

# State Wetland and Buffer Permitting in North Carolina

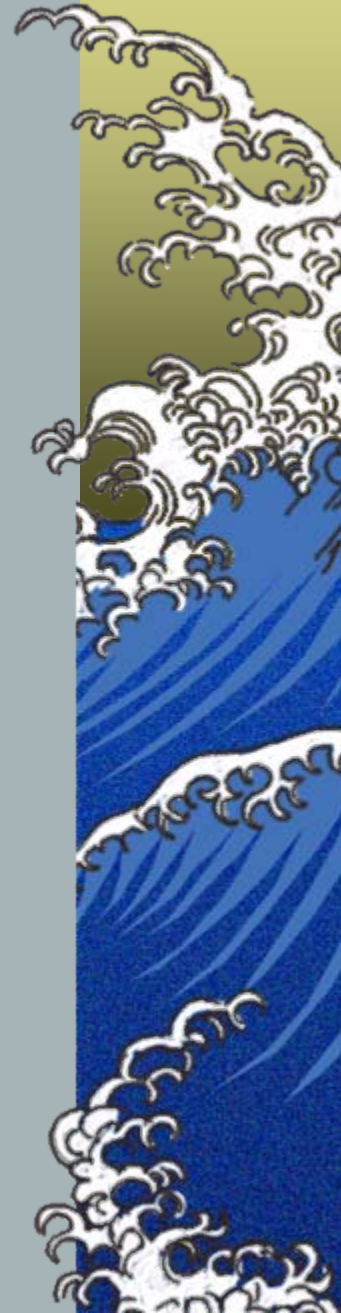
*Cyndi Karoly*

*401 Oversight and Express Permits Unit,  
Wetlands and Stormwater Branch,  
Division of Water Quality*



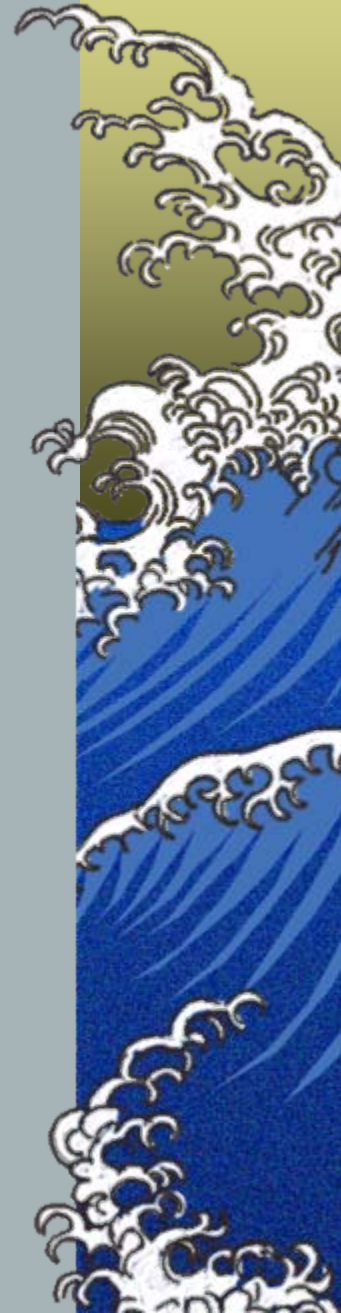
# “401 Unit” administers:

- ▶ *401 Water Quality Certifications*
- ▶ *Isolated Wetlands Rules*
- ▶ *Other non-404 Jurisdictional Wetlands*
- ▶ *Buffer Rules*



