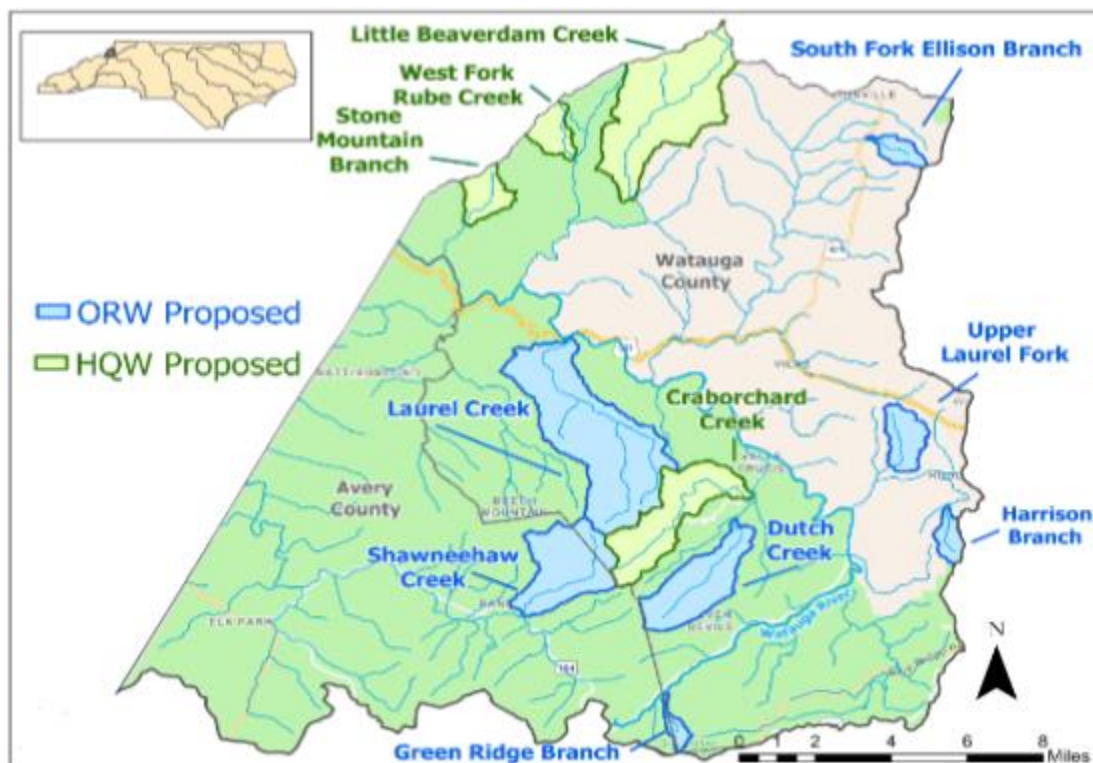

**PROPOSED HIGH QUALITY WATERS AND OUTSTANDING RESOURCE WATERS
RECLASSIFICATIONS FOR WATAUGA RIVER BASIN, NORTH CAROLINA:
PUBLIC HEARING SET FOR APRIL 2023**

PUBLIC HEARING

Date: April 27, 2023
Time: 6:00 P.M.
Location: Caldwell Community College & Technical Institute Watauga Campus
460 Community College Drive
Building W460-Room 135
Boone, North Carolina 28607

**Proposed High Quality Waters and Outstanding Resource Waters Reclassifications
Avery County and Watauga County, Watauga River Basin, North Carolina**



Source: NCDEQ, 2022

The North Carolina Division of Water Resources Biological Assessment Branch (Branch) has requested that Craborchard Creek, Little Beaverdam Creek, Stone Mountain Branch, and West Fork Rube Creek be reclassified as High Quality Waters (HQW), a supplemental classification that is intended to protect surface waters with excellent water quality. Additionally, the Branch has requested that Dutch Creek, Green Ridge Branch, Harrison Branch, Laurel Creek, Shawneehaw Creek, South Fork Ellison Branch, and Upper Laurel Fork be reclassified as Outstanding Resource Waters (ORW), a supplemental classification that is intended to protect surface waters that have excellent water quality and are of exceptional state or national recreational or ecological significance. All these waters are in the North Carolina portion of the Watauga River Basin. A hearing is to be conducted to receive public comments on the proposals and the associated regulatory impact analysis.

GENERAL DEFINITIONS OF PROPOSED SUPPLEMENTAL CLASSIFICATIONS

High Quality Waters are “waters with quality higher than the standards” as defined in the State’s existing rule [15A NCAC 02B .0202](#) (Definitions). HQW waters include (1) water supply watersheds that are classified as Class WS-I or WS-II; (2) waters classified as Class SA; and (3) surface waters of the State that the Commission classifies as HQW upon finding that such waters are: (A) rated excellent based on biological and physical/chemical characteristics through monitoring or special studies; or (B) primary nursery areas (PNA) and other functional nursery areas designated by the NC Marine Fisheries Commission or the NC Wildlife Resources Commission.

Outstanding Resource Waters are waters having excellent water quality and recognized by the Commission as being of exceptional State or national recreational or ecological significance that require additional protection to maintain existing uses. A water body shall be deemed as an aquatic resource of exceptional State or national recreational or ecological significance if it exhibits one or more of the following ORW uses: (1) there are outstanding fish or commercially-important aquatic species habitat and fisheries; (2) there is a high level of water-based recreation or the potential for such recreation; (3) the waters have received a designation such as a North Carolina or National Wild and Scenic River or a National Wildlife Refuge, which do not provide any water quality protection; (4) the waters represent an important component of a State or national park or forest; or (5) the waters are of ecological or scientific significance, such as habitat for rare or endangered species or as areas for research and education.

