.enr.state.nc.us/admin/rules/>

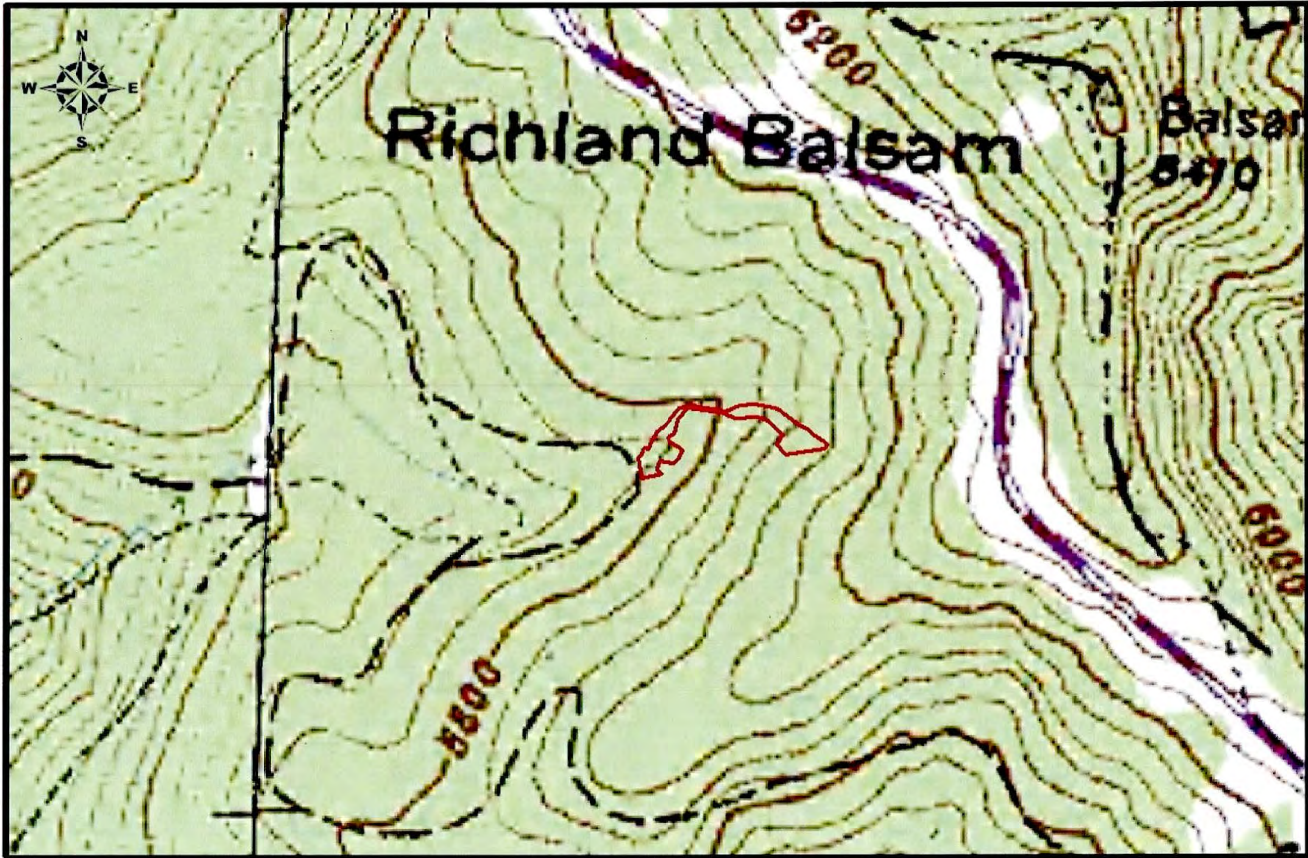
The homepage for the NC Division of Water Quality is: <http://h2o.enr.state.nc.us/wqs/>

IT IS EXTREMELY BENEFICIAL TO ATTACH A USGS 1:24,000 TOPOGRAPHIC MAP WITH AN OUTLINE OR HIGHLIGHT OF WETLAND/S BEING REQUESTED FOR RECLASSIFICATION

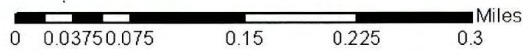
If you need additional information or would like to request an electronic or paper copy of this application form, please submit such a request to the Division of Water Quality to: Elizabeth.Kountis@ncmail.net or by calling Elizabeth Kountis at (919) 733-5083, EXT. 369 or, a letter may be submitted to the address below.

Send this completed application form and attachments to:

Jeff Manning, Supervisor
North Carolina Department of Environment and Natural Resources
Division of Water Quality-Planning Section
1617 Mail Service Center
Raleigh, NC 27699-1617



UWL Name	USGS Quad
Richland Balsam Seep	Sam Knob



June 26, 2007

**APPLICATION TO REQUEST
RECLASSIFICATION OF NC WETLAND/S TO
UNIQUE WETLAND (UWL)**

1. Date of Request: February 16, 2005
2. Requested by (include full contact information):

John Dorney
401 Certification/Wetlands Unit
2321 Crabtree Blvd.
Raleigh, NC 27604
(919) 733-9646
John.Dorney@ncmail.net

3. River Basin: Yadkin County(ies): Surry

4. List Wetland/s requested for Reclassification: (*see reverse)

<u>Wetland Name</u>	<u>Nearest Waterbody Name</u>	<u>Nearest Waterbody Index #</u>
Pilot Mountain Floodplain Pool	Horne Creek	12-75

5. Attachments:

Is a USGS 7.5 minute topographic map outlining the subject wetland/s attached?
Yes

Is a resolution from the landowner within the boundaries of the proposed wetland/s attached? Yes

6. Reason for Request, Mapping Conventions, and Any Supplemental Information (attach additional sheet if necessary): *Additional information on the reverse side of this application.*

Pilot Mountain Floodplain Pool is a vernal pool with hydrologic connection to Horne Creek. The natural community is described as a Floodplain Pool, ranked S2/S3 by the Natural Heritage Program (NHP). NHP has not ranked the quality of this site, however, the area was intact with standing water, vegetation, and wetland fauna intact when visited by DWQ in 2004. NHP has documented two state concern animal species as occurring in the pool. Based on the natural community type, Pilot Mountain Floodplain Pool meets Tier I criteria of the Unique Wetlands classification.

The site is owned by the NC Department of Parks and Recreation (DPR) and is part of Yadkin River Section of Pilot Mountain State Park. The land use is a nature preserve and outdoor recreation. There is a park road adjacent to the pool to the east. The pool is entirely surrounded by Pilot Mountain State Park, though private land lies only 0.1 mile away from the site outside the park boundary. Immediate adjacent land use is primarily forest/wildlife, though low-density residential areas, managed silvicultural and agricultural lands become predominant within ½ to 1½ miles of the site. The total area of the delineated Unique Wetland is 0.67 acres.

***Guidance for completing #4 on the first page of this application form:**

The waterbody information being requested can be found in a "Schedule of Classifications" for the subject river basin (also known as North Carolina Administrative Code, Title 15A Subchapter 2B, Section .0300). A hard copy can be requested from staff at the Division of Water Quality at the number below. The "Schedule of Classifications" containing classifications of surface waters is also available online at:
<http://h2o.enr.state.nc.us/bims/Reports/reports.html>

The North Carolina Administrative Code Rules pertinent to Water Quality Classifications (15A NCAC 2B .0100 and .0200) may be found on the internet at
<http://h2o.enr.state.nc.us/admin/rules/>

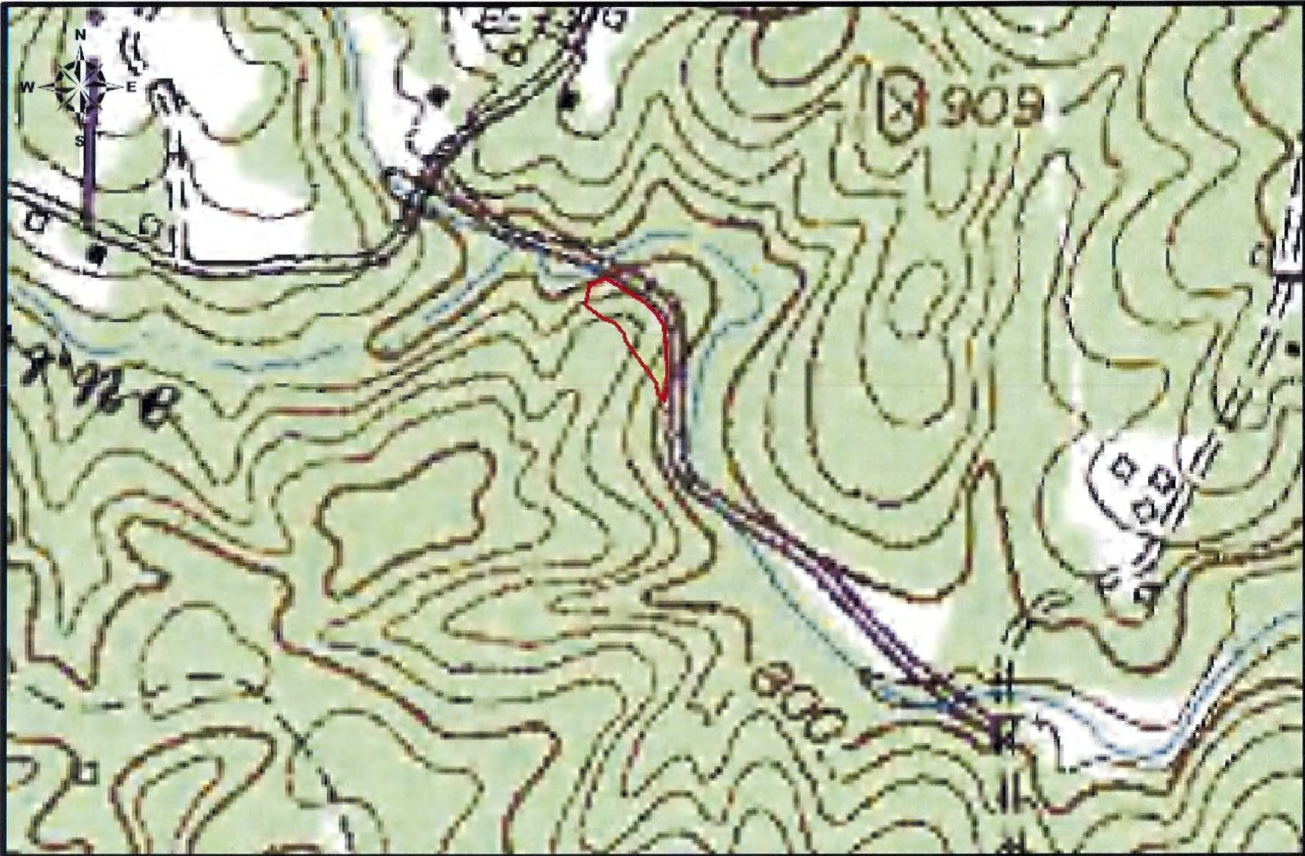
The homepage for the NC Division of Water Quality is:
<http://h2o.enr.state.nc.us/wqs/>

IT IS EXTREMELY BENEFICIAL TO ATTACH A USGS 1:24,000 TOPOGRAPHIC MAP WITH AN OUTLINE OR HIGHLIGHT OF WETLAND/S BEING REQUESTED FOR RECLASSIFICATION

If you need additional information or would like to request an electronic or paper copy of this application form, please submit such a request to the Division of Water Quality to: Elizabeth.Kountis@ncmail.net or by calling Elizabeth Kountis at (919) 733-5083, EXT. 369 or, a letter may be submitted to the address below.

Send this completed application form and attachments to:

<p>Jeff Manning, Supervisor North Carolina Department of Environment and Natural Resources Division of Water Quality-Planning Section 1617 Mail Service Center Raleigh, NC 27699-1617</p>



UWL Name	USGS Quad
Pilot Mountain Floodplain Pool	Pinnacle



June 26, 2007

**APPLICATION TO REQUEST
RECLASSIFICATION OF NC WETLAND/S TO
UNIQUE WETLAND (UWL)**

1. Date of Request: February 16, 2005
2. Requested by (include full contact information):

John Dorney
401 Certification/Wetlands Unit
2321 Crabtree Blvd.
Raleigh, NC 27604
(919) 733-9646
John.Dorney@ncmail.net

3. River Basin: Lumber County(ies): Columbus

4. List Wetland/s requested for Reclassification: (*see reverse)

<u>Wetland Name</u>	<u>Nearest Waterbody Name</u>	<u>Nearest Waterbody Index #</u>
Old Dock Savanna	Gum Swamp Run	15-6

5. Attachments:
Is a USGS 7.5 minute topographic map outlining the subject wetland/s attached?
Yes

Is a resolution from the landowner within the boundaries of the proposed wetland/s attached? Yes

6. Reason for Request, Mapping Conventions, and Any Supplemental Information (attach additional sheet if necessary): *Additional information on the reverse side of this application.*

Old Dock Savanna contains Wet Pine Savanna natural community (Very Wet Clay variant) ranked as S2/S3 by the NC Natural Heritage Program (NHP). NHP considers this site to be of good quality with an element occurrence rank of B. Old Dock Savanna has been documented to harbor occurrences of the state and federally listed species. Based on the ranking of the natural community Old Dock Savanna meets Tier I criteria of the Unique Wetlands classification.

The Nature Conservancy owns the site. Present and future land use of the site is a nature preserve. The immediate surrounding land use is forest/wildlife, however, agricultural land use predominates one mile to the west and approximately ½ mile to the east. The delineated area is entirely within TNC's property boundary and approximately outlines the pine savanna wetlands. Upland areas, including roads, and surrounding Pond Pine Woodlands are excluded from the UWL boundary. The total area of the Unique Wetland delineation is 47.48 acres.

***Guidance for completing #4 on the first page of this application form:**

The waterbody information being requested can be found in a "Schedule of Classifications" for the subject river basin (also known as North Carolina Administrative Code, Title 15A Subchapter 2B, Section .0300). A hard copy can be requested from staff at the Division of Water Quality at the number below. The "Schedule of Classifications" containing classifications of surface waters is also available online at:
<http://h2o.enr.state.nc.us/bims/Reports/reports.html>

The North Carolina Administrative Code Rules pertinent to Water Quality Classifications (15A NCAC 2B .0100 and .0200) may be found on the internet at
<http://h2o.enr.state.nc.us/admin/rules/>

The homepage for the NC Division of Water Quality is:
<http://h2o.enr.state.nc.us/wqs/>

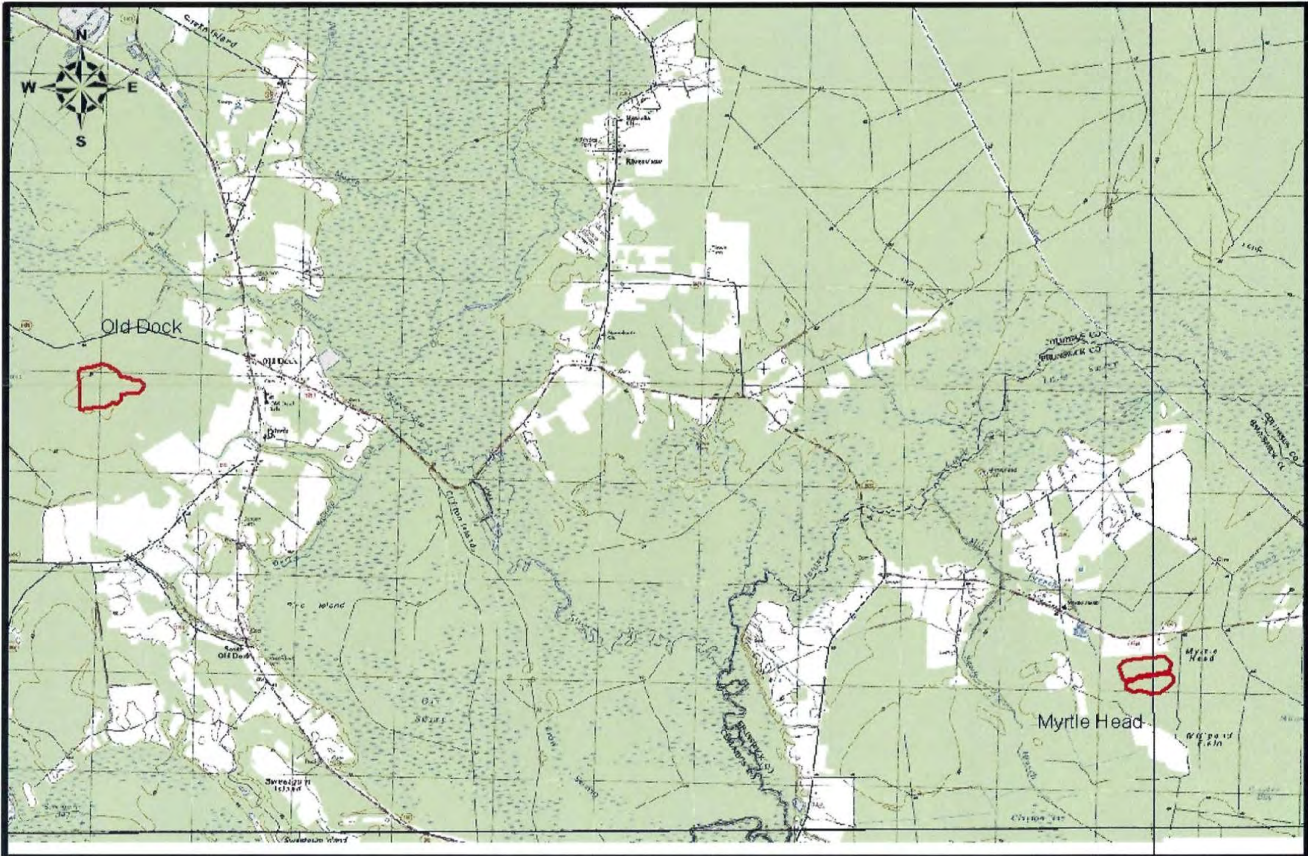
IT IS EXTREMELY BENEFICIAL TO ATTACH A USGS 1:24,000 TOPOGRAPHIC MAP WITH AN OUTLINE OR HIGHLIGHT OF WETLAND/S BEING REQUESTED FOR RECLASSIFICATION

If you need additional information or would like to request an electronic or paper copy of this application form, please submit such a request to the Division of Water Quality to: Elizabeth.Kountis@ncmail.net or by calling Elizabeth Kountis at (919) 733-5083, EXT. 369 or, a letter may be submitted to the address below.

Send this completed application form and attachments to:

<p>Jeff Manning, Supervisor North Carolina Department of Environment and Natural Resources Division of Water Quality-Planning Section 1617 Mail Service Center Raleigh, NC 27699-1617</p>

49



UWL Name	USGS Quad
Old Dock and Myrtle Head Savanna	Old Dock and Juniper Creek



June 26, 2007

**APPLICATION TO REQUEST
RECLASSIFICATION OF NC WETLAND/S TO
UNIQUE WETLAND (UWL)**

1. Date of Request: February 16, 2005
2. Requested by (include full contact information):

John Dorney
401 Certification/Wetlands Unit
2321 Crabtree Blvd.
Raleigh, NC 27604
(919) 733-9646
John.Dorney@ncmail.net

3. River Basin: Lumber County(ies): Brunswick

4. List Wetland/s requested for Reclassification: (*see reverse)

<u>Wetland Name</u>	<u>Nearest Waterbody Name</u>	<u>Nearest Waterbody Index #</u>
Myrtle Head	Mill Branch	15-7-7
Savanna		

5. Attachments:

Is a USGS 7.5 minute topographic map outlining the subject wetland/s attached?
Yes

Is a resolution from the landowner within the boundaries of the proposed wetland/s attached? Yes

6. Reason for Request, Mapping Conventions, and Any Supplemental Information (attach additional sheet if necessary): *Additional information on the reverse side of this application.*

Myrtle Head Savanna contains Wet Pine Savanna natural community (Very Wet Loamy variant) ranked S2 by the NC Natural Heritage Program (NHP). NHP considers this site to be of good/viable quality with an element occurrence rank of BC. Myrtle Head Savanna has been documented to harbor occurrences of the state and federally listed species. Based on the ranking of the natural community, Myrtle Head Savanna meets Tier I criteria of the Unique Wetlands classification.

The Nature Conservancy owns the site. Present and future land use of the site is a nature preserve. Surrounding land use is agricultural and silvicultural. The delineated area is entirely within TNC's property boundary and approximately outlines the Wet Pine Savanna wetlands. The total area of the Unique Wetland delineation is 36.63 acres. Upland areas, including roads, and surrounding Pond Pine Woodlands are excluded from the UWL boundary.

*Guidance for completing #4 on the first page of this application form:

The waterbody information being requested can be found in a "Schedule of Classifications" for the subject river basin (also known as North Carolina Administrative Code, Title 15A Subchapter 2B, Section .0300). A hard copy can be requested from staff at the Division of Water Quality at the number below. The "Schedule of Classifications" containing classifications of surface waters is also available online at:
<http://h2o.enr.state.nc.us/bims/Reports/reports.html>

The North Carolina Administrative Code Rules pertinent to Water Quality Classifications (15A NCAC 2B .0100 and .0200) may be found on the internet at
<http://h2o.enr.state.nc.us/admin/rules/>

The homepage for the NC Division of Water Quality is:
<http://h2o.enr.state.nc.us/wqs/>

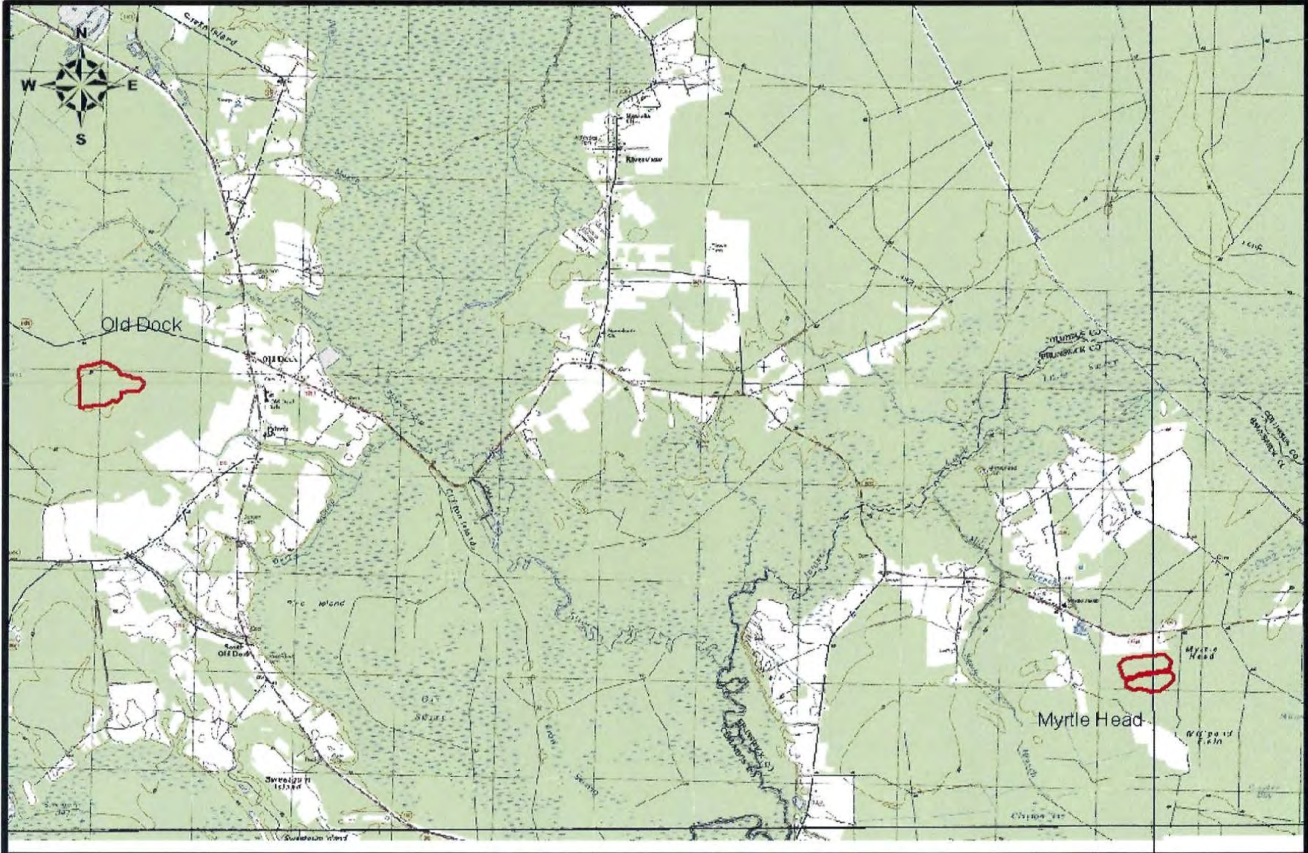
IT IS EXTREMELY BENEFICIAL TO ATTACH A USGS 1:24,000 TOPOGRAPHIC MAP WITH AN OUTLINE OR HIGHLIGHT OF WETLAND/S BEING REQUESTED FOR RECLASSIFICATION

If you need additional information or would like to request an electronic or paper copy of this application form, please submit such a request to the Division of Water Quality to: Elizabeth.Kountis@ncmail.net or by calling Elizabeth Kountis at (919) 733-5083, EXT. 369 or, a letter may be submitted to the address below.

Send this completed application form and attachments to:

Jeff Manning, Supervisor
North Carolina Department of Environment and Natural Resources
Division of Water Quality-Planning Section
1617 Mail Service Center
Raleigh, NC 27699-1617

49



UWL Name	USGS Quad
Old Dock and Myrtle Head Savanna	Old Dock and Juniper Creek



June 26, 2007

**APPLICATION TO REQUEST
RECLASSIFICATION OF NC WETLAND/S TO
UNIQUE WETLAND (UWL)**

1. Date of Request: February 16, 2005
2. Requested by (include full contact information):

John Dorney
401 Certification/Wetlands Unit
2321 Crabtree Blvd.
Raleigh, NC 27604
(919) 733-9646
John.Dorney@ncmail.net

3. River Basin: Cape Fear County(ies): Pender

4. List Wetland/s requested for Reclassification: (*see reverse)

<u>Wetland Name</u>	<u>Nearest Waterbody Name</u>	<u>Nearest Waterbody Index #</u>
The Neck Savanna	Sandy Run Swamp	18-74-33-2

5. Attachments:

Is a USGS 7.5 minute topographic map outlining the subject wetland/s attached?

Yes

Is a resolution from the landowner within the boundaries of the proposed wetland/s attached? Yes

6. Reason for Request, Mapping Conventions, and Any Supplemental Information (attach additional sheet if necessary): *Additional information on the reverse side of this application.*

The Neck Savanna contains Wet Pine Savanna natural community (Very Wet Loamy variant), ranked as S2 by the NC Natural Heritage Program (NHP). NHP considers this site to be high quality with an element occurrence rank of A. The Neck Savanna has been documented to harbor occurrences of the state and federally listed species. Based on the ranking of the natural community, the Neck Savanna meets Tier I criteria of the Unique Wetlands classification.

The Nature Conservancy owns the site. Present and future land use of the site is a nature preserve. Surrounding land use is agricultural and residential. There is an abandoned quarry immediately adjacent to the site on the east. The delineated area conforms to TNC's property boundary and is primarily comprised of Wet Pine Savanna wetlands. The total area of the Unique Wetland delineation is 31 acres. Additional areas of uplands may be present within the delineated area but are not subject to UWL restrictions.

***Guidance for completing #4 on the first page of this application form:**

The waterbody information being requested can be found in a "Schedule of Classifications" for the subject river basin (also known as North Carolina Administrative Code, Title 15A Subchapter 2B, Section .0300). A hard copy can be requested from staff at the Division of Water Quality at the number below. The "Schedule of Classifications" containing classifications of surface waters is also available online at:
<http://h2o.enr.state.nc.us/bims/Reports/reports.html>

The North Carolina Administrative Code Rules pertinent to Water Quality Classifications (15A NCAC 2B .0100 and .0200) may be found on the internet at
<http://h2o.enr.state.nc.us/admin/rules/>

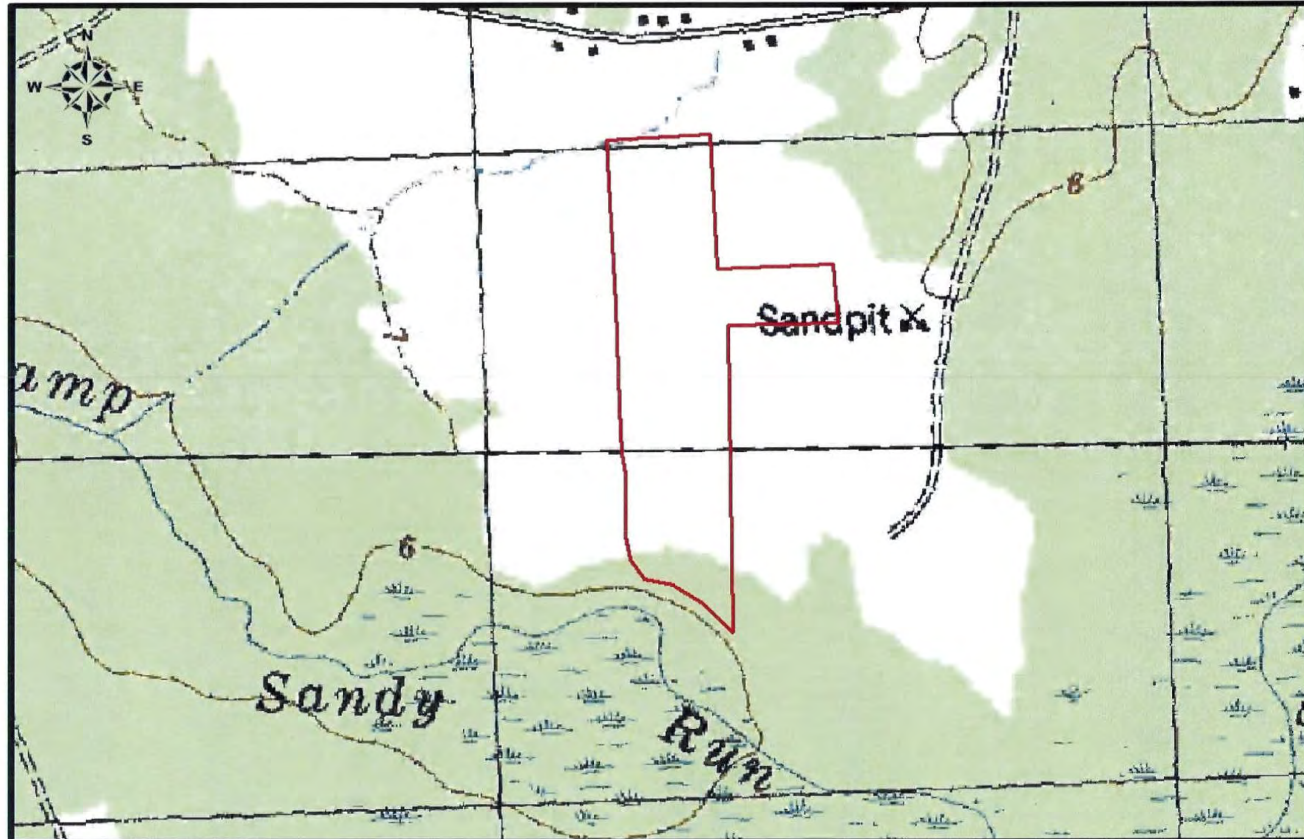
The homepage for the NC Division of Water Quality is:
<http://h2o.enr.state.nc.us/wqs/>

IT IS EXTREMELY BENEFICIAL TO ATTACH A USGS 1:24,000 TOPOGRAPHIC MAP WITH AN OUTLINE OR HIGHLIGHT OF WETLAND/S BEING REQUESTED FOR RECLASSIFICATION

If you need additional information or would like to request an electronic or paper copy of this application form, please submit such a request to the Division of Water Quality to: Elizabeth.Kountis@ncmail.net or by calling Elizabeth Kountis at (919) 733-5083, EXT. 369 or, a letter may be submitted to the address below.

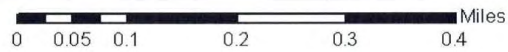
Send this completed application form and attachments to:

<p>Jeff Manning, Supervisor North Carolina Department of Environment and Natural Resources Division of Water Quality-Planning Section 1617 Mail Service Center Raleigh, NC 27699-1617</p>



3

UWL Name	USGS Quad
Neck Savanna	Maple Hill and Maple Hill SW



June 26, 2007

**APPLICATION TO REQUEST
RECLASSIFICATION OF NC WETLAND/S TO
UNIQUE WETLAND (UWL)**

1. Date of Request: February 16, 2005
2. Requested by (include full contact information):

John Dorney
401 Certification/Wetlands Unit
2321 Crabtree Blvd.
Raleigh, NC 27604
(919) 733-9646
John.Dorney@ncmail.net

3. River Basin: French Broad County(ies): Henderson

4. List Wetland/s requested for Reclassification: (*see reverse)

<u>Wetland Name</u>	<u>Nearest Waterbody Name</u>	<u>Nearest Waterbody Index #</u>
McClure's Bog	Gash Creek	6-47

5. Attachments:

Is a USGS 7.5 minute topographic map outlining the subject wetland/s attached?

Yes

Is a resolution from the landowner within the boundaries of the proposed wetland/s attached? Yes

6. Reason for Request, Mapping Conventions, and Any Supplemental Information (attach additional sheet if necessary): *Additional information on the reverse side of this application.*

McClure's Bog is a Southern Appalachian Bog (Southern Subtype) natural community, ranked S1/S2 by the Natural Heritage Program (NHP). NHP considers this site to be of good quality with an element occurrence rank of B. McClure's Bog harbors several state and federally listed plant and animal species. Based on the ranking of the natural community, McClure's Bog meets Tier I criteria of the Unique Wetlands classification.

The Nature Conservancy owns the entirety of the site. Present and future land use of the site is a nature preserve. The surrounding area is rapidly developing into low-density residential housing. There are some pockets of agricultural land use nearby and large areas of naturally forested land 0.8 and 1.6 miles to the south and southwest respectively across the French Broad River. The French Broad River is 0.4 miles to the south of the site. NC 1205 (Etowah School Road) runs along the western edge of the bog. The delineated Unique Wetland area is entirely

within TNC's property boundary and is exclusively made up of bog wetlands. The total area of the Unique Wetland delineation is 4.1 acres.

*Guidance for completing #4 on the first page of this application form:

The waterbody information being requested can be found in a "Schedule of Classifications" for the subject river basin (also known as North Carolina Administrative Code, Title 15A Subchapter 2B, Section .0300). A hard copy can be requested from staff at the Division of Water Quality at the number below. The "Schedule of Classifications" containing classifications of surface waters is also available online at:
<http://h2o.enr.state.nc.us/bims/Reports/reports.html>

The North Carolina Administrative Code Rules pertinent to Water Quality Classifications (15A NCAC 2B .0100 and .0200) may be found on the internet at
<http://h2o.enr.state.nc.us/admin/rules/>

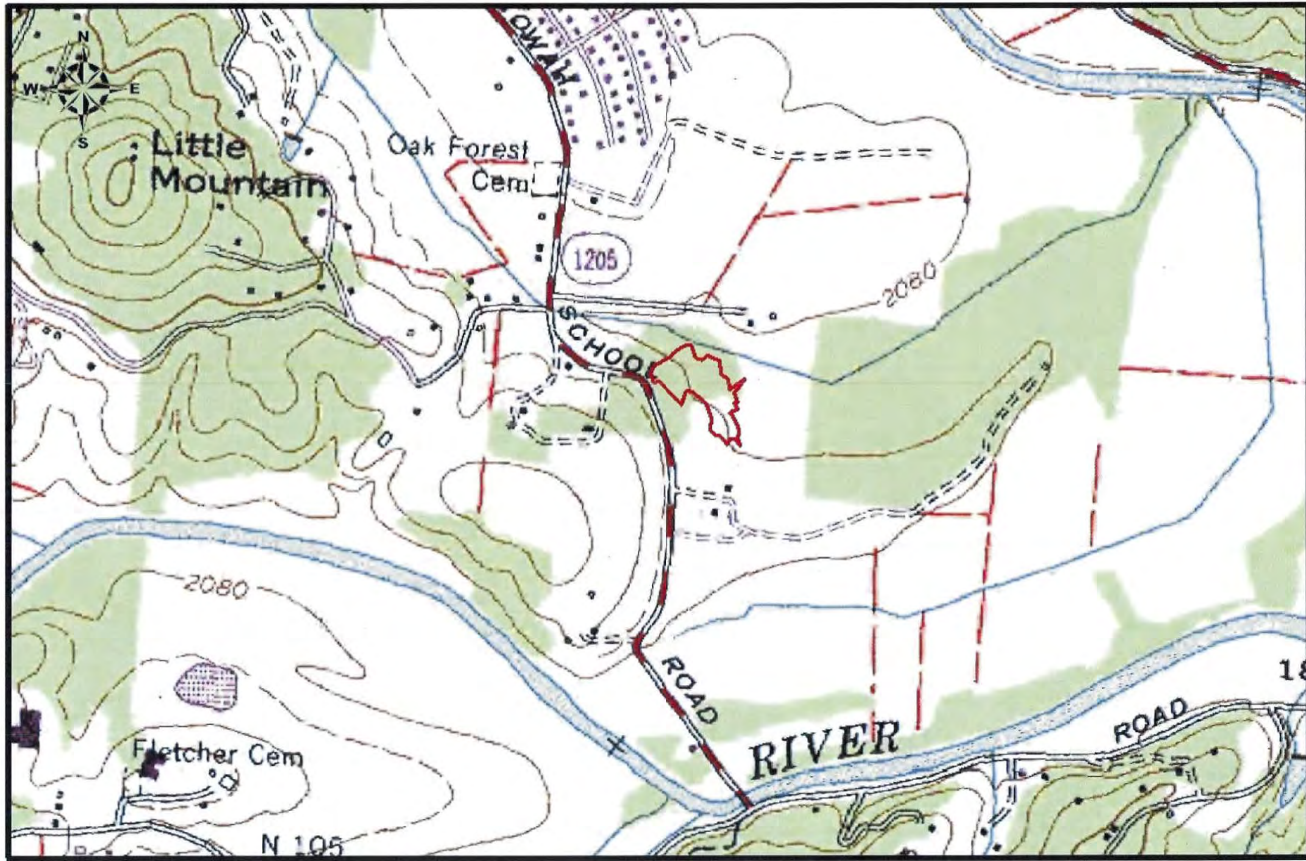
The homepage for the NC Division of Water Quality is:
<http://h2o.enr.state.nc.us/wqs/>

IT IS EXTREMELY BENEFICIAL TO ATTACH A USGS 1:24,000 TOPOGRAPHIC MAP WITH AN OUTLINE OR HIGHLIGHT OF WETLAND/S BEING REQUESTED FOR RECLASSIFICATION

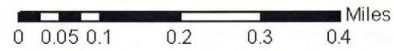
If you need additional information or would like to request an electronic or paper copy of this application form, please submit such a request to the Division of Water Quality to: Elizabeth.Kountis@ncmail.net or by calling Elizabeth Kountis at (919) 733-5083, EXT. 369 or, a letter may be submitted to the address below.

