

ANNOUNCEMENT

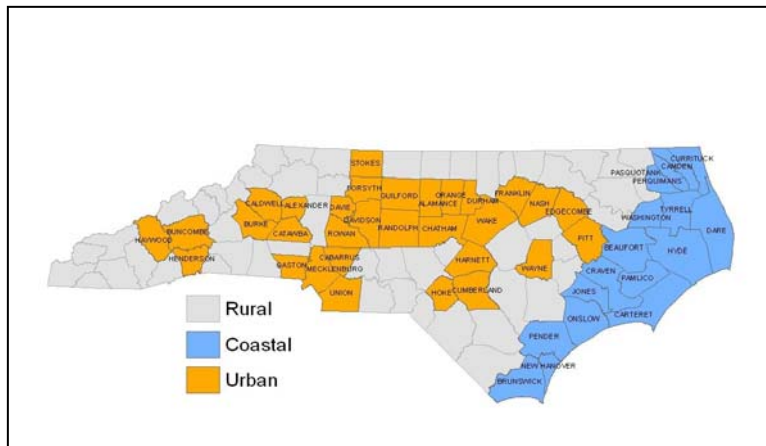
PROPOSED REVISION TO RULE 15A NCAC 2R .0402: PUBLIC HEARINGS: January 8, 9 and 11, 2007

The N.C. Department of Environment and Natural Resources will conduct three public hearings on behalf of the Environmental Management Commission (EMC) in order to receive public comments on proposed revisions to the rule that establishes the Schedule of Fees for the N.C. Ecosystem Enhancement Program (EEP) (15A NCAC 2R .0402). The proposed revisions are to establish fee categories for and adjust fees for streams, riparian wetlands and non-riparian wetlands. In addition, an increase in the fee for the management and maintenance of properties donated to EEP is proposed. Also proposed are revisions to 15A NCAC 2R .0101, .0201, .0203 and .0401 to accurately reflect the name of the responsible agency.

SUMMARY OF THE PROPOSED RULE REVISION

In accordance with N.C. General Statute § 143-214.12, EEP has established a fee schedule for payments made to the Ecosystem Restoration Fund. Individuals, agencies, and companies that choose to use EEP to meet compensatory mitigation requirements for stream and wetland impacts pay these fees. The fees cover the costs of stream and wetlands restoration including site acquisition, project design and project construction. Data and information on the actual cost of over 100 restoration projects indicates that current fees are too low. Project cost data also show that restoration in urban and coastal environments is more expensive than in rural environments. Therefore EEP is proposing three fee categories to capture these differences. Specifically, the proposed rule revisions include:

1. Establishment of three fee categories (urban, coastal and rural) defined geographically by county boundaries. Urban counties are those designated as urban or urbanizing by the U.S. Environmental Protection Agency; coastal counties are those that have the presence of waterfront properties that have higher real estate costs; and rural counties are all other counties in the state not otherwise defined (see map).
2. Overall raise fees for wetlands and also raise fees for stream restoration in urban counties (see table).
3. Raise the fee for the monitoring and maintenance of easements and



PUBLIC HEARINGS	
Hearing #1 – New Bern	
Location:	Craven County Cooperative Extension Office 300 Industrial Drive New Bern, N.C. 28562
Date:	Monday, January 8th, 2007
Time:	6:30 p.m.
Hearing #2 - Raleigh	
Location:	Ground Floor Hearing Room Archdale Building 512 N. Salisbury St. Raleigh, N.C.
Date:	Tuesday, January 9th, 2007
Time:	6:30 p.m.
Hearing #3 - Morganton	
Location:	Western Piedmont Community College -- Moore Hall/Leviton Auditorium 1001 Burkemont Ave. Morganton, N.C.
Date:	Thursday, January 11th, 2007
Time:	6:30 p.m.

properties donated to the program (not in association with restoration projects) from \$397 per acre to \$1,000 per acre with a minimum payment of \$1,000.

4. Other minor revisions to reference the current name of the program – the Ecosystem Enhancement Program (formerly known as the Wetlands Restoration Program).

The full text of the proposed rule revision can be accessed via the internet at:

<http://www.oah.state.nc.us/rules/register/>. The text has been published in Volume 21, Issue 12 of the *North Carolina Register*.

Proposed Fee Revisions

Mitigation Type	Existing Fee	Proposed Fee		
		Urban	Rural	Coastal
Stream (per linear foot)	\$232	\$332	\$232	\$232
Riparian Wetland (per acre)	\$27,847	\$56,000	\$32,000	\$38,000
Non-Riparian Wetland (per acre)	\$13,924	\$21,000	\$21,000	\$24,000

List of Proposed Urban Counties: Alamance, Alexander, Buncombe, Burke, Cabarrus, Caldwell, Catawba, Chatham, Cumberland, Davidson, Davie, Durham, Edgecombe, Forsyth, Franklin, Gaston, Guilford, Harnett, Haywood, Henderson, Hoke, Mecklenburg, Nash, Orange, Pitt, Randolph, Rowan, Stokes, Union, Wake, Wayne

List of Proposed Coastal Counties: Beaufort, Brunswick, Camden, Carteret, Craven, Currituck, Dare, Hyde, Jones New Hanover, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Tyrrell, Washington

FEEDBACK SOLICITED

The Environmental Management Commission is seeking constructive feedback on the rule revision as proposed. The submission of data on actual restoration project costs and land maintenance costs to support comments related to fees is strongly encouraged. The Commission will consider setting fees higher or lower than those presented in the proposed revised rule based on comments and data received.

HOW TO SUBMIT COMMENTS

The purpose of this announcement is to encourage those interested in this proposal to provide comments. You may provide relevant verbal and/or written comments at the public hearings, or you may submit written comments by the close of the comment period. The deadline for submitting written comments is **February 15, 2007**. All relevant comments received by the deadline will be public record and will be considered by the Environmental Management Commission during the rule-making process. Please submit comments, questions and/or requests for additional information to:

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