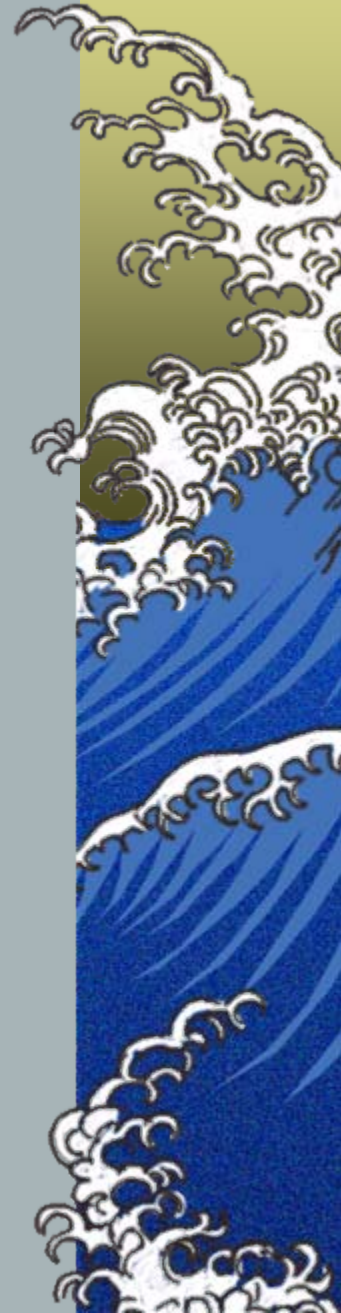
# 401 Program

- ▶ *15A NCAC 2H .0500*
- ▶ *Also known as Wetlands Rules or 401 Rules or Blue Book*
- ▶ *Effective October 1, 1996*
- ▶ *Triggered by any Federal Permit impacting water quality, usually 404 or Section 10*



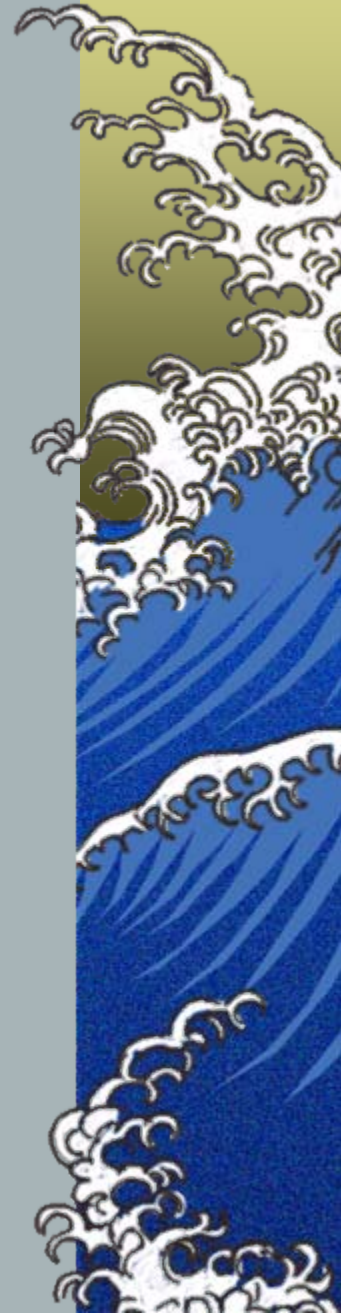
# Isolated/Non-404 Wetlands Permits

- ▶ *Applicable if no Corps jurisdiction  
(Isolated or No Significant Nexus)*
- ▶ *15A NCAC 2H .1300*
- ▶ *Temporary Adoption Eff. Oct. 12, 2001,  
Eff. April 1, 2003*
- ▶ *Triggered by discharges to Non-404  
surface waters*



# Wetlands Draining Policy

- ▶ *Effective March 1, 1999, revised July 1, 1999*
- ▶ *Wetland Water Quality Standards in 15A NCAC 2B .0231 may be violated by activities such as ditching and draining, groundwater pumping or excavation*
- ▶ *Hydrologic conditions necessary to support wetlands function and biological integrity*