Send this completed application form and attachments to:

<p>Jeff Manning, Supervisor North Carolina Department of Environment and Natural Resources Division of Water Quality-Planning Section 1617 Mail Service Center Raleigh, NC 27699-1617</p>



UWL Name	USGS Quad
McClure's Bog	Horse Shoe



June 26, 2007

**APPLICATION TO REQUEST
RECLASSIFICATION OF NC WETLAND/S TO
UNIQUE WETLAND (UWL)**

1. Date of Request: February 16, 2005
2. Requested by (include full contact information):

John Dorney
401 Certification/Wetlands Unit
2321 Crabtree Blvd.
Raleigh, NC 27604
(919) 733-9646
John.Dorney@ncmail.net

3. River Basin: Pasquotank County(ies): Washington

4. List Wetland/s requested for Reclassification: (*see reverse)

<u>Wetland Name</u>	<u>Nearest Waterbody Name</u>	<u>Nearest Waterbody Index #</u>
Phelps Lake Natural Lake Shoreline	Phelp's Lake	30-14-4-6-1

5. Attachments:
Is a USGS 7.5 minute topographic map outlining the subject wetland/s attached?
Yes

Is a resolution from the landowner within the boundaries of the proposed wetland/s attached? Yes

6. Reason for Request, Mapping Conventions, and Any Supplemental Information (attach additional sheet if necessary): *Additional information on the reverse side of this application.*

Phelp's Lake Natural Lake Shoreline is a rare natural community found on North Carolina's remaining intact bay lakes. The Phelps Lake example of this community type is comprised of a cypress and willow forest on the lake's shoreline. This community also includes an area of mature lake-shore swamp adjacent to the flooded shoreline area. This natural community is ranked S1/S2 by the Natural Heritage Program (NHP). NHP considers this site to be of excellent quality with an element occurrence rank of A. NHP has documented two state rare species in the lakeshore of Phelps Lake. Based on the natural community type, Phelps Lake Natural Lake Shoreline meets Tier I criteria of the Unique Wetland classification.

The site is owned by the NC Department of Parks and Recreation (DPR) and is located in Pettigrew State Park. A paved park trail, historic residence, and park headquarters are adjacent to the Unique Wetland delineated area. Two ditches also pass through the Natural Lake Shoreline but are not included in the UWL delineation. The land use in the park is forest/wildlife and outdoor recreation. Land use surrounding the park to the north, east, and west is entirely agricultural with some low-density residential areas. Pocosin Lakes National Wildlife Refuge is adjacent to the park on the south and to the southeast. The total area of the delineated Unique Wetland is 553.46 acres.

***Guidance for completing #4 on the first page of this application form:**

The waterbody information being requested can be found in a "Schedule of Classifications" for the subject river basin (also known as North Carolina Administrative Code, Title 15A Subchapter 2B, Section .0300). A hard copy can be requested from staff at the Division of Water Quality at the number below. The "Schedule of Classifications" containing classifications of surface waters is also available online at:
<http://h2o.enr.state.nc.us/bims/Reports/reports.html>

The North Carolina Administrative Code Rules pertinent to Water Quality Classifications (15A NCAC 2B .0100 and .0200) may be found on the internet at
<http://h2o.enr.state.nc.us/admin/rules/>

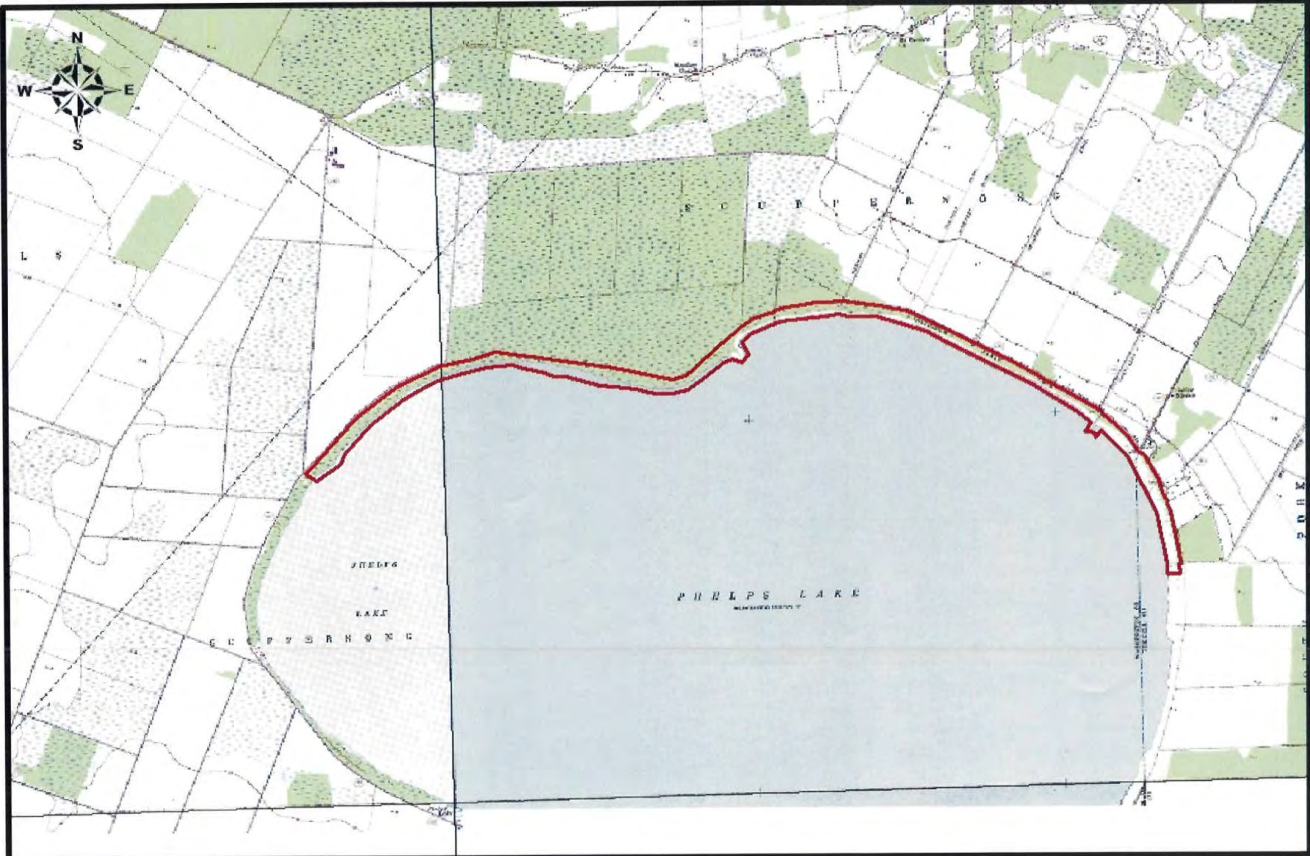
The homepage for the NC Division of Water Quality is:
<http://h2o.enr.state.nc.us/wqs/>

IT IS EXTREMELY BENEFICIAL TO ATTACH A USGS 1:24,000 TOPOGRAPHIC MAP WITH AN OUTLINE OR HIGHLIGHT OF WETLAND/S BEING REQUESTED FOR RECLASSIFICATION

If you need additional information or would like to request an electronic or paper copy of this application form, please submit such a request to the Division of Water Quality to: Elizabeth.Kountis@ncmail.net or by calling Elizabeth Kountis at (919) 733-5083, EXT. 369 or, a letter may be submitted to the address below.

Send this completed application form and attachments to:

<p>Jeff Manning, Supervisor North Carolina Department of Environment and Natural Resources Division of Water Quality-Planning Section 1617 Mail Service Center Raleigh, NC 27699-1617</p>



UWL Name	USGS Quad
Phelps Lake Natural Lake Shoreline	Creswell and Roper South



June 26, 2007

**APPLICATION TO REQUEST
RECLASSIFICATION OF NC WETLAND/S TO
UNIQUE WETLAND (UWL)**

1. Date of Request: February 16, 2005
2. Requested by (include full contact information):

John Dorney
401 Certification/Wetlands Unit
2321 Crabtree Blvd.
Raleigh, NC 27604
(919) 733-9646
John.Dorney@ncmail.net

3. River Basin: Pasquotank County(ies): Dare

4. List Wetland/s requested for Reclassification: (*see reverse)

<u>Wetland Name</u>	<u>Nearest Waterbody Name</u>	<u>Nearest Waterbody Index #</u>
Nags Head Woods	Buzzard Bay	30-21-1

5. Attachments:

Is a USGS 7.5 minute topographic map outlining the subject wetland/s attached?
Yes

Is a resolution from the landowner within the boundaries of the proposed wetland/s attached? Yes

6. Reason for Request, Mapping Conventions, and Any Supplemental Information (attach additional sheet if necessary): *Additional information on the reverse side of this application.*

Nags Head Woods is a site of great ecological significance that contains a high concentration of rare wetland natural communities. These include Maritime Swamp Forest, known only from the barrier islands of the Southeastern United States and limited to less than 10 known sites in North Carolina. The Natural Heritage Program (NHP) ranks this natural community S1/S2. Also present are areas of Interdune Ponds and Maritime Shrub Swamp, which are also rare natural communities (ranked S1/S2 and S1 respectively). All of the rare wetland types present in Nags Head Woods are of excellent quality and have been assigned an element occurrence rank of A by NHP. A number of rare animal species have also been documented from the wetland areas of Nags Head Woods. The natural communities outlined above intermix in a large wetland complex, and, due to their presence, Nags Head Woods meets the Tier I criteria of the Unique Wetlands classification.

The Nature Conservancy owns the site. Present and future land use of the site is a nature preserve. The immediate surrounding land use is forest/wildlife to the west along the Albemarle Sound and south, where the town of Nags Head maintains additional natural protected areas. Run Hill, state-owned natural area, lies to the north. The eastern side of the proposed Unique Wetland is rapidly being developed for homes and residential purposes. The delineated area is entirely within TNC's property boundary and encompasses the above-mentioned rare wetland natural communities. Some areas of upland deciduous forest are included in the delineated area, however, they will not be subject to the UWL restrictions. Roads, TNC visitor facilities, a power line, and the municipal wastewater treatment plant have been excluded from the UWL boundary. The total area of the Unique Wetland delineation is 185-acres.

***Guidance for completing #4 on the first page of this application form:**

The waterbody information being requested can be found in a "Schedule of Classifications" for the subject river basin (also known as North Carolina Administrative Code, Title 15A Subchapter 2B, Section .0300). A hard copy can be requested from staff at the Division of Water Quality at the number below. The "Schedule of Classifications" containing classifications of surface waters is also available online at:
<http://h2o.enr.state.nc.us/bims/Reports/reports.html>

The North Carolina Administrative Code Rules pertinent to Water Quality Classifications (15A NCAC 2B .0100 and .0200) may be found on the internet at
<http://h2o.enr.state.nc.us/admin/rules/>

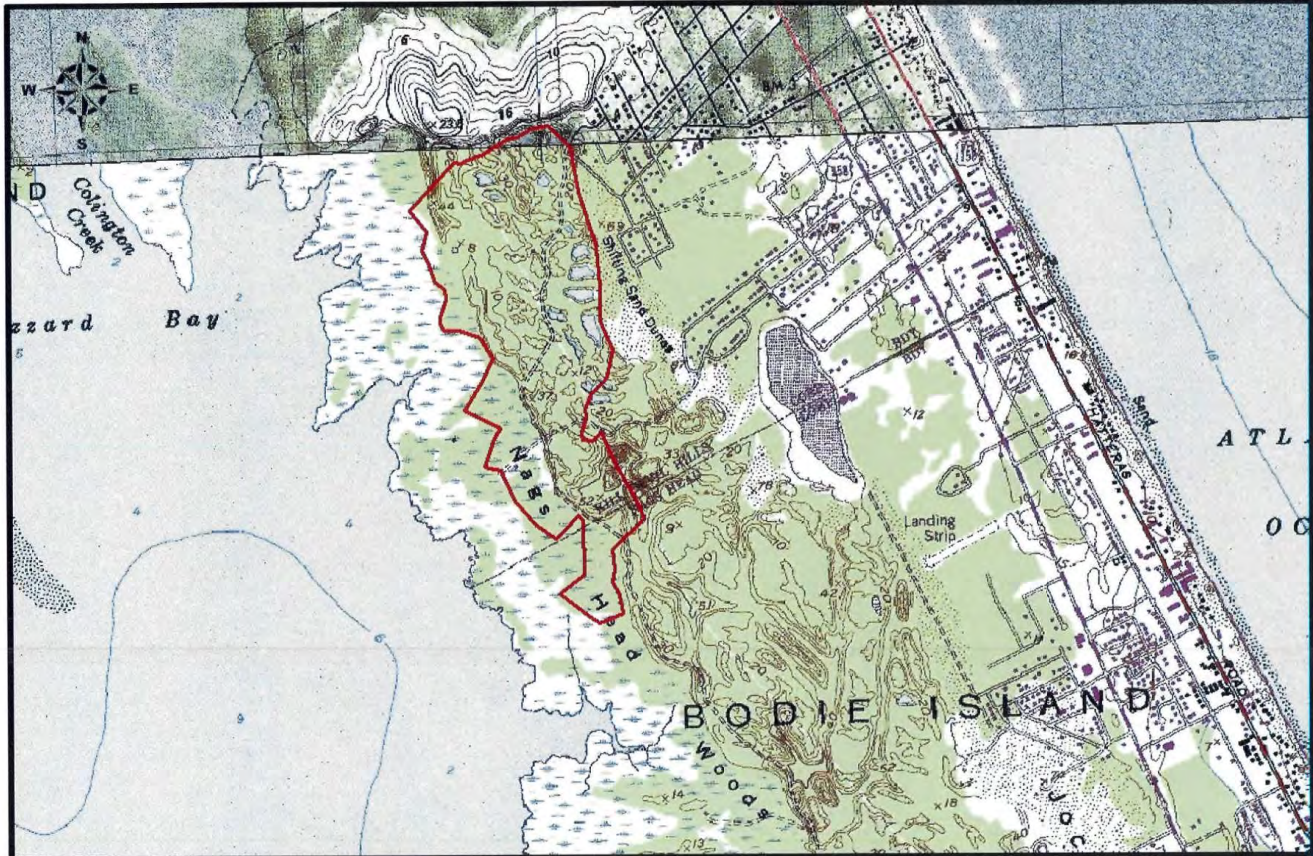
The homepage for the NC Division of Water Quality is:
<http://h2o.enr.state.nc.us/wqs/>

IT IS EXTREMELY BENEFICIAL TO ATTACH A USGS 1:24,000 TOPOGRAPHIC MAP WITH AN OUTLINE OR HIGHLIGHT OF WETLAND/S BEING REQUESTED FOR RECLASSIFICATION

If you need additional information or would like to request an electronic or paper copy of this application form, please submit such a request to the Division of Water Quality to: Elizabeth.Kountis@ncmail.net or by calling Elizabeth Kountis at (919) 733-5083, EXT. 369 or, a letter may be submitted to the address below.

Send this completed application form and attachments to:

14



UWL Name	USGS Quad
Nags Heads Woods	Manteo and Kitty Hawk



June 26, 2007

**APPLICATION TO REQUEST
RECLASSIFICATION OF NC WETLAND/S TO
UNIQUE WETLAND (UWL)**

A-51

1. Date of Request: February 16, 2005
2. Requested by (include full contact information):

John Dorney
401 Certification/Wetlands Unit
2321 Crabtree Blvd.
Raleigh, NC 27604
(919) 733-9646
John.Dorney@ncmail.net

3. River Basin: Cape Fear County(ies): New Hanover

4. List Wetland/s requested for Reclassification: (*see reverse)

<u>Wetland Name</u>	<u>Nearest Waterbody Name</u>	<u>Nearest Waterbody Index #</u>
MOTSU Pools	Cape Fear River	18-(71)

5. Attachments:
Is a USGS 7.5 minute topographic map outlining the subject wetland/s attached?
Yes

Is a resolution from the landowner within the boundaries of the proposed wetland/s attached? Yes

6. Reason for Request, Mapping Conventions, and Any Supplemental Information (attach additional sheet if necessary): *Additional information on the reverse side of this application.*

MOTSU Pools are part of a complex of lime-sink depressions along the eastern shore of the Cape Fear River in Carolina Beach State Park and Military Ocean Terminal at Sunny Point (MOTSU). This complex on MOTSU includes Scout Pond, Cypress Pond, Gum Pond, and Dry Pond. All of these pools are presented together in this reclassification, because they form a complex of ecologically related sites within MOTSU property. These areas are considered Vernal Pool or Small Depression Pond natural communities, respectively ranked S2/S3 and S3 by the NC Natural Heritage Program (NHP). NHP considers the Vernal Pool sites to be of excellent quality with an element occurrence rank of A. The Small Depression Ponds are considered to be of good quality with an element occurrence rank of B. A number of rare plant species have been documented to occur in these sites (see table below). Based on the natural community present, the sites classified as Vernal Pools meet Tier I criteria, Small Depression Pool sites meet Tier II of the Unique Wetlands classification based on the natural community and the presence of the rare species.

These sites are owned by the Department of Defense (DOD) and are located on the Military Ocean Terminal at Sunny Point (MOTSU). NC Department of Parks and Recreation (DPR) leases and manages a portion of this area including the three northernmost MOTSU Pools. The two southernmost pools are located outside of DPR's management zone and are wholly managed by DOD. A dirt road, which marks the boundary with the park, runs adjacent to the northernmost pool. An additional pool on private property, which is not included in the Unique Wetland delineation, adjoins this northernmost pool as well. Land use on MOTSU is forest/wildlife, though there are military facilities to the south, approximately 0.2 miles from the southernmost pond. MOTSU is bordered by high-density residential areas, across Dow Road to the east. Dow Road is located ¼ - ½ mile east of the MOTSU Ponds. The total area of the Unique Wetland delineation is 5.99 acres for all the pools together.

*Guidance for completing #4 on the first page of this application form:

The waterbody information being requested can be found in a "Schedule of Classifications" for the subject river basin (also known as North Carolina Administrative Code, Title 15A Subchapter 2B, Section .0300). A hard copy can be requested from staff at the Division of Water Quality at the number below. The "Schedule of Classifications" containing classifications of surface waters is also available online at:

<http://h2o.enr.state.nc.us/bims/Reports/reports.html>

The North Carolina Administrative Code Rules pertinent to Water Quality Classifications (15A NCAC 2B .0100 and .0200) may be found on the internet at

<http://h2o.enr.state.nc.us/admin/rules/>

The homepage for the NC Division of Water Quality is:

<http://h2o.enr.state.nc.us/wqs/>

IT IS EXTREMELY BENEFICIAL TO ATTACH A USGS 1:24,000 TOPOGRAPHIC MAP WITH AN OUTLINE OR HIGHLIGHT OF WETLAND/S BEING REQUESTED FOR RECLASSIFICATION

If you need additional information or would like to request an electronic or paper copy of this application form, please submit such a request to the Division of Water Quality to: Elizabeth.Kountis@ncmail.net or by calling Elizabeth Kountis at (919) 733-5083, EXT. 369 or, a letter may be submitted to the address below.

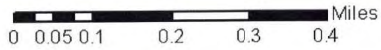
Send this completed application form and attachments to:

Jeff Manning, Supervisor
 North Carolina Department of Environment and Natural Resources
 Division of Water Quality-Planning Section
 1617 Mail Service Center
 Raleigh, NC 27699-1617

24



UWL Name	USGS Quad
New Hanover County UWL's	Carolina Beach



June 26, 2007

**APPLICATION TO REQUEST
RECLASSIFICATION OF NC WETLAND/S TO
UNIQUE WETLAND (UWL)**

A-54

1. Date of Request: February 16, 2005
2. Requested by (include full contact information):

John Dorney
401 Certification/Wetlands Unit
2321 Crabtree Blvd.
Raleigh, NC 27604
(919) 733-9646
John.Dorney@ncmail.net

3. River Basin: Cape Fear County(ies): New Hanover

4. List Wetland/s requested for Reclassification: (*see reverse)

<u>Wetland Name</u>	<u>Nearest Waterbody Name</u>	<u>Nearest Waterbody Index #</u>
Grassy Pond	Cape Fear River	18-(71)

5. Attachments:

Is a USGS 7.5 minute topographic map outlining the subject wetland/s attached?
Yes

Is a resolution from the landowner within the boundaries of the proposed wetland/s attached? Yes

6. Reason for Request, Mapping Conventions, and Any Supplemental Information (attach additional sheet if necessary): *Additional information on the reverse side of this application.*

Grassy Pond is part of a complex of lime-sink depressions along the eastern shore of the Cape Fear River in Carolina Beach State Park and Military Ocean Terminal at Sunny Point (MOTSU). This pond is considered a Vernal Pool natural community, ranked S2/S3, by the NC Natural Heritage Program (NHP). NHP considers this site to be of excellent quality with an element occurrence rank of A. Grassy Pond has been documented as containing a state threatened plant species. Based on the natural community present, Grassy Pond meets Tier I criteria of the Unique Wetlands classification.

This site is owned and managed by the NC Department of Parks and Recreation (DPR). It is located inside of Carolina Beach State Park, immediately next to the boundary with MOTSU. A dirt road, which marks the park boundary, lies immediately to the south of the site. Land use within the park and on adjoining land in MOTSU is forest/wildlife. Carolina Beach State Park is also bordered by high-density residential areas, across Dow Road to the east. Dow Road is located

½ mile east of Grassy Pond. The total area of the Unique Wetland delineation is 0.88 acres.

A-55

*Guidance for completing #4 on the first page of this application form:

The waterbody information being requested can be found in a "Schedule of Classifications" for the subject river basin (also known as North Carolina Administrative Code, Title 15A Subchapter 2B, Section .0300). A hard copy can be requested from staff at the Division of Water Quality at the number below. The "Schedule of Classifications" containing classifications of surface waters is also available online at:
<http://h2o.enr.state.nc.us/bims/Reports/reports.html>

The North Carolina Administrative Code Rules pertinent to Water Quality Classifications (15A NCAC 2B .0100 and .0200) may be found on the internet at
<http://h2o.enr.state.nc.us/admin/rules/>

The homepage for the NC Division of Water Quality is:
<http://h2o.enr.state.nc.us/wqs/>

IT IS EXTREMELY BENEFICIAL TO ATTACH A USGS 1:24,000 TOPOGRAPHIC MAP WITH AN OUTLINE OR HIGHLIGHT OF WETLAND/S BEING REQUESTED FOR RECLASSIFICATION

If you need additional information or would like to request an electronic or paper copy of this application form, please submit such a request to the Division of Water Quality to: Elizabeth.Kountis@ncmail.net or by calling Elizabeth Kountis at (919) 733-5083, EXT. 369 or, a letter may be submitted to the address below.

Send this completed application form and attachments to:

Jeff Manning, Supervisor
North Carolina Department of Environment and Natural Resources
Division of Water Quality-Planning Section
1617 Mail Service Center
Raleigh, NC 27699-1617

ulu



UWL Name	USGS Quad
New Hanover County UWL's	Carolina Beach



June 26, 2007

**APPLICATION TO REQUEST
RECLASSIFICATION OF NC WETLAND/S TO
UNIQUE WETLAND (UWL)**

A-57

1. Date of Request: February 16, 2005
2. Requested by (include full contact information):

John Dorney
401 Certification/Wetlands Unit
2321 Crabtree Blvd.
Raleigh, NC 27604
(919) 733-9646
John.Dorney@ncmail.net

3. River Basin: Cape Fear County(ies): New Hanover

4. List Wetland/s requested for Reclassification: (*see reverse)

<u>Wetland Name</u>	<u>Nearest Waterbody Name</u>	<u>Nearest Waterbody Index #</u>
Lily Pond	Cape Fear River	18-(71)

5. Attachments:
Is a USGS 7.5 minute topographic map outlining the subject wetland/s attached?
Yes

Is a resolution from the landowner within the boundaries of the proposed wetland/s attached? Yes

6. Reason for Request, Mapping Conventions, and Any Supplemental Information (attach additional sheet if necessary): *Additional information on the reverse side of this application.*

Lily Pond is part of a complex of lime-sink depressions along the eastern shore of the Cape Fear River in Carolina Beach State Park and Military Ocean Terminal at Sunny Point (MOTSU). This pond is considered a Small Depression Pond natural community, ranked S3, by the NC Natural Heritage Program (NHP). NHP considers this site to be of good quality with an element occurrence rank of B. Lily Pond has been documented as containing a state rare animal species (see table below). Based on the natural community and the presence of the rare animal species, Lily Pond meets Tier II criteria of the Unique Wetlands classification.

This site is owned and managed by the NC Department of Parks and Recreation (DPR). It is located inside of Carolina Beach State Park, immediately next to the boundary with MOTSU. A dirt road, which marks the park boundary, lies immediately to the south of the site. Land use within the park and on adjoining land in MOTSU is forest/wildlife. Carolina Beach State Park is also bordered by high-density residential areas, across Dow Road to the east. Dow Road is located

¼ mile east of Lily Pond. The total area of the Unique Wetland delineation is 2.68 acres.

A-58

Rare Animal Species Known to Occur in Lily Pond

Scientific Name	Common Name	Last sighting	State status	Federal status
<i>Deirochelys reticularia</i>	Chicken Turtle	2003-4-16	SR-P	

***Guidance for completing #4 on the first page of this application form:**

The waterbody information being requested can be found in a "Schedule of Classifications" for the subject river basin (also known as North Carolina Administrative Code, Title 15A Subchapter 2B, Section .0300). A hard copy can be requested from staff at the Division of Water Quality at the number below. The "Schedule of Classifications" containing classifications of surface waters is also available online at:

<http://h2o.enr.state.nc.us/blms/Reports/reports.html>

The North Carolina Administrative Code Rules pertinent to Water Quality Classifications (15A NCAC 2B .0100 and .0200) may be found on the internet at

<http://h2o.enr.state.nc.us/admin/rules/>

The homepage for the NC Division of Water Quality is:

<http://h2o.enr.state.nc.us/wqs/>

IT IS EXTREMELY BENEFICIAL TO ATTACH A USGS 1:24,000 TOPOGRAPHIC MAP WITH AN OUTLINE OR HIGHLIGHT OF WETLAND/S BEING REQUESTED FOR RECLASSIFICATION

If you need additional information or would like to request an electronic or paper copy of this application form, please submit such a request to the Division of Water Quality to: Elizabeth.Kountis@ncmail.net or by calling Elizabeth Kountis at (919) 733-5083, EXT. 369 or, a letter may be submitted to the address below.

Send this completed application form and attachments to:

<p>Jeff Manning, Supervisor North Carolina Department of Environment and Natural Resources Division of Water Quality-Planning Section 1617 Mail Service Center Raleigh, NC 27699-1617</p>

ulu



UWL Name	USGS Quad
New Hanover County UWL's	Carolina Beach



June 26, 2007

**APPLICATION TO REQUEST
RECLASSIFICATION OF NC WETLAND/S TO
UNIQUE WETLAND (UWL)**

A-60

1. Date of Request: February 16, 2005
2. Requested by (include full contact information):

John Dorney
401 Certification/Wetlands Unit
2321 Crabtree Blvd.
Raleigh, NC 27604
(919) 733-9646
John.Dorney@ncmail.net

3. River Basin: Cape Fear County(ies): New Hanover

4. List Wetland/s requested for Reclassification: (*see reverse)

<u>Wetland Name</u>	<u>Nearest Waterbody Name</u>	<u>Nearest Waterbody Index #</u>
Fly Trap Savanna	Cape Fear River	18-(71)

5. Attachments:

Is a USGS 7.5 minute topographic map outlining the subject wetland/s attached?
Yes

Is a resolution from the landowner within the boundaries of the proposed wetland/s attached? Yes

6. Reason for Request, Mapping Conventions, and Any Supplemental Information (attach additional sheet if necessary): *Additional information on the reverse side of this application.*

The Fly Trap Savanna is a Wet Pine Savanna (Wet Spodosol Variant) natural community, ranked S2/S3, by the NC Natural Heritage Program (NHP). NHP considers this site to be of viable quality but not deserving an A or B element occurrence rank. This determination was based on prior fire suppression in this wetland. Since fire has been reintroduced, the natural community has recovered, and it is likely that this area would receive a higher ranking were it to be reevaluated. Fly Trap Savanna has been documented to contain a state rare plant species (see table below). Based on the natural community, its condition, and the presence of the state rare species, Fly Trap Savanna meets Tier II of the Unique Wetland classification.

Fly Trap Savanna is owned and managed by the NC Department of Parks and Recreation (DPR) in Carolina Beach State Park. The site is 0.05 miles from the boundary with MOTSU and 0.3 miles west of the Cape Fear River. A dirt road and parking lot for park access lies immediately north of the savanna. There is an

unpaved hiking trail that winds through the site as well. Land use within the park and on adjoining land in MOTSU is forest/wildlife. Carolina Beach State Park is bordered by high-density residential areas, across Dow Road to the east. Dow Road is located 1/2 mile east of Fly Trap Savanna. The total area of the Unique Wetland delineation is 1.58 acres. A-61

Rare Plant Species Known to Occur in the Fly Trap Savanna

Scientific Name	Common Name	Last sighting	State status	Federal status
<i>Agalinis virgata</i>	Branched Gerardia	1990-10-08	SR-P	

*Guidance for completing #4 on the first page of this application form:

The waterbody information being requested can be found in a "Schedule of Classifications" for the subject river basin (also known as North Carolina Administrative Code, Title 15A Subchapter 2B, Section .0300). A hard copy can be requested from staff at the Division of Water Quality at the number below. The "Schedule of Classifications" containing classifications of surface waters is also available online at:
<http://h2o.enr.state.nc.us/bims/Reports/reports.html>

The North Carolina Administrative Code Rules pertinent to Water Quality Classifications (15A NCAC 2B .0100 and .0200) may be found on the internet at
<http://h2o.enr.state.nc.us/admin/rules/>

The homepage for the NC Division of Water Quality is:
<http://h2o.enr.state.nc.us/wqs/>

IT IS EXTREMELY BENEFICIAL TO ATTACH A USGS 1:24,000 TOPOGRAPHIC MAP WITH AN OUTLINE OR HIGHLIGHT OF WETLAND/S BEING REQUESTED FOR RECLASSIFICATION

If you need additional information or would like to request an electronic or paper copy of this application form, please submit such a request to the Division of Water Quality to: Elizabeth.Kountis@ncmail.net or by calling Elizabeth Kountis at (919) 733-5083, EXT. 369 or, a letter may be submitted to the address below.

Send this completed application form and attachments to:

Jeff Manning, Supervisor
North Carolina Department of Environment and Natural Resources
Division of Water Quality-Planning Section
1617 Mail Service Center
Raleigh, NC 27699-1617

ulu



UWL Name	USGS Quad
New Hanover County UWL's	Carolina Beach



June 26, 2007

**APPLICATION TO REQUEST
RECLASSIFICATION OF NC WETLAND/S TO
UNIQUE WETLAND (UWL)**

A-63

1. Date of Request: February 16, 2005
2. Requested by (include full contact information):

John Dorney
401 Certification/Wetlands Unit
2321 Crabtree Blvd.
Raleigh, NC 27604
(919) 733-9646
John.Dorney@ncmail.net

3. River Basin: Cape Fear County(ies): Bladen

4. List Wetland/s requested for Reclassification: (*see reverse)

<u>Wetland Name</u>	<u>Nearest Waterbody Name</u>	<u>Nearest Waterbody Index #</u>
Jones Lake	Jones Lake	18-46-7-1

5. Attachments:

Is a USGS 7.5 minute topographic map outlining the subject wetland/s attached?
Yes

Is a resolution from the landowner within the boundaries of the proposed wetland/s attached? Yes

6. Reason for Request, Mapping Conventions, and Any Supplemental Information (attach additional sheet if necessary): *Additional information on the reverse side of this application.*

Jones Lake is a Carolina Bay Lake partially filled with peat and dominated by pocosin vegetation. There are a number of significant natural communities that occur within Jones Lake, including Bay Forest (ranked S2 by Natural Heritage Program), Peatland Atlantic White Cedar Forest (S2), and Natural Lake Shoreline (S1/S2). The Natural Heritage Program (NHP) considers all of these natural communities to be of excellent quality with an element occurrence rank of A. The Natural Lake Shoreline present on Jones Lake is dominated by pocosin vegetation and is dissimilar to the same community in Phelp's Lake and Lake Waccamaw. NHP has documented a rare animal species in the wetlands around Jones Lake. Based on the presence of the above-listed natural communities, Jones Lake meets Tier I criteria of the Unique Wetlands classification.

