



William G. Ross, Jr., Secretary Department of Environment and Natural Resources

Coleen H. Sullins, Director Division of Water Quality

January 2, 2008 Buffer Interpretation/Clarification #2007-013

MEMORANDUM

<u>RE:</u> The Division of Water Quality's (DWQ's) clarification on the location of buffer mitigation credit in the Catawba River Basin.

<u>Problem:</u> The Catawba Buffer Rules (15A NCAC 02B.0243) apply to buffers only along the Catawba River mainstem below Lake James and along the mainstem lakes in the Catawba River Basin, excluding wetlands. This has made it problematic for buffer mitigation banks to establish mitigation restoration sites in the Catawba River Basin for projects requiring mitigation due to lack of mitigable areas along the Catawba River mainstem.

Solution: 15A NCAC 02B.0244 (1), states that the purpose of the mitigation requirement for the Catawba River Basin is to maintain and protect existing riparian buffers on the Catawba River mainstem. This is interpreted by DWQ to include all tributaries of the Catawba River mainstem if approved by DWQ or the local government. In addition, in 15A NCAC 02B.0244 (4) it states that the location of the mitigation effort shall be the same distance from the Catawba River as the proposed impacts and as close to the location of the impact as feasible. If it is not feasible to have your mitigation located on the Catawba River mainstem, then upon DWQ or the local government approval, the tributaries of the Catawba River can be used for mitigation.

The mitigation requirements shall be in accordance with 15A NCAC 02B.0244. Mitigable buffers along streams in the Catawba River Basin shall include intermittent and perennial streams as defined by the North Carolina Division of Water Quality's Stream Identification Method that meet the requirements of 15A NCAC 02B.0244. DWQ or a delegated local government shall approve all mitigation sites and plans within the Catawba River Basin.

Signature: Date: 1~4700			
	Signature:	Date:	1-4-60

