

11-(72)] from Class WS-IV&B to Class WS-IV&B CA; and

- (2) The primary classifications of tributary streams that are within five miles and draining to the normal pool elevation of Lookout Shoals Lake (Protected Area) have been revised to Class WS-IV; and
- (3) The primary classifications of tributary streams that are within one half mile and draining to the normal pool elevation of Lookout Shoals Lake (Critical Area) have been revised to Class WS-IV CA.

(p) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended August 1, 2000 with the reclassification of Little Grassy Creek (Index No. 11-29-2), including all tributaries, from its source to the Linville River from Class C Tr to Class C Tr ORW.

(q) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended August 1, 2004 with the reclassification of a segment of three surface waters, more specifically Henry Fork [11-129-1-(1)], Jerry Branch [11-129-1-3-(1)], and He Creek [11-129-1-4-(1)], from source to a formerly used City of Morganton Water Intake from Class WS-I ORW to Class WS-V ORW.

(r) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended May 1, 2007 with the reclassification of the Catawba River [Index No. 11-(31.5)] from a point 0.6 mile upstream of Muddy Creek to a point 1.2 miles upstream of Canoe Creek from WS-IV to WS-IV Tr and Catawba River [Index No. 11-(32.3)] from a point 1.2 miles upstream of Canoe Creek to a point 0.7 mile upstream of Canoe Creek (Morganton water supply intake) from WS-IV CA to WS-IV Tr CA. Named and unnamed tributaries to this portion of the Catawba River are not classified as Trout. Between the last day of May and the first day of November the water quality standard for dissolved oxygen shall not be less than a daily average of 5.0 mg/l with a minimum instantaneous value of not less than 4.0 mg/l.

(s) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended July 1, 2010 with the reclassification of the Catawba River [Index No. 11-(1)] and its named tributaries, Chestnut Branch (Fork) [Index No. 11-2], Clover Patch Branch [Index No. 11-3], Youngs Fork Creek [Index No. 11-4], Spring Branch [Index No. 11-5] and Left Prong Catawba River [Index No. 11-6] from C Tr to C Tr HQW.

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 Sedimentation Control Commission intends to adopt the rule cited as 15A NCAC 04B .0131.

Proposed Effective Date: October 1, 2010

Public Hearing:

Date: January 11, 2010

Time: 10:00 a.m.

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

Reason for Proposed Action: The proposed rule specifies the form of the records required by G.S. 113A-54.1 as being an annotated copy of the approved plan, that is initialed and dated by the inspector as erosion and sedimentation control measures are installed, or a self-monitoring form that is completed, signed and dated. The proposed rule specifies the documentation required in the records concerning the installation and maintenance of erosion and sedimentation control measures, including temporary or permanent ground cover. The SPCA requires self-inspections at the completion of each phase of the plan. The "phases of the plan" referenced in G.S. 113A-54.1 are listed to clarify when the inspections shall take place.

Procedure by which a person can object to the agency on a proposed rule: A person may file a written, signed objection or comment on the proposed rule by mail, delivery service, hand delivery, facsimile transmission, or an electronic scan of an original via electronic mail. Objections or comments must be received by 5:00 p.m. on February 15, 2010. Objections or comments should be addressed to T. Gray Hauser, Jr., PE, NC DENR Division of Land Resources, 1612 Mail Service Center, Raleigh, NC 27699-1612; fax (919) 733-2876; email gray.hauser@ncdenr.gov.

Comments may be submitted to: T. Gray Hauser, Jr., PE, 1612 Mail Service Center, Raleigh, NC 27699-1612; fax (919) 733-2876; email gray.hauser@ncdenr.gov

Comment period ends: February 15, 2010

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 after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule 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 919-431-3000.

Fiscal Impact: A copy of the fiscal note can be obtained from the agency.

- State
- Local
- Substantial Economic Impact (≥\$3,000,000)
- None

CHAPTER 04 - SEDIMENTATION CONTROL

SUBCHAPTER 04B - EROSION AND SEDIMENT CONTROL

15A NCAC 04B .0131 SELF-INSPECTIONS

Where inspections are required by G.S. 113A-54.1(e), the following apply:

- (1) The person who performs the inspection shall make a record of the site inspection by documenting the following items:
  - (a) all of the erosion and sedimentation control measures, practices and devices, as called for in a construction sequence consistent with the approved erosion and sedimentation control plan, including but not limited to sedimentation control basins, sedimentation traps, sedimentation ponds, rock dams, temporary diversions, temporary slope drains, rock check dams, sediment fence or barriers, all forms of inlet protection, storm drainage facilities, energy dissipaters, and stabilization methods of open channels, have initially been installed and do not significantly deviate from the locations, dimensions and relative elevations shown on the approved erosion and sedimentation plan. Such documentation shall be accomplished by initialing and dating each measure and/or practice shown on a copy of the approved erosion and sedimentation control plan or by completing, dating and signing an inspection report that lists each measure, practice and/or device shown on the approved erosion and sedimentation control plan. This documentation is only required upon the initial installation of the erosion and sedimentation control measures, practices and devices as set forth by the approved erosion and sedimentation control plan or if the measures, practices and devices are modified after initial installation,
  - (b) the completion of any phase of grading for all graded slopes and fills shown on the approved erosion and sedimentation control plan, specifically noting the location and condition of the graded slopes and fills. Such documentation shall be accomplished by initialing and dating a copy of the approved erosion and sedimentation control plan or by completing, dating and signing an inspection report,