Jones Lake is owned and managed by the NC Department of Parks and Recreation (DPR) in Jones Lake State Park. The wetlands are a complex of several different community types, including the significant communities outlined above. Areas of High Pocosin and Pond Pine Woodland are included within the UWL delineated area in order to maintain a continuous boundary and reflect the ecological interconnection of these pocosin communities. The lake itself is not included within the UWL delineation. A hiking trail extends through a portion of the wetland, however, it is unpaved and for educational/recreational use only. Land use in the park is forest/wildlife and outdoor recreation. Bladen Lakes State Forest surrounds Jones Lake on all sides and land use is predominantly forest/wildlife. Some areas of active silviculture (in the form of pine straw raking) are present in the state forest. NC 242 lies immediately adjacent to the state park on the east and borders the delineated Unique Wetland area in places. The total area of the Unique Wetland delineation is 414-acres. A-64

*Guidance for completing #4 on the first page of this application form:

The waterbody information being requested can be found in a "Schedule of Classifications" for the subject river basin (also known as North Carolina Administrative Code, Title 15A Subchapter 2B, Section .0300). A hard copy can be requested from staff at the Division of Water Quality at the number below. The "Schedule of Classifications" containing classifications of surface waters is also available online at:
<http://h2o.enr.state.nc.us/bims/Reports/reports.html>

The North Carolina Administrative Code Rules pertinent to Water Quality Classifications (15A NCAC 2B .0100 and .0200) may be found on the internet at
<http://h2o.enr.state.nc.us/admin/rules/>

The homepage for the NC Division of Water Quality is:
<http://h2o.enr.state.nc.us/wqs/>

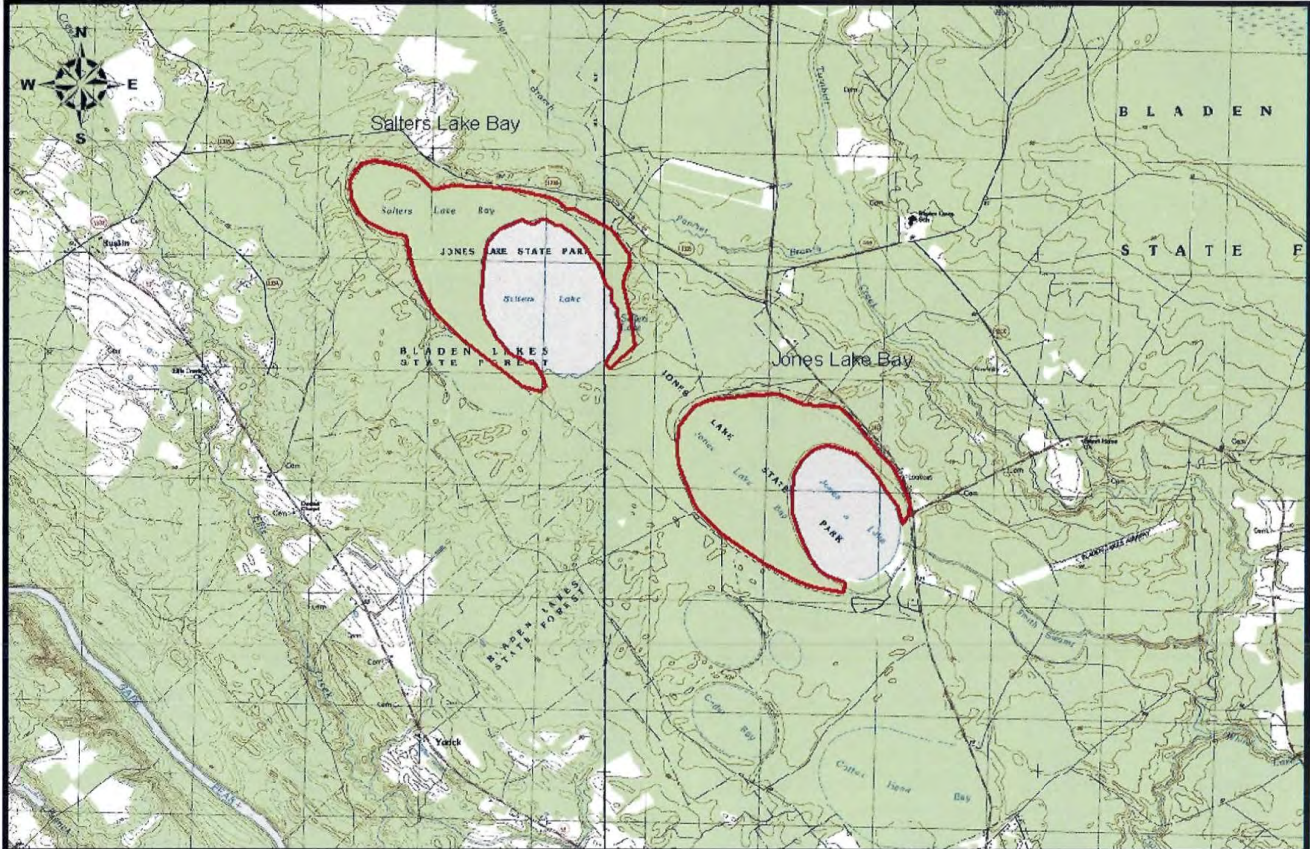
IT IS EXTREMELY BENEFICIAL TO ATTACH A USGS 1:24,000 TOPOGRAPHIC MAP WITH AN OUTLINE OR HIGHLIGHT OF WETLAND/S BEING REQUESTED FOR RECLASSIFICATION

If you need additional information or would like to request an electronic or paper copy of this application form, please submit such a request to the Division of Water Quality to: Elizabeth.Kountis@ncmail.net or by calling Elizabeth Kountis at (919) 733-5083, EXT. 369 or, a letter may be submitted to the address below.

Send this completed application form and attachments to:

Jeff Manning, Supervisor
North Carolina Department of Environment and Natural Resources
Division of Water Quality-Planning Section
1617 Mail Service Center
Raleigh, NC 27699-1617

89



UWL Name	USGS Quad
Salters and Jones Lake Bays	Dublin and Elizabethtown N



June 26, 2007

**APPLICATION TO REQUEST
RECLASSIFICATION OF NC WETLAND/S TO
UNIQUE WETLAND (UWL)**

A-66

1. Date of Request: February 16, 2005
2. Requested by (include full contact information):

John Dorney
401 Certification/Wetlands Unit
2321 Crabtree Blvd.
Raleigh, NC 27604
(919) 733-9646
John.Dorney@ncmail.net

3. River Basin: Cape Fear County(ies): Bladen

4. List Wetland/s requested for Reclassification: (*see reverse)

<u>Wetland Name</u>	<u>Nearest Waterbody Name</u>	<u>Nearest Waterbody Index #</u>
Salters Lake	Salters Lake	18-44-4

5. Attachments:

Is a USGS 7.5 minute topographic map outlining the subject wetland/s attached?
Yes

Is a resolution from the landowner within the boundaries of the proposed wetland/s attached? Yes

6. Reason for Request, Mapping Conventions, and Any Supplemental Information (attach additional sheet if necessary): *Additional information on the reverse side of this application.*

Salters Lake is a Carolina Bay Lake partially filled with peat and dominated by pocosin vegetation. There are a number of significant natural communities that occur within Salters Lake, including Bay Forest (ranked S2 by Natural Heritage Program), Low Pocosin (S2), and Natural Lake Shoreline (S1/S2). The Natural Heritage Program (NHP) considers the latter two of these natural communities to be of excellent quality with an element occurrence rank of A. The Bay Forest has not been assigned an element occurrence rank, though the site appears intact and in natural condition. The Natural Lake Shoreline present on Salters Lake is similar to the same community in Jones Lake and is dominated by pocosin vegetation. NHP has documented a rare and a state concern animal species in the wetlands around Salters Lake. Based on the presence of the above-listed natural communities, Salters Lake meets Tier I of the Unique Wetlands classification.

The Salters Lake is located in Jones Lake State Park and is owned by the NC Department of Parks and Recreation (DPR). The wetlands are a complex of A-67 several different community types, including the significant communities outlined above. Areas of High Pocosin and Pond Pine Woodland are included within the UWL delineated area in order to maintain a continuous boundary and reflect the ecological interconnection of these pocosin communities. An upland sandhill island is included within the UWL delineated area, though the restrictions of the UWL classification do not apply to this area. The lake itself is not included within the UWL delineation. Land use in the park is forest/wildlife and outdoor recreation. Bladen Lakes State Forest is adjacent to Salters Lake to the west and southeast and land use is predominantly forest/wildlife. Privately-owned lands adjoin Salters Lake immediately to the north and across NC 242. Land use in this area is low-density residential and agriculture. Additional areas of agriculture lie approximately 1-mile to the west. The total area of the Unique Wetland delineation is 414.98.

*Guidance for completing #4 on the first page of this application form:

The waterbody information being requested can be found in a "Schedule of Classifications" for the subject river basin (also known as North Carolina Administrative Code, Title 15A Subchapter 2B, Section .0300). A hard copy can be requested from staff at the Division of Water Quality at the number below. The "Schedule of Classifications" containing classifications of surface waters is also available online at:
<http://h2o.enr.state.nc.us/bims/Reports/reports.html>

The North Carolina Administrative Code Rules pertinent to Water Quality Classifications (15A NCAC 2B .0100 and .0200) may be found on the internet at
<http://h2o.enr.state.nc.us/admin/rules/>

The homepage for the NC Division of Water Quality is:
<http://h2o.enr.state.nc.us/wqs/>

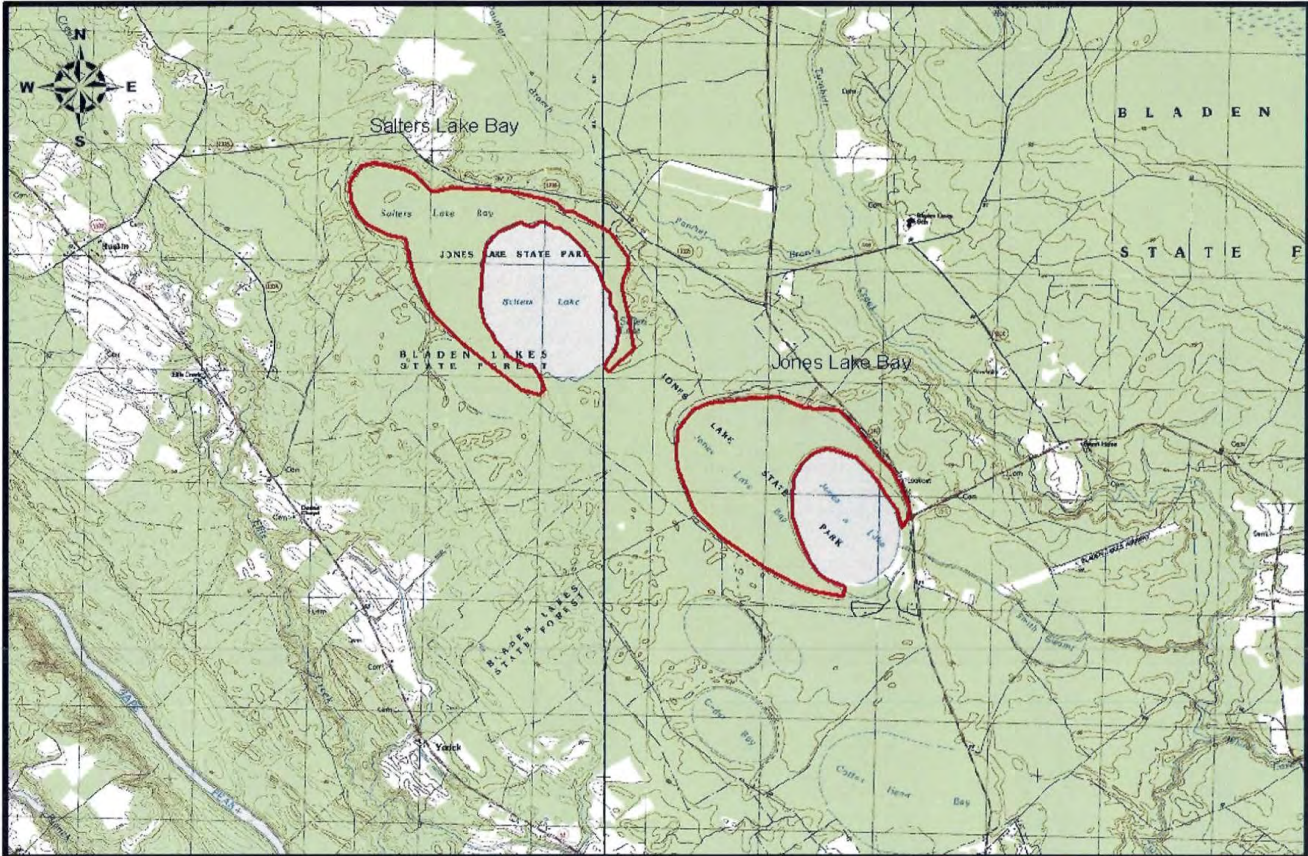
IT IS EXTREMELY BENEFICIAL TO ATTACH A USGS 1:24,000 TOPOGRAPHIC MAP WITH AN OUTLINE OR HIGHLIGHT OF WETLAND/S BEING REQUESTED FOR RECLASSIFICATION

If you need additional information or would like to request an electronic or paper copy of this application form, please submit such a request to the Division of Water Quality to: Elizabeth.Kountis@ncmail.net or by calling Elizabeth Kountis at (919) 733-5083, EXT. 369 or, a letter may be submitted to the address below.

Send this completed application form and attachments to:

Jeff Manning, Supervisor
North Carolina Department of Environment and Natural Resources
Division of Water Quality-Planning Section
1617 Mail Service Center
Raleigh, NC 27699-1617

13



UWL Name	USGS Quad
Salters and Jones Lake Bays	Dublin and Elizabethtown N



June 26, 2007

**APPLICATION TO REQUEST
RECLASSIFICATION OF NC WETLAND/S TO
UNIQUE WETLAND (UWL)**

A-69

1. Date of Request: February 16, 2005
2. Requested by (include full contact information):

John Dorney
401 Certification/Wetlands Unit
2321 Crabtree Blvd.
Raleigh, NC 27604
(919) 733-9646
John.Dorney@ncmail.net

3. River Basin: Roanoke County(ies): Stokes

4. List Wetland/s requested for Reclassification: (*see reverse)

<u>Wetland Name</u>	<u>Nearest Waterbody Name</u>	<u>Nearest Waterbody Index #</u>
Hanging Rock Hillside Seepage Bog	Cascade Creek	22-12-(2)

5. Attachments:

Is a USGS 7.5 minute topographic map outlining the subject wetland/s attached?
Yes

Is a resolution from the landowner within the boundaries of the proposed
wetland/s attached? Yes

6. Reason for Request, Mapping Conventions, and Any Supplemental Information (attach additional sheet if necessary): *Additional information on the reverse side of this application.*

Hanging Rock Hillside Seepage Bog lies on a gradual slope north of Moore's Wall in Hanging Rock State Park. The site corresponds to the natural community of the same name. This wetland natural community is ranked S2 by the Natural Heritage Program (NHP). NHP considers this site to be of good quality with an element occurrence rank of B. The bog is linear in shape and has several different segments. The upper portion is a forested seepage area with braided intermittent streams. The lower portion is more open in nature and is comprised of a rocky slope with groundwater seepage and a sloped pond bed that has been drained and is revegetating into boggy herbaceous vegetation. Though there are several watchlist plant species present at the site, there are no known state or federally listed species. Based on the natural community type, Hanging Rock Hillside Seepage Bog meets Tier I criteria of the Unique Wetlands classification.

The site is owned by the NC Department of Parks and Recreation (DPR) and is part of Hanging Rock State Park. The land use is forest/wildlife and outdoor recreation. There is an unpaved road adjacent to the bog on two sides. The bog is surrounded by state park land on three sides, and land use is forest/wildlife and outdoor recreation. One side the bog abuts private property, though there is no nearby development on the adjacent land. The total area of the delineated Unique Wetland is 1.05 acres.

*Guidance for completing #4 on the first page of this application form:

The waterbody information being requested can be found in a "Schedule of Classifications" for the subject river basin (also known as North Carolina Administrative Code, Title 15A Subchapter 2B, Section .0300). A hard copy can be requested from staff at the Division of Water Quality at the number below. The "Schedule of Classifications" containing classifications of surface waters is also available online at:

<http://h2o.enr.state.nc.us/bims/Reports/reports.html>

The North Carolina Administrative Code Rules pertinent to Water Quality Classifications (15A NCAC 2B .0100 and .0200) may be found on the internet at

<http://h2o.enr.state.nc.us/admin/rules/>

The homepage for the NC Division of Water Quality is:

<http://h2o.enr.state.nc.us/wqs/>

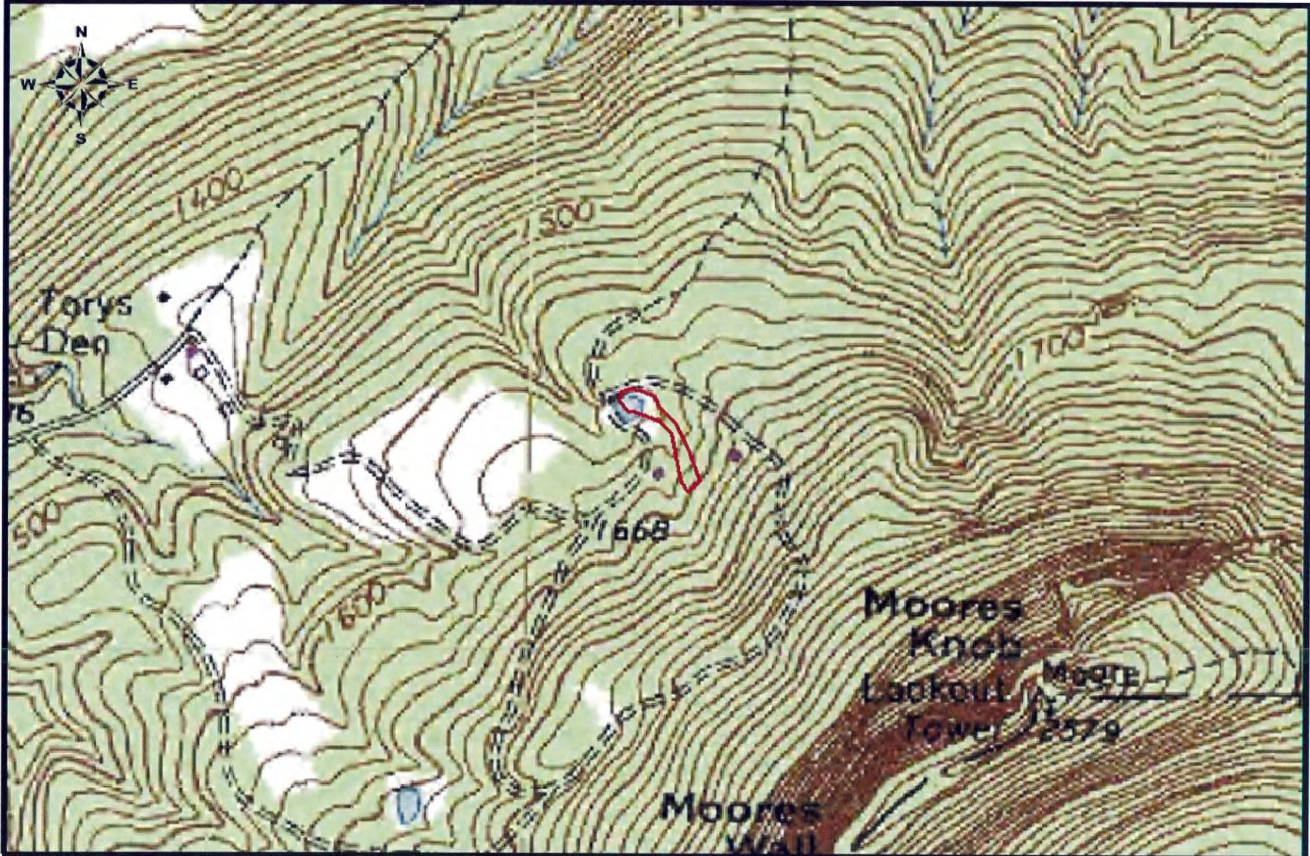
IT IS EXTREMELY BENEFICIAL TO ATTACH A USGS 1:24,000 TOPOGRAPHIC MAP WITH AN OUTLINE OR HIGHLIGHT OF WETLAND/S BEING REQUESTED FOR RECLASSIFICATION

If you need additional information or would like to request an electronic or paper copy of this application form, please submit such a request to the Division of Water Quality to: Elizabeth.Kountis@ncmail.net or by calling Elizabeth Kountis at (919) 733-5083, EXT. 369 or, a letter may be submitted to the address below.

Send this completed application form and attachments to:

Jeff Manning, Supervisor
North Carolina Department of Environment and Natural Resources
Division of Water Quality-Planning Section
1617 Mail Service Center
Raleigh, NC 27699-1617

97



UWL Name	USGS Quad
Hanging Rock Hillside Seepage Bog	Hanging Rock



June 26, 2007

**APPLICATION TO REQUEST
RECLASSIFICATION OF NC WETLAND/S TO
UNIQUE WETLAND (UWL)**

A-72

1. Date of Request: February 16, 2005
2. Requested by (include full contact information):

John Dorney
401 Certification/Wetlands Unit
2321 Crabtree Blvd.
Raleigh, NC 27604
(919) 733-9646
John.Dorney@ncmail.net

3. River Basin: White Oak County(ies): Carteret

4. List Wetland/s requested for Reclassification: (*see reverse)

<u>Wetland Name</u>	<u>Nearest Waterbody Name</u>	<u>Nearest Waterbody Index #</u>
Bear Island Maritime Wet Grassland	White Oak	99-(4)

5. Attachments:

Is a USGS 7.5 minute topographic map outlining the subject wetland/s attached?
Yes

Is a resolution from the landowner within the boundaries of the proposed wetland/s attached? Yes

6. Reason for Request, Mapping Conventions, and Any Supplemental Information (attach additional sheet if necessary): *Additional information on the reverse side of this application.*

Bear Island Maritime Wet Grasslands correspond to a rare wetland natural community found only along the barrier islands of the Mid-Atlantic and Southeastern United States. The Natural Heritage Program (NHP) ranks this community type S2 and considers this particular example to be of excellent/good quality with an element occurrence rank of A/B. Though rare plant and animal species have been documented on Bear Island, none of these are known to occur in the Maritime Wet Grasslands. Based on the ranking of the natural community alone, however, Bear Island Maritime Wet Grasslands meets Tier I criteria of the Unique Wetlands classification.

There are three separate areas of Maritime Wet Grassland proposed for reclassification, all of which are within Hammock's Beach State Park. The island is owned and managed by the NC Division of Parks and Recreation (DPR). Present and future land use of the site is a nature preserve. The island is

surrounded by the Atlantic Ocean, Bear Inlet, and salt marshes along the sound. The nearest developed area is 1.6 miles away on the mainland at Shell Rock Landing. The total area of the Unique Wetland delineation is 5.25 acres. A-73

*Guidance for completing #4 on the first page of this application form:

The waterbody information being requested can be found in a "Schedule of Classifications" for the subject river basin (also known as North Carolina Administrative Code, Title 15A Subchapter 2B, Section .0300). A hard copy can be requested from staff at the Division of Water Quality at the number below. The "Schedule of Classifications" containing classifications of surface waters is also available online at:
<http://h2o.enr.state.nc.us/bims/Reports/reports.html>

The North Carolina Administrative Code Rules pertinent to Water Quality Classifications (15A NCAC 2B .0100 and .0200) may be found on the internet at
<http://h2o.enr.state.nc.us/admin/rules/>

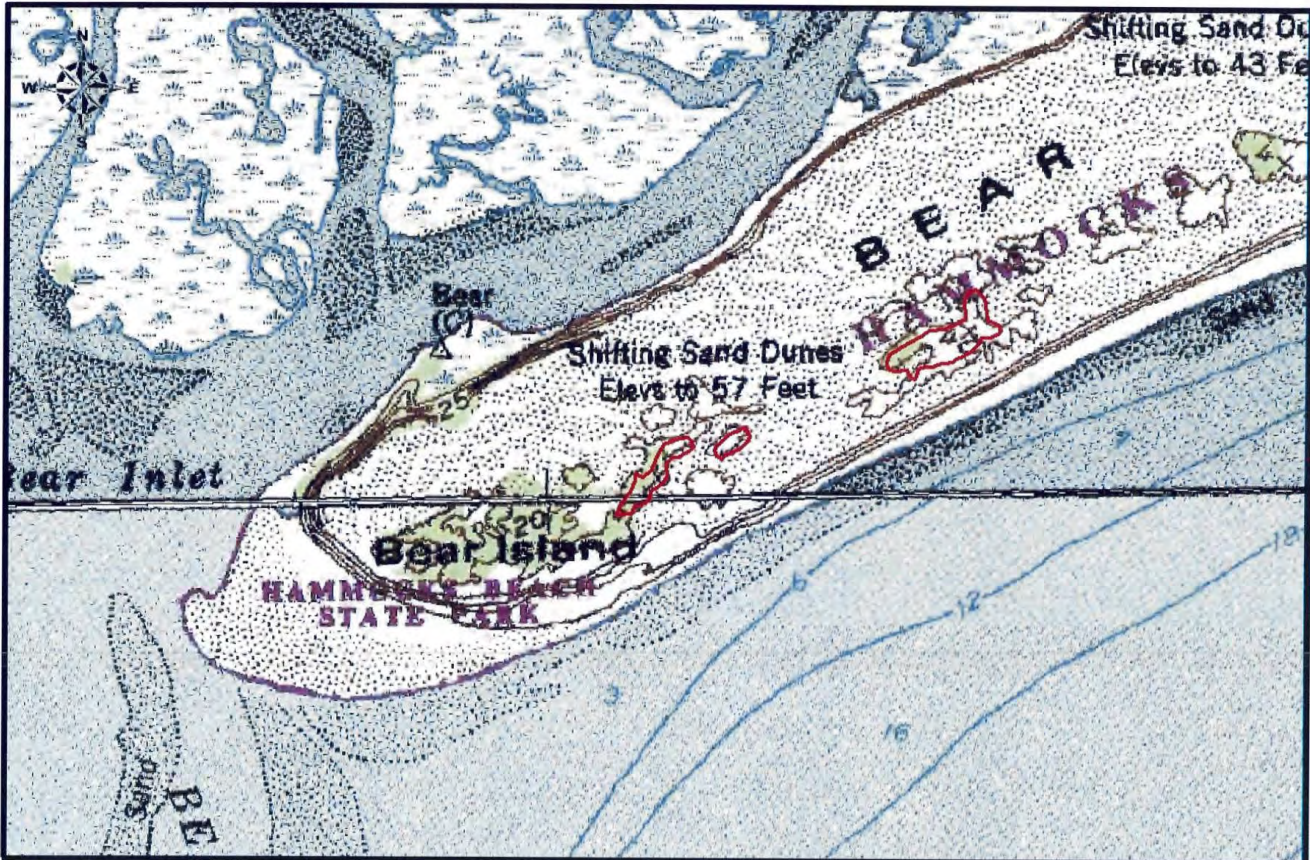
The homepage for the NC Division of Water Quality is:
<http://h2o.enr.state.nc.us/wqs/>

IT IS EXTREMELY BENEFICIAL TO ATTACH A USGS 1:24,000 TOPOGRAPHIC MAP WITH AN OUTLINE OR HIGHLIGHT OF WETLAND/S BEING REQUESTED FOR RECLASSIFICATION

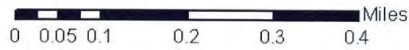
If you need additional information or would like to request an electronic or paper copy of this application form, please submit such a request to the Division of Water Quality to: Elizabeth.Kountis@ncmail.net or by calling Elizabeth Kountis at (919) 733-5083, EXT. 369 or, a letter may be submitted to the address below.

Send this completed application form and attachments to:

<p>Jeff Manning, Supervisor North Carolina Department of Environment and Natural Resources Division of Water Quality-Planning Section 1617 Mail Service Center Raleigh, NC 27699-1617</p>



UWL Name	USGS Quad
Bear Island Maritime Wet Grassland	Browns Inlet and Hubert



June 26, 2007

101

**APPLICATION TO REQUEST
RECLASSIFICATION OF NC WETLAND/S TO
UNIQUE WETLAND (UWL)**

A-75

1. Date of Request: February 16, 2005
2. Requested by (include full contact information):

John Dorney
401 Certification/Wetlands Unit
2321 Crabtree Blvd.
Raleigh, NC 27604
(919) 733-9646
John.Dorney@ncmail.net

3. River Basin: Lumber County(ies): Brunswick

4. List Wetland/s requested for Reclassification: (*see reverse)

<u>Wetland Name</u>	<u>Nearest Waterbody Name</u>	<u>Nearest Waterbody Index #</u>
Big Island Savanna	Driving Branch	15-7-1

5. Attachments:

Is a USGS 7.5 minute topographic map outlining the subject wetland/s attached?
Yes

Is a resolution from the landowner within the boundaries of the proposed wetland/s attached? Yes

6. Reason for Request, Mapping Conventions, and Any Supplemental Information (attach additional sheet if necessary): *Additional information on the reverse side of this application.*

Big Island Savanna contains Wet Pine Savanna natural community (Very Ultisol/Wet Spodosol Variant) ranked S2/S3 by the NC Natural Heritage Program (NHP). NHP considers this site to be of excellent quality with an element occurrence rank of A. Big Island Savanna has been documented to harbor occurrences of state and federally listed species. Based on the ranking of the natural community, Big Island Savanna meets Tier I criteria of the Unique Wetlands classification.

The Nature Conservancy (TNC) owns the site. Present and future land use of the site is a nature preserve. Surrounding land use is forest/wildlife. Areas of silvicultural land use predominate to the west. The nearest actively managed timber area is approximately ¾ mile away. The delineated area is entirely within TNC's property boundary and approximately outlines the Wet Pine Savanna wetlands. The total area of the Unique Wetland delineation is 81.27 acres.

*Guidance for completing #4 on the first page of this application form:

A-76

The waterbody information being requested can be found in a "Schedule of Classifications" for the subject river basin (also known as North Carolina Administrative Code, Title 15A Subchapter 2B, Section .0300). A hard copy can be requested from staff at the Division of Water Quality at the number below. The "Schedule of Classifications" containing classifications of surface waters is also available online at:
<http://h2o.enr.state.nc.us/bims/Reports/reports.html>

The North Carolina Administrative Code Rules pertinent to Water Quality Classifications (15A NCAC 2B .0100 and .0200) may be found on the internet at
<http://h2o.enr.state.nc.us/admin/rules/>

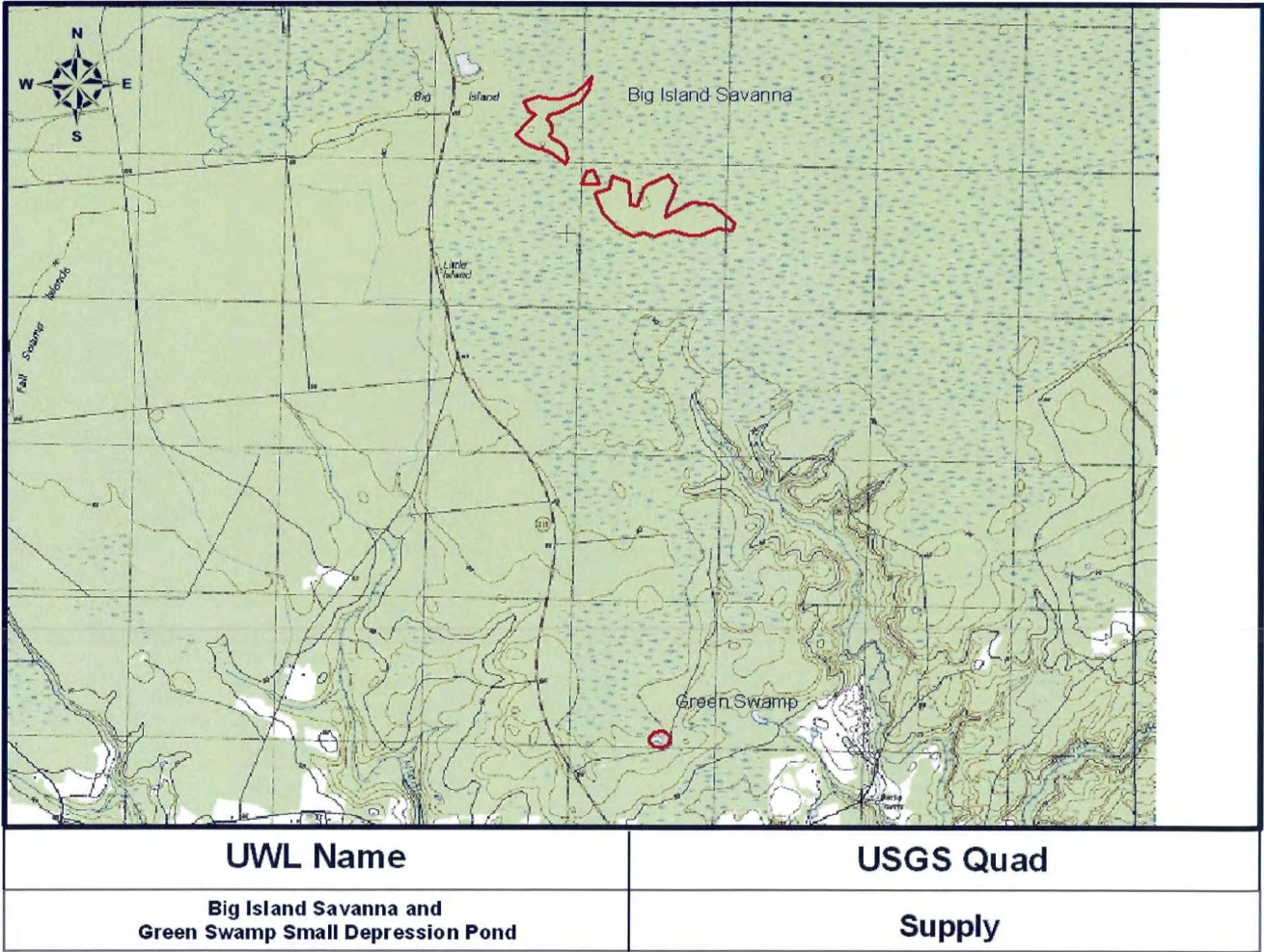
The homepage for the NC Division of Water Quality is:
<http://h2o.enr.state.nc.us/wqs/>

IT IS EXTREMELY BENEFICIAL TO ATTACH A USGS 1:24,000 TOPOGRAPHIC MAP WITH AN OUTLINE OR HIGHLIGHT OF WETLAND/S BEING REQUESTED FOR RECLASSIFICATION

If you need additional information or would like to request an electronic or paper copy of this application form, please submit such a request to the Division of Water Quality to: Elizabeth.Kountis@ncmail.net or by calling Elizabeth Kountis at (919) 733-5083, EXT. 369 or, a letter may be submitted to the address below.

Send this completed application form and attachments to:

Jeff Manning, Supervisor
North Carolina Department of Environment and Natural Resources
Division of Water Quality-Planning Section
1617 Mail Service Center
Raleigh, NC 27699-1617



0 0.15 0.3 0.6 0.9 1.2 Miles

June 26, 2007

**APPLICATION TO REQUEST
RECLASSIFICATION OF NC WETLAND/S TO
UNIQUE WETLAND (UWL)**

A-78

1. Date of Request: February 16, 2005
2. Requested by (include full contact information):

John Dorney
401 Certification/Wetlands Unit
2321 Crabtree Blvd.
Raleigh, NC 27604
(919) 733-9646
John.Dorney@ncmail.net

3. River Basin: Lumber County(ies): Brunswick

4. List Wetland/s requested for Reclassification: (*see reverse)

<u>Wetland Name</u>	<u>Nearest Waterbody Name</u>	<u>Nearest Waterbody Index #</u>
Green Swamp Small Depression Pond	Royal Oak Swamp	15-25-1-12

5. Attachments:

Is a USGS 7.5 minute topographic map outlining the subject wetland/s attached?
Yes

Is a resolution from the landowner within the boundaries of the proposed wetland/s attached? Yes

6. Reason for Request, Mapping Conventions, and Any Supplemental Information (attach additional sheet if necessary): *Additional information on the reverse side of this application.*

Green Swamp Small Depression Pond is a natural community of the same name ranked S3 by the NC Natural Heritage Program (NHP). NHP considers this site to be of excellent quality with an element occurrence rank of A. Green Swamp Small Depression Pond has been documented to harbor an occurrence of a state listed plant species (see table below). Based on the ranking of the natural community and the presence of the state rare species, Green Swamp Small Depression Pond meets Tier II criteria of the Unique Wetlands classification.

The Nature Conservancy owns the site. Present and future land use of the site is as a nature preserve. Surrounding land use is forest/wildlife. Areas of silvicultural land use predominate to the west across Highway 211. The nearest actively managed timber area is approximately 1/2 mile away. The delineated area is entirely within TNC's property boundary and approximately outlines the Small Depression Pond. The total area of the Unique Wetland delineation is 3.06 acres.

