



North Carolina Department of Environment and Natural Resources

Division of Water Quality

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Director

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Governor

John Skvarla
Secretary

January 11, 2013

TO: DENR-DWQ-Wetlands-Public Listserv

FROM: Karen Higgins, Wetlands, Buffers, Stormwater – Compliance and Permitting Unit
Lori Montgomery, P.E., Program Development Unit
Amy Chapman, Transportation Permitting Unit

RE: Public Notice and Public Hearings for February 6 and 12, 2013 for the Proposed Consolidated Buffer Mitigation Rule, Application Tracking System and Importance of Lat/Longs, 401 Water Quality Certifications and Buffer Authorizations/Variances Permitting Process Feedback Survey, UMBI for Riparian Buffer and Nutrient Offset Mitigation Credits in the Tar-Pamlico River Basin, UMBI for Riparian Buffer and Nutrient Offset Mitigation Credits in the Jordan Watershed

The purpose of this Public Notice is outlined below. This notice is available electronically at <http://portal.ncdenr.org/web/wq/swp/ws/401/publicnotices>.

I. Public Notice and Public Hearings for February 6 and 12, 2013 for the Proposed Consolidated Buffer Mitigation Rule

Pursuant to G.S. 143-214.20, the Environmental Management Commission is to adopt rules concerning construction of alternative measures of buffer mitigation that reduces nutrient loading as well as or better than the riparian buffer that is lost. The proposed rule (15A NCAC 02B .0295) will provide mitigation options not currently available to DOT, developers, industry and private individuals. In addition to providing greater regulatory flexibility, the proposed changes incorporate current technical and operational techniques into the rules as well as bring consistency to the current riparian buffer mitigation rules. The proposed rule adheres to the principles of Executive Order 70. It advances the public interest and is designed to achieve its objective in a cost-effective and timely manner. The proposed rule was developed through a public stakeholder process.

The Division also seeks to repeal the current buffer mitigation rules (15A NCAC 02B .0242, .0244, .0252, .0260, .0268, and .0609), as they will be replaced by 15A NCAC 02B .0295.

A public hearing will be held on Wednesday, February 6, 2013, starting at 7:00 p.m., at the Archdale Building, Ground Floor Hearing Room, 512 N. Salisbury Street, Raleigh, NC 27604. A second public hearing will be held on Tuesday, February 12, 2013 starting at 7:00 p.m. at the Pitt County Community College, Goess Student Center, Goess Multipurpose Room # 137-139, 169 Bulldog Run, Winterville, NC 28590. The same information will be presented at both meetings, and public comments will be accepted at both meetings as well as via mail, email or fax. **Written comments on the proposed rule will be accepted until close of business (5:00 p.m.) on March 18, 2013.**

Please direct questions or comments to: Eric Kulz, NC Division of Water Quality, 1650 Mail Service Center, Raleigh, NC 27699-1650, Phone: 919-807-6476; Fax: 919-807-6494, email: eric.kulz@ncdenr.gov. More information is available at: <http://portal.ncdenr.org/web/wq/proposed-consolidated-buffer-mitigation-rules>.

II. Application Tracking System and Importance of Lat/Long

The Division of Environmental Assistance and Outreach (DEAO), through its Environmental Assistance Center, launched a permit application tracking system (<http://portal.ncdenr.org/web/deao/permit-tracker>) to allow applicants and the public to check the status of pending environmental permit applications and/or plan approvals. As of December 24, 2012, all applications for 401 water quality certifications, isolated and other non-404 jurisdictional wetlands and water permits, riparian buffer authorizations, and riparian buffer variances became available on the [application tracker](#). Other DWQ permitting programs continue to be available on the [application tracker](#) as well.

To ensure accurate locations for projects on the [application tracker](#), it will be important to have complete and accurate latitude/longitude information for each application package. Applications that lack latitude/longitude information may be put on hold and not processed until the correct information is provided. For assistance in finding the latitude/longitude information for your project, please try iTouchMap.com (<http://itouchmap.com/latlong.html>).

III. 401 Water Quality Certifications and Buffer Authorizations/Variations Permitting Process Feedback Survey

In an effort to improve the 401 water quality certifications and buffer authorizations/variances permitting processes, DWQ is encouraging applicants to provide input on these permitting processes. With applicant input into these processes, staff can more fully evaluate the Division's efforts to provide efficient and effective service. To access the survey, please go to https://www.surveymonkey.com/s/NCDWQ_WQC_buffer_survey. The survey can also be accessed on the Webscape Unit website (<http://portal.ncdenr.org/web/wq/swp/ws/webscape>).

IV. UMBI for Riparian Buffer and Nutrient Offset Mitigation Credits in the Tar-Pamlico River Basin

An Umbrella Mitigation Banking Instrument (UMBI) has been prepared by Restoration Systems, LLC using the approved DWQ UMBI template. This UMBI will allow Restoration Systems, LLC to sell riparian buffer credits and/or nutrient offset credits within the Tar-Pamlico River Basin. Bank Parcel Development Packages (BPDP) will be submitted for review and approval for each proposed mitigation site for this bank. The Director approved this UMBI on December 5, 2012, and a copy is available online at: <http://portal.ncdenr.org/web/wq/nobuffermitigation>. If you have any questions, please contact Katie Merritt at 919-807-6371.

V. UMBI for Riparian Buffer and Nutrient Offset Mitigation Credits in the Jordan Watershed

An Umbrella Mitigation Banking Instrument (UMBI) has been prepared by Jordan Lake Mitigation Solutions, LLC using the approved DWQ UMBI template. This UMBI will allow Jordan Lake Mitigation Solutions, LLC to sell riparian buffer credits and/or nutrient offset credits within the Jordan Watershed of the Cape Fear River Basin. Bank Parcel Development Packages (BPDP) will be submitted for review and approval for each proposed mitigation site for this bank. The Director approved this UMBI on December 21, 2012, and a copy is available online at: <http://portal.ncdenr.org/web/wq/nobuffermitigation>. If you have any questions, please contact Katie Merritt at 919-807-6371.

cc: DWQ Wetland Regional Contacts
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