



North Carolina Department of Environment and Natural Resources

Division of Water Quality

Beverly Eaves Perdue
Governor

Charles Wakild, P.E.
Director

Dee Freeman
Secretary

March 9, 2012

TO: 401 Water Quality Certification Listserv

FROM: Karen Higgins, Wetlands, Buffers, Stormwater – Compliance and Permitting Unit
Brian Wrenn, Transportation Permitting Unit
Lori Montgomery, P.E., Program Development Unit

RE: General Certification Revision Update, UMBI for Riparian Buffer and Nutrient Offset Mitigation Credits in the Falls Lake Watershed and Proposed BPDP and New Program Development Unit Supervisor

The purpose of this Public Notice is outlined below. This notice is available electronically at <http://portal.ncdenr.org/web/wq/swp/ws/401/publicnotices>.

I. General Certification Revision Update

The new 401 Water Quality General Certifications (GC's) have been posted with hyperlinks on the DWQ website at <http://portal.ncdenr.org/web/wq/swp/ws/401/certsandpermits/gcs>. These GC's have an effective date of March 19, 2012. Please note the following:

- Any application for a General Certification received on or before March 18, 2012 will be reviewed in accordance with the conditions of the GC in effect on the date of the application. Any application received on or after March 19, 2012 will be reviewed in accordance with the conditions of the new GC.
- If an applicant has a specific preference to be reviewed under the conditions of the new GCs but applies prior to March 19, 2012, the application can be reviewed under the conditions of the new GC provided that the application specifically advises DWQ of the preference for the new GC. Please note that no project-specific authorizations can be issued under the new GC's until March 19, 2012.
- The requirements for the stormwater condition in 3820REV (now 3886), 3821REV (now 3890) and the Isolated and Other non-404 Jurisdictional Wetlands and Waters Permit are incorporated as an attachment at the end of the GC instead of as a separate document on the Division's website.

Please direct questions or comments to Karen Higgins (919-807-6360, karen.higgins@ncdenr.gov) or Ian McMillan (919-807-6364, ian.mcmillan@ncdenr.gov).

II. UMBI for Riparian Buffer and Nutrient Offset Mitigation Credits in the Falls Lake Watershed and Proposed BPDP

An Umbrella Mitigation Banking Instrument (UMBI) has been prepared by Environmental Banc and Exchange, LLC (EBX) using the approved DWQ UMBI template. This UMBI will allow EBX to sell riparian buffer credits and/or nutrient offset credits within the Upper and Lower Falls Watersheds as defined in 15A NCAC 02B .0276. Bank Parcel Development Packages (BPDP) will be submitted for

review and approval for each proposed mitigation site for this bank. The Director approved this UMBI on February 10, 2012, and a copy is available online at:

<http://portal.ncdenr.org/web/wq/swp/ws/401/certsandpermits/mitigation/memos>.

EBX has submitted a proposed BPDP for the Forrest Creek UT-2 bank parcel, which is located in the Neuse River Basin inside of the Upper Falls Lake Watershed (8-digit USGS HUC 03020201) off of Edmund Latta Road, just northwest of its intersection with Phelps Road in Orange County. Stormwater runoff from this site drains into an unnamed tributary of Forrest Creek. This proposed bank parcel will generate 1.31 acres of nutrient offset mitigation. Restoration of riparian areas will provide 2,977.63 lbs of nitrogen and 191.78 lbs of phosphorous for nutrient offset credit. Nutrient offset credits generated at this proposed site can be used to satisfy mitigation requirements for projects located within the Upper and Lower Falls Watersheds. DWQ has no further comments on the proposed BPDP.

The proposed BPDP for the Forrest Creek UT-2 bank parcel can be found online at:

<http://portal.ncdenr.org/web/wq/swp/ws/401/certsandpermits/mitigation/memos>. Persons wishing to comment are invited to submit their comments in writing to Katie Merritt (katie.merritt@ncdenr.gov or 1650 Mail Service Center, Raleigh, NC 27699-1650). All comments **received by DWQ by close of business (5:00 p.m.) on April 11, 2012** will be considered during preparation and approval of the final BPDP. If you have any questions, please contact Katie Merritt at 919-807-6371.

III. **New Program Development Unit Supervisor**

Effective February 20, 2012, Lori Montgomery is the new Supervisor of the Program Development Unit within the Division's Wetlands and Stormwater Branch. For the past five years, Lori has served as an Environmental Engineer in the Division's Aquifer Protection Section where she was responsible for non-discharge express permitting and coordination of the reclaimed water program in North Carolina. Lori also has experience in the Kentucky Division of Water NPDES program, and has worked as a consulting engineer involved in multiple regulatory programs in the state of Alabama. She holds a B.S. in Biosystems Engineering and a M.S. in Civil (Environmental) Engineering from Auburn University. The Program Development Unit is currently located at 2321 Crabtree Boulevard, but will be moving to the 8th floor of the Archdale building in downtown Raleigh this spring. Lori can be reached at 919-715-1737 or Lori.Montgomery@ncdenr.gov.

cc: DWQ Wetland Regional Contacts
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