Rare Animal and Plant Species Known to Occur in the Big Island Savanna

A-79

Scientific Name	Common Name	Last sighting	State status	Federal status
<i>Rhynchospora alba</i>	Northern white beaksedge	1994-08-18	SR-P	

*Guidance for completing #4 on the first page of this application form:

The waterbody information being requested can be found in a "Schedule of Classifications" for the subject river basin (also known as North Carolina Administrative Code, Title 15A Subchapter 2B, Section .0300). A hard copy can be requested from staff at the Division of Water Quality at the number below. The "Schedule of Classifications" containing classifications of surface waters is also available online at:
<http://h2o.enr.state.nc.us/bims/Reports/reports.html>

The North Carolina Administrative Code Rules pertinent to Water Quality Classifications (15A NCAC 2B .0100 and .0200) may be found on the internet at
<http://h2o.enr.state.nc.us/admin/rules/>

The homepage for the NC Division of Water Quality is:
<http://h2o.enr.state.nc.us/wqs/>

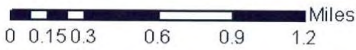
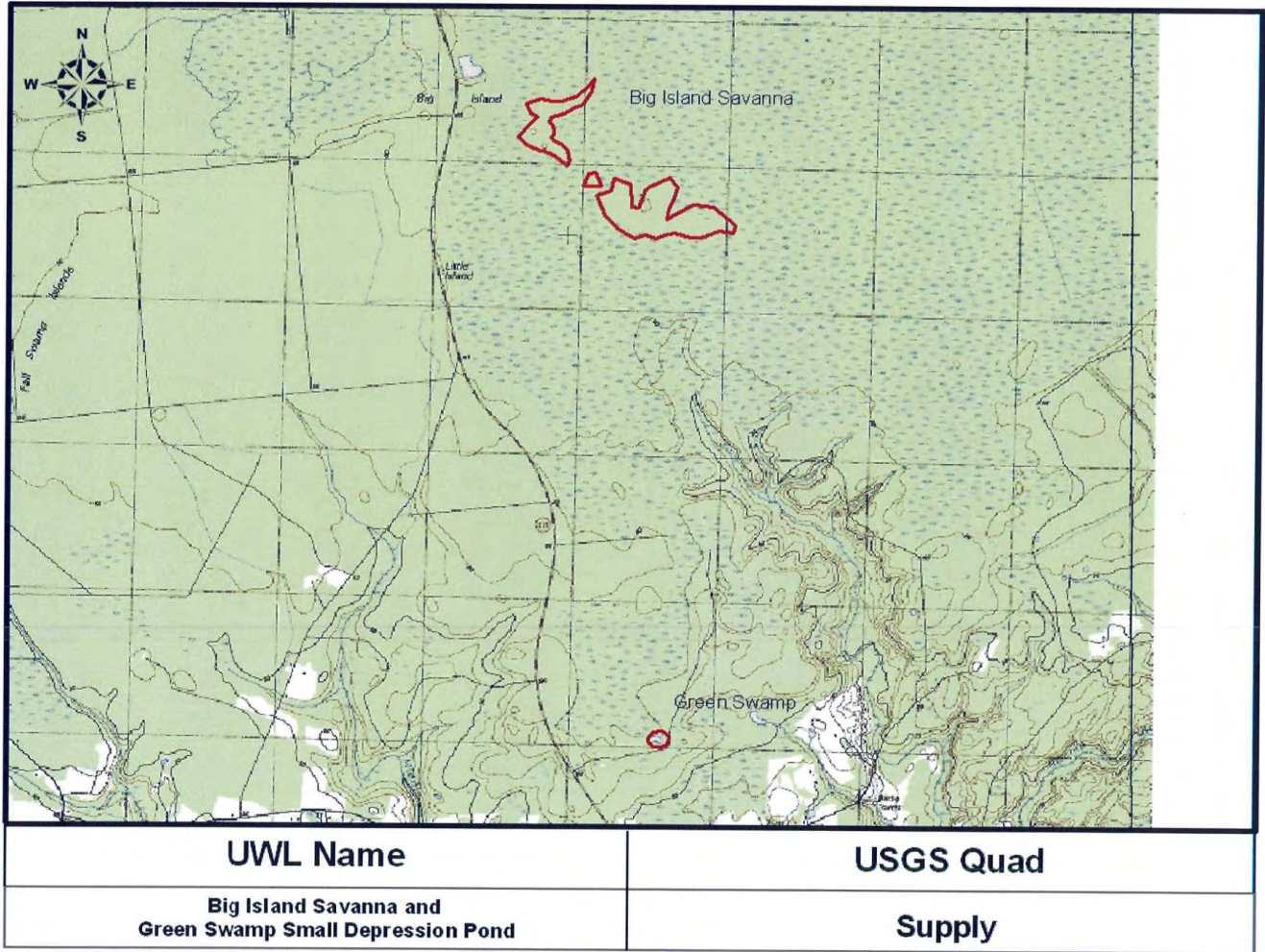
IT IS EXTREMELY BENEFICIAL TO ATTACH A USGS 1:24,000 TOPOGRAPHIC MAP WITH AN OUTLINE OR HIGHLIGHT OF WETLAND/S BEING REQUESTED FOR RECLASSIFICATION

If you need additional information or would like to request an electronic or paper copy of this application form, please submit such a request to the Division of Water Quality to: Elizabeth.Kountis@ncmail.net or by calling Elizabeth Kountis at (919) 733-5083, EXT. 369 or, a letter may be submitted to the address below.

Send this completed application form and attachments to:

Jeff Manning, Supervisor
North Carolina Department of Environment and Natural Resources
Division of Water Quality-Planning Section
1617 Mail Service Center
Raleigh, NC 27699-1617

105



June 26, 2007

**APPLICATION TO REQUEST
RECLASSIFICATION OF NC WETLAND/S TO
UNIQUE WETLAND (UWL)**

A-81

1. Date of Request: February 16, 2005
2. Requested by (include full contact information):

John Dorney
401 Certification/Wetlands Unit
2321 Crabtree Blvd.
Raleigh, NC 27604
(919) 733-9646
John.Dorney@ncmail.net

3. River Basin: Lumber County(ies): Robeson

4. List Wetland/s requested for Reclassification: (*see reverse)

<u>Wetland Name</u>	<u>Nearest Waterbody Name</u>	<u>Nearest Waterbody Index #</u>
Goosepond Bay	Big Marsh Swamp	14-22-2

5. Attachments:

Is a USGS 7.5 minute topographic map outlining the subject wetland/s attached?
Yes

Is a resolution from the landowner within the boundaries of the proposed wetland/s attached? Yes

6. Reason for Request, Mapping Conventions, and Any Supplemental Information (attach additional sheet if necessary): *Additional information on the reverse side of this application.*

Goosepond Bay is a Carolina Bay wetland dominated by Cypress Savanna Natural Community, ranked S2 the Natural Heritage Program. NHP considers this site to be of excellent quality with an element occurrence rank of A. Goosepond Bay contains several state and federally listed plant and animal species. Based on the ranking of the natural community, Goosepond Bay meets Tier I criteria of the Unique Wetlands classification.

The Nature Conservancy owns only half of the site. The other half is owned by an adjacent private landowner but has been maintained in an intact natural condition. Present and future land use of the site is a nature preserve. Surrounding land use is primarily agricultural with some low-density residential areas. The town of Lumber Bridge is 1.6 miles east of the bay. Big Marsh Swamp lies 0.6 miles southwest of Goosepond Bay and represents a large area of forest/wildlife land use. The delineated Unique Wetland area is entirely within TNC's property

boundary and is exclusively made up of Cypress Savanna wetlands. The total area of the Unique Wetland delineation is 56.78 acres.

A-82

*Guidance for completing #4 on the first page of this application form:

The waterbody information being requested can be found in a "Schedule of Classifications" for the subject river basin (also known as North Carolina Administrative Code, Title 15A Subchapter 2B, Section .0300). A hard copy can be requested from staff at the Division of Water Quality at the number below. The "Schedule of Classifications" containing classifications of surface waters is also available online at:
<http://h2o.enr.state.nc.us/biins/Reports/reports.html>

The North Carolina Administrative Code Rules pertinent to Water Quality Classifications (15A NCAC 2B .0100 and .0200) may be found on the internet at
<http://h2o.enr.state.nc.us/admin/rules/>

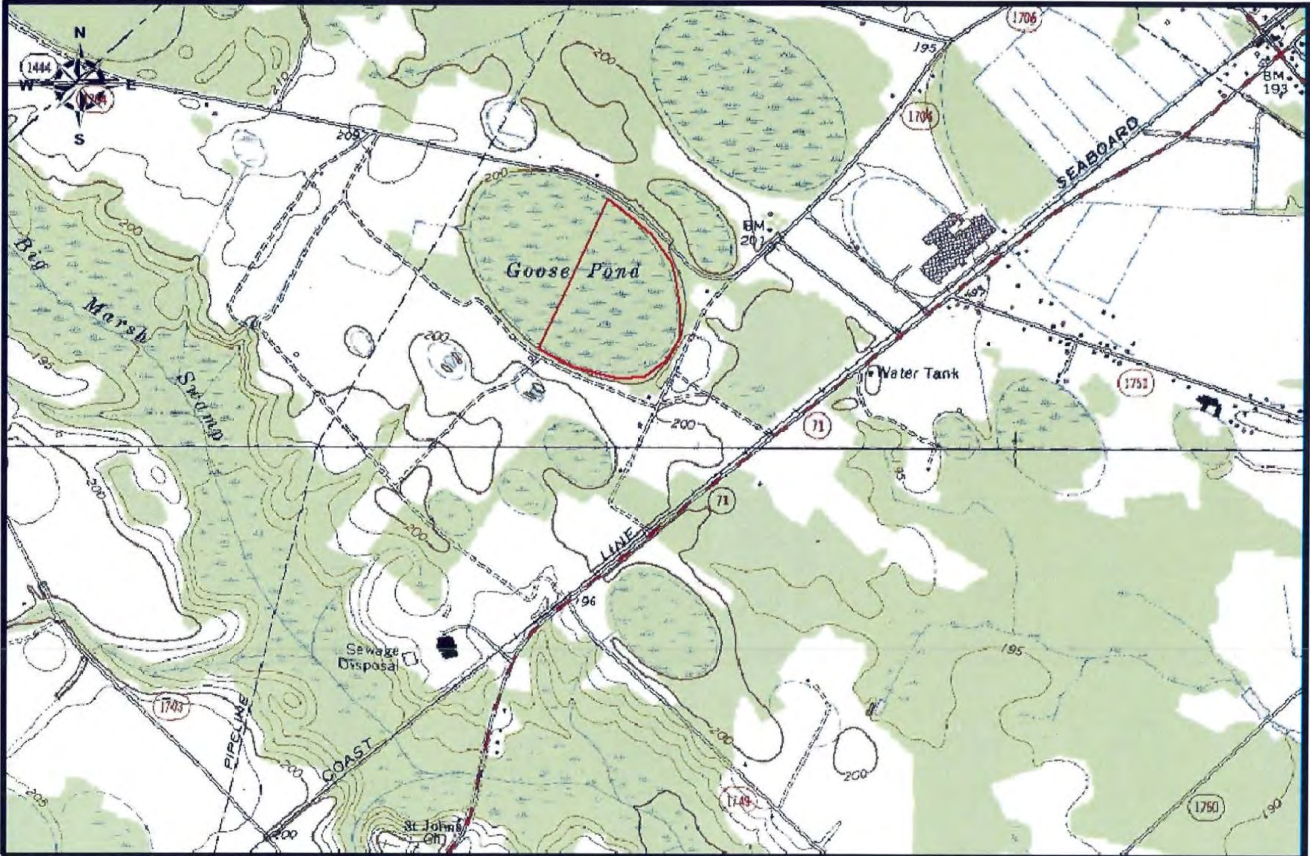
The homepage for the NC Division of Water Quality is:
<http://h2o.enr.state.nc.us/wqs/>

IT IS EXTREMELY BENEFICIAL TO ATTACH A USGS 1:24,000 TOPOGRAPHIC MAP WITH AN OUTLINE OR HIGHLIGHT OF WETLAND/S BEING REQUESTED FOR RECLASSIFICATION

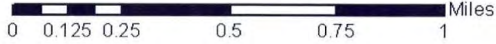
If you need additional information or would like to request an electronic or paper copy of this application form, please submit such a request to the Division of Water Quality to: Elizabeth.Kountis@ncmail.net or by calling Elizabeth Kountis at (919) 733-5083, EXT. 369 or, a letter may be submitted to the address below.

Send this completed application form and attachments to:

Jeff Manning, Supervisor
North Carolina Department of Environment and Natural Resources
Division of Water Quality-Planning Section
1617 Mail Service Center
Raleigh, NC 27699-1617



UWL Name	USGS Quad
Goose Pond Bay	Parkton



June 26, 2007

113

**APPLICATION TO REQUEST
RECLASSIFICATION OF NC WETLAND/S TO
UNIQUE WETLAND (UWL)**

A-84

1. Date of Request: February 16, 2005
2. Requested by (include full contact information):

John Dorney
401 Certification/Wetlands Unit
2321 Crabtree Blvd.
Raleigh, NC 27604
(919) 733-9646
John.Dorney@ncmail.net

3. River Basin: Lumber County(ies): Hoke

4. List Wetland/s requested for Reclassification: (*see reverse)

<u>Wetland Name</u>	<u>Nearest Waterbody Name</u>	<u>Nearest Waterbody Index #</u>
Hamby's Bay	Raft Swamp	14-10-1

5. Attachments:

Is a USGS 7.5 minute topographic map outlining the subject wetland/s attached?
Yes

Is a resolution from the landowner within the boundaries of the proposed wetland/s attached? Yes

6. Reason for Request, Mapping Conventions, and Any Supplemental Information (attach additional sheet if necessary): *Additional information on the reverse side of this application.*

Hamby's Bay is a Carolina Bay wetland dominated by Cypress Savanna Natural Community, ranked S2 by the Natural Heritage Program. NHP considers this site to be of good quality with an element occurrence rank of B. Hamby's Bay contains a number of state and federally listed plant and animal species. Based on the ranking of the natural community, Hamby's Bay meets Tier I criteria of the Unique Wetlands classification.

The Nature Conservancy owns the entirety of the site. Present and future land use of the site is a nature preserve. Surrounding land use is predominately agricultural with some low-density residential areas nearby. The town of Antioch lies 1½ miles to the west. The delineated Unique Wetland area is entirely within TNC's property boundary and is exclusively made up of Cypress Savanna wetlands. The total area of the Unique Wetland delineation is 19.69 acres.

*Guidance for completing #4 on the first page of this application form:

A-85

The waterbody information being requested can be found in a "Schedule of Classifications" for the subject river basin (also known as North Carolina Administrative Code, Title 15A Subchapter 2B, Section .0300). A hard copy can be requested from staff at the Division of Water Quality at the number below. The "Schedule of Classifications" containing classifications of surface waters is also available online at:

<http://h2o.enr.state.nc.us/bims/Reports/reports.html>

The North Carolina Administrative Code Rules pertinent to Water Quality Classifications (15A NCAC 2B .0100 and .0200) may be found on the internet at

<http://h2o.enr.state.nc.us/admin/rules/>

The homepage for the NC Division of Water Quality is:

<http://h2o.enr.state.nc.us/wqs/>

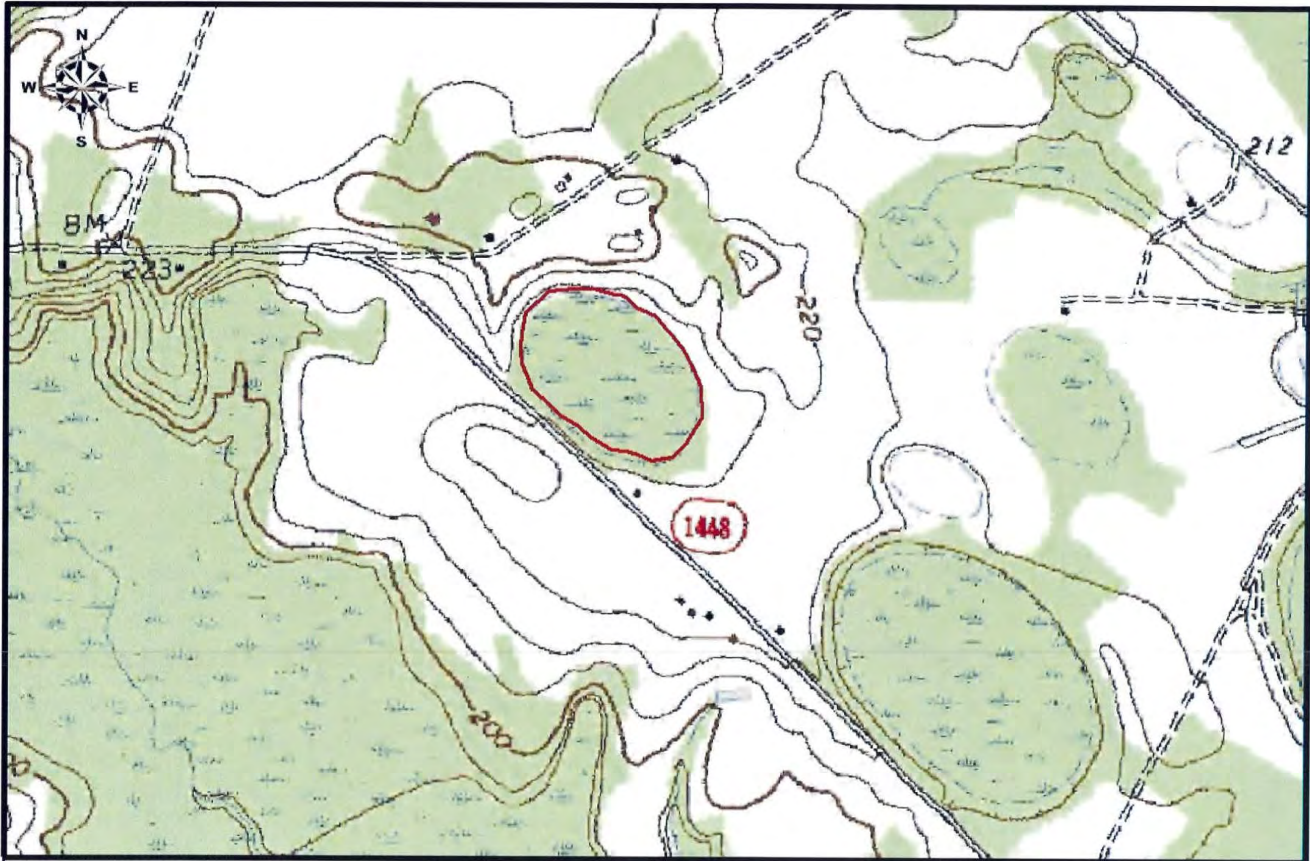
IT IS EXTREMELY BENEFICIAL TO ATTACH A USGS 1:24,000 TOPOGRAPHIC MAP WITH AN OUTLINE OR HIGHLIGHT OF WETLAND/S BEING REQUESTED FOR RECLASSIFICATION

If you need additional information or would like to request an electronic or paper copy of this application form, please submit such a request to the Division of Water Quality to: Elizabeth.Kountis@ncmail.net or by calling Elizabeth Kountis at (919) 733-5083, EXT. 369 or, a letter may be submitted to the address below.

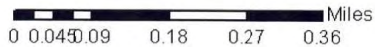
Send this completed application form and attachments to:

Jeff Manning, Supervisor
North Carolina Department of Environment and Natural Resources
Division of Water Quality-Planning Section
1617 Mail Service Center
Raleigh, NC 27699-1617

117



UWL Name	USGS Quad
Hamby's Bay	Raeford



June 26, 2007

**APPLICATION TO REQUEST
RECLASSIFICATION OF NC WETLAND/S TO
UNIQUE WETLAND (UWL)**

A-87

1. Date of Request: February 16, 2005
2. Requested by (include full contact information):

John Dorney
401 Certification/Wetlands Unit
2321 Crabtree Blvd.
Raleigh, NC 27604
(919) 733-9646
John.Dorney@ncmail.net

3. River Basin: Pamlico County(ies): Beaufort

4. List Wetland/s requested for Reclassification: (*see reverse)

<u>Wetland Name</u>	<u>Nearest Waterbody Name</u>	<u>Nearest Waterbody Index #</u>
Goose and Mallard	Goose Creek	29-33
Creek Tidal Freshwater	Flatty Creek	29-11-4
Marsh	Mallard Creek	29-13-(1)
	Pamlico River	29-(27)

5. Attachments:

Is a USGS 7.5 minute topographic map outlining the subject wetland/s attached?
Yes

Is a resolution from the landowner within the boundaries of the proposed wetland/s attached? Yes

6. Reason for Request, Mapping Conventions, and Any Supplemental Information (attach additional sheet if necessary): *Additional information on the reverse side of this application.*

Goose Creek and Mallard Creek Tidal Freshwater Marsh is a complex of wetlands primarily dominated by Tidal Freshwater Marshes, a community type ranked S2/S3 by the Natural Heritage Program (NHP). There are two main areas of marsh included in this UWL delineation. A small area lies along Mallard Creek 0.2 miles above its confluence with the Pamlico River. The larger area of UWL delineated wetlands is found along the confluence of Goose Creek and the Pamlico River, along Flatty Creek, and a length of the Pamlico River shoreline. This area is principally Tidal Freshwater Marsh, though a substantial area of Tidal Red Cedar Forest is included between the Pamlico River/Flatty Creek marshes and the pine forest along the shore to the north. This latter wetland community is ranked S2 by NHP. There are also small upland pine hammocks within the marsh. These areas are included in the UWL delineation, but the restrictions of the

classification will not apply. NHP has documented the occurrence of two state rare animal species in the vicinity of the marsh. NHP considers the two marsh A-88 areas to be of good quality with an element occurrence rank of B. Goose Creek and Mallard Creek Tidal Freshwater Marsh meet Tier I criteria of the Unique Wetlands classification based on the presence of the natural communities.

The site is owned by the NC Department of Parks and Recreation (DPR) and the proposed UWL wetlands are entirely within Goose Creek State Park. Land use in the park is forest/wildlife and outdoor recreation. Areas outside the park are dominated by silviculture, agriculture, and low-density residential. The majority of the proposed UWL area is along the Pamlico River, Flatty, and Goose Creek. A river-front residential development was recently built adjacent to the park, 0.1 miles from the Mallard Creek UWL delineated marsh. This latter marsh is also bounded to the north and northeast by pine plantation. The total area of the proposed UWL wetland area is 272.34 acres.

*Guidance for completing #4 on the first page of this application form:

The waterbody information being requested can be found in a "Schedule of Classifications" for the subject river basin (also known as North Carolina Administrative Code, Title 15A Subchapter 2B, Section .0300). A hard copy can be requested from staff at the Division of Water Quality at the number below. The "Schedule of Classifications" containing classifications of surface waters is also available online at:
<http://h2o.enr.state.nc.us/bims/Reports/reports.html>

The North Carolina Administrative Code Rules pertinent to Water Quality Classifications (15A NCAC 2B .0100 and .0200) may be found on the internet at
<http://h2o.enr.state.nc.us/admin/rules/>

The homepage for the NC Division of Water Quality is:
<http://h2o.enr.state.nc.us/wqs/>

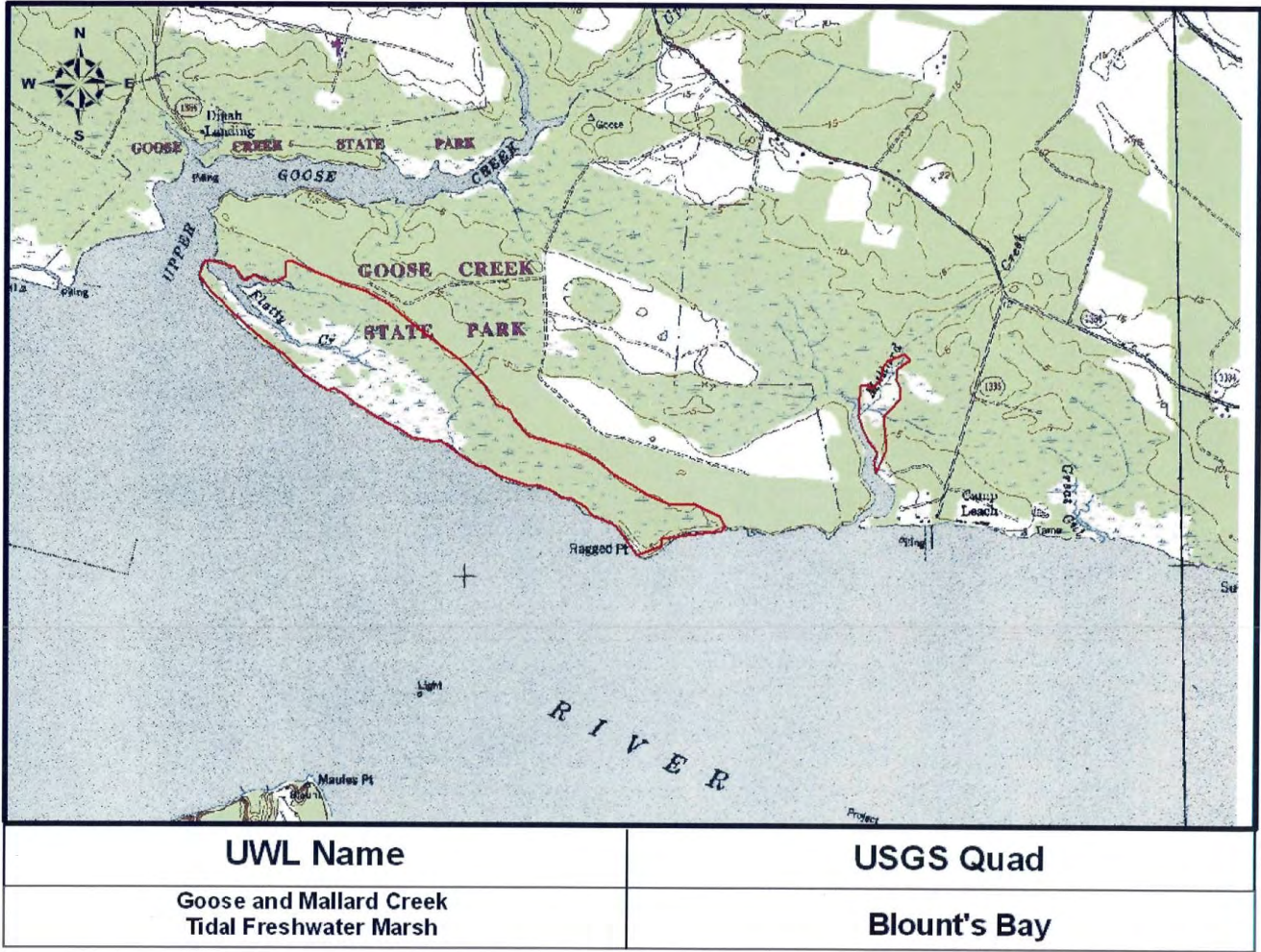
IT IS EXTREMELY BENEFICIAL TO ATTACH A USGS 1:24,000 TOPOGRAPHIC MAP WITH AN OUTLINE OR HIGHLIGHT OF WETLAND/S BEING REQUESTED FOR RECLASSIFICATION

If you need additional information or would like to request an electronic or paper copy of this application form, please submit such a request to the Division of Water Quality to: Elizabeth.Kountis@ncmail.net or by calling Elizabeth Kountis at (919) 733-5083, EXT. 369 or, a letter may be submitted to the address below.

Send this completed application form and attachments to:

Jeff Manning, Supervisor
North Carolina Department of Environment and Natural Resources
Division of Water Quality-Planning Section
1617 Mail Service Center
Raleigh, NC 27699-1617

121



**APPLICATION TO REQUEST
RECLASSIFICATION OF NC WETLAND/S TO
UNIQUE WETLAND (UWL)**

A-90

1. Date of Request: February 16, 2005
2. Requested by (include full contact information):

John Dorney
401 Certification/Wetlands Unit
2321 Crabtree Blvd.
Raleigh, NC 27604
(919) 733-9646
John.Dorney@ncmail.net

3. River Basin: Lumber County(ies): Robeson

4. List Wetland/s requested for Reclassification: (*see reverse)

<u>Wetland Name</u>	<u>Nearest Waterbody Name</u>	<u>Nearest Waterbody Index #</u>
Dunahoe Bay	Big Marsh Swamp	14-22-2

5. Attachments:

Is a USGS 7.5 minute topographic map outlining the subject wetland/s attached?
Yes

Is a resolution from the landowner within the boundaries of the proposed wetland/s attached? Yes

6. Reason for Request, Mapping Conventions, and Any Supplemental Information (attach additional sheet if necessary): *Additional information on the reverse side of this application.*

Dunahoe Bay is a Carolina Bay wetland considered to be a Small Depression Pond Natural Community, ranked S3 by the Natural Heritage Program. NHP considers this site to be of excellent quality with an element occurrence rank of A. Dunahoe Bay is distinct from the other Carolina Bay wetlands in the Hoke/Robeson county area, because it is persistently inundated and is dominated by floating aquatic vegetation rather than Pond Cypress. Dunahoe Bay contains several state and federally listed plant and animal species (see table below) and is also an important wading bird rookery. Based on the ranking of the natural community and the presence of several rare plants and animals, Pretty Pond Bay meets Tier II criteria of the Unique Wetlands classification.

The Nature Conservancy owns the entirety of the site. Present and future land use of the site is as a nature preserve. Surrounding land use is primarily agricultural, though there is some silvicultural activity in nearby converted Carolina Bays. Big Marsh Swamp lies 0.3 miles south of Dunahoe Bay and represents a large area of

forest/wildlife land use. The town of St. Paul is 2.8 miles east of the bay. The delineated Unique Wetland area is entirely within TNC's property boundary. The total area of the Unique Wetland delineation is 39.18 acres.

Rare Animal and Plant Species Known to Occur in Dunahoe Bay

Scientific Name	Common Name	Last sighting	State status	Federal status
<i>Anhinga anhinga</i>	Anhinga	1999	SR	
<i>Egretta thula</i>	Snowy egret	1999	SC	
<i>Egretta caerulea</i>	Little blue heron	1999	SC	
<i>Porphyryla martinica</i>	Purple gallinule	1990-06-02	SR	
<i>Rhexia aristosa</i>	Awned meadow-beauty	1982	T	FSC

***Guidance for completing #4 on the first page of this application form:**

The waterbody information being requested can be found in a "Schedule of Classifications" for the subject river basin (also known as North Carolina Administrative Code, Title 15A Subchapter 2B, Section .0300). A hard copy can be requested from staff at the Division of Water Quality at the number below. The "Schedule of Classifications" containing classifications of surface waters is also available online at:
<http://h2o.enr.state.nc.us/bims/Reports/reports.html>

The North Carolina Administrative Code Rules pertinent to Water Quality Classifications (15A NCAC 2B .0100 and .0200) may be found on the internet at
<http://h2o.enr.state.nc.us/admin/rules/>

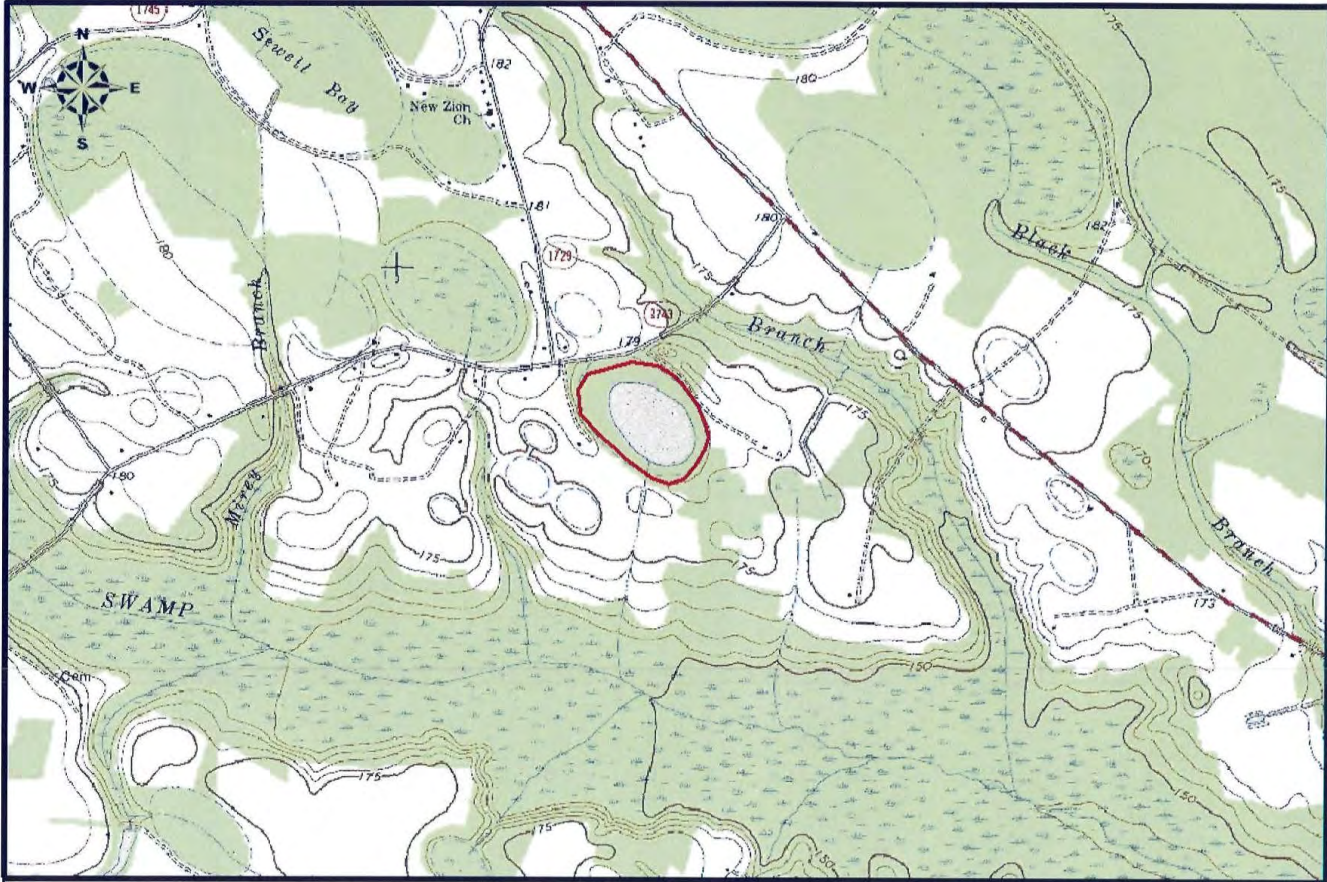
The homepage for the NC Division of Water Quality is:
<http://h2o.enr.state.nc.us/wqs/>

IT IS EXTREMELY BENEFICIAL TO ATTACH A USGS 1:24,000 TOPOGRAPHIC MAP WITH AN OUTLINE OR HIGHLIGHT OF WETLAND/S BEING REQUESTED FOR RECLASSIFICATION

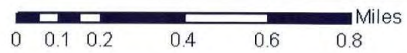
If you need additional information or would like to request an electronic or paper copy of this application form, please submit such a request to the Division of Water Quality to: Elizabeth.Kountis@ncmail.net or by calling Elizabeth Kountis at (919) 733-5083, EXT. 369 or, a letter may be submitted to the address below.

Send this completed application form and attachments to:

Jeff Manning, Supervisor
 North Carolina Department of Environment and Natural Resources
 Division of Water Quality-Planning Section
 1617 Mail Service Center
 Raleigh, NC 27699-1617



UWL Name	USGS Quad
Dunahoe Bay	Rennert



June 26, 2007

**APPLICATION TO REQUEST
RECLASSIFICATION OF NC WETLAND/S TO
UNIQUE WETLAND (UWL)**

A-93

1. Date of Request: February 16, 2005
2. Requested by (include full contact information):

John Dorney
401 Certification/Wetlands Unit
2321 Crabtree Blvd.
Raleigh, NC 27604
(919) 733-9646
John.Dorney@ncmail.net

3. River Basin: Yadkin County(ies): Montgomery

4. List Wetland/s requested for Reclassification: (*see reverse)

<u>Wetland Name</u>	<u>Nearest Waterbody Name</u>	<u>Nearest Waterbody Index #</u>
Black Ankle Bog	Suggs Creek	13-25-12

5. Attachments:
Is a USGS 7.5 minute topographic map outlining the subject wetland/s attached?
Yes

Is a resolution from the landowner within the boundaries of the proposed wetland/s attached? Yes

6. Reason for Request, Mapping Conventions, and Any Supplemental Information (attach additional sheet if necessary): *Additional information on the reverse side of this application.*

Black Ankle Bog is comprised of several areas of Hillside Seepage Bog, a wetland natural community ranked S2 by the Natural Heritage Program (NHP). The bogs are considered to be of excellent quality and have been given an element occurrence rank of A by NHP. A federally listed rare wetland plant species is present in the bog. Due to the natural community present, this site meets Tier I criteria of the Unique Wetlands classification.

The Nature Conservancy owns the site. Present and future land use of the site is a nature preserve. The immediate surrounding land use is a combination of silviculture, agriculture and pastureland, and natural forested areas. The delineated areas represent three separate bogs and are entirely within TNC's property boundary. The total area of the Unique Wetland delineation is 3.26-acres.