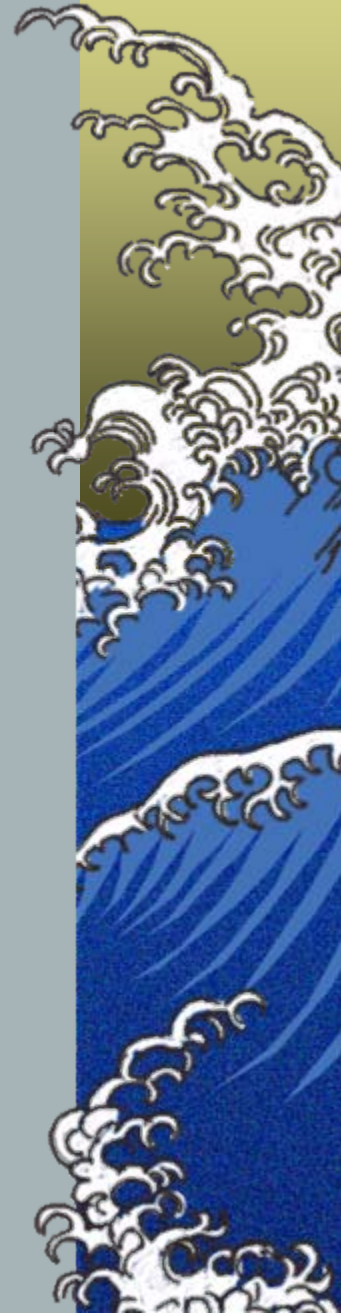
# Buffer Rules

- ▶ *15A NCAC 2H .0200*
- ▶ *Classifications and Water Quality Standards Applicable to Surface Waters and Wetlands of NC*
- ▶ *“The Red Book”*



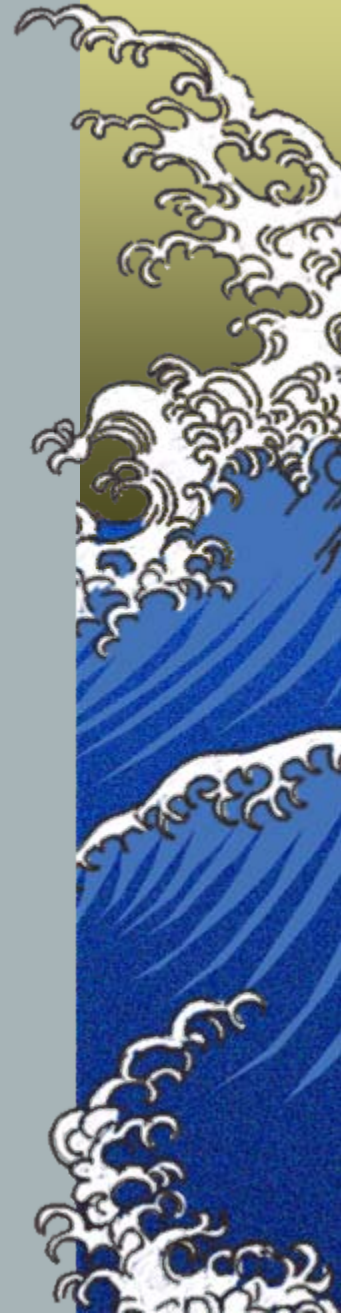
# Buffer Rules – 15A NCAS 2H.

- ▶ *Neuse River Basin - .0233 – Temp. Adoption Eff. July 22, 1997, Eff. Aug. 1, 2000*
- ▶ *Tar-Pamlico River Basin - .0259, Temp. Adoption Eff. Jan. 1, 2000, Eff. Aug. 1, 2000*
- ▶ *Catawba River Basin – Temp Adoption Eff. June 30, 2001, Eff. Aug. 1, 2004*
- ▶ *Randleman Lake Water Supply Watershed – Eff. April 1, 1999*



