

May 21, 2007

MEMO

TO: Interested Parties

FROM: John Dorney

RE: I. Proposed adoption of the NC Wetlands Assessment Method (NC WAM) by the Division of Water Quality, Division of Coastal Management, US Army Corps of Engineers and US Environmental Protection Agency to use for wetland functional assessments in NC, and II. Extension of time for comments on draft General Certifications

I. Announcement of request for comments on NC WAM

The following information and draft NC WAM Users Manual will be posted on Division of Water Quality's and the Corps of Engineers websites during the week of May 21, 2007 at <http://h2o.enr.state.nc.us/ncwetlands> for DWQ and <http://www.saw.usace.army.mil/WETLANDS/notices.html> for the Corps of Engineers. This information is presented in an ongoing attempt to improve the efficiency and effectiveness of the Division's, the Corps of Engineers and US Environmental Protection Agency's wetland permitting programs mainly the 404/401 program but also for the Division's isolated wetland permitting program. Once adopted, NC WAM will replace use of the NC Wetlands Rating System for the Division of Water Quality. Use by the NC Division of Coastal Management will be limited to Coastal Consistency rather than CAMA permitting. Hard copies of these items can be obtained by calling Marion Davis at 919-733-1786 and requesting them. Comments on these items should be made in writing to the contact persons named for each agency by 5 pm on July 25, 2007.

NC WAM is a rapid, reference-based wetland quality assessment method developed by the NC Wetland Functional Assessment Team starting in 2003. The goal of the team was to develop an accurate, consistent, rapid, observational, and scientifically-based field method to determine the level of function of a wetland relative to reference condition (where appropriate) for each of 16 major North Carolina general wetland types. The Team defined "rapid" as taking no more than 15 additional minutes for a trained observer to evaluate a wetland within an assessment area.

The method presents a dichotomous key to wetlands, narrative descriptions of the 16 general wetland types as well as functional ratings for each wetland type in comparison to a reference wetland (where appropriate). Three major functions are recognized with 11 sub-functions as outlined in the draft manual. The subfunctions are reported both with and without respect to wetland opportunity to allow use of opportunity as appropriate. A computer program was developed based on an iterative Boolean logic process by Team members and then field tested across the state at various sites. A "Tool Box" of previously evaluated reference and non-reference sites is available to help calibrate the evaluator for nearby sites. This Tool Box will eventually be available to the public via the internet. The manual also describes each of the 22 metrics to be determined in the field evaluation of NC WAM and also includes an extensive glossary.

The agencies propose to adopt NC WAM as the standard wetland evaluation method in North Carolina. This adoption would not preclude use of other wetland evaluation methods in NC where appropriate on a case-by-case basis. The agencies believe that this method will be useful for project planning, alternatives analysis, compliance/enforcement, mitigation planning and tracking functional replacement in the state. The implementation details of how NC WAM will be used will be developed by the regulatory agencies and will receive separate public notice and comment before adoption at a later date.

Use of this method is authorized by existing rules and procedures for these agencies. For the Division of Water Quality, rules concerning Wetland Evaluation methods (15A NCAC 2B .0103 (c)), 401 Water Quality Certification (15A NCAC 2H .0500) and Isolated Wetland permitting (15A NCAC 2H .1300) provide explicit reference to wetland function with respect to permitting and mitigation. For the Federal agencies, use of this method is consistent with the recommendations of the Memorandum of Agreement between the Environmental Protection Agency and the Department of the Army Concerning the Determination of Mitigation under the Clean Water Act Section 404(b)(1) Guidelines (February 6, 1990), and the 2002 Regulatory Guidance Letter 02-2 from the U.S. Army Corps of Engineers (Guidance on Compensatory Mitigation Projects for Aquatic Resource Impacts).

One particular issue that the agencies request comment on is whether the evaluation of the functions of Riverine Swamp Forests should consider whether a stream should be required to be present in order to have a highly functional Riverine Swamp Forest. The current version of the rating system for the Riverine Swamp Forest requires the presence of a stream to be highly functional. The Team specifically requests comments on whether this is a reasonable assumption and if not, what type of weight should be given to the presence of a stream channel in this type of wetland.

Comments on NC WAM should be sent in written form to the following individuals no later than 5 pm on July 25, 2007. These comments will be considered in the development of the final version of the NC Wetland Assessment Method.

1. NC Division of Water Quality contact person: John Dorney, NC Division of Water Quality, Wetlands Program Development Unit, 2321 Crabtree Blvd., Raleigh, NC 27604.
2. NC Division Coastal Management contact person: Steve Sollod, NC Division of Coastal Management, 1638 Mail Service Center Raleigh, NC 27699-1638.
3. US Army Corps of Engineers contact person: David Lekson, Washington Field Office, US Army Corps of Engineers, P. O. Box 1000, Washington, NC 27889-1000.
4. US Environmental Protection Agency contact person: Kathy Matthews, US Environmental Protection Agency, USEPA - Region 4 Wetlands Section, 109 T.W. Alexander Dr., Durham, NC 27711, MAIL CODE: E143-04.

II. Extension of time for comments on proposed General Certifications

On March 12, 2007, DWQ issued a Public Notice in which a 60-day public comment period was provided for comments related to the draft General Certifications. The deadline for submitting comments to DWQ was set at May 18, 2007. On the last day of the comment period, a few requests were received for an

extension to provide comments. We are hereby extending the comment period for a period of additional two weeks until close of business on Friday, June 1, 2007. Please note that DWQ has a limited timeline to finalize these documents, and has budgeted specific staff resources to allow for extensive review and incorporation of revisions. Comments received after June 1, 2007 will not be included in the record for this round of revisions. The draft revisions will remain available on our web site as they were already posted since March 2007. All comments are to be forwarded in legible written form via regular mail or email to Cyndi Karoly, 2321 Crabtree Blvd, Suite 250, Raleigh, NC, 27604, or Cyndi.Karoly@ncmail.net. Faxes (919-733-6893) are acceptable but not recommended due to unreliable transmittal quality. DWQ appreciates your active involvement in this review and revision process.

Cc: Members, NC Wetland Functional Assessment Team
Ken Jolly, US Army Corps of Engineers
Scott McLendon, US Army Corps of Engineers
Greg Thorpe, NC Department of Transportation
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Bill Gilmore, NC Ecosystem Enhancement Program
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