



# Wetland Water Quality Standard: North Carolina's Experience

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Association of State Wetland  
Manager's Workgroup



# Background

- NC adopted wetland water quality standards in 1996 to accompany 401 Certification rules.
- Previously the Division had a paragraph saying use the 404 (b) (1) guidelines as guidance in making a 401 Certification decision.
- Decision to pursue standards and rules was to codify/clarify decision-making process.

# Wetland Standards

- Decision to develop standards and 401 rules was controversial.
- Public hearings contentious.
- Objection from Rules Review Commission but overruled by Environmental Management Commission.
- Agency lore is that Governor Hunt intervened to get EMC approval of rules.

# Wetland Standards

- Narrative not numeric.
- Two basic parts
  - Wetland uses– basically the things that wetlands do.
  - Wetland standards – “free froms”, maintain natural hydrology, biological integrity.

# Other related provisions

- Antidegradation – needed to say that if issue 401, then antidegradation does not apply.
- Tie into 401 Certification review – avoid, minimize, mitigate, stormwater management.
- Wetland evaluation procedures – basically functional assessment.

# Other related provisions (cont.)

- Activities deemed to comply with wetland standards
  - Adopted in 1999
  - Basically the 404 exemptions
  - Did not include initially but came up in SWANCC-related discussions
  - Clarified some of the 404 exemptions
    - For instance, more details for temporary sediment and erosion control measures.

A photograph of a lush forest. In the foreground, a large, vibrant green fern frond is prominent on the left side. To the right, a young pine tree with several thin branches and green needles stands. The background is filled with a dense canopy of various green trees and foliage, creating a rich, textured scene. The lighting is bright, suggesting a sunny day.

So was it worth it?

- Yes



# Why?

- Wetland standards provide essential backstop to 401 process.
- When the Corps/EPA lose authority (SWANCC, Rapanos/Carabell), we do not.
- When non-404 (and non-exempt!) activities degrade wetlands, we can protect them.
  - Wetland draining
  - Be careful of mission creep however!

# Lessons learned (in NC anyway!)

- Narrative standards – not numeric (yet).
- Address exempt activities – probably similar to 404 exemptions.
- Tie in to 401 Certification review process.

# References/contacts

- Contact – John Dorney; 919-733-9646
  - [John.dorney@ncdenr.gov](mailto:John.dorney@ncdenr.gov)
- Rule citations
  - Standards 15A NCAC 2B .0230
  - Antidegradation clause 15A NCAC 2B .0201 (f)
  - Activities deemed to comply (exemptions) 15A NCAC 2B .0230
  - 401 Certification rules 15A NCAC 2H .0500
  - Isolated wetland rules 15A NCAC 2H .1033

# Questions?