# Buffer Rules

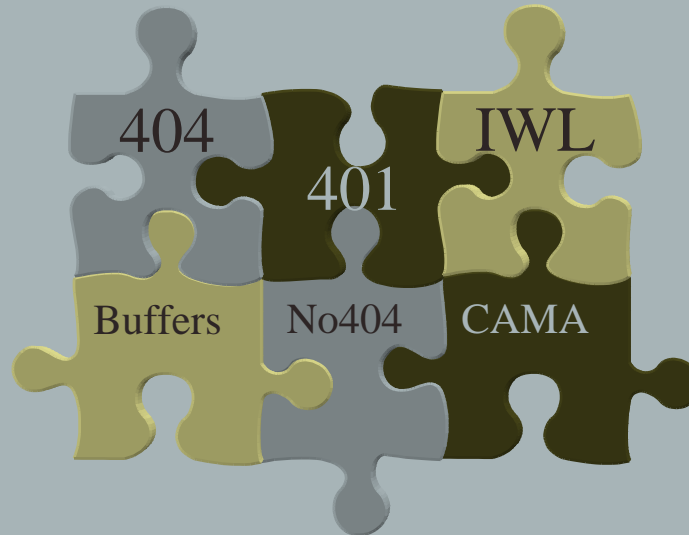
- ▶ *Triggered by disturbance of 50-foot buffer*
- ▶ *Mapped streams and waters on USGS topo maps and NRCS Soil Surveys*
- ▶ *Table of Uses allowed (except in current version of Randleman Rules)*