- (c) the location of temporary or permanent ground cover, and that the installation of the ground cover does not significantly deviate from the approved erosion and sedimentation control plan. Such documentation shall be accomplished by initialing and dating a copy of the approved erosion and sedimentation control plan or by completing, dating and signing an inspection report,
- (d) that maintenance and repair requirements for all temporary and permanent erosion and sedimentation control measures, practices and devices have been performed. Such documentation shall be accomplished by completing, dating and signing an inspection report (the general storm water permit monitoring form may be used to verify the maintenance and repair requirements), and
- (e) any significant deviations from the approved erosion and sedimentation control plan, corrective actions required to correct the deviation and completion of the corrective actions. Such documentation shall be accomplished by initialing and dating a copy of the approved erosion and sedimentation control plan or by completing, dating and signing an inspection report.

The documentation, whether on a copy of the approved erosion and sedimentation control plan or an inspection report, shall include the name, address, affiliation, telephone number, and signature of the person conducting the inspection and the date of the inspection. Any relevant licenses and certifications may also be included. Any documentation of inspections that occur on a copy of the approved erosion and sedimentation control plan shall occur on a single copy of the plan and that plan should be made available on the site. Any inspection reports shall also be made available on the site.

- (2) The inspection shall be performed during or after each of the following phases of a plan:
  - (a) installation of perimeter erosion and sediment control measures,
  - (b) clearing and grubbing of existing ground cover,
  - (c) completion of any phase of grading of slopes or fills that requires provision of temporary or permanent ground cover pursuant to G.S. 113A-57(2),
  - (d) completion of storm drainage facilities,

- (e) completion of construction or development, and
- (f) quarterly until the establishment of permanent ground cover sufficient to restrain erosion or until the financially responsible party has conveyed ownership and/or control of the tract of land for which the erosion and sedimentation control plan has been approved and the agency that approved the plan has been notified. If the financially responsible party has conveyed ownership and/or control of the tract of land for which the erosion and sedimentation control plan has been approved, the new owner or person in control shall conduct and document inspections quarterly until the establishment of permanent ground cover sufficient to restrain erosion.

Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule 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 919-431-3000.

**Fiscal Impact:**

- State
- Local
- Substantial Economic Impact (≥\$3,000,000)
- None

**CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY**

**SUBCHAPTER 10F - MOTORBOATS AND WATER SAFETY**

**SECTION .0300 - LOCAL WATER SAFETY REGULATIONS**

**15A NCAC 10F .0332 ALEXANDER COUNTY**

(a) Regulated Area. This Rule applies only to those waters of Lake Hickory set out in this Rule which are located in Alexander County.

- (1) the waters beginning 50 yards from the southeast end of the ~~marina~~ Rink Dam Marina and ending at Rink Dam;
- (2) the waters within 50 yards of the Taylorsville Beach Marina; ~~and~~
- (3) the waters within 50 yards of the ~~Bethlehem Marina~~ R&N Marina; ~~and~~
- (4) the waters within 50 yards of the Lakeside Marina.

(b) Speed Limit. No person shall operate any motorboat or vessel at greater than no-wake speed within 50 yards of any public boat launching ramp or while on the waters of any regulated areas designated in Paragraph (a) of this Rule.

(c) Placement and Maintenance of Markers. The Board of Commissioners of Alexander County is designated a suitable agency for placement and maintenance of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers, if applicable.

Authority G.S. 75A-3; 75A-15.

**15A NCAC 10F .0339 MCDOWELL COUNTY**

(a) Regulated Areas. This Rule applies to the following waters located on Lake James in McDowell County, as designated by the United States Aids to Navigation system:

Authority: G.S. 113A-54; 113A-54.1(e).

\*\*\*\*\*

Notice is hereby given in accordance with G.S. 150B-21.2 that the NC Wildlife Resources Commission intends to amend the rules cited as 15A NCAC 10F .0332 and .0339.

**Proposed Effective Date:** May 1, 2010

**Public Hearing:**

**Date:** January 11, 2010

**Time:** 10:00 a.m.

**Location:** 5<sup>th</sup> floor, NCWRC Building, Centennial Campus, 1751 Varsity Drive, Raleigh, NC 27606

**Reason for Proposed Action:** Add one no-wake zone on Lake Hickory and make technical corrections to 15A NCAC 10F .0332; add one no-wake zone on Lake James in 15A NCAC 10F .0339.

**Procedure by which a person can object to the agency on a proposed rule:** Objections may be submitted in writing or via electronic mail during the comment period to C. Norman Young, Jr. at the North Carolina Department of Justice, SSA, 9001 Mail Service Center, Raleigh, NC 27699-9001 or nyoung@ncdoj.gov.

**Comments may be submitted to:** Betsy Foard, North Carolina Wildlife Resources Commission, 1701 Mail Service Center, NC 27699-1721; phone (919) 707-0013; email betsy.foard@ncwildlife.org

**Comment period ends:** February 15, 2010

**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