Agenda Item: 10-17 **Request to Adopt the Hearing Officers' Recommendations on the New Proposed Rule 15A NCAC 02B .0252 and Revisions to Rules 15A NCAC 02B .0250 and 15A NCAC 02B .0248 for the Randleman Lake Water Supply Watershed**

Explanation: On January 10, 2008 the Environmental Management Commission approved the Division's request to proceed to rule-making for the proposed revisions to the Randleman Lake Water Supply Watershed Buffer Rule 15A NCAC 02B .0250 and the new proposed Randleman Lake Watershed Buffer Mitigation Rule 15A NCAC 02B .0252. Since then, the Division determined that 15A NCAC 02B .0248 needed to be revised because it does not provide a process for certain development activities to seek a variance from 02B .0250 requirements. The proposed revisions to Rule 02B .0250 provide well-defined minor and major variance procedures for development activities. The purpose of the rule-making is to modify the existing riparian buffer protection program in the Randleman Lake Water Supply Watershed to make this program similar to those buffer programs in the Neuse and Tar Pamlico river basins. A notice of the proposed rule-making was published in the North Carolina Register on October 15, 2009, and included provisions for one public hearing on November 19, 2009 in the City of High Point. The 60-day public comment period concluded on December 14, 2009.
During the comment period, the Division received a total of 11 individual comments on one or more of the proposed rules. The majority of the comments were in favor of the proposed rule revisions but suggested modifications to specific items and/or language proposed.

Recommendation: The Hearing Officers recommend that the Environmental Management Commission adopt: 1) the proposed amendment to 15A NCAC 02B .0248, 2) the proposed amendment to 15A NCAC 02B .0250 with associated modifications, and 3) the new proposed rule (15A NCAC 02B .0252) with associated modifications. These proposed adoptions are presented in the Hearing Officers Report.