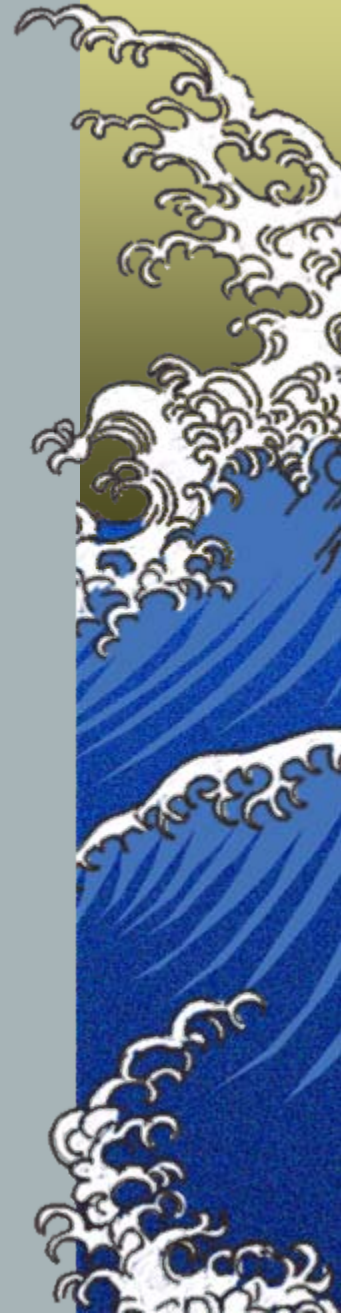
# Application Types

- ▶ *Projects under Corps Jurisdiction*
- ▶ *CAMA Permit linkage*
- ▶ *DWQ-only*



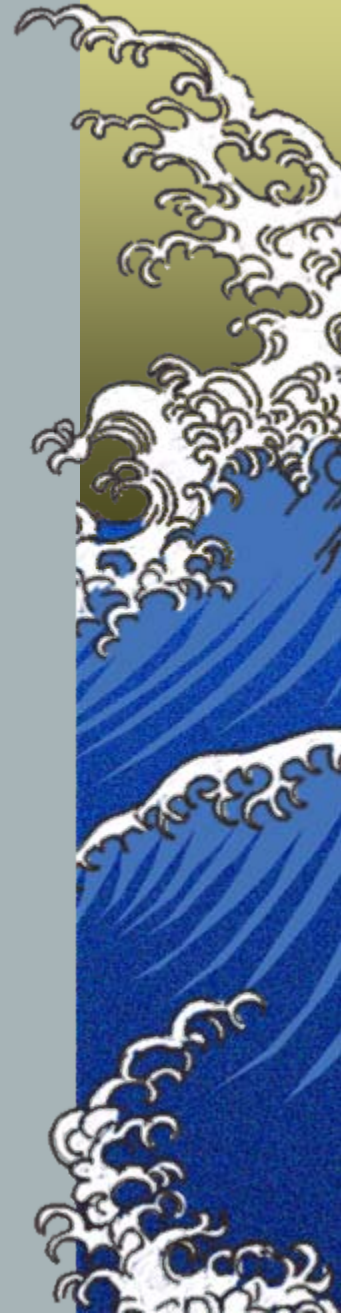
# If a 404 Permit is required

- ▶ *...Then a 401 Certification is required*
- ▶ *DWQ and the Corps share an application form: Pre-Construction Notification (PCN) for all Nationwide and Regional General Permits*
- ▶ *Joint Public Notice for Individual Permits*
- ▶ *DWQ circulates to other state agencies*



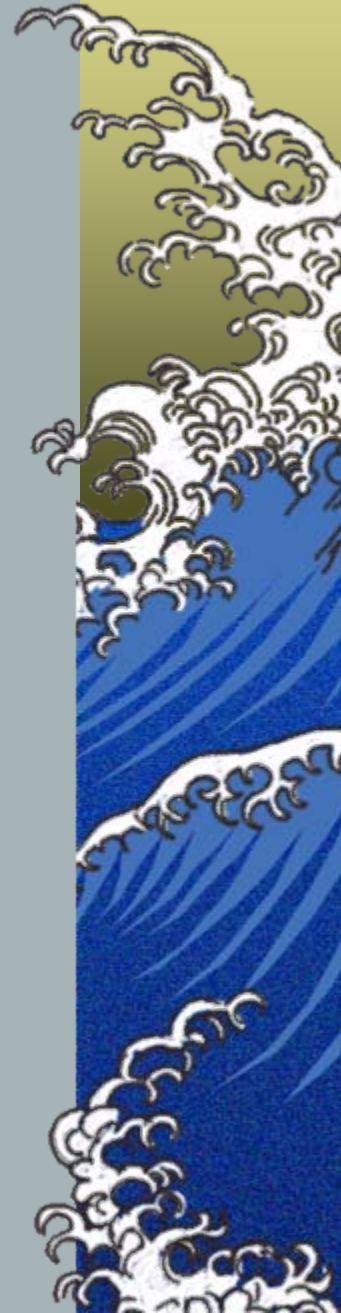
# Isolated and Non-404 Permits

- ▶ *NOT a “Certification” but a Permit*
- ▶ *DWQ is lead agency, involves other agencies such as Wildlife Resources Commission*
- ▶ *Use same PCN form*
- ▶ *One General Isolated Wetlands Permit*
- ▶ *Individual Isolated Wetlands Permits*



# Buffer Authorizations

- ▶ *DWQ is only agency involved*
- ▶ *For “allowed” activities, use PCN form*
- ▶ *For prohibited activities, use appropriate Major or Minor Variance application form. Qualifiers described in Buffer Rules.*



# CAMA Permits

- ▶ *DCM is lead agency for DWQ*
- ▶ *General Certification usually applies*
- ▶ *Use CAMA Permit form, DCM forwards to DWQ Central and Regional Offices as well as other agencies*