*Guidance for completing #4 on the first page of this application form:

A-94

The waterbody information being requested can be found in a "Schedule of Classifications" for the subject river basin (also known as North Carolina Administrative Code, Title 15A Subchapter 2B, Section .0300). A hard copy can be requested from staff at the Division of Water Quality at the number below. The "Schedule of Classifications" containing classifications of surface waters is also available online at:

<http://h2o.enr.state.nc.us/bims/Reports/reports.html>

The North Carolina Administrative Code Rules pertinent to Water Quality Classifications (15A NCAC 2B .0100 and .0200) may be found on the internet at

<http://h2o.enr.state.nc.us/admin/rules/>

The homepage for the NC Division of Water Quality is:

<http://h2o.enr.state.nc.us/wqs/>

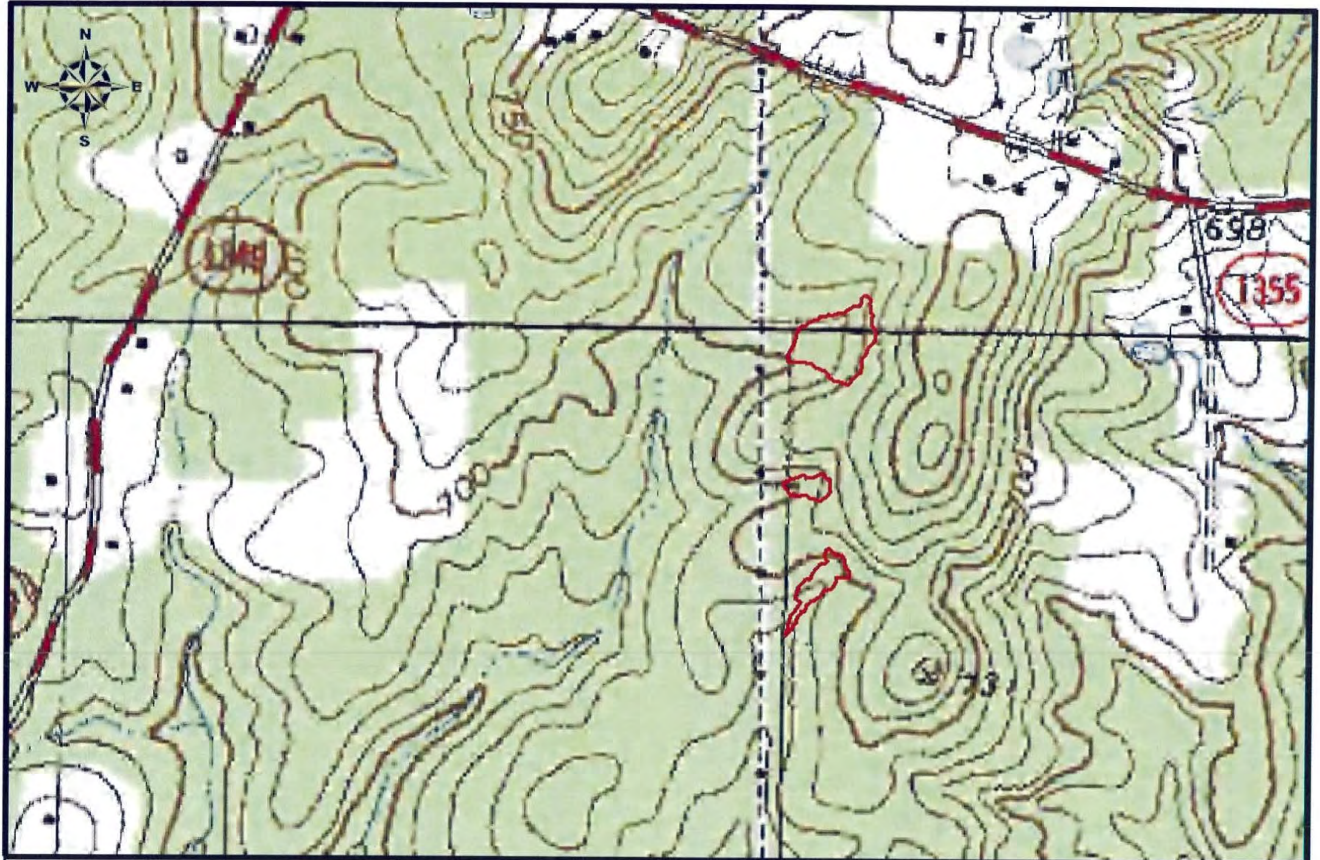
IT IS EXTREMELY BENEFICIAL TO ATTACH A USGS 1:24,000 TOPOGRAPHIC MAP WITH AN OUTLINE OR HIGHLIGHT OF WETLAND/S BEING REQUESTED FOR RECLASSIFICATION

If you need additional information or would like to request an electronic or paper copy of this application form, please submit such a request to the Division of Water Quality to: Elizabeth.Kountis@ncmail.net or by calling Elizabeth Kountis at (919) 733-5083, EXT. 369 or, a letter may be submitted to the address below.

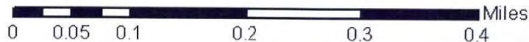
Send this completed application form and attachments to:

Jeff Manning, Supervisor
North Carolina Department of Environment and Natural Resources
Division of Water Quality-Planning Section
1617 Mail Service Center
Raleigh, NC 27699-1617

1.04



UWL Name	USGS Quad
Black Ankle Bog	Star and Seagrove



June 26, 2007

**APPLICATION TO REQUEST
RECLASSIFICATION OF NC WETLAND/S TO
UNIQUE WETLAND (UWL)**

A-96

1. Date of Request: February 16, 2005
2. Requested by (include full contact information):

John Dorney
401 Certification/Wetlands Unit
2321 Crabtree Blvd.
Raleigh, NC 27604
(919) 733-9646
John.Dorney@ncmail.net

3. River Basin: Watagua County(ies): Watagua

4. List Wetland/s requested for Reclassification: (*see reverse)

<u>Wetland Name</u>	<u>Nearest Waterbody Name</u>	<u>Nearest Waterbody Index #</u>
Beech Creek Bog	Beech Creek	8-20

5. Attachments:

Is a USGS 7.5 minute topographic map outlining the subject wetland/s attached?
Yes

Is a resolution from the landowner within the boundaries of the proposed wetland/s attached? Yes

6. Reason for Request, Mapping Conventions, and Any Supplemental Information (attach additional sheet if necessary): *Additional information on the reverse side of this application.*

Beech Creek Bog is a Southern Appalachian Bog (Northern Subtype), ranked S1/S2 by the Natural Heritage Program. NHP considers this site to be of excellent quality with an element occurrence rank of A. Beech Creek Bog harbors several state and federally listed plant and animal species. Based on the ranking of the natural community, Beech Creek Bog meets Tier I criteria of the Unique Wetlands classification.

Beech Creek Bog is owned by the NC Division of Parks and Recreation (DPR) and managed as a State Natural Area. Present and future land use of the site is a nature preserve. Surrounding land use is forest/wildlife with some low-density residential areas as well. The base of Beech Mountain Ski Resort is 0.5 miles to the west of the bog. The bog extends beyond State property onto adjacent private land, however, the delineated Unique Wetland area is entirely within DPR's property boundary. Areas of beaver-impounded bog and small areas of upland are included within the delineation. The UWL restrictions do not apply to upland

areas within the delineated area. The total area of the Unique Wetland delineation is 15.79 acres.

A-97

*Guidance for completing #4 on the first page of this application form:

The waterbody information being requested can be found in a "Schedule of Classifications" for the subject river basin (also known as North Carolina Administrative Code, Title 15A Subchapter 2B, Section .0300). A hard copy can be requested from staff at the Division of Water Quality at the number below. The "Schedule of Classifications" containing classifications of surface waters is also available online at:
<http://h2o.enr.state.nc.us/bims/Reports/reports.html>

The North Carolina Administrative Code Rules pertinent to Water Quality Classifications (15A NCAC 2B .0100 and .0200) may be found on the internet at
<http://h2o.enr.state.nc.us/admin/rules/>

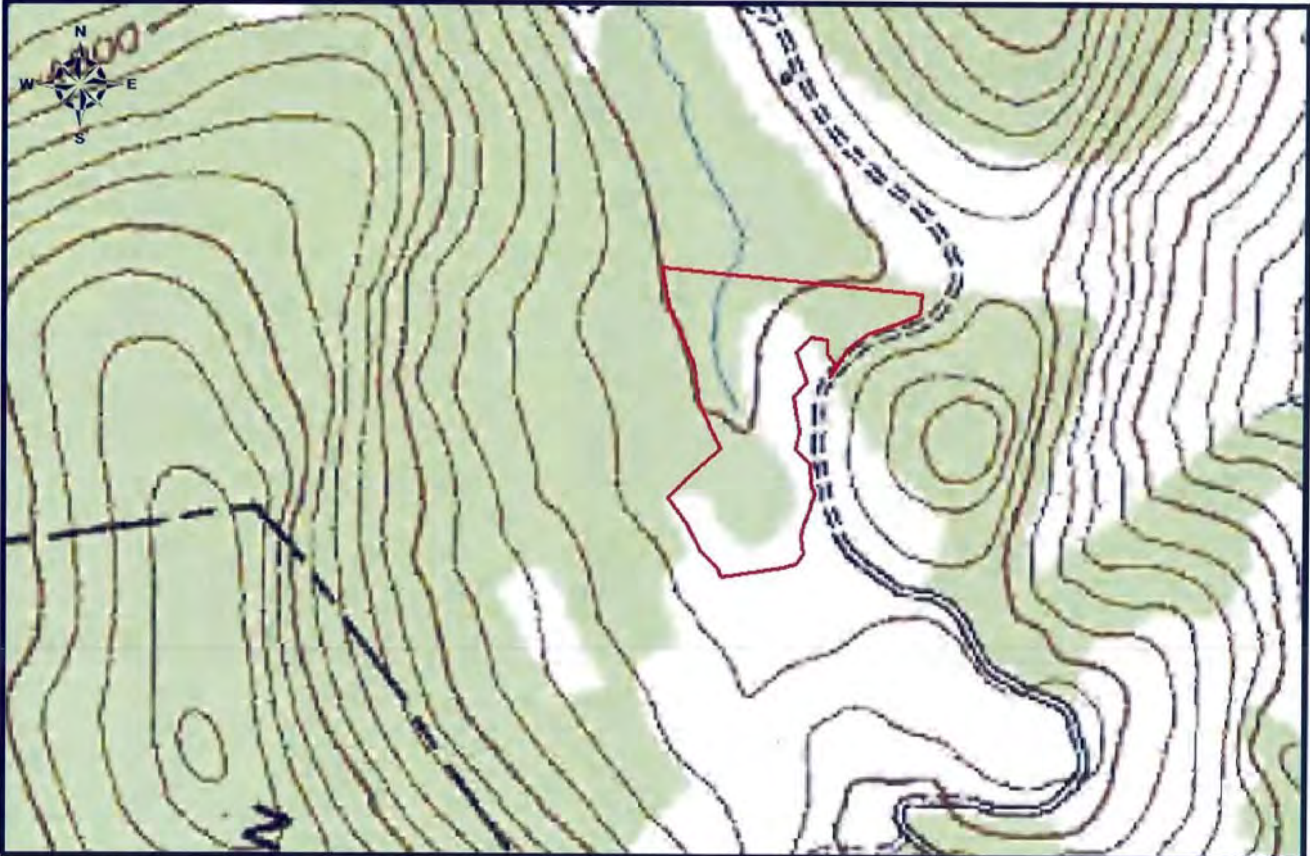
The homepage for the NC Division of Water Quality is:
<http://h2o.enr.state.nc.us/wqs/>

IT IS EXTREMELY BENEFICIAL TO ATTACH A USGS 1:24,000 TOPOGRAPHIC MAP WITH AN OUTLINE OR HIGHLIGHT OF WETLAND/S BEING REQUESTED FOR RECLASSIFICATION

If you need additional information or would like to request an electronic or paper copy of this application form, please submit such a request to the Division of Water Quality to: Elizabeth.Kountis@ncmail.net or by calling Elizabeth Kountis at (919) 733-5083, EXT. 369 or, a letter may be submitted to the address below.

Send this completed application form and attachments to:

<p>Jeff Manning, Supervisor North Carolina Department of Environment and Natural Resources Division of Water Quality-Planning Section 1617 Mail Service Center Raleigh, NC 27699-1617</p>



UWL Name	USGS Quad
Beech Creek Bog	Valle Crucis



June 26, 2007

A-99

**APPLICATION TO REQUEST
RECLASSIFICATION OF NC WETLAND/S TO
UNIQUE WETLAND (UWL)**

1. Date of Request: February 16, 2005
2. Requested by (include full contact information):

John Dorney
401 Certification/Wetlands Unit
2321 Crabtree Blvd.
Raleigh, NC 27604
(919) 733-9646
John.Dorney@ncmail.net

3. River Basin: New County(ies): Ashe

4. List Wetland/s requested for Reclassification: (*see reverse)

<u>Wetland Name</u>	<u>Nearest Waterbody Name</u>	<u>Nearest Waterbody Index #</u>
Bluff Mt. Fen	Buffalo Creek	10-2-20

5. Attachments:

Is a USGS 7.5 minute topographic map outlining the subject wetland/s attached?
Yes

Is a resolution from the landowner within the boundaries of the proposed wetland/s attached? Yes

6. Reason for Request, Mapping Conventions, and Any Supplemental Information (attach additional sheet if necessary): *Additional information on the reverse side of this application.*

Bluff Mountain Fen is a Southern Appalachian Fen natural community, ranked S1 by the Natural Heritage Program (NHP). This site is recognized as a globally rare wetland with no other known occurrences in the Southeastern U.S. NHP considers this site to be of excellent quality with an element occurrence rank of A. Bluff Mt. Fen contains several state and federally listed plant and animal species. Based on the ranking of the natural community, Bluff Mt. Fen meets Tier I criteria of the Unique Wetlands classification.

The Nature Conservancy owns the entirety of the site. Present and future land use of the site is a nature preserve. A dirt road passes along the western edge of the fen and isolates a finger of the wetland. This finger is included in the delineation, however, the roadbed is not included. Surrounding land use is exclusively forest/wildlife. The town of West Jefferson is 3.5 miles east of the site. The delineated Unique Wetland area is entirely within TNC's property boundary and

is exclusively made up of fen wetlands. The total area of the Unique Wetland delineation is 3.2 acres.

A-100

*Guidance for completing #4 on the first page of this application form:

The waterbody information being requested can be found in a "Schedule of Classifications" for the subject river basin (also known as North Carolina Administrative Code, Title 15A Subchapter 2B, Section .0300). A hard copy can be requested from staff at the Division of Water Quality at the number below. The "Schedule of Classifications" containing classifications of surface waters is also available online at:

<http://h2o.enr.state.nc.us/bjms/Reports/reports.html>

The North Carolina Administrative Code Rules pertinent to Water Quality Classifications (15A NCAC 2B .0100 and .0200) may be found on the internet at

<http://h2o.enr.state.nc.us/admin/rules/>

The homepage for the NC Division of Water Quality is:

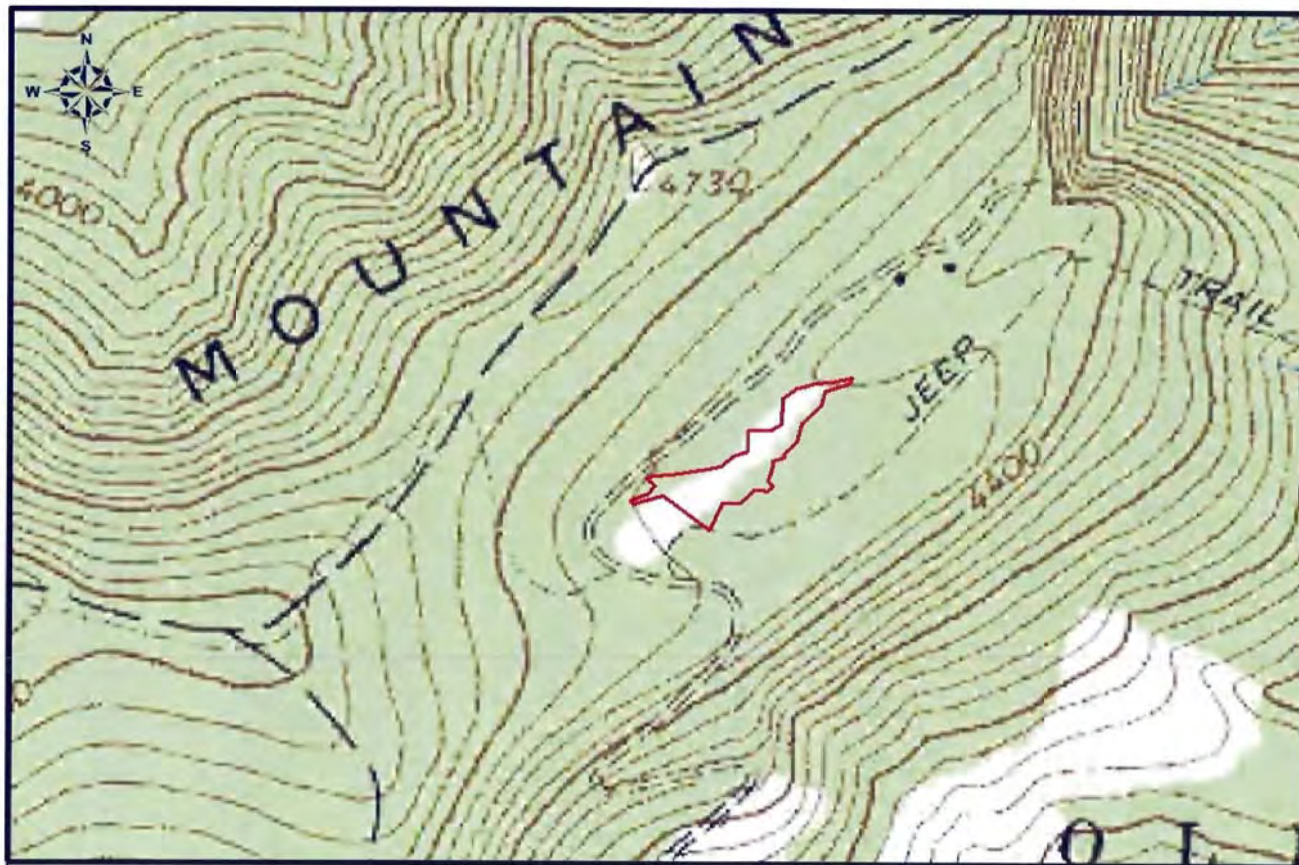
<http://h2o.enr.state.nc.us/wqs/>

IT IS EXTREMELY BENEFICIAL TO ATTACH A USGS 1:24,000 TOPOGRAPHIC MAP WITH AN OUTLINE OR HIGHLIGHT OF WETLAND/S BEING REQUESTED FOR RECLASSIFICATION

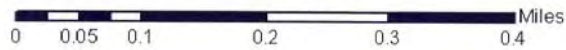
If you need additional information or would like to request an electronic or paper copy of this application form, please submit such a request to the Division of Water Quality to: Elizabeth.Kountis@ncmail.net or by calling Elizabeth Kountis at (919) 733-5083, EXT. 369 or, a letter may be submitted to the address below.

Send this completed application form and attachments to:

Jeff Manning, Supervisor
North Carolina Department of Environment and Natural Resources
Division of Water Quality-Planning Section
1617 Mail Service Center
Raleigh, NC 27699-1617



UWL Name	USGS Quad
Bluff Mountain Fen	Warrensville



June 26, 2007

**APPLICATION TO REQUEST
RECLASSIFICATION OF NC WETLAND/S TO
UNIQUE WETLAND (UWL)**

A-102

1. Date of Request: February 16, 2005
2. Requested by (include full contact information):

John Dorney
401 Certification/Wetlands Unit
2321 Crabtree Blvd.
Raleigh, NC 27604
(919) 733-9646
John.Dorney@ncmail.net

3. River Basin: Lumber County(ies): Robeson

4. List Wetland/s requested for Reclassification: (*see reverse)

<u>Wetland Name</u>	<u>Nearest Waterbody Name</u>	<u>Nearest Waterbody Index #</u>
Oak Savanna Bay	Smith Branch	14-10-3

5. Attachments:

Is a USGS 7.5 minute topographic map outlining the subject wetland/s attached?
Yes

Is a resolution from the landowner within the boundaries of the proposed wetland/s attached? Yes

6. Reason for Request, Mapping Conventions, and Any Supplemental Information (attach additional sheet if necessary): *Additional information on the reverse side of this application.*

Oak Savanna Bay is a pair of two Carolina Bay wetlands containing both Wet Pine Savanna and Cypress Savanna Natural Communities, ranked S2 and S2/S3 by the Natural Heritage Program. NHP considers these communities to be of good quality with an element occurrence rank of B. Oak Savanna Bay contains several state and federally listed plant and animal species. Based on the ranking of the natural community, Oak Savanna Bay meets Tier I criteria of the Unique Wetlands classification.

The Nature Conservancy owns the entirety of the site. Present and future land use of the site is a nature preserve. Surrounding land use is primarily agricultural with some low-density residential lots immediately south of the bays. A power line bisects the TNC property and separates the two bays, though the corridor does not pass through the wetlands. Raft Swamp lies 0.6 miles southwest of Oak Savanna Bay and represents a large area of forest/wildlife land use. The delineated Unique Wetland area is entirely within TNC's property boundary and is exclusively

comprised of Cypress Savanna and Wet Pine Savanna wetlands. The total area of the Unique Wetland delineation is 15.39 acres.

A-103

*Guidance for completing #4 on the first page of this application form:

The waterbody information being requested can be found in a "Schedule of Classifications" for the subject river basin (also known as North Carolina Administrative Code, Title 15A Subchapter 2B, Section .0300). A hard copy can be requested from staff at the Division of Water Quality at the number below. The "Schedule of Classifications" containing classifications of surface waters is also available online at:
<http://h2o.enr.state.nc.us/bims/Reports/reports.html>

The North Carolina Administrative Code Rules pertinent to Water Quality Classifications (15A NCAC 2B .0100 and .0200) may be found on the internet at
<http://h2o.enr.state.nc.us/admin/rules/>

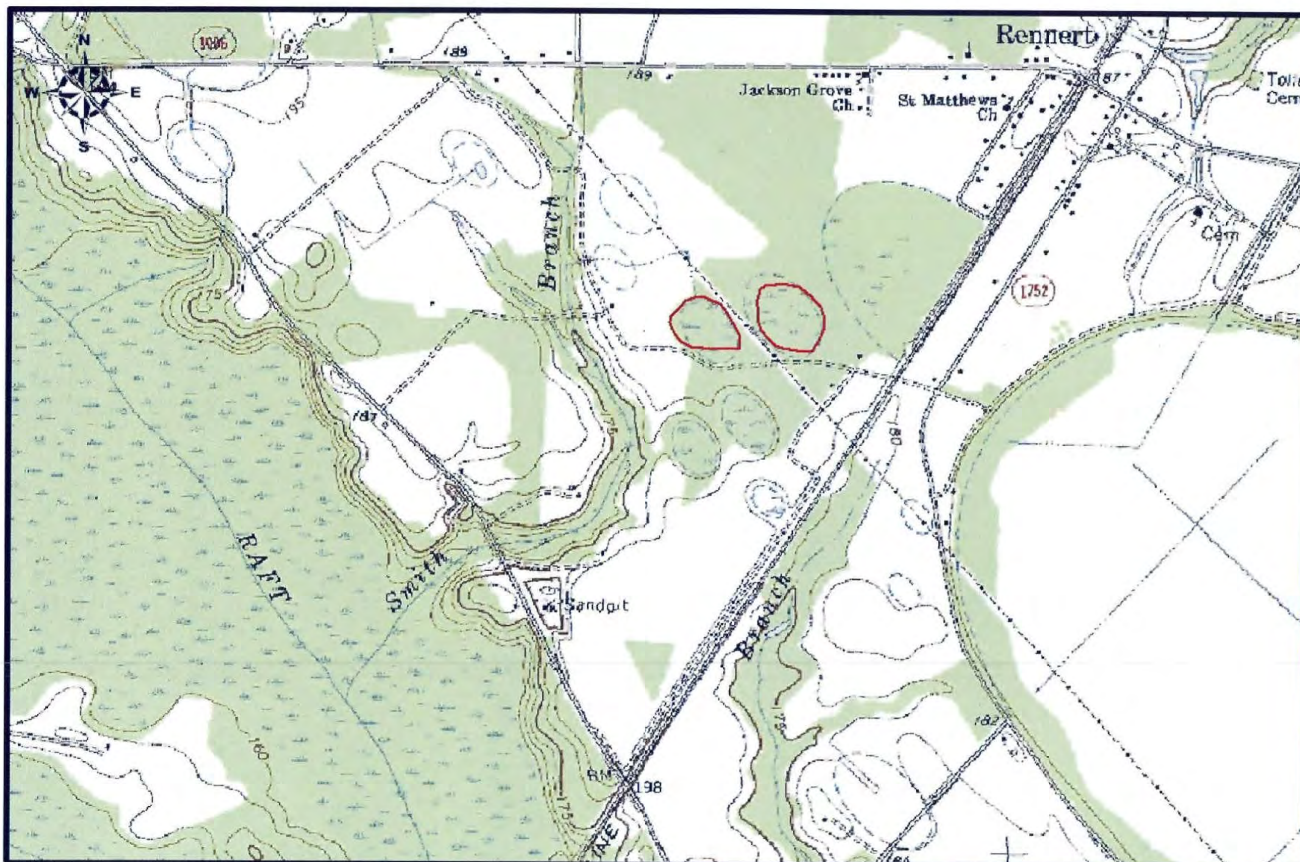
The homepage for the NC Division of Water Quality is:
<http://h2o.enr.state.nc.us/wqs/>

IT IS EXTREMELY BENEFICIAL TO ATTACH A USGS 1:24,000 TOPOGRAPHIC MAP WITH AN OUTLINE OR HIGHLIGHT OF WETLAND/S BEING REQUESTED FOR RECLASSIFICATION

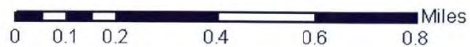
If you need additional information or would like to request an electronic or paper copy of this application form, please submit such a request to the Division of Water Quality to: Elizabeth.Kountis@ncmail.net or by calling Elizabeth Kountis at (919) 733-5083, EXT. 369 or, a letter may be submitted to the address below.

Send this completed application form and attachments to:

Jeff Manning, Supervisor
North Carolina Department of Environment and Natural Resources
Division of Water Quality-Planning Section
1617 Mail Service Center
Raleigh, NC 27699-1617



UWL Name	USGS Quad
Oak Savanna Bay	Renner



June 26, 2007

Note from the Codifier: The notices published in this Section of the NC Register include the text of proposed rules. The agency must accept comments on the proposed rule(s) for at least 60 days from the publication date, or until the public hearing, or a later date if specified in the notice by the agency. If the agency adopts a rule that differs substantially from a prior published notice, the agency must publish the text of the proposed different rule and accept comment on the proposed different rule for 60 days.

Statutory reference: G.S. 150B-21.2.

TITLE 15A – DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

Notice is hereby given in accordance with G.S. 150B-21.2 that the Environmental Management Commission intends to amend rules cited as 15A NCAC 02B .0303 - .0305, .0307, .0309 - .0313, .0316 - .0317.

Proposed Effective Date: November 1, 2007

Public Hearing:

Date: May 15, 2007

Time: 6:00 p.m.

Location: Ground Floor Hearing Room, Archdale Building, 512 North Salisbury Street, Raleigh, NC 27604

Public Hearing:

Date: May 23, 2007

Time: 6:00 p.m.

Location: Carolina Beach State Park Auditorium, 1010 State Park Road, Carolina Beach, NC 28428

Reason for Proposed Action: The Division of Water Quality Wetlands Unit requested the EMC to undergo rulemaking to reclassify thirty-three wetlands in eleven North Carolina river basins to add the supplemental Unique Wetlands (UWL) classification. If adopted, these UWL reclassification proposals would offer additional protection to approximately 3,800 acres of high quality natural wetland communities in state, federal, and land trust property that support rare species. North Carolina Natural Heritage Program information on rare species and natural communities within the state was used to support the reclassification requests. The purpose of the reclassification requests is to protect the natural wetland communities in the state so that their use as habitat for threatened or endangered species is maintained. State wetland rules at 15A NCAC 02H .0500 allow impacts to Class UWL wetlands for proposed projects that meet a public need and require impacts from these projects to be directed to the same watershed and same wetland type to maintain the use of these wetlands by rare species.

Procedure by which a person can object to the agency on a proposed rule: You may attend the public hearing and make relevant verbal comments, and/ or submit written comments, data or other relevant information by June 15, 2007. The Hearing Officer may limit the length of time that you may speak at the public hearing so that all those who wish to speak may have an opportunity to do so. The EMC is very interested in all comments pertaining to the proposed reclassifications. All

persons interested and potentially affected by the proposals are strongly encouraged to read this entire notice and make comments on the proposed reclassifications. The EMC may not adopt a rule that differs substantially from the text of the proposed rule, published in this notice unless the EMC publishes the text of the proposed different rule and accepts comments on the new text (General Statute 150B 21.2(g)). Written comments may be submitted to Adriene Weaver, DENR/Division of Water Quality/ Planning Sections, 1617 Mail Service Center, Raleigh, NC 27699-1617, adriene.weaver@ncmail.net, or fax at (919) 715-5637.

Comments may be submitted to: Adriene Weaver, DENR/ Division of Water Quality, Planning Section, 1617 Mail Service Center, Raleigh, NC 27699-1617, phone (919) 733-5083 ext. 370, fax (919) 715-5637, email adriene.weaver@ncmail.net

Comment period ends: June 15, 2007

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-733-2721.

Fiscal Impact:

- State
- Local
- Substantive (≥\$3,000,000)
- None

CHAPTER 02 - ENVIRONMENTAL MANAGEMENT

SUBCHAPTER 02B - SURFACE WATER AND WETLAND STANDARDS

SECTION .0300 - ASSIGNMENT OF STREAM CLASSIFICATIONS

15A NCAC 02B .0303 LITTLE TENN RIVER BASIN

AND SAVANNAH RIVER DRAINAGE AREA

(a) ~~The schedule-Little Tenn River Basin and Savannah River Drainage Area Schedule of Classifications and Water Quality Standards may be inspected at the following places:~~

- (1) ~~Clerk of Court
Clay County
Graham County
Jackson County
Macon County
Swain County
Transylvania County, the Internet at
<http://h2o.enr.state.nc.us/csu/>; and~~
- (2) ~~the North Carolina Department of Environment and Natural Resources
Resources:~~

- (A) Asheville Regional Office
2090 US Highway 70
Swannanoa, North Carolina
- (B) Division of Water Quality
Central Office
512 North Salisbury Street
Raleigh, North Carolina.

(b) Unnamed Streams. Such streams entering Georgia or Tennessee shall be classified "C Tr." Such streams in the Savannah River drainage area entering South Carolina shall be classified "B Tr."

(c) The Little Tennessee River Basin and Savannah River Drainage Area Schedule of Classifications and Water Quality Standards was amended effective:

- (1) February 16, 1977;
- (2) March 1, 1977;
- (3) July 13, 1980;
- (4) February 1, 1986;
- (5) October 1, 1987;
- (6) March 1, 1989;
- (7) January 1, 1990;
- (8) July 1, 1990;
- (9) August 1, 1990;
- (10) March 1, 1991;
- (11) August 3, 1992;
- (12) February 1, 1993;
- (13) August 1, 1994;
- (14) September 1, 1996;
- (15) August 1, 1998;
- (16) August 1, 2000;
- (17) April 1, 2003;
- (18) January 1, 2007-2007;
- (19) November 1, 2007.

(d) The Schedule of Classifications of Water Quality Standards for the Little Tennessee Basin and Savannah River Drainage Area was amended effective March 1, 1989 as follows:

- (1) Nantahala River (Index No. 2-57) from source to the backwaters of Nantahala Lake and all tributary waters were reclassified from Class B-trout, Class C-trout and Class C to Class B-trout ORW, Class C-trout ORW and Class C ORW.
- (2) Chattooga River (Index No. 3) including Scotsman Creek, Overflow Creek, Big Creek,

A-106

Talley Mill Creek and all tributary waters were reclassified from Class B-trout, Class C-trout and Class C to Class B-trout ORW, Class C-trout ORW and Class C ORW and Clear Creek and all tributary waters were reclassified from Class C-trout and Class C to Class B-trout and Class B.

(e) The Schedule of Classifications and Water Quality Standards for the Little Tennessee River Basin and Savannah River Drainage Area was amended effective January 1, 1990 as follows:

- (1) North Fork Coweeta Creek (Index No. 2-10-4) and Falls Branch (Index No. 2-10-4-1) were reclassified from Class C to Class B.
- (2) Burningtown Creek (Index No. 2-38) was reclassified from C-trout to B-trout.

(f) The Schedule of Classifications and Water Quality Standards for the Little Tennessee River Basin and Savannah River Drainage Area was amended effective July 1, 1990 by the reclassification of Alarka Creek (Index No. 2-69) from source to Upper Long Creek (Index No. 2-69-2) including all tributaries from Classes C and C Tr to Classes C HQW and C Tr HQW.

(g) The Schedule of Classifications and Water Quality Standards for the Little Tennessee River Basin and Savannah River Drainage Area was amended effective March 1, 1991 as follows:

- (1) Cartoogechaye Creek [Index Nos. 2-19-(1) and 2-19-(16)] from Gibson Cove Branch to bridge at U.S. Hwy. 23 and 441 and from the bridge at U.S. Hwy. 23 and 441 to the Little Tennessee River was reclassified from Classes WS-III Tr and C Tr to Classes WS-III and B Tr and B Tr respectively.
- (2) Coweeta Creek (Index Nos. 2-10) from its source to the Little Tennessee River including all tributaries except Dryman Fork (Index No. 2-10-3) and North Fork Coweeta Creek (Index No. 2-10-4) was reclassified from Classes C and C Tr to Classes B and B Tr.

(h) The Schedule of Classifications and Water Quality Standards for the Little Tennessee River Basin and Savannah River Drainage Area was amended effective August 3, 1992 with the reclassification of all water supply waters (waters with a primary classification of WS-I, WS-II or WS-III). These waters were reclassified to WS-I, WS-II, WS-III, WS-IV or WS-V as defined in the revised water supply protection rules, (15A NCAC 02B .0100, .0200 and .0300) which became effective on August 3, 1992. In some cases, streams with primary classifications other than WS were reclassified to a WS classification due to their proximity and linkage to water supply waters. In other cases, waters were reclassified from a WS classification to an alternate appropriate primary classification after being identified as downstream of a water supply intake or identified as not being used for water supply purposes.

(i) The Schedule of Classifications and Water Quality Standards for the Little Tennessee River Basin and Savannah River Drainage Area has been amended effective February 1, 1993 as follows:

- (1) Bearallow Creek from its source to 2.3 miles upstream of the Toxaway River [Index No. 4-7-(1)] was revised to indicate the application of an additional management strategy (referencing 15A NCAC 02B .0201(d) to protect downstream waters; and
- (2) the Tuckasegee River from its source to Tennessee Creek [Index No. 2-79-(0.5)] including all tributaries was reclassified from Classes WS-III&B Tr HQW, WS-III HQW and WS-III to Classes WS-III Tr ORW and WS-III ORW.
- (j) The Schedule of Classifications and Water Quality Standards for the Little Tennessee River Basin and Savannah River Drainage Area was amended effective August 1, 1994 with the reclassification of Deep Creek [Index Nos. 2-79-63-(1) and 2-79-63-(16)] from its source to the Great Smokey Mountains National Park Boundary including tributaries from Classes C Tr, B Tr and C Tr HQW to Classes WS-II Tr and WS-II Tr CA.
- (k) The Schedule of Classifications and Water Quality Standards for the Little Tennessee River Basin and Savannah River Drainage Area was amended effective September 1, 1996 as follows:
 - (1) Deep Creek from the Great Smoky Mountains National Park Boundary to the Tuckasegee River [Index no. 2-79-63-(21)] was reclassified from Class C Tr to Class B Tr; and
 - (2) the Tuckasegee River from the West Fork Tuckasegee River to Savannah Creek and from Macks Town Branch to Cochran Branch [Index Nos. 2-79-(24), 2-79(29.5) and 2-79-(38)] was reclassified from Classes WS-III Tr, WS-III Tr CA and C to Classes WS-III&B Tr, WS-III&B Tr CA and B.
- (l) The Schedule of Classifications and Water Quality Standards for the Little Tennessee River Basin and Savannah River Drainage Area was amended effective August 1, 1998 with the reclassifications of Thorpe Reservoir (Lake Glenville), Hurricane Creek, and Laurel Branch [Index Nos. 2-79-23-(1), 2-79-23-2, and 2-79-23-2-1 respectively] from classes WS-III&B, WS-III Tr and WS-III to classes WS-III&B HQW, WS-III Tr HQW, and WS-III HQW.
- (m) The Schedule of Classifications and Water Quality Standards for the Little Tennessee River Basin and Savannah River Drainage Area was amended August 1, 2000 with the reclassification of Wesser Creek [Index No. 2-79-52-5-1] from its source to Williams Branch from Class C to Class C Tr.
- (n) The Schedule of Classifications and Water Quality Standards for the Little Tennessee River Basin and Savannah River Drainage Area was amended April 1, 2003 with the reclassification of a portion of the Little Tennessee River [Index No. 2-(1)] from a point 0.4 mile upstream of N.C. Highway 28 to Nantahala River Arm of Fontana Lake from Class C to Class B.
- (o) The Schedule of Classifications and Water Quality Standards for the Little Tennessee River Basin and Savannah River Drainage Area was amended January 1, 2007 with the reclassification of the entire watersheds of all creeks that drain to the north shore of Fontana Lake between Eagle and Forney

Creeks, including Eagle and Forney Creeks, [Index Nos. 2-96 through 2-164 (excluding all waterbodies that drain to the south shore of Fontana Lake)] from Class B, C Tr, WS-IV Tr CA, WS-IV Tr, and WS-IV & B CA to Class B ORW, C Tr ORW, WS-IV Tr ORW CA, WS-IV Tr ORW, and WS-IV & B ORW CA, respectively. Additional site-specific management strategies are outlined in Rule 15A NCAC 02B .0225(e)(12).

(p) The Schedule of Classifications and Water Quality Standards for the Little Tennessee River Basin and Savannah River Drainage Area was amended effective November 1, 2007 with the reclassification of Richland Balsam Seep near Beechflat Creek [Index No. 2-79-28-3-2] to Class WL UWL as defined in 15A NCAC 02B .0101. The Division of Water Quality maintains a Geographic Information Systems data layer of the UWL.

Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1); S.L. 2005-97.

15A NCAC 02B .0304 FRENCH BROAD RIVER BASIN

~~(a) The schedule may be inspected at the following places:~~
French Broad River Basin Schedule of Classifications and Water Quality Standards may be inspected at the following places:

- (1) Clerk of Court
 Avery County
 Buncombe County
 Haywood County
 Henderson County
 Madison County
 Mitchell County
 Transylvania County
 Yancey County the Internet at <http://h2o.snr.state.nc.us/csu/>; and
- (2) the North Carolina Department of Environment and Natural Resources Resources:
 - (A) Ashville Regional Office
 Asheville Regional Office
 Interchange Building 2090 US Highway 70
 59 Woodfin Place
 Asheville Swannanoa, North Carolina
 - (B) Division of Water Quality
 Central Office
 512 North Salisbury Street
 Raleigh, North Carolina.

(b) Unnamed Streams. Such streams entering Tennessee will be classified "B."

