[GP-19] WETLAND DRAINING POLICY

Wetlands are defined as lands that are continually, seasonally, or periodically submerged by surface water for at least 15 days and which support emergent, submerged or floating aquatic plants. There are five basic types of wetlands: tidal marshes, non-tidal marshes, swamps, bogs, and submerged grasses. Wetlands have many valuable functions that directly and indirectly affect our everyday lives.

A. They provide food supply to a large array of animals (micro-organisms, invertebrates, fish, birds, mammals and reptiles).
B. They purify water by filtering out suspended material and utilize dissolved contaminates for plant growth and development.
C. They provide flood control by stopping and detaining storm water.
D. They provide ground water recharge for underground water supplies.
E. They control shore erosion in sheltered areas of creeks, bays, and lakes.

It is important to understand what a wetland is and its many valuable functions. As we realize the importance of wetlands, we should strive to protect them by implementing and enforcing stringent erosion control practices.

Once it has been determined that wetlands are within the limits of our work zone, it is important that we follow proper procedures and policies by obtaining the required permits from the regulating agency in our area. By obtaining the required permits from the proper regulating agency and insuring that stringent erosion control practices are implemented and enforced, NCDOT can become a contributing factor to environmental protection and wetland preservation.

The N.C. Division of Water Quality (DWQ) in consultation with the N.C. Attorney General's Office has determined that wetland water quality standards set forth at 15A NCAC 2B.0231 may have been violated by activities that result in the draining of wetlands such as ditching and groundwater pumping. For several years ditching of wetlands has required 404 Permits and 401 Certifications which were conditioned to ensure that these standards were met. Recent federal court decisions have prevented the Corps of Engineers from requiring 404 Permits for draining of wetlands unless spoil is sidecast from the ditch into the wetlands. As a result, thousands of acres of wetlands have recently been drained in the coastal plain of North Carolina. This situation has forced DWQ to reexamine whether the unregulated draining of wetlands is violating the state's wetland water quality standards. DWQ has adopted the following policy to insure that activities that drain wetlands will not violate the water quality standards for wetlands.

What is the new policy? DWQ intends to examine wetland drainage activities for compliance with the state's wetland water quality standards, particularly those related to hydrologic conditions necessary to support wetlands function (15A NCAC 2B.0231 (b) (5) and biological integrity (15A NCAC 2B.0231 (b) (6)). "Drainage activities" include ditching and installation of groundwater pumping systems that affect wetlands conducted after March 1, 1999. If DWQ discovers any such "drainage activities", DWQ staff will notify landowners in writing that their activity has violated or is likely to violate the state's wetland standards. The landowner will then be given a short time to refute DWQ's findings. If these findings are not successfully refuted, DWQ will initiate an enforcement action and require that the natural hydrology be restored. The U.S. Army Corps of Engineers has informed DWQ that in some instances, the filling of ditches may require the issuance of a 404 Permit. The Corps anticipates that most such activities could be authorized under Nationwide Permit 27. The Corps and DWQ will work to issue any required permits and certifications in a timely manner in order to facilitate the expeditious restoration of the natural wetland hydrology. Click here DE19990329.pdf for full text of this policy.

Wetland Restoration Program. Since 1992 NCDOT has acquired more than 7,800 acres for wetland restoration across the state.