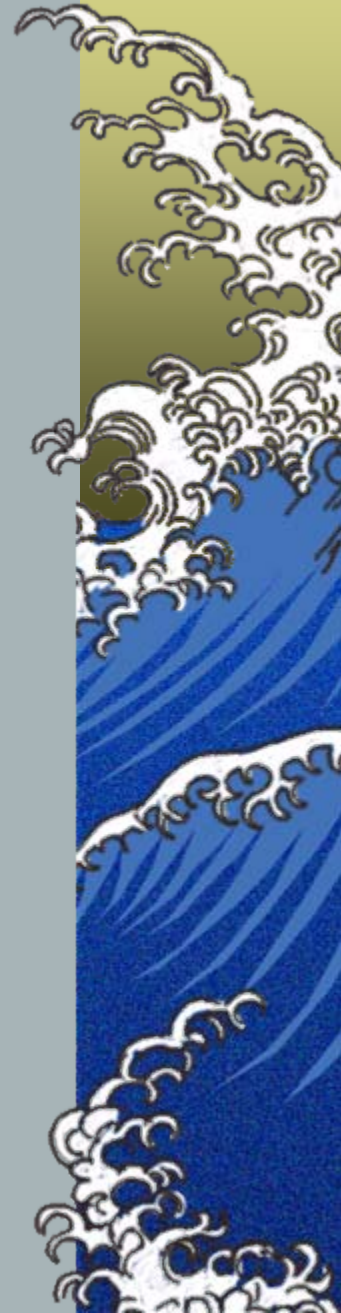
# Processing

- ▶ *Clock starts upon receipt in Central Office*
- ▶ *Delegated programs in DWQ's seven Regional Offices*
- ▶ *Routine 401 Certifications, Buffer Authorizations, Buffer Minor Variances, and Isolated/Non-404 Wetlands Permits issued from RO's*



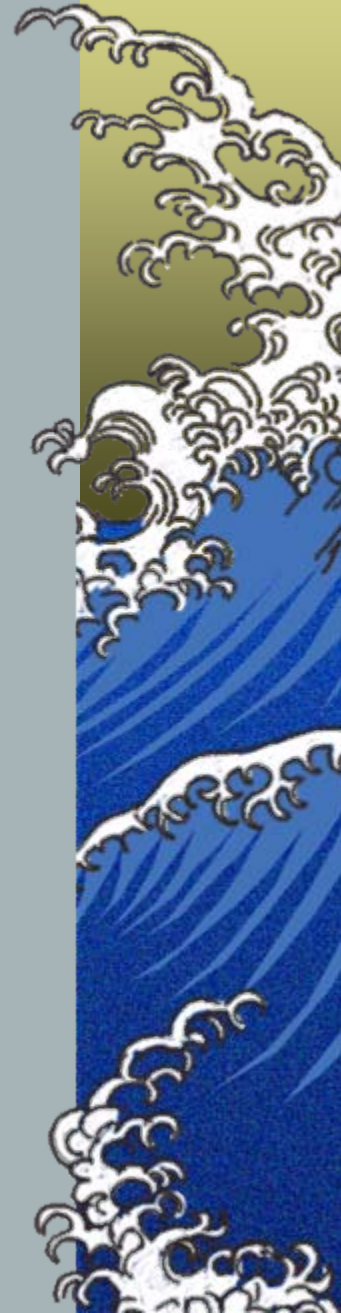
# Sequencing

- ▶ *Avoid and Minimize*
- ▶ *Plan to mitigate unavoidable impacts*
- ▶ *Prepare to address conditions of applicable Rules, Certifications, and Permits, and incorporate them into site plan*
- ▶ *Apply in advance*



# Express Permits Option

- ▶ *Abbreviated review process buys attention*
- ▶ *Expectation of higher quality*
- ▶ *Dedicated staff in Central as well as Washington and Wilmington Regional Offices*



# Where to Get More Information

- ▶ *401 Mailing List, 401+ Listserve (email to me at [Cyndi.Karoly@ncmail.net](mailto:Cyndi.Karoly@ncmail.net))*
- ▶ *401 Unit Web Site:*  
*<http://h2o.enr.state.nc.us/ncwetlands>*
- ▶ *DWQ Web Site: <http://h2o.enr.state.nc.us>*
- ▶ *North Carolina Administrative Code:*  
*[http://h2o.enr.state.nc.us/admin/rules/codes\\_statutes.htm](http://h2o.enr.state.nc.us/admin/rules/codes_statutes.htm)*