(c) The French Broad River Basin Schedule of Classifications and Water Quality Standards was amended effective:

- (1) September 22, 1976;
- (2) March 1, 1977;
- (3) August 12, 1979;
- (4) April 1, 1983;
- (5) August 1, 1984;
- (6) August 1, 1985;
- (7) February 1, 1986;
- (8) May 1, 1987;
- (9) March 1, 1989;

- (10) October 1, 1989;
- (11) January 1, 1990;
- (12) August 1, 1990;
- (13) August 3, 1992;
- (14) October 1, 1993;
- (15) July 1, 1995;
- (16) November 1, 1995;
- (17) January 1, 1996;
- (18) April 1, 1996;
- (19) August 1, 1998;
- (20) August 1 2000;
- (21) August 1, 2002;
- (22) September 1, 2004, 2004;
- (23) November 1, 2007.

(d) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended effective March 1, 1989 as follows:

- (1) Cataloochee Creek (Index No. 5-41) and all tributary waters were reclassified from Class C-trout and Class C to Class C-trout ORW and Class C ORW.
- (2) South Fork Mills River (Index No. 6-54-3) down to Queen Creek and all tributaries were reclassified from Class WS-I and Class WS-III-trout to Class WS-I ORW and Class WS-III-trout ORW.

(e) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended effective October 1, 1989 as follows: Cane River (Index No. 7-3) from source to Bowdens Creek and all tributaries were reclassified from Class C trout and Class C to Class WS-III trout and Class WS-III.

(f) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended effective January 1, 1990 as follows: North Toe River (Index No. 7-2) from source to Cathis Creek (Christ Branch) and all tributaries were reclassified from Class C trout and Class C to Class WS-III trout and Class WS-III.

(g) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended effective August 3, 1992 with the reclassification of all water supply waters (waters with a primary classification of WS-I, WS-II or WS-III). These waters were reclassified to WS-I, WS-II, WS-III, WS-IV or WS-V as defined in the revised water supply protection rules, (15A NCAC 2B .0100, .0200 and .0300) which became effective on August 3, 1992. In some cases, streams with primary classifications other than WS were reclassified to a WS classification due to their proximity and linkage to water supply waters. In other cases, waters were reclassified from a WS classification to an alternate appropriate primary classification after being identified as downstream of a water supply intake or identified as not being used for water supply purposes.

(h) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended effective October 1, 1993 as follows: Reasonover Creek [Index No. 6-38-14-(1)] from source to Reasonover Lake Dam and all tributaries were reclassified from Class B Trout to Class WS-V

and B Trout, and Reasonover Creek [Index No. 6-38-14-(4)] from Reasonover Lake Dam to Lake Julia Dam and all tributaries were reclassified from Class C Trout to Class WS-V Trout.

(i) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended effective July 1, 1995 with the reclassification of Cane Creek [Index Nos. 6-57-(1) and 6-57-(9)] from its source to the French Broad River from Classes WS-IV and WS-IV Tr to Classes WS-V, WS-V Tr and WS-IV.

(j) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended effective November 1, 1995 as follows: North Toe River [Index Numbers 7-2-(0.5) and 7-2-(37.5)] from source to a point 0.2 miles downstream of Banjo Branch, including tributaries, has been reclassified from Class WS-III, WS-III Trout and WS-III Trout CA (critical area) to Class WS-IV Trout, WS-IV, WS-IV Trout CA, and C Trout.

(k) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended effective January 1, 1996 as follows: Stokely Hollow [Index Numbers 6-121.5-(1) and 6-121.5-(2)] from source to mouth of French Broad River has been reclassified from Class WS-II and Class WS-II CA to Class C.

(l) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended April 1, 1996 with the reclassification of the French Broad River [Index No. 6-(1)] from a point 0.5 miles downstream of Little River to Mill Pond Creek to Class WS-IV; French Broad River [Index No. 6-(51.5)] from a point 0.6 miles upstream of Mills River to Mills River to Class WS-IV CA (Critical Area), from Mills River to a point 0.1 miles upstream of Boring Mill Branch to Class C; and the Mills River [Index No. 6-54-(5)] was reclassified from City of Hendersonville water supply intake to a point 0.7 miles upstream of mouth of Mills River to Class WS-III, and from a point 0.7 miles upstream of mouth of Mills River to French Broad River to Class WS-III CA (Critical Area).

(m) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended August 1, 1998 with the revision to the primary classification for portions of the French Broad River [Index No. 6-(38.5)] and the North Toe River 7-2-(10.5) from Class IV to Class C.

(n) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended August 1, 1998 with the reclassification of Clear Creek [Index No. 6-55-(1)] from its source to Lewis Creek from Class C Tr to Class B Tr.

(o) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended August 1, 2000 with the reclassification of Rough Creek [Index No. 5-8-4-(1)], including all tributaries, from its source to the Canton Reservoir from Class WS-I to Class WS-I Tr ORW.

(p) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended August 1, 2002 with the revision to the primary classification for the French Broad River [Index No. 6-(1), 6-(27), 6-(47.5), 6-(52.5), and 6-(54.5)] including its four headwater forks' mainstems, watershed of tributary Davidson River, and watershed of tributary Bent Creek below Powhatan Dam, and

PROPOSED RULES

the Nolichucky River [Index No. 7] including a lower portion of the North Toe River from Class C and Class WS-IV to Class B.

(q) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended August 1, 2002 with the reclassification of the North Toe River [Index No. 7-2-(0.5)], including all tributaries, from source to a point 0.2 mile upstream of Pyatt Creek, from Class C Tr to Class WS-V Tr.

(r) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended September 1, 2004 with the reclassification of a portion of Richland Creek [Index No. 5-16(1)], from source to a point approximately 11.2 miles from source (Boyd Avenue), from Class B to Class B Tr, and all tributaries to the portion of the creek referenced in this Paragraph from C, C HQW, and WS-I HQW, and WS-I HQW to C Tr, C HQW Tr, and WS-I HQW Tr, respectively, except Hyatt Creek [Index No. 5-16-6], Farmer Branch [Index No. 5-16-11], and tributaries already classified as Tr.

(s) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended effective November 1, 2007 with the reclassification of McClure's Bog near Gash Creek [Index No. 6-47] to Class WL UWL as defined in 15A NCAC 02B .0101. The North Carolina Division of Water Quality maintains a Geographic Information Systems data layer of the UWL.

Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1).

15A NCAC 02B .0305 WATAUGA RIVER BASIN

(a) The schedule Watauga River Basin Schedule of Classifications and Water Quality Standards may be inspected at the following places:

- (1) Clerk of Court
Avery County
Watauga County the Internet at
<http://h2o.enr.state.nc.us/csu/> and
- (2) the North Carolina Department of Environment and Natural Resources Resources:
(A) Asheville Regional Office
Interchange Building 2090 US
Highway 70
59 Woodfin Place
Asheville Swannanoa, North Carolina
(B) Division of Water Quality
Central Office
512 North Salisbury Street
Raleigh, North Carolina.

(b) Unnamed Streams. Such streams entering the State of Tennessee are classified "C."

(c) The Watauga River Basin Schedule of Classifications and Water Quality Standards was amended effective:

- (1) August 12, 1979;
- (2) February 1, 1986;
- (3) October 1, 1987;
- (4) August 1, 1989;
- (5) August 1, 1990;
- (6) December 1, 1990;
- (7) April 1, 1992;

- (8) August 3, 1992;
- (9) February 1, 1993;
- (10) April 1, 1994;
- (11) August 1, 1998, 1998;
- (12) November 1, 2007.

(d) The Schedule of Classifications and Water Quality Standards for the Watauga River Basin was amended effective July 1, 1989 as follows:

- (1) Dutch Creek (Index No. 8-11) was reclassified from Class C-trout to Class B-trout.
- (2) Pond Creek (Index No. 8-20-2) from water supply intake (located just above Tamarack Road) to Beech Creek and all tributary waters were reclassified from Class WS-III to C.

(e) The Schedule of Classifications and Water Quality Standards for the Watauga River Basin was amended effective December 1, 1990 with the reclassification of the Watauga River from the US Highway 321 bridge to the North Carolina/Tennessee state line from Class C to Class B.

(f) The Schedule of Classifications and Water Quality Standards for the Watauga River Basin was amended effective April 1, 1992 with the reclassification of Pond Creek from Classes WS-III and C to Classes WS-III Trout and C Trout.

(g) The Schedule of Classifications and Water Quality Standards for the Watauga River Basin was amended effective August 3, 1992 with the reclassification of all water supply waters (waters with a primary classification of WS-I, WS-II or WS-III). These waters were reclassified to WS-I, WS-II, WS-III, WS-IV or WS-V as defined in the revised water supply protection rules, (15A NCAC 2B .0100, .0200 and .0300) which became effective on August 3, 1992. In some cases, streams with primary classifications other than WS were reclassified to a WS classification due to their proximity and linkage to water supply waters. In other cases, waters were reclassified from a WS classification to an alternate appropriate primary classification after being identified as downstream of a water supply intake or identified as not being used for water supply purposes.

(h) The Schedule of Classifications and Water Quality Standards for the Watauga River Basin has been amended effective February 1, 1993 with the reclassification of Boone Fork (Index No. 8-7) and all tributary waters from Classes C Tr HQW and C HQW to Classes C Tr ORW and C ORW.

(i) The Schedule of Classifications and Water Quality Standards for the Watauga River Basin has been amended effective April 1, 1994 with the reclassification of the Elk River from Peavine Branch to the North Carolina/Tennessee state line [Index No. 8-22-(3)] from Class C Tr to Class B Tr.

(j) The Schedule of Classifications and Water Quality Standards for the Watauga River Basin has been amended effective August 1, 1998 with the reclassification of East Fork Pond Creek from its source to the backwater of Santis Lake, [Index No. 8-20-2-1.5]: from Class WS-II Tr to Class WS-III Tr; the reclassification of West Fork Pond Creek (Santis Lake) [Index No. 8-20-2-1-(2)] from the backwaters of Santis Lake to Pond Creek from WS-II Tr CA to WS-III Tr CA; and the reclassification of the connecting stream of Lake Coffey [Index No. 8-20-2-2] from the dam at Lake Coffey to Pond Creek from WS-II Tr CA to C Tr.

(k) The Schedule of Classifications and Water Quality Standards for the Watauga River Basin has been amended effective November 1, 2007 with the reclassification of the Beach Creek Bog near Beach Creek [Index No. 8-20] to Class WL UWL as defined in 15A NCAC 02B .0101. The North Carolina Division of Water Quality maintains a Geographic Information Systems data layer of the UWL.

Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1).

15A NCAC 02B .0307 NEW RIVER BASIN

(a) The schedule New River Basin Schedule of Classifications and Water Quality Standards may be inspected at the following places:

- (1) Clerk of Court
Alleghany County
Ashe County
~~Watauga County~~ the Internet at <http://h2o.enr.state.nc.us/csu/>; and
- (2) the North Carolina Department of Environment and Natural Resources:
 - (A) Asheville Regional Office
~~Interchange Building 2090 US Highway 70~~
59 Woodfin Place
Asheville Swannanoa, North Carolina
 - (B) Winston-Salem Regional Office
~~8025 North Point Boulevard, Suite 1005B5~~
Waughtown Street
Winston-Salem, North Carolina
 - (C) Division of Water Quality
Central Office
512 North Salisbury Street
Raleigh, North Carolina.

(b) Unnamed Streams. Such streams entering the State of Tennessee are classified "C."

(c) The New River Basin Schedule of Classifications and Water Quality Standards was amended effective:

- (1) August 10, 1980;
- (2) April 1, 1983;
- (3) February 1, 1986;
- (4) August 1, 1989;
- (5) August 1, 1990;
- (6) August 3, 1992;
- (7) February 1, 1993;
- (8) August 1, 1998, 1998;
- (9) November 1, 2007.

(d) The Schedule of Classifications and Water Quality Standards for the New River Basin was amended effective July 1, 1989 as follows:

- (1) South Fork New River [Index No. 10-1-(30)] from Dog Creek to New River and all tributary waters were reclassified from Class C-trout and Class C to Class B-trout and B.

(e) The Schedule of Classifications and Water Quality Standards for the New River Basin was amended effective August 3, 1992 with the reclassification of all water supply waters (waters with a primary classification of WS-I, WS-II or WS-III). These waters were reclassified to WS-I, WS-II, WS-

III, WS-IV or WS-V as defined in the revised water supply protection rules, (15A NCAC 02B .0100, .0200 and .0300) which became effective on August 3, 1992. In some cases, streams with primary classifications other than WS were reclassified to a WS classification due to their proximity and linkage to water supply waters. In other cases, waters were reclassified from a WS classification to an alternate appropriate primary classification after being identified as downstream of a water supply intake or identified as not being used for water supply purposes.

(f) The Schedule of Classifications and Water Quality Standards for the New River Basin has been amended effective February 1, 1993 as follows:

- (1) the South Fork New River (Index No. 10-1-33.5) from Dog Creek to the New River was reclassified from Class B HQW to Class B ORW;
- (2) the New River (Index No. 10) from the confluence of the North and South Fork New Rivers to the last point at which it crosses the NC/VA State line was reclassified from Class C HQW to Class C ORW; and
- (3) Old Field Creek (Index No. 10-1-22) from Call Creek to the South Fork New River, and Call Creek (Index No. 10-1-22-1) from its source to Old Field Creek were reclassified from Class WS-IV Trout to Class WS-IV Trout ORW.

(g) The Schedule of Classifications and Water Quality Standards for the New River Basin was amended effective August 1, 1998 with the revision to the primary classification for a portion of the South Fork New River [Index No. 10-1 (20.5)] from Class WS-IV to Class WS-V.

(h) The Schedule of Classifications and Water Quality Standards for the New River Basin was amended effective November 1, 2007 with the reclassification of Bluff Mountain Fen near Buffalo Creek [Index No. 10-2-20] to Class WL UWL as defined in 15A NCAC 02B .0101. The North Carolina Division of Water Quality maintains a Geographic Information Systems data layer of the UWL.

Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1).

15A NCAC 02B .0309 YADKIN-PEE DEE RIVER BASIN

(a) The schedule Yadkin-Pee Dee River Schedule of Classifications and Water Quality Standards may be inspected at the following places:

- (1) Clerk of Court
Alexander County
Anson County
Cabarrus County
Caldwell County
Davidson County
Davie County
Forsyth County
Gulford County
Iredell County
Mecklenburg County
Montgomery County

Randolph County
 Richmond County
 Rowan County
 Stanly County
 Stokes County
 Surry County
 Union County
 Watauga County
 Wilkes County

(2) Yadkin County the Internet at
<http://h2o.enr.state.nc.us/csu/>; and
 the North Carolina Department of
 Environment and Natural Resources:

- (A) Mooreaville Regional Office
 610 East Center Avenue, Suite 301
 Mooresville, North Carolina
- (B) Winston-Salem Regional Office
 585 Waughtown Street
 Winston-Salem, North Carolina
- (C) Fayetteville Regional Office
 Systel Building
 225 Green Street
 Suite 714
 Fayetteville, North Carolina
- (D) Asheville Regional Office
 2090 US Highway 70
 Swannanoa, North Carolina
- (E) Division of Water Quality
Central Office
512 North Salisbury Street
Raleigh, North Carolina.

(b) Unnamed Streams. Such streams entering Virginia are classified "C," and such streams entering South Carolina are classified "C".

(c) The Yadkin-Pee Dee River Basin Schedule of Classifications and Water Quality Standards was amended effective:

- (1) February 12, 1979;
- (2) March 1, 1983;
- (3) August 1, 1985;
- (4) February 1, 1986;
- (5) October 1, 1988;
- (6) March 1, 1989;
- (7) January 1, 1990;
- (8) August 1, 1990;
- (9) January 1, 1992;
- (10) April 1, 1992;
- (11) August 3, 1992;
- (12) December 1, 1992;
- (13) April 1, 1993;
- (14) September 1, 1994;
- (15) August 1, 1995;
- (16) August 1, 1998;
- (17) April 1, 1999;
- (18) July 1, 2006;
- (19) September 1, 2006, 2006;
- (20) November 1, 2007.

(d) The Schedule of Classifications and Water Quality Standard for the Yadkin-Pee Dee River Basin has been amended effective October 1, 1988 as follows:

- (1) Mitchell River [Index No. 12-62-(1)] from source to mouth of Christian Creek (North Fork Mitchell River) including all tributaries has been reclassified from Class B Tr to Class B Tr ORW.
- (2) Mitchell River [Index No. 12-62-(7)] from mouth of Christian Creek (North Fork Mitchell River) to Surry County SR 1315 including all tributaries has been classified from Class C Tr to C Tr ORW, except Christian Creek and Robertson Creek which will be reclassified from Class B Tr to Class B Tr ORW.
- (3) Mitchell River [Index No. 12-62-(12)] from Surry County SR 1315 to mouth of South Fork Mitchell River including all tributaries from Class C to Class C ORW.

(e) The Schedule of Classifications and Water Quality Standards for the Yadkin-Pee Dee River Basin was amended effective March 1, 1989 as follows:

- (1) Blk Creek [Index Nos. 12-24-(1) and 12-24-(10)] and all tributary waters were reclassified from Class B-trout, Class C-trout and Class B to Class B-trout ORW, Class C-trout ORW and Class B ORW.

(f) The Schedule of Classifications and Water Quality Standards for the Yadkin-Pee Dee River Basin was amended effective January 1, 1990 as follows: Barnes Creek (Index No. 13-2-18) was reclassified from Class C to Class C ORW.

(g) The Schedule of Classifications and Water Quality Standards for the Yadkin-Pee Dee River Basin has been amended effective January 1, 1992 as follows:

- (1) Little River [Index Nos. 13-25-(10) and 13-25-(19)] from Suggs Creek to Densons Creek has been reclassified from Classes WS-III and C to Classes WS-III HQW and C HQW.
- (2) Densons Creek [Index No. 13-25-20-(1)] from its source to Troy's Water Supply Intake including all tributaries has been reclassified from Class WS-III to Class WS-III HQW.
- (3) Bridgers Creek (Index No. 13-25-24) from its source to the Little River has been reclassified from Class C to Class C HQW.

(h) The Schedule of Classifications and Water Quality Standards for the Yadkin-Pee Dee River Basin was amended effective April 1, 1992 with the reclassification of the North Prong South Fork Mitchell River from Class C to Class C Trout.

(i) The Schedule of Classifications and Water Quality Standards for the Yadkin-Pee Dee River was amended effective August 3, 1992 with the reclassification of all water supply waters (waters with a primary classification of WS-I, WS-II or WS-III). These waters were reclassified to WS-I, WS-II, WS-III, WS-IV or WS-V as defined in the revised water supply protection rules, (15A NCAC 2B .0100, .0200 and .0300) which became effective on August 3, 1992. In some cases, streams with primary classifications other than WS were reclassified to a WS

classification due to their proximity and linkage to water supply waters. In other cases, waters were reclassified from a WS classification to an alternate appropriate primary classification after being identified as downstream of a water supply intake or identified as not being used for water supply purposes.

(j) The Schedule of Classifications and Water Quality Standards for the Yadkin-Pee Dee River Basin has been amended effective December 1, 1992 as follows:

- (1) Pike Creek (Index No. 12-46-1-2) was reclassified from Class C Tr to Class C Tr HQW;
- (2) Basin Creek (Index No. 12-46-2-2) was reclassified from Class C Tr to Class C Tr ORW;
- (3) Bullhead Creek (Index No. 12-46-4-2) was reclassified from Class C Tr to Class C Tr ORW;
- (4) Rich Mountain Creek (Index No. 12-46-4-2-2) was reclassified from Class Tr to Class C Tr ORW; and
- (5) Widows Creek (Index No. 12-46-4-4) was reclassified from Class C Tr HQW to Class C Tr ORW.

(k) The Schedule of Classifications and Water Quality Standards for the Yadkin-Pee Dee River Basin has been amended effective September 1, 1994 as follows:

- (1) Lanes Creek [Index Nos. 13-17-40-(1) and 13-17-40-(10.5)] from its source to the Marshville water supply dam including tributaries was reclassified from Classes WS-II and WS-II CA to Class WS-V.
- (2) The South Yadkin River [Index Nos. 12-108-(9.7) and 12-108-(15.5)] from Iredell County SR 1892 to a point 0.7 mile upstream of the mouth of Hunting Creek including associated tributaries was reclassified from Classes WS-V, C and WS-IV to Classes WS-V, WS-IV, C and WS-IV CA.
- (3) The Yadkin River [Index Nos. 12-(53) and 12-(71)] from a point 0.3 mile upstream of the mouth of Elkin Creek (River) to the Town of King water supply intake including associated tributaries was reclassified from Classes C and WS-IV to Classes WS-IV and WS-IV CA.
- (4) The Yadkin River [Index Nos. 12-(80.5), 12-(81.5) and 12-(84.5)] from the Town of King water supply intake to the Davie County water supply intake reclassified from Classes C, B, WS-IV and WS-V to Classes WS-IV, WS-IV&B and WS-IV CA.

(l) The Schedule of Classifications and Water Quality Standards for the Yadkin-Pee Dee River Basin has been amended effective August 1, 1995 as follows: Bear Creek [Index Nos. 12-108-18-(3), 12-108-18-(3.3)], Little Bear Creek [Index No. 12-108-18-2], and Blue Branch [Index No. 12-108-18-2-1] were reclassified from WS-II and WS-II CA (Critical Area) to C and WS-IV.

(m) The Schedule of Classifications and Water Quality Standards for the Yadkin-Pee Dee River Basin was amended effective August 1, 1998 with the revision to the primary

classification for portions of the Yadkin River [Index No. 12-(45)] from Class WS-IV to WS-V, Yadkin River [Index No. 12-(67.5)] from Class WS-IV to Class C, Yadkin River [Index Nos. 12-(93.5) and 12-(98.5)] from Class WS-IV to Class WS-V, South Yadkin River [Index No. 12-108-(12.5)] from Class WS-IV to Class WS-V, and South Yadkin River [Index Nos. 12-108-(19.5) and 12-108-(22)] from Class WS-IV to Class C.

(n) The Schedule of Classifications and Water Quality Standards for the Yadkin-Pee-Dee River Basin was amended effective April 1, 1999 with the reclassification of a portion of the Yadkin River [Index No. 12-(80.5)] from WS-IV CA to WS-IV. A portion of the Yadkin River 0.5 mile upstream of Bashavia Creek was reclassified from WS-IV to WS-IV CA. Bashavia Creek [Index Nos. 12-81-(0.5) and 12-81-(2)] was reclassified from WS-IV and WS-IV CA to Class C. Tributaries to Bashavia Creek were also reclassified to Class C. Portions of the Yadkin River [Index Nos. 12-(25.5) and 12-(27)] were reclassified from WS-IV to Class C and from WS-IV & B to Class B. Tributaries were reclassified from Class WS-IV to Class C. Supplemental classifications were not changed.

(o) The Schedule of Classifications and Water Quality Standards for the Yadkin-Pee-Dee River Basin was amended effective July 1, 2006 with the reclassification of a portion of the Uwharrie River. More specifically, Index No. 13-2-(25), Index No. 13-2-(17.5), and a portion of Index No. 13-2-(1.5) was reclassified from Class WS-IV CA, WS-IV, and C, to Class WS-IV & B CA, WS-IV & B, and B, respectively.

(p) The Schedule of Classifications and Water Quality Standards for the Yadkin-Pee-Dee River Basin was amended effective September 1, 2006 with the reclassification of a segment of the Yadkin River [portion of Index No. 12-(53)] from a point 0.3 mile upstream of the Town of Elkin proposed water supply intake to the Town of Elkin proposed water supply intake from C to WS-IV CA. The Town of Elkin proposed water supply intake is to be placed on the Yadkin River at a point directly above the mouth of Elkin Creek.

(q) The Schedule of Classifications and Water Quality Standards for the Yadkin-Pee Dee River Basin was amended effective November 1, 2007 with the following reclassifications. The Division of Water Quality maintains a Geographic Information Systems data layer of the UWLs.

- (1) Black Ankle Box near Suggs Creek [Index No. 13-25-12] was reclassified to Class WL UWL as defined in 15A NCAC 02B .0101.
- (2) Pilot Mountain Floodplain Pool near Home Creek [Index No. 12-75] was reclassified to Class WL UWL as defined in 15A NCAC 02B .0101.

Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1).

15A NCAC 02B .0310 LUMBER RIVER BASIN

(a) The ~~schedule~~ Lumber River Basin Schedule of Classifications and Water Quality Standards may be inspected at the following places:

- (1) Clerk of Court
Bladen County
Brunswick County
Columbus County

PROPOSED RULES

Gumberland County
 Hoke County
 Montgomery County
 Moore County
 Richmond County
 Robeson County
 Scotland County the Internet at
<http://h2o.enr.state.nc.us/csu/> and

(2) the North Carolina Department of Environment and Natural Resources:

(A) Fayetteville Regional Office
 Wachovia Building 225 Green Street
 Suite 714

Systel Building Suite 714
 Fayetteville, North Carolina

(B) Wilmington Regional Office
 127 Cardinal Drive Extension
 Wilmington, North Carolina

(C) Division of Water Quality
 Central Office
 512 North Salisbury Street
 Raleigh, North Carolina.

(b) Unnamed Streams: Such streams entering South Carolina are classified "C Sw".

(c) The Lumber River Basin Schedule of Classification and Water Quality Standards was amended effective:

- (1) March 1, 1977;
- (2) December 13, 1979;
- (3) September 14, 1980;
- (4) April 12, 1981;
- (5) April 1, 1982;
- (6) February 1, 1986;
- (7) July 1, 1990;
- (8) August 1, 1990;
- (9) August 3, 1992;
- (10) September 1, 1996;
- (11) August 1, 2000-2000;
- (12) November 1, 2007.

(d) The Schedule of Classifications and Water Quality Standards for the Lumber River Basin was amended effective July 1, 1990 by the reclassification of Naked Creek (Index No. 14-2-6) from source to Drowning Creek including all tributaries from Class WS-III to Class WS-III ORW.

(e) The Schedule of Classifications and Water Quality Standards for the Lumber River Basin was amended effective August 3, 1992 with the reclassification of all water supply waters (waters with a primary classification of WS-I, WS-II or WS-III). These waters were reclassified to WS-I, WS-II, WS-III, WS-IV or WS-V as defined in the revised water supply protection rules, (15A NCAC 2B .0100, .0200 and .0300) which became effective on August 3, 1992. In some cases, streams with primary classifications other than WS were reclassified to a WS classification due to their proximity and linkage to water supply waters. In other cases, waters were reclassified from a WS classification to an alternate appropriate primary classification after being identified as downstream of a water supply intake or identified as not being used for water supply purposes.

(f) The Schedule of Classifications and Water Quality Standards for the Lumber River Basin was amended effective September 1, 1996 by the reclassification of the Lumber River from 2.0 miles upstream of highway 401 to a point 0.5 mile upstream of Powell Branch [Index Nos. 14-(3), 14-(4), 14-(4.5), 14-(7) and 14-(10.3)] from Classes WS-IV Sw HQW, WS-IV Sw HQW CA and C Sw HQW to Classes WS-IV&B Sw HQW, WS-IV&B Sw HQW CA and B Sw HQW.

(g) The Schedule of Classifications and Water Quality Standards for the Lumber River Basin was amended effective August 1, 2000 with the reclassification of Lake Waccamaw [Index No. 15-2] from Class B Sw to Class B Sw ORW.

(h) The Schedule of Classifications and Water Quality Standards for the Lumber River Basin was amended effective November 1, 2007 with the following reclassifications. The North Carolina Division of Water Quality maintains a Geographic Information Systems data layer for the UWLs:

(1) Waccamaw Natural Lake Shoreline near Lake Waccamaw [Index No. 15-2] was reclassified to Class WL UWL as defined in 15A NCAC 02B .0101.

(2) Green Swamp Small Depression Pond near Royal Oak Swamp [Index No. 15-25-1-12] was reclassified to Class WL UWL as defined in 15A NCAC 02B .0101.

(3) Old Dook Savanna near Gum Swamp Run [Index No. 15-6] was reclassified to Class WL UWL as defined in 15A NCAC 02B .0101.

(4) Myrtle Head Savanna near Mill Branch [Index No. 15-7-7] was reclassified to Class WL UWL as defined in 15A NCAC 02B .0101.

(5) Goosepond Bay near Big Marsh Swamp [Index No. 14-22-2] was reclassified to Class WL UWL as defined in 15A NCAC 02B .0101.

(6) Antioch Bay near Raft Swamp [Index No. 14-10-(1)] was reclassified to Class WL UWL as defined in 15A NCAC 02B .0101.

(7) Pretty Pond Bay near Big Marsh Swamp [Index No. 14-22-2] was reclassified to Class WL UWL as defined in 15A NCAC 02B .0101.

(8) Dunahoe Bay near Big Marsh Swamp [Index No. 14-22-2] was reclassified to Class WL UWL as defined in 15A NCAC 02B .0101.

(9) Hamby's Bay near Raft Swamp [Index No. 14-10-(1)] was reclassified to Class WL UWL as defined in 15A NCAC 02B .0101.

(10) Oak Savanna Bay near Smith Branch [Index No. 14-10-3] was reclassified to Class WL UWL as defined in 15A NCAC 02B .0101.

(11) Big Island Savanna near Driving Creek [Index No. 15-7-1] was reclassified to Class WL UWL as defined in 15A NCAC 02B .0101.

Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1).

15A NCAC 02B .0311 CAPE FEAR RIVER BASIN

(a) ~~Places~~ The ~~where the schedules~~ Cape Fear River Basin
Schedule of Classifications and Water Quality Standards may be
~~inspected~~ inspected at the following places:

- (1) Clerk of Court:
 Alamance County
 Bladen County
 Brunswick County
 Caswell County
 Chatham County
 Columbus County
 Cumberland County
 Duplin County
 Durham County
 Forsyth County
 Guilford County
 Harnett County
 Hoke County
 Lee County
 Montgomery County
 Moore County
 New Hanover County
 Onslow County
 Orange County
 Pender County
 Randolph County
 Rockingham County
 Sampson County
 Wake County
 Wayne County the Internet at

(2) http://h2o.enr.state.nc.us/csw/ and
the North Carolina Department of
Environment and Natural Resources:

- (A) Winston-Salem Regional Office
 585 Waightown Street
 Winston-Salem, North Carolina
- (B) Fayetteville Regional Office
Systel Building
 225 Green Street
Systel Building Suite 714
 Fayetteville, North Carolina
- (C) Raleigh Regional Office
 3800 Barrett Drive
 Raleigh, North Carolina
- (D) Washington Regional Office
 943 Washington Square Mall
 Washington, North Carolina
- (E) Wilmington Regional Office
 127 Cardinal Drive Extension
 Wilmington, North Carolina
- (F) Division of Water Quality
Central Office
512 North Salisbury Street
Raleigh, North Carolina.

(b) The Cape Fear River Basin Schedule of Classification and
 Water Quality Standards was amended effective:

- (1) March 1, 1977;
 (2) December 13, 1979;
 (3) December 14, 1980;
 (4) August 9, 1981;

- (5) April 1, 1982;
 (6) December 1, 1983;
 (7) January 1, 1985;
 (8) August 1, 1985;
 (9) December 1, 1985;
 (10) February 1, 1986;
 (11) July 1, 1987;
 (12) October 1, 1987;
 (13) March 1, 1988;
 (14) June 1, 1988;
 (15) July 1, 1988;
 (16) January 1, 1990;
 (17) August 1, 1990;
 (18) August 3, 1992;
 (19) September 1, 1994;
 (20) August 1, 1998;
 (21) April 1, 1999;
 (22) August 1, 2002;
 (23) November 1, 2004, 2004;
 (24) November 1, 2007.

(c) The Schedule of Classifications and Water Quality
 Standards for the Cape Fear River Basin has been amended
 effective June 1, 1988 as follows:

- (1) Cane Creek [Index No. 16-21-(1)] from source
 to a point 0.5 mile north of N.C. Hwy. 54
 (Cane Reservoir Dam) including the Cane
 Creek Reservoir and all tributaries has been
 reclassified from Class WS-III to WS-I.
- (2) Morgan Creek [Index No. 16-41-1-(1)] to the
 University Lake dam including University
 Lake and all tributaries has been reclassified
 from Class WS-III to WS-I.

(d) The Schedule of Classifications and Water Quality
 Standards for the Cape Fear River Basin has been amended
 effective July 1, 1988 by the reclassification of Crane Creek
 (Crains Creek) [Index No. 18-23-16-(1)] from source to mouth
 of Beaver Creek including all tributaries from C to WS-III.

(e) The Schedule of Classifications and Water Quality
 Standards for the Cape Fear River Basin has been amended
 effective January 1, 1990 as follows:

- (1) Intracoastal Waterway (Index No. 18-87) from
 southern edge of White Oak River Basin to
 western end of Permuda Island (a line from
 Morris Landing to Atlantic Ocean), from the
 eastern mouth of Old Topsail Creek to the
 southwestern shore of Howe Creek and from
 the southwest mouth of Shinn Creek to
 channel marker No. 153 including all
 tributaries except the King Creek Restricted
 Area, Hardison Creek, Old Topsail Creek, Mill
 Creek, Futch Creek and Pages Creek were
 reclassified from Class SA to Class SA ORW.
- (2) Topsail Sound and Middle Sound ORW Area
 which includes all waters between the Barrier
 Islands and the Intracoastal Waterway located
 between a line running from the western most
 shore of Mason Inlet to the southwestern shore
 of Howe Creek and a line running from the
 western shore of New Topsail Inlet to the

(3) eastern mouth of Old Topsail Creek was reclassified from Class SA to Class SA ORW. Masonboro Sound ORW Area which includes all waters between the Barrier Islands and the mainland from a line running from the southwest mouth of Shinn Creek at the Intracoastal Waterway to the southern shore of Masonboro Inlet and a line running from the Intracoastal Waterway Channel marker No. 153 to the southside of the Carolina Beach Inlet was reclassified from Class SA to Class SA ORW.

(f) The Schedule of Classifications and Water Quality Standards for the Cape Fear River Basin has been amended effective January 1, 1990 as follows: Big Alamance Creek [Index No. 16-19-(1)] from source to Lake Mackintosh Dam including all tributaries has been reclassified from Class WS-III NSW to Class WS-II NSW.

(g) The Schedule of Classifications and Water Quality Standards for the Cape Fear River Basin was amended effective August 3, 1992 with the reclassification of all water supply waters (waters with a primary classification of WS-I, WS-II or WS-III). These waters were reclassified to WS-I, WS-II, WS-III, WS-IV or WS-V as defined in the revised water supply protection rules, (15A NCAC 02B .0100, .0200 and .0300) which became effective on August 3, 1992. In some cases, streams with primary classifications other than WS were reclassified to a WS classification due to their proximity and linkage to water supply waters. In other cases, waters were reclassified from a WS classification to an alternate appropriate primary classification after being identified as downstream of a water supply intake or identified as not being used for water supply purposes.

(h) The Schedule of Classifications and Water Quality Standards for the Cape Fear River Basin was amended effective June 1, 1994 as follows:

- (1) The Black River from its source to the Cape Fear River [Index Nos. 18-68-(0.5), 18-68-(3.5) and 18-65-(11.5)] was reclassified from Classes C Sw and C Sw HQW to Class C Sw ORW.
- (2) The South River from Big Swamp to the Black River [Index Nos. 18-68-12-(0.5) and 18-68-12(11.5)] was reclassified from Classes C Sw and C Sw HQW to Class C Sw ORW.
- (3) Six Runs Creek from Quewhistle Swamp to the Black River [Index No. 18-68-2] was reclassified from Class C Sw to Class C Sw ORW.

(i) The Schedule of Classifications and Water Quality Standards for the Cape Fear River Basin was amended effective September 1, 1994 with the reclassification of the Deep River [Index No. 17-(36.5)] from the Town of Gulf-Goldston water supply intake to US highway 421 including associated tributaries from Class C to Classes C, WS-IV and WS-IV CA.

(j) The Schedule of Classifications and Water Quality Standards for the Cape Fear River Basin was amended effective August 1, 1998 with the revision to the primary classification for portions of the Deep River [Index No. 17-(28.5)] from Class WS-IV to

Class WS-V, Deep River [Index No. 17-(41.5)] from Class WS-IV to Class C, and the Cape Fear River [Index 18-(10.5)] from Class WS-IV to Class WS-V.

(k) The Schedule of Classifications and Water Quality Standards for the Cape Fear River Basin was amended effective April 1, 1999 with the reclassification of Buckhorn Creek (Harris Lake)[Index No. 18-7-(3)] from the backwaters of Harris Lake to the Dam at Harris Lake from Class C to Class WS-V.

(l) The Schedule of Classifications and Water Quality Standards for the Cape Fear River Basin was amended effective April 1, 1999 with the reclassification of the Deep River [Index No. 17-(4)] from the dam at Oakdale-Cotton Mills, Inc. to the dam at Randleman Reservoir (located 1.6 mile upstream of U.S. Hwy 220 Business), and including tributaries from Class C and Class B to Class WS-IV and Class WS-IV & B. Streams within the Randleman Reservoir Critical Area have been reclassified to WS-IV CA. The Critical Area for a WS-IV reservoir is defined as 0.5 mile and draining to the normal pool elevation of the reservoir. All waters within the Randleman Reservoir Water Supply Watershed are within a designated Critical Water Supply Watershed and are subject to a special management strategy specified in 15A NCAC 02B .0248.