WATERS TO BE AFFECTED BY PROPOSED RECLASSIFICATIONS

Craborchard Creek, Little Beaverdam Creek, Stone Mountain Branch, West Fork Rube Creek, Dutch Creek, Harrison Branch, Laurel Creek, South Fork Ellison Branch, and Upper Laurel Fork are entirely in Watauga County, North Carolina. While portions of Green Ridge Branch and Shawneehaw Creek are in Watauga County and Avery County, which is also in North Carolina. A 2020 North Carolina Division of Water Resources water quality study showed that all these waters have excellent water quality and seven of the waters meet the “exceptional recreational or ecological significance” ORW criteria (e.g., the water provides habitat for rare species like the Long-tailed salamander, a State Special Concern species, and the Significantly rare Blueridge Springfly; the water is a component of a state park (Grandfather Mountain State Park); and/or the water represents high level recreation or potential for such recreation such as the North Carolina Wildlife Resources Commission Public Mountain Trout Waters designation).

REGULATIONS ASSOCIATED WITH PROPOSED RECLASSIFICATIONS

If Craborchard Creek, Little Beaverdam Creek, Stone Mountain Branch, and West Fork Rube Creek are reclassified as HQW, restrictions associated with new and expanding National Pollutant Discharge Elimination System (NPDES) wastewater discharges would apply to their proposed watersheds. Additionally, no discharges from new single family residences would be allowed in the proposed watersheds of these streams. Requirements for wastewater discharges in High Quality Waters are available in rule [15A NCAC 02B .0224](#) (Water Quality Standards of High Quality Waters). If Dutch Creek, Green Ridge Branch, Harrison Branch, Laurel Creek, Shawneehaw Creek, South Fork Ellison Branch, and Upper Laurel Fork are reclassified as ORW, no new discharges or expansions of existing discharges would be allowed in their proposed watersheds. ORW requirements for wastewater discharges are found in rule [15A NCAC 02B .0225](#) (Water Quality Standards for Outstanding Resource Waters). New development activities in the proposed HQW and ORW areas that require a Sedimentation and Erosion Control plan in accordance with the existing North Carolina Sedimentation Pollution Control Act would need to comply with specific stormwater management requirements provided in rule [15A NCAC 02H .1021](#) (Non-Coastal County High Quality Waters and Outstanding Resource Waters). There are no permitted or planned wastewater discharges and no known planned developments that would be impacted by the proposed reclassifications. Lastly, a regulatory impact analysis for these reclassification proposals, which has been approved by the North Carolina Office of State Budget and Management, shows a one-time cost of \$500 to the State associated with updating the DEQ Surface Water Classifications map.

MEETING FEDERAL TRIENNIAL REVIEW REQUIREMENTS

The public hearing and comment period are to be held in accordance with the federal Clean Water Act that requires States, at least every three years, to review and revise water quality standards. These standards are provided in existing rules NCAC 15A 02B .0100 and .0201 through .0228. The process is called the Triennial Review and includes an assessment and revision of the designated uses of waters (classifications) and the water quality criteria (standards), which are based on the designated uses. More specifically, this public hearing and comment period will address the potential assignment of the HQW supplemental classification to Craborchard

Creek, Little Beaverdam Creek, Stone Mountain Branch, and West Fork Rube Creek, and the ORW supplemental classification to Dutch Creek, Green Ridge Branch, Harrison Branch, Laurel Creek, Shawneehaw Creek, South Fork Ellison Branch, and Upper Laurel Fork. These proposals will result in changing the water quality standards for the surface waters.

HOW TO SUBMIT COMMENTS

You may attend the public hearing and provide verbal comments that specifically address the proposed reclassifications and the associated regulatory impact analysis for the surface waters. The Hearing Officer may limit the length of time that you may speak at the public hearing, if necessary, so that all those who wish to speak may have an opportunity to do so. In addition, written comments addressing the proposed reclassifications and regulatory impact analysis for the surface waters will be accepted until May 1, 2023.

All persons interested and potentially affected by the proposals are encouraged to read this announcement and make comments on the proposals. The EMC may not adopt a rule that differs substantially from the text of the proposed rule published on March 1, 2023, in the NC Register at <https://www.oah.nc.gov/rules-division/north-carolina-register> unless the EMC publishes the text of the proposed different rule and accepts comments on the new text. The proposed effective date for these proposed reclassifications is September 1, 2023. Written comments on the proposed reclassifications and regulatory impact analysis for Craborchard Creek, Little Beaverdam Creek, Stone Mountain Branch, West Fork Rube Creek, Dutch Creek, Green Ridge Branch, Harrison Branch, Laurel Creek, Shawneehaw Creek, South Fork Ellison Branch, and Upper Laurel Fork may be submitted to Adriene Weaver of the Division of Water Resources at the postal address or e-mail address provided below.

FOR ADDITIONAL INFORMATION

This announcement and a map of each of the surface waters proposed to be reclassified are located on the internet via <https://deq.nc.gov/public-notices-hearings> (look under "April 2023"). In the case of inclement weather on the day of the scheduled public hearing, please contact the telephone number below for a recorded message regarding any changes to the location, date, or time of the hearing. Further explanations and details on the reclassifications may be obtained by writing or calling: Adriene Weaver, DEQ-DWR, 1611 Mail Service Center, Raleigh, NC 27699-1611 phone (919) 707-3692, e-mail adriene.weaver@ncdenr.gov To learn more about how the Division of Water Resources protects water quality in North Carolina, go to <http://deq.nc.gov/about/divisions/water-resources>.