

# **NORTH CAROLINA**

## **Wetland Definition**

15A North Carolina Administrative Code 2B .0202 Definitions provides

“(71) Wetlands are "waters" as defined by G.S. 143-212(6) and are areas that are inundated or saturated by an accumulation of surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands classified as waters of the state are restricted to waters of the United States as defined by 33 CFR 328.3 and 40 CFR 230.3.”

## **Wetlands and Water Quality Standards**

The state has adopted wetland standards and procedures for the Section 401 Certification Program as well as an Isolated Wetland Permit Program. For standards and criteria for the certification program see 15A North Carolina Administrative Code, 2H .0506 Review Of Applications.

## **Designated Uses**

Designated uses are provided in 15A NCAC 2B .0231 and exemptions to those standards are provided in 15A NCAC 2B .0230. Designated uses include the following:

“5A NCAC 2B .0231 Wetland Standards

(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 water 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.”

### **Narrative and/or Numeric Criteria**

General criteria are provided for various activities in wetlands by 15A NCAC 2B .0231 and exemptions to those standards are provided in 15A NCAC 2B .0230. More specifically, 5A NCAC 2B .0231 WETLAND STANDARDS provides “(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.”

### **Antidegradation Policy**

The state’s antidegradation policy (15A NCAC 2B .0201) applies to wetlands along with other waters. It is general and not specific to wetlands. It provides, in part: “It is the policy of the Environmental Management Commission to maintain, protect, and enhance water quality within the State of North Carolina.” Existing uses are protected. Protection is also afforded high quality waters and outstanding resource waters.