(m) The Schedule of Classifications and Water Quality Standards for the Cape Fear River Basin was amended effective August 1, 2002 as follows:

- (1) Mill Creek [Index Nos. 18-23-11-(1), 18-23-11-(2), 18-23-11-3, 18-23-11-(5)] from its source to the Little River, including all tributaries was reclassified from Class WS-III NSW and Class WS III&B NSW to Class WS-III NSW HQW@ and Class WS-III&B NSW HQW@.
- (2) McDeed's Creek [Index Nos. 18-23-11-4, 18-23-11-4-1] from its source to Mill Creek, including all tributaries was reclassified from Class WS III NSW and Class WS III&B NSW to Class WS-III NSW HQW@ and Class WS-III&B NSW HQW@.
- (3) The "@" symbol as used in Paragraph (m) of this Rule means that if the governing municipality has deemed that a development is covered under a "5/70 provision" as described in Rule 15A NCAC 02B .0215(3)(b)(i)(E) (Fresh Surface Water Quality Standards for Class WS-III Waters), then that development is not subject to the stormwater requirements as described in rule 15A NCAC 02H .1006 (Stormwater Requirements: High Quality Waters).

(n) The Schedule of Classifications and Water Quality Standards for the Cape Fear River Basin was amended effective November 1, 2004 as follows:

- (1) A portion of Rocky River [Index Number 17-43-(1)] from a point approximately 0.3 mile upstream of Town of Siler City upper reservoir dam to a point approximately 0.3 mile downstream of Lacy Creek from WS-III to WS-III CA.

- (2) A portion of Rocky River [Index Number 17-43-(8)] from dam at lower water supply reservoir for Town of Siler City to a point approximately 65 feet below dam (site of proposed dam) from C to WS-III CA.
- (3) A portion of Mud Lick Creek (Index No. 17-43-6) from a point approximately 0.4 mile upstream of Chatham County SR 1355 to Town of Siler City lower water supply reservoir from WS-III to WS-III CA.
- (4) A portion of Lacy Creek (17-43-7) from a point approximately 0.6 mile downstream of Chatham County SR 1362 to Town of Siler City lower water supply reservoir from WS-III to WS-III CA.

(o) The Schedule of Classifications and Water Quality Standards for the Cape Fear River Basin was amended effective November 1, 2007 with the following reclassifications. The North Carolina Division of Water Quality maintains a Geographic Information Systems data layer for the UWLs.

- (1) Military Ocean Terminal Sunny Point Pools, all on the eastern shore of the Cape Fear River [Index No. 18-(71)] were reclassified to Class WL UWL as defined in 15A NCAC 02B .0101.
- (2) Salters Lake Bay near Salters Lake [Index No. 18-44-4] was reclassified to Class WL UWL as defined in 15A NCAC 02B .0101.
- (3) Jones Lake Bay near Jones Lake [Index No. 18-46-7-1] was reclassified to Class WL UWL as defined in 15A NCAC 02B .0101.
- (4) Weymouth Woods Sandhill Seep near Mill Creek [18-23-11-(1)] was reclassified to Class WL UWL as defined in 15A NCAC 02B .0101.
- (5) Fly Trap Savanna near Cape Fear River [Index No. 18-(71)] was reclassified to Class WL UWL as defined in 15A NCAC 02B .0101.
- (6) Lily Pond near Cape Fear River [Index No. 18-(71)] was reclassified to Class WL UWL as defined in 15A NCAC 02B .0101.
- (7) Grassy Pond near Cape Fear River [Index No. 18-(71)] was reclassified to Class WL UWL as defined in 15A NCAC 02B .0101.
- (8) The Neck Savanna near Sandy Run Swamp [Index No. 18-74-33-2] was reclassified to Class WL UWL as defined in 15A NCAC 02B .0101.
- (9) Bower's Bog near Mill Creek [Index No. 18-23-11-(1)] was reclassified to Class WL UWL as defined in 15A NCAC 02B .0101.
- (10) Bushy Lake near Turnbull Creek [Index No. 18-46] was reclassified to Class WL UWL as defined in 15A NCAC 02B .0101.

Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1).

15A NCAC 02B .0312 WHITE OAK RIVER BASIN

~~(a) Places where the The White Oak River Basin Schedule of Classifications and Water Quality Standards schedules may be inspected-Inspected in the following places:~~

- ~~(1) Clerk of Court
Carteret County
Craven County
Jones County
Onslow County the internet at <http://h2o.enr.state.nc.us/csu/>; and the North Carolina Department of Environment, Health, Environment and Natural Resources:~~
 - ~~(A) Washington Regional Office
1424 Carolina Avenue 943
Washington Square Mall
Washington, North Carolina~~
 - ~~(B) Wilmington Regional Office
127 Cardinal Drive Extension
Wilmington, North Carolina~~
 - ~~(C) Division of Water Quality
Central Office
512 North Salisbury Street
Raleigh, North Carolina.~~

(b) The White Oak River Basin Schedule of Classification and Water Quality Standards was amended effective:

- (1) December 13, 1979;
- (2) June 1, 1988;
- (3) January 1, 1990;
- (4) August 1, 1990;
- (5) August 1, 1991;
- (6) June 1, 1992;
- (7) December 1, 1992, 1992;
- (8) November 1, 2007.

(c) The Schedule of Classifications and Water Quality Standards for the White Oak River Basin has been amended effective January 1, 1990 as follows:

- (1) Intracoastal Waterway (Index No. 19-39) from northeastern boundary of Cape Fear River Basin to Daybeacon No. 17 including all unnamed bays, guts, and channels, except Rogers Bay and Mill Creek and Intracoastal Waterway (Index No. 19-41) from the northeast mouth of Goose Creek to the southwest mouth of Queen Creek were reclassified from Class SA to Class SA ORW.
- (2) Bear Island ORW Area, which includes all waters within an area north of Bear Island defined by a line from the western most point on Bear Island to the northeast mouth of Goose Creek on the mainland, east to the southwest mouth of Queen Creek, then south to green marker No. 49, then northeast to the northern most point on Huggins Island, then southeast along the shoreline of Huggins Island to the southeastern most point of Huggins Island, then south to the northeastern most point on Dudley Island, then southwest along the shoreline of Dudley Island to the eastern tip of Bear Island to the western mouth

of Foster Creek including Cow Channel were reclassified from Class SA to Class SA ORW.

(3) Bogue Sound (including Infracoastal Waterway from White Oak River Basin to Beaufort Inlet) (Index No. 20-36) from Bogue Inlet to a line across Bogue Sound from the southwest side of mouth of Gales Creek to Rock Point and all tributaries except Hunting Island Creek, Goose Creek, and Broad Creek were reclassified from Class SA to Class SA ORW.

(4) Core Sound (Index No. 21-35-7) from northern boundary of White Oak River Basin (a line from Hall Point to Drum Inlet) to Back Sound and all tributaries except Atlantic Harbor Restricted Area, Nelson Bay, Jarrett Bay, Williston Creek, Wade Creek and Middens Creek were reclassified from Class SA to Class SA ORW.

(5) Back Sound (Index No. 21-35) from a point on Shackleford Banks at lat. 34 degrees 40' 57" and long 76 degrees 37' 30" north to the western most point of Middle Marshes and along the northwest shoreline of Middle Marshes (to include all of Middle Marshes) to Rush Point on Harkers Island and along the southern shore of Harkers Island back to Core Sound and all tributaries were reclassified from Class SA to Class SA ORW.

(d) The Schedule of Classifications and Water Quality Standards for the White Oak River Basin was amended effective August 1, 1991 by adding the supplemental classification NSW (Nutrient Sensitive Waters) to all waters in the New River Drainage Area above a line running across the New River from Grey Point to a point of land approximately 2,200 yards downstream of the mouth of Duok Creek.

(e) The Schedule of Classifications and Water Quality Standards for the White Oak River Basin was amended effective June 1, 1992 with the reclassification of Peletier Creek (Index No. 20-36-11) from its source to Bogue Sound from Class SA to Class SB with the requirement that no discharges be allowed.

(f) The Schedule of Classifications and Water Quality Standards for the White Oak River Basin has been amended effective December 1, 1992 with the reclassification of the Atlantic Harbor Restricted Area (Index No. 21-35-7-2) from Class SC to Class SA ORW.

(g) The Schedule of Classifications and Water Quality Standards for the White Oak River Basin has been amended effective November 1, 2007 with the following reclassifications. The Division of Water Quality maintains a Geographic Information Systems data layer of the UWLs:

- (1) Theodore Roosevelt Maritime Swamp Forest near Roosevelt Natural Area Swamp [Index No. 20-36-9.5-(1)] was reclassified to Class WL UWL as defined in 15A NCAC 02B .0101.
- (2) Bear Island Maritime Wet Grassland near the Atlantic Ocean [Index No. 99-(4)] was

reclassified to Class WL UWL as defined in 15A NCAC 02B .0101.

Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1).

15A NCAC 02B .0313 ROANOKE RIVER BASIN

(a) The schedule—Roanoke River Basin Schedule of Classifications and Water Quality Standards may be inspected at the following places:

- (1) Clerk of Court
 Bertie County
 Caswell County
 Forsyth County
 Granville County
 Guilford County
 Halifax County
 Martin County
 Northampton County
 Person County
 Rockingham County
 Stokes County
 Surry County
 Vance County
 Warren County
 Washington County the Internet at <http://h2o.enr.state.nc.us/csw/>; and the North Carolina Department of Environment and Natural Resources:

- (A) Raleigh Regional Office
 3800 Barrett Drive
 Raleigh, North Carolina
- (B) Washington Regional Office
 1424 Carolina Avenue 943
 Washington Square Mall
 Washington, North Carolina
- (C) Winston-Salem Regional Office
 8025 North Point Boulevard, Suite
 100585 Waughtown Street
 Winston-Salem, North Carolina
- (D) Division of Water Quality
 Regional Office
 512 North Salisbury Street
 Raleigh, North Carolina.

(b) Unnamed Streams. Such streams entering Virginia are classified "C." Except that all backwaters of John H. Kerr Reservoir and the North Carolina portion of streams tributary thereto not otherwise named or described shall carry the classification "B," and all backwaters of Lake Gaston and the North Carolina portion of streams tributary thereto not otherwise named or described shall carry the classification "C and B".

(c) The Roanoke River Basin Schedule of Classification and Water Quality Standards was amended effective:

- (1) May 18, 1977;
- (2) July 9, 1978;
- (3) July 18, 1979;
- (4) July 13, 1980;
- (5) March 1, 1983;
- (6) August 1, 1985;
- (7) February 1, 1986;

- (8) July 1, 1991;
- (9) August 3, 1992;
- (10) August 1, 1998;
- (11) April 1, 1999;
- (12) April 1, 2001, 2001;
- (13) November 1, 2007.

(d) The Schedule of Classifications and Water Quality Standards for the Roanoke River Basin was amended effective July 1, 1991 with the reclassification of Hyco Lake (Index No. 22-58) from Class C to Class B.

(e) The Schedule of Classifications and Water Quality Standards for the Roanoke River Basin was amended effective August 3, 1992 with the reclassification of all water supply waters (waters with a primary classification of WS-I, WS-II or WS-III). These waters were reclassified to WS-I, WS-II, WS-III, WS-IV or WS-V as defined in the revised water supply protection rules, (15A NCAC 2B .0100, .0200 and .0300) which became effective on August 3, 1992. In some cases, streams with primary classifications other than WS were reclassified to a WS classification due to their proximity and linkage to water supply waters. In other cases, waters were reclassified from a WS classification to an alternate appropriate primary classification after being identified as downstream of a water supply intake or identified as not being used for water supply purposes.

(f) The Schedule of Classifications and Water Quality Standards for the Roanoke River Basin was amended effective August 1, 1998 with the reclassification of Cascade Creek (Camp Creek) [Index No. 22-12] and its tributaries from its source to the backwaters at the swimming lake from Class B to Class B ORW, and reclassification of Indian Creek [index No. 22-13] and its tributaries from its source to Window Falls from Class C to Class C ORW.

(g) The Schedule of Classifications and Water Quality Standards for the Roanoke River Basin was amended effective August 1, 1998 with the reclassification of Dan River and Mayo River WS-IV Protected Areas. The Protected Areas were reduced in size.

(h) The Schedule of Classifications and Water Quality Standards for the Roanoke River Basin was amended effective April 1, 1999 as follows:

- (1) Hyco River, including Hyco Lake below elevation 410 [Index No. 22-58-(0.5)] was reclassified from Class B to Class WS-V & B.
- (2) Mayo Creek (Mahò Creek) (Mayo Reservoir) [Index No. 22-58-15] was reclassified from its source to the dam of Mayo Reservoir from Class C to Class WS-V.

(i) The Schedule of Classifications and Water Quality Standards for the Roanoke River Basin was amended effective April 1, 2001 as follows:

- (1) Fullers Creek from source to a point 0.8 mile upstream of Yanceyville water supply dam [Index No. 22-56-4-(1)] was reclassified from Class WS-II to Class WS-III.
- (2) Fullers Creek from a point 0.8 mile upstream of Yanceyville water supply dam to Yanceyville water supply dam [Index No. 22-

56-4-(2)] was reclassified from Class WS-II CA to Class WS-III CA.

(i) The Schedule of Classifications and Water Quality Standards for the Roanoke River Basin was amended effective November 1, 2007 with the reclassification of Hanging Rock Hillside Seepage Box near Cascade Creek [Index No. 22-12-(2)] to Class WL UWL as defined in 15A NCAC 02B .0101. The Division of Water Quality maintains a Geographic Information Systems data layer of the UWL.

Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1).

15A NCAC 02B .0316 TAR-PAMLICO RIVER BASIN

(a) ~~The schedule--Tar-Pamlico River Basin Schedule of Classifications and Water Quality Standards~~ may be inspected at the following places:

- (1) Clerk of Court
Beaufort County
Dare County
Edgecombe County
Franklin County
Granville County
Halifax County
Hyde County
Martin County
Nash County
Pamlico County
Person County
Pitt County
Vance County
Warren County
Washington County
Wilson County the internet at
<http://h2o.enr.state.nc.us/osu/> and
(2) the North Carolina Department of
Environment and Natural Resources:
(A) Raleigh Regional Office
3800 Barrett Drive
Raleigh, North Carolina
(B) Washington Regional Office
943 Washington Square Mall
Washington, North Carolina
(C) Division of Water Quality
Central Office
512 North Salisbury Street
Raleigh, North Carolina.

(b) Unnamed Streams. All drainage canals not noted in the schedule are classified "C Sw," except the main drainage canals to Pamlico Sound and its bays which shall be classified "SC."

(c) The Tar-Pamlico River Basin Schedule of Classification and Water Quality Standards was amended effective:

- (1) March 1, 1977;
- (2) November 1, 1978;
- (3) June 8, 1980;
- (4) October 1, 1983;
- (5) June 1, 1984;
- (6) August 1, 1985;
- (7) February 1, 1986;
- (8) August 1, 1988;

PROPOSED RULES

- (9) January 1, 1990;
- (10) August 1, 1990;
- (11) August 3, 1992;
- (12) April 1, 1994;
- (13) January 1, 1996;
- (14) September 1, 1996;
- (15) October 7, 2003;
- (16) June 1, 2004, 2004;
- (17) November 1, 2007.

(d) The Schedule of Classifications and Water Quality Standards for the Tar-Pamlico River Basin has been amended effective August 1, 1988 as follows:

- (1) Tar River (Index No. 28-94) from a point 1.2 miles downstream of Broad Run to the upstream side of Tranters Creek from Class C to Class B.

(e) The Schedule of Classifications and Water Quality Standards for the Tar-Pamlico River Basin has been amended effective January 1, 1990 by the reclassification of Pamlico River and Pamlico Sound [Index No. 29-(27)] which includes all waters within a line beginning at Juniper Bay Point and running due south to Lat. 35° 18' 00", long. 76° 13' 20", thence due west to lat. 35° 18' 00", long 76° 20' 00", thence northwest to Shell Point and including Shell Bay, Swanquarter and Juniper Bays and their tributaries, but excluding the Blowout, Hydeland Canal, Juniper Canal and Quarter Canal were reclassified from Class SA and SC to SA ORW and SC ORW.

(f) The Schedule of Classifications and Water Quality Standards for the Tar-Pamlico River Basin has been amended effective January 1, 1990 by adding the supplemental classification NSW (Nutrient Sensitive Waters) to all waters in the basin from source to a line across Pamlico River from Roos Point to Persimmon Tree Point.

(g) The Schedule of Classifications and Water Quality Standards for the Tar-Pamlico River Basin was amended effective August 3, 1992 with the reclassification of all water supply waters (waters with a primary classification of WS-I, WS-II or WS-III). These waters were reclassified to WS-I, WS-II, WS-III, WS-IV or WS-V as defined in the revised water supply protection rules, (15A NCAC 2B .0100, .0200 and .0300) which became effective on August 3, 1992. In some cases, streams with primary classifications other than WS were reclassified to a WS classification due to their proximity and linkage to water supply waters. In other cases, waters were reclassified from a WS classification to an alternate appropriate primary classification after being identified as downstream of a water supply intake or identified as not being used for water supply purposes.

(h) The Schedule of Classifications and Water Quality Standards for the Tar-Pamlico River Basin was amended effective April 1, 1994 with the reclassification of Blounts Creek from Herring Run to Blounts Bay [Index No. 29-9-1-(3)] from Class SC NSW to Class SB NSW.

(i) The Schedule of Classifications and Water Quality Standards for the Tar-Pamlico River Basin was amended effective January 1, 1996 with the reclassification of Tranters Creek [Index Numbers 28-103- (4.5), 28-103- (13.5), 28-103- (14.5) and 28-103-(16.5)] from a point 1.5 miles upstream of Turkey Swamp to the City of Washington's former auxiliary water

supply intake, including tributaries, from Class WS-IV Sw NSW and Class WS-IV CA Sw NSW to Class C Sw NSW.

(j) The Schedule of Classifications and Water Quality Standards for the Tar-Pamlico River Basin was amended effective September 1, 1996 with the addition of Huddles Cut (previously unnamed in the schedule) classified as SC NSW with an Index No. of 29-25.5.

(k) The Schedule of Classifications and Water Quality Standards for the Tar-Pamlico River Basin was temporarily amended effective October 7, 2003 and permanently amended June 1, 2004 with the reclassification of a portion of Swift Creek [Index Number 28-78-(0.5)] and a portion of Sandy Creek [Index Number 28-78-1-(19)] from Nash County SR 1004 to Nash County SR 1003 from Class C NSW to Class C ORW NSW, and the waters that drain to these two creek portions to include only the ORW management strategy as represented by "+". The "+" symbol as used in this paragraph means that all undesignated waterbodies that drain to the portions of the two creeks referenced in this Paragraph shall comply with Paragraph (c) of Rule .0225 of this Subchapter in order to protect the designated waters as per Rule .0203 of this Subchapter and to protect outstanding resource values found in the designated waters as well as in the undesignated waters that drain to the designated waters.

(l) The Schedule of Classifications and Water Quality Standards for the Tar-Pamlico River Basin was amended effective November 1, 2007 with the reclassifications as follows. The North Carolina Division of Water Quality maintains a Geographic Information Systems data layer of the UWLs.

- (1) Goose Creek Tidal Freshwater Marsh along the confluence of Goose Creek [Index No. 29-33] and the Pamlico River [Index No. 29-(27)] along Flatty Creek [Index No. 29-11-4] a length of the Pamlico River shoreline [Index No. 29-(27)] was reclassified to Class WL UWL as defined in 15A NCAC 02B .0101.
- (2) Mallard Creek Tidal Freshwater Marsh along Mallard Creek [Index No. 29-13-(1)] 0.2 miles above its confluence with the Pamlico River to Class WL UWL as defined in 15A NCAC 02B .0101.

Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1).

15A NCAC 02B .0317 PASQUOTANK RIVER BASIN

(a) The schedule ~~Pasquotank River Basin Schedule of Classifications and Water Quality Standards~~ may be inspected at the following places:

- (1) Clerk of Court
Camden County
Chowan County
Currituck County
Dare County
Gates County
Hyde County
Pasquotank County
Perquimans County
Tyrell County

(2) ~~Washington County the Internet at <http://h2o.knr.state.nc.us/csu/>; and the North Carolina Department of Environment and Natural Resources; Resources:~~

~~(A) Washington Regional Office
1424 Carolina Avenue 943~~

~~Washington Square Mall
Washington, North Carolina~~

~~(B) Division of Water Quality
Central Office
512 North Salisbury Street
Raleigh, North Carolina.~~

(b) Unnamed Streams. All drainage canals not noted in the schedule are classified "C."

(c) The Pasquotank River Basin Schedule of Classifications and Water Quality Standards was amended effective:

- (1) March 1, 1977;
- (2) May 18, 1977;
- (3) December 13, 1979;
- (4) January 1, 1985;
- (5) February 1, 1986;
- (6) January 1, 1990;
- (7) August 1, 1990;
- (8) August 3, 1992;
- (9) August 1, 1998;
- (10) August 1, 2000, 2000;
- (11) November 1, 2007.

(d) The Schedule of Classifications and Water Quality Standards for the Pasquotank River Basin was amended effective January 1, 1990 by the reclassification of Alligator River [Index Nos. 30-16-(1) and 30-16-(7)] from source to U.S. Hwy. 64 and all tributaries except Swindells Canal, Florida Canal, New Lake, Fairfield Canal, Carters Canal, Dunbar Canal and Intracoastal Waterway (Pungo River - Alligator River Canal) were reclassified from C Sw and SC Sw to C Sw ORW and SC Sw ORW:

(e) The Schedule of Classifications and Water Quality Standards for the Pasquotank River Basin was amended effective August 1, 1990 as follows:

- (1) Croatan Sound [Index No. 30-20-(1)] from a point of land on the southern side of mouth of Peter Mashoes Creek on Dare County mainland following a line eastward to Northwest Point on Roanoke Island and then from Northwest Point following a line west to Reeds Point on Dare County mainland was reclassified from Class SC to Class SB.
- (2) Croatan Sound [Index No. 30-20-(1.5)] from Northwest Point on Roanoke Island following a line west to Reeds Point on Dare County mainland to William B. Umstead Memorial Bridge was reclassified from Class SC to Class SA.

(f) The Schedule of Classifications and Water Quality Standards for the Pasquotank River Basin was amended effective August 3, 1992 with the reclassification of all water supply waters (waters with a primary classification of WS-I, WS-II or WS-III). These waters were reclassified to WS-I, WS-II, WS-III, WS-IV or WS-

V as defined in the revised water supply protection rules, (15A NCAC 2B .0100, .0200 and .0300) which became effective on August 3, 1992. In some cases, streams with primary classifications other than WS were reclassified to a WS classification due to their proximity and linkage to water supply waters. In other cases, waters were reclassified from a WS classification to an alternate appropriate primary classification after being identified as downstream of a water supply intake or identified as not being used for water supply purposes.

(g) The Schedule of Classifications and Water Quality Standards for the Pasquotank River Basin was amended effective August 1, 1998 with the revision to the primary classification for a portion of the Pasquotank River [Index No. 30-3-(1.7)] from Class WS-IV to Class WS-V.

(h) The Schedule of Classifications and Water Quality Standards for the Pasquotank River Basin was amended effective August 1, 2000 with the reclassification of Lake Phelps [Index No. 30-14-4-6-1] from Class C Sw to Class B Sw ORW.

(i) The Schedule of Classifications and Water Quality Standards for the Pasquotank River Basin was amended effective November 1, 2007 with the following reclassifications. The North Carolina Division of Water Quality maintains a Geographic Information Systems data layer of the UWLs.

- (1) Phelps Lake Natural Lake Shoreline near Phelps Lake [Index No. 30-14-4-6-1] was reclassified to Class WL UWL as defined in 15A NCAC 02B .0101.
- (2) Nags Head Woods near Buzzard Bay [Index No. 30-21-1] was reclassified to Class WL UWL as defined in 15A NCAC 02B .0101.

Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1).

Notice is hereby given in accordance with G.S. 150B-21.2 that the Environmental Management Commission intends to adopt the rules cited as 15A NCAC 02S .0501 - .0509, amend the rules cited as 15A NCAC 02S .0101 - .0102, and repeal the rule cited as 15A NCAC 02S .0401.

Proposed Effective Date: September 1, 2007

Public Hearing:

Date: May 1, 2007

Time: 6:00 p.m.

Location: Mooresville Public Library, 304 S. Main Street, Mooresville, NC 28115

Public Hearing:

Date: May 3, 2007

Time: 6:00 p.m.

Location: Division of Waste Management Offices, 401 Oberlin Road, Raleigh, NC 27605

Reason for Proposed Action: The Dry-Cleaning Solvent Cleanup Act of 1997 established a funded, voluntary program to address contamination resulting from dry-cleaning facilities, wholesale distribution facilities and abandoned sites. Section

ANNOUNCEMENT

A-121

**PROPOSED RECLASSIFICATIONS OF WETLANDS:
PUBLIC HEARINGS SET FOR MAY 15 AND 23, 2007**

INTRODUCTION

The North Carolina Department of Environment and Natural Resources, on behalf of the North Carolina Environmental Management Commission (EMC), will conduct two public hearings in order to receive public comments on a proposal to assign the Unique Wetlands supplemental classification to wetlands in eleven North Carolina river basins (Cape Fear, French Broad, Little Tennessee, Lumber, New, Roanoke, Pasquotank, Tar-Pamlico, Watagua, White Oak, Yadkin).

GENERAL DEFINITION OF PROPOSED RECLASSIFICATIONS

Unique Wetlands are wetlands of exceptional or national ecological significance, which require special protection to maintain existing uses. These wetlands may include wetlands that have been documented to the satisfaction of the Commission as habitat essential for the conservation of state or federally listed threatened or endangered species.

BACKGROUND OF RECLASSIFICATION REQUEST

The Division of Wetlands Program Development Unit developed proposals to apply the Unique Wetlands supplemental classification to specific wetlands across North Carolina. The purpose of the proposed reclassifications is to protect unique wetlands and maintain the existing species within those wetlands. The North Carolina Natural Heritage Program database has documented the presence of endangered and threatened species within those wetlands, which thereby makes the wetlands eligible for reclassification to UWL.

WATERS TO BE AFFECTED BY PROPOSED RECLASSIFICATION

The wetlands included in the proposed reclassifications are considered high quality natural communities that provide habitat for endangered and threatened species. Approximately 3,800 acres of wetlands would be affected by the proposed reclassification and located in the following North Carolina river basins: Cape Fear, French Broad, Little Tennessee, Lumber, New, Roanoke, Pasquotank, Tar-Pamlico, Watagua, White Oak, and Yadkin.

PROPOSED RECLASSIFICATION REGULATIONS

If the wetlands were assigned the UWL supplemental classification, only projects that meet a public need would be allowed to impact these wetlands. Mitigation for impacts to wetlands designated as unique would be required and shall be of the same wetland type and within the same watershed.

HOW TO SUBMIT COMMENTS

The purpose of this announcement is to encourage those interested in these proposals to provide comments. You may attend a public hearing and make relevant verbal comments, and/or submit written comments, data or other relevant information by June 15, 2007. The Hearing Officer may limit the length of time that you may speak at the public hearing, if necessary, so that all those who wish to speak may have an opportunity to do so.

The EMC is very interested in all comments pertaining to the proposed reclassifications. All persons interested and potentially affected by the proposals are strongly encouraged to read this entire announcement and make comments on the proposed reclassifications. The EMC may not adopt a rule that differs substantially from the text of the proposed rule published in the North Carolina Register unless the EMC publishes the text of the proposed different rule and accepts comments on the new text (see General Statute 150B 21.2 (g)). The proposed effective date for the final rules pursuant to this hearing process is November 1, 2007 pending EPA approval. Written comments may be submitted to Adriene Weaver of the Water Quality Planning Section at the address or email listed below.

PUBLIC HEARINGS

Date: May 15, 2007
Time: 6:00 P.M.
Location: Ground Floor Hearing Room
Archdale Building
512 North Salisbury Street
Raleigh, North Carolina 27604

Date: May 23, 2007
Time: 6:00 P.M.
Location: Carolina Beach State Park
Visitor Auditorium
1010 State Park Road
Carolina Beach, North Carolina 28428

FOR ADDITIONAL INFORMATION

Existing Division of Water Quality rules are located on the internet at <http://www.ncwaterquality.org/Rules/ruleindex.html>. In addition, this announcement is located on the internet via <http://www.ncwaterquality.org/admin/pubinfo/pubinfo.html> (look under "Calendar" section). Further explanations and details on reclassifications may be obtained by writing or calling:

A-122

Adriene Weaver
DENR-Division of Water Quality, Planning Section
1617 Mail Service Center, Raleigh, NC 27699-1617
(919) 733-5083, extension 370
Adriene.Weaver@ncmail.net

In the case of inclement weather on the day of the scheduled public hearing, please contact the above telephone number for a recorded message regarding any changes to the location, day or time of the hearing.

LIST OF THE PROPOSED UWL WETLANDS BY RIVER BASIN

<u>RIVER BASIN</u>	<u>WETLAND NAME</u>
Cape Fear	Jones Lake Bay
Cape Fear	Salters Lake Bay
Cape Fear	Bushy Lake
Cape Fear	Bower's Bog
Cape Fear	Weymouth Woods Sandhill Seep
Cape Fear	Fly Trap Savanna
Cape Fear	Grassy Pond
Cape Fear	Military Ocean Terminal at Sunny Point Pools
Cape Fear	Lily Pond
Cape Fear	Neck Savanna
French Broad	McClure's Bog
Little Tennessee	Richland Balsam Seep
Lumber	Green Swamp Small Depression Pond
Lumber	Myrtle Head Savanna
Lumber	Big Island Savanna
Lumber	Old Dock Savanna
Lumber	Waccamaw Natural Lake Shoreline
Lumber	Hamby's Bay
Lumber	Antioch Bay
Lumber	Oak Savanna Bay
Lumber	Dunahoe Bay
Lumber	Pretty Pond Bay
Lumber	Goosepond Bay
New	Bluff Mountain Fen
Tar-Pamlico	Goose and Mallard Creek Tidal Freshwater Marsh
Pasquotank	Nags Head Woods
Pasquotank	Phelps Lake Natural Lake Shoreline
Roanoke	Hanging Rock Hillside Seepage Bog
Watagua	Beech Creek Bog
White Oak	Theodore Roosevelt Maritime Swamp Forest
White Oak	Bear Island Maritime Wet Grassland
Yadkin-Pee Dee	Black Ankle Bog
Yadkin-Pee Dee	Pilot Mountain Floodplain Pool

N.C. Department of Environment and Natural Resources

Release: IMMEDIATE
Date:

Contact: Susan Massengale
Phone: (919) 733-7015 ext.227

33 AREAS PROPOSED FOR UNIQUE WETLANDS CLASSIFICATION

RALEIGH – The Division of Water Quality is holding two hearings this month to collect public comment on the reclassification of 33 wetland areas as Unique Wetlands, a supplemental classification that offers additional protection to wetlands of exceptional or national ecological significance.

The wetlands included in the proposed reclassification are considered high quality natural communities that provide habitat for state or federally listed threatened or endangered species. Approximately 3,800 acres of wetlands in eleven of the state's river basins would be affected by the proposed reclassification. Should the areas be reclassified, permitted impacts would be limited to projects that meet a public need.

Those who wish to comment are invited to attend the hearings below; both meetings are scheduled to begin at 6 p.m.:

- May 15, in the Ground Floor Hearing Room of the Archdale Building, 512 North Salisbury Street, Raleigh
- May 23, at Carolina Beach State Park visitor auditorium, 1010 State Park Road, Carolina Beach

Written comments, data or other relevant information may also be mailed to Adriene Weaver, DWQ Planning Section, 1617 Mail Service Center, Raleigh, NC 27699-1617.

The wetland areas currently considered for the supplemental classification are:

- Cape Fear River Basin: Jones Lake Bay, Salters Lake Bay, Bushy Lake, Bower's Bog, Weymouth Woods Sandhill Seep, Fly Trap Savanna, Grassy Pond, Military Ocean Terminal at Sunny Point, Lily Pond, Neck Savanna
- French Broad River Basin: McClure's Bog
- Little Tennessee River Basin: Richland Balsam Seep
- Lumber River Basin: Green Swamp Small Depression Pond, Myrtle Head Savanna, Big Island Savanna, Old Dock Savanna, Waccamaw Natural Lake Shoreline, Hamby's Bay, Antioch Bay, Oak Savanna Bay, Dunahoe Bay, Pretty Pond Bay, Goosepond Bay
- New River Basin: Bluff Mountain Fen
- Tar-Pamlico River Basin: Goose and Mallard Creek Tidal Freshwater Marsh
- Pasquotank River Basin: Nags Head Woods, Phelps Lake Natural Lake Shoreline
- Roanoke River Basin: Hanging Rock Hillside Seepage Bog
- Watauga River Basin: Beech Creek Bog
- White Oak River Basin: Theodore Roosevelt Maritime Wet Grassland, Bear Island Maritime Swamp Forest
- Yadkin – Pee Dee River basin: Blank Ankle Bog, Pilot Mountain Floodplain Pool

#####

Office of Public Affairs
Phone: (919) 715-4112
1601 Mail Service Center, Raleigh, NC 27699-1601

Diana Kees, Director
FAX (919) 715-5181
Diana.Kees@ncmail.net

An Equal Opportunity / Affirmative Action Employer



March 19, 2007

MEMORANDUM

TO: Chuck Wakild
FROM: Alan Klimek *AK*
SUBJECT: Hearing Officer Designation

I hereby designate you as the Hearing Officer for public hearings on Unique Wetlands reclassifications. These hearings will be conducted on May 15 and 23, 2007 in Raleigh, North Carolina and in Carolina Beach, North Carolina, respectively. The first hearing will be conducted at 6:00 p.m. in the Ground Floor Hearing Room at Archdale Building. The second hearing will be held at 6:00 p.m. in the visitor's auditorium at the Carolina State Beach Park. The purpose of these hearings is to receive public comments on proposed reclassifications to add the supplemental Unique Wetlands classification to thirty-three wetlands in North Carolina.

You are requested to hold the hearings and receive all relevant comments. Following the close of the records for the public hearings on June 15, 2007, staff will work with you in developing findings and recommendations to be considered by the EMC. If reclassified, the effective date of the reclassifications/rules, provided no legislative review is required, is expected to be November 1, 2007.

A copy of the public announcement for each hearing is enclosed for your review. I appreciate your willingness to be a part of this rule-making process. If you have any questions, please contact Adriene Weaver (733-5083 x370).

Enclosure

cc: Adriene Weaver
Lois Thomas
Linda Jones

North Carolina Division of Water Quality, 1617 Mall Service Center, Raleigh, NC 27699-1617
Location: 512 N. Salisbury St., Raleigh, NC 27604
Phone (919) 733-7015, Internet: www.ncwaterquality.org, Fax (919) 733-2496
DENR Customer Service 1-877-623-6748

An Equal Opportunity/Affirmative Action Employer - 50% Recycled/10% Post Consumer Paper

Estimated Acreage and Features of Predicted Unique Wetlands

There are an estimated 200,000 acres of Unique Wetlands in North Carolina. This represents a small percentage (4%) of the approximately 5 million acres of jurisdictional wetlands in North Carolina. Most of the potential Unique Wetlands were located in three regions of the state: the mountains, the Southeast Coastal Plain, and the Sandhills.

The following list indicates some wetland types targeted by the UWL classification:

- Bay Forest
- Cypress Savanna
- Floodplain Pool
- Seepage Bog and Sandhill Seep
- Interdune Pond
- Maritime Swamp Forest
- Natural Lake Shoreline
- Nonriverine Wet Hardwood Forest
- Peatland Atlantic White Cedar Forest
- Pine Savanna
- Southern Appalachian Bog
- Tidal Freshwater Marsh
- Upland Pool and Vernal Pool

The majority of known Unique Wetlands are found on public lands. Approximately 66% of known potential UWL acres are managed by three state and federal agencies: Department of Defense, Wildlife Resources Commission, and US Fish and Wildlife Service. The remaining 34% are managed by a variety of public and private entities, such as municipal governments, land trusts, and private owners.

Benefits of the Unique Wetland Classification

The UWL classification can provide additional regulatory protection to these ecologically valuable wetlands above and beyond current state and federal wetland rules. Unique Wetlands can be included as targets for the Clean Water Management Trust Fund and the Ecosystem Enhancement Program and other statewide conservation efforts. Furthermore, Unique Wetlands can serve as valuable tools for educating the public about the ecological value of wetlands and the necessity of conserving these resources.

For more information contact:

Stratford Kay
Program Development Unit - NCDWQ
2321 Crabtree Blvd, Suite 250
Raleigh, NC 27604
Phone# (919) 733-9716
FAX # (919) 733-6893
Stratford.Kay@ncmail.net

A-125

Unique Wetland Classification: A Wetland Management and Protection Tool

- Regulatory Definition
- Regulatory Implications
- Selection Criteria
- Acreage in North Carolina





Regulatory Definition

Unique Wetlands are defined in the state water quality standards (15A NCAC 2B .0101 (e)(7)) as follows: *wetlands of exceptional state or national ecological significance, which require special protection to maintain existing uses. These wetlands may include wetlands that have been documented to the satisfaction of the Commission as habitat essential for the conservation of state or federally listed threatened or endangered species.*

Regulatory Implications

The wetlands regulatory requirements for Unique Wetlands (UWL) under 15 NCAC 02H .0506 (e) are more stringent than for freshwater wetlands (WL) and offer additional opportunities for wetland conservation.

- Mitigation for impacts directed to the same watershed and same wetland type
15A NCAC 2H .0506(h)(10)

Selection Criteria

In order for a site to be considered as a Unique Wetland, it must meet the criteria developed for the classification. The criteria were designed in two tiers. Sites that meet any Tier I criterion receive automatic consideration as UWL. Sites that fail to meet Tier I criteria must meet two or more Tier II criteria in order to be considered for the classification.

The criteria are based on methodology developed by the NC Natural Heritage Program of state and global rankings, as well as state and federal legal status for endangered, threatened, and rare species. State rank (S-rank) and global rank (G-rank) refer to the number of known occurrences of a plant, animal, or natural community within the state and over a global range respectively. They are assigned as follows:

- S1/G1 = 1-5 occurrences
- S2/G2 = 6-20 occurrences
- S3/G3 = 21-100 occurrences

The criteria also emphasize Element Occurrence Rankings (EO rank), which refer to the quality or viability of a population of animals, plants, or natural community. Site visits to potential Unique Wetlands will be conducted to confirm the basis for UWL classification.

Tier I

Wetlands may be classified as UWL under Tier I if they meet one of the criteria below. Wetlands that fail to meet Tier I criteria may potentially qualify for UWL classification under Tier II.

- A. Wetlands classified as S1 or S2 natural communities by NHP with an EO rank of A or B.
- B. Wetlands that harbor federal or state endangered, threatened, or special concern species with an EO rank of A or B.
- C. Wetlands that harbor significantly rare, disjunct or endemic plant species (SR-D and SR-L respectively) with an EO rank of A or B.

Tier II

Wetlands must meet two or more of the following criteria in order to be classified as UWL under Tier II.

- A. Wetlands that have been classified as S3/G3 natural communities by NHP with an EO rank of A or B.
- B. Wetlands that have been classified as viable S1 or S2 natural communities by NHP but that are not captured under Tier I.
- C. Wetlands that harbor a viable occurrence of an endangered, threatened, or special concern plant or animal species but fail to meet Tier I criteria.
- D. Wetlands that harbor a significantly rare (SR) animal or plant not captured by Tier I.

LIST OF PUBLIC HEARING ATTENDEES
PUBLIC HEARING ON THE PROPOSED RECLASSIFICATIONS OF 33 NORTH CAROLINA WETLANDS: A-127

MAY 15, 2007 in RALEIGH, NC

Hearing Officer
 Wakild Chuck DWQ Regional Supervisor, Raleigh Regional Office

Other Division of Water Quality Staff
 Manning Jeff Supervisor, Classification and Standards Unit
 Weaver Adriene Environmental Specialist, Classification and Standards Unit
 Hill Dave Environmental Technician, Classification and Standards Unit
 Kay Stratford Environmental Specialist, Program and Policy Development Unit

Other DENR Staff
 Strong Brian Supervisor, North Carolina State Parks
 Schwartzman Ed Biologist, North Carolina Natural Heritage Program
 Pohlman Scott Protection Specialist, North Carolina Heritage Program

<u>Citizens in Attendance</u>				
<u>Last Name</u>	<u>First Name</u>	<u>Entity Representing</u>	<u>City</u>	<u>County/State</u>
Matthews	Kathy	United States Environmental Protection Agency	Durham	Durham/NC
Fischer	Kristina	Soil and Water Conservation	Wilmington	New Hanover/NC
Smith	Ross	PCS Phosphate Company	Aurora	Beaufort/NC
Knopf	Chris	Surry County Planning	Dobson	Surry County/NC
Barber	John	Surry County Planning	Dobson	Surry County/NC

A-128

LIST OF PUBLIC HEARING ATTENDEES
PUBLIC HEARING ON THE PROPOSED RECLASSIFICATIONS OF
33 NORTH CAROLINA WETLANDS:

MAY 23, 2007 in CAROLINA BEACH, NC

		<u>Hearing Officer</u>		
Wakild	Chuck	DWQ Regional Supervisor, Raleigh Regional Office		
		<u>Other Division of Water Quality Staff</u>		
Manning	Jeff	Supervisor, Classification and Standards Unit		
Weaver	Adriene	Environmental Specialist, Classification and Standards Unit		
Hill	Dave	Environmental Technician, Classification and Standards Unit		
Dorney	John	Supervisor, Program and Policy Development Unit		
Steenhuis	Joanne	Environmental Specialist, Wilmington Regional Office		
		<u>Other DENR Staff</u>		
Strong	Brian	Supervisor, North Carolina State Parks		
		<u>Citizens in Attendance</u>		
<u>Last Name</u>	<u>First Name</u>	<u>Entity Representing</u>	<u>City</u>	<u>County/State</u>
Rose	Kristen	Spangler Environmental, Inc	Wilmington	New Hanover/NC
Anderson	Mikaela	The Clark Group	Castle Hayne	New Hanover/NC
Taylor	Annette	Dial Cordy and Associates, Inc.	Wilmington	New Hanover/NC
Everhart	Steve	North Carolina Wildlife Resources Commission	Wilmington	New Hanover/NC
Prete	Philip	City of Wilmington	Wilmington	New Hanover/NC
Bedsole	Layton	NC Ports Authority	Wilmington	New Hanover/NC
Stone	Peggy	Coldwell Banker Sea Coast Realty	Carolina Beach	New Hanover/NC
Keenan	Shane	Not Given	Carolina Beach	New Hanover/NC
Lockwood	Richard	Military Ocean Terminal, Sunny Point	Southport	Brunswick/NC
Shires	Renee	Thomas & Hutton Engineering	Wilmington	New Hanover/NC
Ashley	Brent	The Clark Group	Wilmington	New Hanover/NC

Board of Directors

Chairman:

Richard A. DeMott

Corresponding Secretary:

Kathy Copley

Members at Large:

Anne Burgess

Leo Mast

Committee chairpersons

Stream-watch training:

Wendy Patoprsty

Kids in the Creek:

Wendy Patoprsty

Dick and Joan Hearn

Government liaison:

Richard A. DeMott

Schools liaison:

Dick and Joan Hearn

Research Grants:

Wendy Patoprsty

RIVERFEST

Chairperson:

Caroline Bond

Western North Carolina Alliance

WNCA Director:

Jody Flemming

Treasurer:

Karen Austin

WRCP Liaison:

Bob Gale

Watauga River Conservation Partners

P.O. Box 1194 Linville, NC 28646-1194

A-129

May 7, 2007

Adriena Weaver

DENR-Division of Water Quality, Planning Section
1617 Mail Service Center
Raleigh, NC 27699-1617

Dear Ms. Weaver:

The Watauga River Conservation Partners chapter of the Western North Carolina Alliance has worked and encouraged protection of the Beech Creek Bog in the Watauga River Basin from the time of the initial classification. We now hope an additional protection as a Unique Wetlands Supplemental Classification is appropriate. We understand this Supplemental Classification should strengthen the original protection provided for this unique wetland as it maintains existine species which can be endangered and threatened.

Appropriate action on this reclassification is significant and appreciated.

Sincerely,

Richard A. DeMott
Chair

Watauga River Conservation
Partners chapter of the
Western North Carolina Alliance

cc. Western North Carolina Alliance

This mailing is printed
on recycled paper and paid for
by
The Copwood Hill Foundation.

WRCP is a Chapter of the Western North
Carolina Alliance, a 501(c)(3)
organization.



North Carolina Department of Environment and Natural Resources

A-130

Michael F. Easley, Governor
William G. Ross Jr., Secretary

Division of Marine Fisheries

Dr. Louis B. Daniel III, Director

MEMORANDUM

To: Adriene Weaver, DWO
From: Dr. Louis Daniel, III
Date: 11 May 2007
Subject: Unique wetlands proposal

The North Carolina Division of Marine Fisheries (DMF), under authority of North Carolina General Statute 113-131, provides the following comments on proposed designation of Unique Wetlands by the North Carolina Environmental Management Commission (EMC).

We have reviewed the 33 candidate sites for designation as Unique Wetlands by the EMC to determine their relationship to waters under the jurisdiction of DMF and the North Carolina Marine Fisheries Commission (MFC). The MFC is empowered to enact rules to designate important fish habitats in Coastal Waters (such as Primary Nursery Areas) and to protect such areas by restricting use of specified fishing methods in those areas.

Three of the candidate sites for Unique Wetlands designation are directly adjacent to surface waters classified as Coastal Waters. As such, they are part of North Carolina's estuarine system, which produces more than 90% of the commercial fisheries landings in North Carolina, and about 60% of our sport fish landings.

- (NCAC 15A 02B.0312 White Oak River Basin) The Theodore Roosevelt Maritime Swamp Forest is connected to Bogue Sound, which contains extensive submerged aquatic vegetation (SAV) habitat. This habitat supports bay scallops throughout their life, as well as juvenile pink shrimp, flounder, spot, blue crabs, and many other economically important coastal fisheries species.
- (NCAC 15A 02B .0316 Tar-Pamlico River Basin) The Goose and Mallard Creek wetlands are connected to Pamlico River at Goose Creek State Park. This reach of Pamlico River is designated by the MFC as a Secondary Nursery Area. The adjacent marshes, creeks, and shallow river waters support juveniles and adults of many economically important coastal fisheries species, such as blue crabs, southern flounder, and spot.
- (NCAC 15A 02B .0317 Pasquotank River Basin) The Nags Head Woods wetlands are connected to northern Roanoke Sound. This shallow water area features extensive SAV habitat that is especially productive for blue crabs, spot, and many other economically important coastal fisheries species.

These three wetlands areas are among the best of their type existing in coastal North Carolina. Preservation in their current condition through designation as Unique Wetlands will ensure their long-term productivity for public benefit. Therefore, The DMF strongly supports their designation as Unique Wetlands by rules of the Environmental Management Commission.

Thank you for the opportunity to review and comment on this proposal.

3441 Arendell Street, P.O. Box 769, Morehead City, North Carolina 28557
Phone: 252 726-7021 \ FAX: 252 727-5127 \ Internet: www.ncdmf.net

An Equal Opportunity \ Affirmative Action Employer - 50 % Recycled \ 10% post Consumer Paper





United States Department of the Interior

A-131

FISH AND WILDLIFE SERVICE
Raleigh Field Office
Post Office Box 33726
Raleigh, North Carolina 27636-3726

June 8, 2007

Ms. Adriene Weaver
North Carolina Department of Environment
and Natural Resources
Division of Water Quality, Planning Section
1617 Mail Service Center
Raleigh, North Carolina 27699-1617

Dear Ms. Weaver:

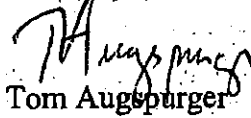
The U.S. Fish and Wildlife Service (Service) has reviewed the proposal to assign the Unique Wetlands supplemental classification to 33 wetlands in eleven North Carolina river basins (Cape Fear, French Broad, Little Tennessee, Lumber, New, Roanoke, Pasquotank, Tar-Pamlico, Watagua, White Oak, Yadkin). The proposed reclassification would apply to wetlands of exceptional ecological significance which require special protection to maintain existing uses. The North Carolina Division of Water Quality's (NCDWQ) Planning Section has collected information from State and federal agencies, conservation organizations, and others to document the presence of threatened or endangered species within the subject wetlands. As such, the reclassification of the wetlands as Unique Wetlands under 15A NCAC 2B .0101 of the State's *Classifications and Water Quality Standards* rules is appropriate.

The Service is very supportive of the proposed reclassification. Among the 33 sites proposed to receive the Unique Wetlands designation, several are important habitat for species federally-listed as threatened or endangered under the Endangered Species Act of 1973, as amended (16 U.S. Code 1531-1544). McClures Bog contains the federally-endangered bunched arrowhead (*Sagittaria fasciculata*), Military Ocean Terminal at Sunny Point includes habitat for the endangered rough-leaved loosestrife (*Lysimachia asperulifolia*), Neck Savannah contains the federally-endangered Cooley's meadowrue (*Thalictrum cooleyi*) and the federally-endangered golden sedge (*Carex lutea*), and Old Dock Savannah is also habitat for Cooley's meadowrue. Three of the proposed wetlands provide habitat for federal species of concern: Weymouth Woods contains the Sandhills Lily (*Lilium pyrophilum*), and the Flytrap Savannah and Green Swamp contain the Venus flytrap (*Dionaea muscipula*).

If the wetlands are assigned the Unique Wetlands classification, only projects that meet a public need would be allowed to impact them, and mitigation for impacts would have to be of the same wetland type and within the same watershed. The recovery plans for most plants that ultimately require federal protection note the need to protect and manage viable populations to ensure their continued survival. The Unique Wetlands designation will help with these efforts.

We appreciate the NCDWQ's work on implementing the Unique Wetlands classification, and we encourage other critically-important wetlands be evaluated and considered for designation. Please contact me at 856-4520 x.21 if you have any questions about this letter or if we can be of other assistance.

Sincerely,



Tom Augspurger
Ecologist

Proposed Reclassifications of Wetlands
Public Hearing
05/15/07 – Archdale Building, Raleigh

A-133

Good evening, my name is Ross Smith and I serve as the Manager, Environmental Affairs for PCS Phosphate at our facility located in Beaufort County.

For many years, PCS Phosphate has worked with Division of Water Quality staff to assist in the development of wetland and stream delineation policy and other efforts that help to protect our state's water quality.

My comments this evening are basically in the form of questions related to any proposed reclassifications that could occur in the future:

- 1) Between November 2003 and September 2004, DWQ and National Heritage Program (NHP) staff selected and delineated 33 potential UWL sites. These sites were all located on public lands or lands of willing private land owners (NC Chapter of The Nature Conservancy, NC Division of Parks and Recreation, and US Department of Defense). Does the EMC, DWQ, and NHP anticipate seeking additional reclassifications in the future that will involve private lands (potentially with unwilling land owners)?
- 2) If additional reclassifications are proposed in the future, will the same rule-making process be required?
 - a. Review/approval by Water Quality Committee (WQC-EMC)
 - b. Review/approval by full EMC to proceed to public hearing
 - c. Public notice/review/comment/hearings
 - d. Approval by full EMC subsequent to Hearing Officers' report
 - e. Rules Review Commission review
 - f. Potential legislative review/action
- 3) 15A NCAC 02B.0101(e)(7) states "These wetlands may include wetlands that have been documented to the satisfaction of the Commission as habitat essential for the conservation of state or federally listed threatened or endangered species." The proposed reclassification is based on NHP documentation of the "presence of endangered and threatened species within those wetlands".
 - a. How is "essential" habitat determined?
 - b. Does the EMC, DWQ, and NHP anticipate seeking additional reclassifications in the future that will include lands that have

do not have the documented presence of these species?

- c. **“may include”** implies that there are other criteria for classification of UWLs – what are the other criteria?

A-134

- 4) Mitigation for impacts to UWLs would be required within the same watershed. Does “watershed” refer to river basin, hydrologic unit classification, or other?

Thank you for the opportunity to participate in this public commenting process.

SECTION .0100 - PROCEDURES FOR ASSIGNMENT OF WATER QUALITY STANDARDS

A-135

15A NCAC 02B .0101 GENERAL PROCEDURES

(a) The rules contained in Sections .0100, .0200 and .0300 of this Subchapter which pertain to the series of classifications and water quality standards shall be known as the "Classifications and Water Quality Standards Applicable to the Surface Waters and Wetlands of North Carolina."

(b) The Environmental Management Commission, prior to classifying and assigning standards of water quality to any waters of the state, shall proceed as follows:

- (1) The Commission, or its designee, shall determine waters to be studied for the purpose of classification and assignment of water quality standards on the basis of user requests, petitions, or the identification of existing or attainable water uses, as defined by 15A NCAC 2B .0202, not presently included in the water classification.
- (2) After appropriate studies of the identified waters to obtain the data and information required for determining the proper classification of the waters or segments of water are completed, the Commission, or its designee, shall make a decision on whether to initiate proceedings to modify the classifications and water quality standards of identified waters. In the case of the Commission's designee deciding to initiate said proceedings, the designee shall inform the Commission of the decision prior to scheduling a public hearing.
- (3) In the case of a petition for classification and assignment of water quality standards according to the requirements of General Statute 150B-20, the Director shall make a preliminary recommendation on the appropriate classifications and water quality standards of the identified waters on the basis of the study findings or information included in the petition supporting the classification and standards changes.
- (4) The Commission shall make a decision on whether to grant or deny a petition in accordance with the provisions of General Statute 150B-20 based on the information included in the petition and the recommendation of the Director. The Commission may deny the petition and request that the Division study the appropriate classifications and water quality standards for the petitioned waters in accordance with Subparagraph (b)(2) of this Rule.
- (5) The Director shall give due notice of such hearing or hearings in accordance with the requirements of General Statute 143-214.1 and G.S. 150B, and shall appoint a hearing officer(s) in consultation with the chairman of the Commission.
- (6) The hearing officer(s) shall, as soon as practicable after the completion of the hearing, submit a complete report of the proceedings of the hearing to the Commission. The hearing officer(s) shall include in the report a transcript or summary of testimony presented at such public hearing, relevant exhibits, a summary of relevant information from the stream studies conducted by the technical staff of the Commission, and final recommendations as to classification of the designated waters and the standards of water quality and best management practices which should be applied to the classifications recommended.
- (7) The Commission, after due consideration of the hearing records and the final recommendations of the hearing officer(s), shall adopt its final action with respect to the assignment of classifications, and any applicable standards or best management practices applicable to the waters under consideration. The Commission shall publish such action, together with the effective date for the application of the provisions of General Statute 143-215.1 and 143-215.2, as amended, as a part of the Commission's official rules.
- (8) The final action of the Commission with respect to the assignment of classification with its accompanying standards and best management practices shall contain the Commission's conclusions relative to the various factors given in General Statute 143-214.1(d), and shall specifically include the class or classes to which such specifically designated waters in the watershed or watersheds shall be assigned on the basis of best usage in the interest of the public.

(c) Freshwater shall be assigned to one of the following classification:

- (1) Class C: freshwaters protected for secondary recreation, fishing, aquatic life including propagation and survival, and wildlife. All freshwaters shall be classified to protect these uses at a minimum.
- (2) Class B: freshwaters protected for primary recreation which includes swimming on a frequent or organized basis and all Class C uses.
- (3) Class WS-I: waters protected as water supplies which are essentially in natural and undeveloped watersheds. Point source discharges of treated wastewater are permitted pursuant to Rules .0104 and .0211 of this Subchapter. Local programs to control nonpoint sources and stormwater discharges of pollution are required. Suitable for all Class C uses.
- (4) Class WS-II: waters protected as water supplies which are generally in predominantly undeveloped watersheds. Point source discharges of treated wastewater are permitted pursuant to Rules .0104 and .0211 of this Subchapter. Local programs to control nonpoint sources and stormwater discharges of pollution

shall be required. Suitable for all Class C uses.

- (5) Class WS-III: waters protected as water supplies which are generally in low to moderately developed watersheds. Point source discharges of treated wastewater are permitted pursuant to Rules .0104 and .0211 of this Subchapter. Local programs to control nonpoint sources and stormwater discharges of pollution shall be required. Suitable for all Class C uses. A-136
- (6) Class WS-IV: waters protected as water supplies which are generally in moderately to highly developed watersheds. Point source discharges of treated wastewater are permitted pursuant to Rules .0104 and .0211 of this Subchapter. Local programs to control nonpoint sources and stormwater discharges of pollution shall be required; suitable for all Class C uses.
- (7) Class WS-V: waters protected as water supplies which are generally upstream of and draining to Class WS-IV waters. No categorical restrictions on watershed development or treated wastewater discharges shall be required. However, the Commission or its designee may apply appropriate management requirements as deemed necessary for the protection of downstream receiving waters (15A NCAC 2B .0203); suitable for all Class C uses.
- (8) Class WL: waters that meet the definition of wetlands found in 15A NCAC 2B .0202 except those designated as Class SWL.
- (d) Tidal Salt Waters shall be assigned to one of the following:
- (1) Class SC: saltwaters protected for secondary recreation, fishing, aquatic life including propagation and survival, and wildlife. All saltwaters shall be classified to protect these uses at a minimum.
- (2) Class SB: saltwaters protected for primary recreation which includes swimming on a frequent or organized basis and all Class SC uses.
- (3) Class SA: suitable for commercial shellfishing and all other tidal saltwater uses.
- (4) Class SWL: waters that meet the definition of coastal wetlands as defined by 15A NCAC 2H .0205, and which are landward of the mean high water line, and wetlands contiguous to estuarine waters as defined by 15A NCAC 2H .0206.
- (e) The following are supplemental classifications:
- (1) Trout waters (Tr): freshwaters protected for natural trout propagation and survival of stocked trout.
- (2) Swamp waters (Sw): waters which have low velocities and other natural characteristics which are different from adjacent streams.
- (3) Nutrient Sensitive Waters (NSW): waters subject to growths of microscopic or macroscopic vegetation requiring limitations on nutrient inputs.
- (4) Outstanding Resource Waters (ORW): unique and special waters of exceptional state or national recreational or ecological significance which require special protection to maintain existing uses.
- (5) High Quality Waters (HQW): waters which are rated as excellent based on biological and physical/chemical characteristics through Division monitoring or special studies, native and special native trout waters (and their tributaries) designated by the Wildlife Resources Commission, primary nursery areas (PNA) designated by the Marine Fisheries Commission and other functional nursery areas designated by the Marine Fisheries Commission, all water supply watersheds which are either classified as WS-I or WS-II or those for which a formal petition for reclassification as WS-I or WS-II has been received from the appropriate local government and accepted by the Division of Water Quality and all Class SA waters.
- (6) Future Water Supply (FWS): waters that have been requested by a local government and adopted by the Commission as a future source for drinking, culinary, or food-processing purposes. Local government(s) requesting this reclassification shall provide to the Division evidence of intent which may include one or a combination of the following: capitol improvement plans, a Water Supply Plan as described in G.S. 143-355(1), bond issuance for the water treatment plant or land acquisition records. Local governments shall provide a 1:24,000 scale USGS topographical map delineating the location of the intended water supply intake. Requirements for activities administered by the State of North Carolina, such as the issuance of permits for landfills, NPDES wastewater discharges, land application of residuals and road construction activities shall be effective upon reclassification for future water supply use. The requirements shall apply to the critical area and balance of the watershed or protected area as appropriate. Upon receipt of the final approval letter from the Division of Environmental Health for construction of the water treatment plant and water supply intake, the Commission shall initiate rule-making to modify the Future Water Supply supplemental classification. Local government implementation is not required until 270 days after the Commission has modified the Future Water Supply (FWS) supplemental classification through the rule-making process and notified the affected local government(s) that the appropriate local government land use requirements applicable for the water supply classifications are to be adopted, implemented and submitted to the Commission for approval. Local governments may also adopt land use ordinances that meet or exceed the state's minimum requirements for water supply watershed protection prior to the end of the 270 day deadline. The requirements for FWS may also be applied to waters formerly used for drinking water supply use, and currently classified for water supply use, at the request of local government(s) desiring protection of the watershed for future water supply use.

(7) Unique wetland (UWL): wetlands of exceptional state or national ecological significance which require special protection to maintain existing uses. These wetlands may include wetlands that have been documented to the satisfaction of the Commission as habitat essential for the conservation of state or federally listed threatened or endangered species. A-137

(f) In determining the best usage of waters and assigning classifications of such waters, the Commission shall consider the criteria specified in General Statute 143-214.1(d) and all existing uses as defined by 15A NCAC 2B .0202. In determining whether to revise a designated best usage for waters through a revision to the classifications, the Commission shall follow the requirements of 40 CFR 131.10(b),(c),(d) and (g) which are hereby incorporated by reference including any subsequent amendments and editions. This material is available for inspection at the Department of Environment, Health, and Natural Resources, Division of Water Quality, Water Quality Section, 512 North Salisbury Street, Raleigh, North Carolina. Copies may be obtained from the U.S. Government Printing Office, Superintendent of Documents, Washington, DC 20402-9325 at a cost of thirteen dollars (\$13.00).

(g) When revising the classification of waters, the Division shall collect water quality data within the watershed for those substances which require more stringent control than required by the existing classification. However, such sampling may be limited to only those parameters which are of concern. If the revision to classifications involves the removal of a designated use, the Division shall conduct a use attainability study as required by the provisions of 40 CFR 131.10(j) which are hereby incorporated by reference including any subsequent amendments and editions. This material is available for inspection at the Department of Environment, Health, and Natural Resources, Division of Water Quality, Water Quality Section, 512 North Salisbury Street, Raleigh, North Carolina. Copies may be obtained from the U.S. Government Printing Office, Superintendent of Documents, Washington, DC 20402-9325 at a cost of thirteen dollars (\$13.00).

History Note: Authority G.S. 143-214.1; 143-215.3(a)(1);
Eff. February 1, 1976;
Amended Eff. August 1, 1995; February 1, 1993; August 3, 1992; August 1, 1990;
RRC Objection Eff. July 18, 1996 due to lack of statutory authority and ambiguity;
Amended Eff. October 1, 1996.

15A NCAC 02B .0231 WETLAND STANDARDS

A-138

(a) General. The water quality standards for all wetlands are designed to protect, preserve, restore and enhance the quality and uses of wetlands and other waters of the state influenced by wetlands. The following are wetland uses:

- (1) Storm and flood water storage and retention and the moderation of extreme water level fluctuations;
- (2) Hydrologic functions including groundwater discharge that contributes to maintain dry weather streamflow and, at other locations or times, groundwater recharge that replenishes the groundwater system;
- (3) Filtration or storage of sediments, nutrients, toxic substances, or other pollutants that would otherwise adversely impact the quality of other waters of the state;
- (4) Shoreline protection against erosion through the dissipation of wave energy and water velocity and stabilization of sediments;
- (5) Habitat for the propagation of resident wetland-dependent aquatic organisms including, but not limited to fish, crustaceans, mollusks, insects, annelids, planktonic organisms and the plants and animals upon which these aquatic organisms feed and depend upon for their needs in all life stages; and
- (6) Habitat for the propagation of resident wetland-dependent wildlife species, including mammals, birds, reptiles and amphibians for breeding, nesting, cover, travel corridors and food.

(b) The following standards shall be used to assure the maintenance or enhancement of the existing uses of wetlands identified in Paragraph (a) of this Rule:

- (1) Liquids, fill or other solids or dissolved gases may not be present in amounts which may cause adverse impacts on existing wetland uses;
- (2) Floating or submerged debris, oil, deleterious substances, or other material may not be present in amounts which may cause adverse impacts on existing wetland uses;
- (3) Materials producing color, odor, taste or unsightliness may not be present in amounts which may cause adverse impacts on existing wetland uses;
- (4) Concentrations or combinations of substances which are toxic or harmful to human, animal or plant life may not be present in amounts which individually or cumulatively may cause adverse impacts on existing wetland uses;
- (5) Hydrological conditions necessary to support the biological and physical characteristics naturally present in wetlands shall be protected to prevent adverse impacts on:
 - (A) Water currents, erosion or sedimentation patterns;
 - (B) Natural water temperature variations;
 - (C) The chemical, nutrient and dissolved oxygen regime of the wetland;
 - (D) The movement of aquatic fauna;
 - (E) The pH of the wetland; and
 - (F) Water levels or elevations.
- (6) The populations of wetland flora and fauna shall be maintained to protect biological integrity as defined at 15A NCAC 2B .0202.

*History Note: Authority G.S. 143-214.1; 143-215.3(a)(1);
RRC Objection Eff. July 18, 1996 due to lack of statutory authority and ambiguity;
Eff. October 1, 1996.*

15A NCAC 02H .0506 REVIEW OF APPLICATIONS

(a) In evaluating requests for certification based on the procedures outlined in Paragraphs (b) through (e) of this Rule, the Director shall determine if the proposed activity has the potential to remove or degrade those significant existing uses which are present in the wetland or surface water. Activities which would not remove or degrade existing uses shall be reviewed according to the procedures found in Subparagraph (c)(2)-(5) of this Rule. Those activities covered by general certifications [15A NCAC 2H .0501(c)(2)] which do not require written concurrence from the Division shall be deemed certified if the conditions of the certification are followed and may proceed without the review procedures outlined in Paragraphs (b) through (e) of this Rule. An applicant may also demonstrate that designated uses are not present at a particular site using a wetland evaluation procedure approved by the Director according to the criteria found in 15A NCAC 2B .0103(c); otherwise the designated uses as outlined at 15A NCAC 2B .0231(a)(1)-(6) are assumed to exist in all classes of wetlands, and the appropriate review procedures shall be undertaken. Certification shall be issued where the Director determines water quality standards are met, including protection of existing uses.

(b) The Director shall issue a certification upon determining that existing uses are not removed or degraded by a discharge to classified surface waters for an activity which:

- (1) has no practical alternative under the criteria outlined in Paragraph (f) of this Rule;
- (2) will minimize adverse impacts to the surface waters based on consideration of existing topography, vegetation, fish and wildlife resources, and hydrological conditions under the criteria outlined in Paragraph (g) of this Rule;
- (3) does not result in the degradation of groundwaters or surface waters;
- (4) does not result in cumulative impacts, based upon past or reasonably anticipated future impacts, that cause or will cause a violation of downstream water quality standards;
- (5) provides for protection of downstream water quality standards through the use of on-site stormwater control measures; and
- (6) provides for replacement of existing uses through mitigation as described at Subparagraphs (h)(1) of this Rule.

(c) The Director shall issue a certification upon determining that sufficient existing uses are not removed or degraded by a discharge to Class WL wetlands as defined at 15A NCAC 2B .0101(c)(8), for an activity which:

- (1) has no practical alternative as described in Paragraph (f) of this Rule, or impacts less than three acres of Class WL wetlands;
- (2) will minimize adverse impacts to the wetland based on consideration of existing topography, vegetation, fish and wildlife resources, and hydrological conditions under the criteria outlined in Paragraph (g) of this Rule; or impacts less than one acre of wetland within 150 feet (including less than 1/3 acre of wetland within 50 feet), of the mean high water line or normal water level of any perennial or intermittent water body as shown by the most recently published version of the United State Geological Survey 1:24,000 (7.5 minute) scale topographical map or other site specific data;
- (3) does not result in the degradation of groundwaters or surface waters;
- (4) does not result in cumulative impacts, based upon past or reasonably anticipated future impacts, that cause or will cause a violation of downstream water quality standards;
- (5) provides protection for downstream water quality standards through the use of on-site stormwater control measures; and
- (6) provides for replacement of existing uses through wetland mitigation under U.S. Army Corps of Engineers requirements or as described in Subparagraph (h)(1)-(8) of this Rule.

(d) The Director shall issue a certification upon determining that significant existing uses are not removed or degraded by a discharge to Class SWL wetland as defined at 15A NCAC 2B .0101(d)(4), wetlands that are contiguous to waters designated as ORW, HQW, SA, WS-I, WS-II or Trout, or wetlands that are contiguous to rivers designated as a North Carolina or National Wild and Scenic River for an activity which satisfies Subparagraphs (c)(2)-(5) of this Rule, and:

- (1) for wetlands classified as coastal wetlands pursuant to 15A NCAC 7H .0205:
 - (A) has no practical alternative as described in Paragraph (f) of this Rule; and
 - (B) is water dependent and requires access to water as a central element of its basic function, although, projects funded by government agencies may be exempted from this requirement; and
- (2) provides for replacement of existing uses through wetland mitigation under U.S. Army Corps of Engineers requirements, or as described in Subparagraphs (h)(1)-(7) and (9) of this Rule.

(e) The Director shall issue a certification upon determining that significant existing uses are not removed or degraded by a discharge to wetlands of exceptional state or national ecological significance including but not limited to Class UWL wetlands, and wetlands that have been documented to the satisfaction of the Director as habitat essential for the conservation

of state or federally listed threatened or endangered species, provided that the wetlands have been so classified or designated prior to the date of application for certification or a draft environmental impact statement has been submitted to the Director, for an activity which satisfies Subparagraphs (c)(2)-(5) and (d)(1)-(2) and:

- (1) the wetland impacts are necessary for the proposed project to meet a demonstrated public need; and
- (2) provides for replacement of existing uses through wetland mitigation under U.S. Army Corps of Engineers requirements, or as described in Subparagraphs (h)(1)-(7) and (10) of this Rule.

(f) A lack of practical alternatives may be shown by demonstrating that, considering the potential for a reduction in size, configuration or density of the proposed activity and all alternative designs the basic project purpose cannot be practically accomplished in a manner which would avoid or result in less adverse impact to surface waters or wetlands.

(g) Minimization of impacts may be demonstrated by showing that the surface waters or wetlands are able to continue to support the existing uses after project completion, or that the impacts are required due to:

- (1) The spatial and dimensional requirements of the project; or
- (2) The location of any existing structural or natural features that may dictate the placement or configuration of the proposed project; or
- (3) The purpose of the project and how the purpose relates to placement, configuration or density.

(h) Replacement or mitigation of unavoidable losses of existing uses shall be reviewed in accordance with the following guidelines:

- (1) The Director shall coordinate mitigation requirements with other permitting agencies that are requiring mitigation for a specific project. Mitigation required by the U.S. Army Corps of Engineers shall be considered to constitute the mitigation required by the certification unless the Director determines that the mitigation proposal does not meet the criteria established in Subparagraph (6) of this Paragraph.
- (2) Mitigation shall not be required for impacts to Class WL wetlands of less than one acre.
- (3) Participation in wetland restoration programs coordinated by the Department of Environmental, Health, and Natural Resources shall be preferred to individual project mitigation whenever the Director finds that such participation is available and satisfies the other requirements of this Paragraph, unless the applicant can demonstrate that participation in these restoration programs is not practical. Mitigation sites approved by the U.S. Army Corps of Engineers shall be deemed to be consistent with the Department's restoration plan.
- (4) Acceptable methods of wetlands mitigation are listed below in the order of preference:
 - (A) Restoration: the re-establishment of wetland hydrology and vegetation in an area where it previously existed.
 - (B) Creation: the construction of a wetland in an area where wetlands did not exist in the recent past.
 - (C) Enhancement: increasing one or more of the functions of an existing wetland by manipulation of vegetation or hydrology.
 - (D) Preservation: protection of wetlands through purchase, donation or conveyance of a conservation easement to an appropriate government or non-profit agency for management.
- (5) Restoration is the preferred method of wetlands mitigation. The other methods may be utilized if the applicant can demonstrate that restoration is not practical or that the proposed alternative is the most ecologically viable method of replacing the lost functions and values.
- (6) All mitigation proposals shall provide for the replacement of wetland acres lost due to the proposed activity at a minimum of a 1:1 ratio through restoration or creation prior to utilizing enhancement or preservation to satisfy the mitigation requirements, unless the Director determines that the public good would be better served by other types of mitigation.
- (7) Wetlands mitigation shall be conducted based on the following ratios (acres mitigated to acres loss); 4:1, for wetlands located within 150 feet of the mean high water line or normal water level of any perennial or intermittent water body as shown by the most recently published version of the United States Geological Survey 1:24,000 (7.5 minute) scale topographical map; 2:1, for wetlands located between 150 feet and 1,000 feet from the mean high water line or normal water level of any perennial or intermittent water body as shown by the most recently published version of the United States Geological Survey 1:24,000 (7.5 minute) scale topographical map; and 1:1, for all other wetlands. For linear projects which impact less than 3 acres of wetlands the ratio shall be 2:1 regardless of the distance from surface waters. The above ratios apply only to restoration. The acres of required mitigation for the other types of mitigation shall be determined by multiplying the above ratios by 1.5 for creation, 2 for enhancement, and 5 for preservation. The above ratios do not apply to approved mitigation sites where the state and federal review agencies have approved credit/debit ratios. This Subparagraph shall not apply to general certifications until the Department has established a wetlands restoration program or until January 1, 1997, whichever occurs first.

- (8) Mitigation for impacts to wetlands designated in Paragraph (c) of this Rule shall be conducted within the same river basin and physiographic province when practical. Unavoidable losses of wetlands adjacent to waters classified as WS-III shall be replaced within the water supply watershed when practical.
- (9) Mitigation for impacts to wetlands designated in Paragraph (d) of this Rule shall be of the same wetland type and located within the same river sub-basin when practical. Mitigation for impacts to wetlands adjacent to waters classified as WS-I or WS-II shall be replaced within the water supply watershed when practical.
- (10) Mitigation for impacts to wetlands designated in Paragraph (e) of this Rule shall be of the same wetland type and within the same watershed when practical.
 - (i) The Director shall not duplicate the site-specific application of any guidelines employed by the United State Army Corps of Engineers in evaluating permit applications under 33 U.S.C. 1344 and applicable federal regulations.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.3(c); 143B-282(1)(u);
RRC Objection Eff. July 18, 1996 due to lack of statutory authority and ambiguity;
Eff. October 1, 1996.*