

**REQUEST FOR § 150B-21.10 CHANGES**

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02B .0305

**DEADLINE FOR RECEIPT: Thursday, August 10, 2023**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Throughout the Rule, for the Index No. references, it is correct to remove the parenthesis. Would it be clearer to set these references off with commas before and after?*

*Several parentheses were removed. If possible, please remove the parentheses in Subparagraph (d)(2) and Paragraph (g).*

*“All” should not be used if “a”, “an”, or “the” can be used with the same meaning or if the word can be omitted. This appears on page 2, lines 7 and 15.*

*“Appropriate” should be avoided if possible. This appears on page 2, line 11.*

*In Paragraph (g), “In some cases” and “In other cases” seems unnecessary. Please remove.*

Please retype the rule accordingly and resubmit it to our office electronically.

Lawrence R. Duke  
Commission Counsel  
Date submitted to agency: August 4, 2023

1 15A NCAC 02B .0305 is amended **with changes** as published in 37:17 NCR 1128-1130 as follows:

2  
3 **15A NCAC 02B .0305 WATAUGA RIVER BASIN**

4 (a) Classifications assigned to the waters within the Watauga River Basin are set forth in the Watauga River Basin  
5 Classification Schedule, which may be inspected at the following places:

- 6 (1) the Internet at [https://deq.nc.gov/about/divisions/water-resources/water-planning/classification-](https://deq.nc.gov/about/divisions/water-resources/water-planning/classification-standards/river-basin-classification)  
7 [standards/river-basin-classification](https://deq.nc.gov/about/divisions/water-resources/water-planning/classification-standards/river-basin-classification) and  
8 (2) the following offices of the North Carolina Department of Environmental Quality:  
9 (A) Asheville Regional Office  
10 2090 US Highway 70  
11 Swannanoa, **North Carolina; NC 28711-8211;**  
12 (B) Winston-Salem Regional Office  
13 450 West Hanes Mill **RoadRoad, Suite 300**  
14 Winston-Salem, **North Carolina; and NC 27105; and**  
15 (C) Division of Water Resources  
16 Central Office  
17 512 North Salisbury Street  
18 Raleigh, **North Carolina; NC 27604.**

19 (b) Unnamed streams entering the State of Tennessee are classified "C."

20 (c) The Watauga River Basin Classification Schedule was amended effective:

- 21 (1) August 12, 1979;  
22 (2) February 1, 1986;  
23 (3) October 1, 1987;  
24 (4) August 1, 1989;  
25 (5) August 1, 1990;  
26 (6) December 1, 1990;  
27 (7) April 1, 1992;  
28 (8) August 3, 1992;  
29 (9) February 1, 1993;  
30 (10) April 1, 1994;  
31 (11) August 1, 1998;  
32 (12) November 1, **2007-2007; and**  
33 **(13) September 1, 2023.**

34 (d) The Watauga River Basin Classification Schedule was amended effective July 1, **19891989,** as follows:

- 35 (1) Dutch Creek (**Index No. 8-11)Index No. 8-11** was reclassified from Class C-trout to Class B-trout.  
36 (2) Pond Creek (**Index No. 8-20-2)Index No. 8-20-2** from water supply intake (located just above  
37 Tamarack Road) to Beech Creek and all tributary waters were reclassified from Class WS-III to C.

- 1 (e) The Watauga River Basin Classification Schedule was amended effective December 1, ~~1990~~1990, with the  
2 reclassification of the Watauga River from the US Highway 321 bridge to the North Carolina/Tennessee state line  
3 from Class C to Class B.
- 4 (f) The Watauga River Basin Classification Schedule was amended effective April 1, ~~1992~~1992, with the  
5 reclassification of Pond Creek from Classes WS-III and C to Classes WS-III Trout and C Trout.
- 6 (g) The Watauga River Basin Classification Schedule was amended effective August 3, ~~1992~~1992, with the  
7 reclassification of all water supply waters (waters with a primary classification of WS-I, WS-II or WS-III). These  
8 waters were reclassified to WS-I, WS-II, WS-III, WS-IV or WS-V as defined in the revised water supply protection  
9 rules (15A NCAC 2B .0100, .0200 and .0300), which became effective on August 3, 1992. In some cases, streams  
10 with primary classifications other than WS were reclassified to a WS classification due to their proximity and linkage  
11 to water supply waters. In other cases, waters were reclassified from a WS classification to an alternate appropriate  
12 primary classification after being identified as downstream of a water supply intake or identified as not being used for  
13 water supply purposes.
- 14 (h) The Watauga River Basin Classification Schedule was amended effective February 1, ~~1993~~1993, with the  
15 reclassification of Boone Fork (~~Index No. 8-7~~)Index No. 8-7 and all tributary waters from Classes C Tr HQW and C  
16 HQW to Classes C Tr ORW and C ORW.
- 17 (i) The Watauga River Basin Classification Schedule was amended effective April 1, ~~1994~~1994, with the  
18 reclassification of the Elk River from Peavine Branch to the North Carolina/Tennessee state line ~~Index No. 8-22-~~  
19 ~~(3)~~Index No. 8-22-(3) from Class C Tr to Class B Tr.
- 20 (j) The Watauga River Basin Classification Schedule was amended effective August 1, ~~1998~~1998, with the  
21 reclassification of East Fork Pond Creek from its source to the backwater of Santis Lake, ~~Index No. 8-20-2-1.5~~Index  
22 ~~No. 8-20-2-1.5~~ from Class WS-II Tr to Class WS-III Tr; the reclassification of West Fork Pond Creek (Santis Lake)  
23 ~~Index No. 8-20-2-1-(2)~~Index No. 8-20-2-1-(2) from the backwaters of Santis Lake to Pond Creek from WS-II Tr CA  
24 to WS-III Tr CA; and the reclassification of the connecting stream of Lake Coffey ~~Index No. 8-20-2-2~~Index No. 8-  
25 ~~20-2-2~~ from the dam at Lake Coffey to Pond Creek from WS-II Tr CA to C Tr.
- 26 (k) The Watauga River Basin Classification Schedule was amended effective November 1, ~~2007~~2007, with the  
27 reclassification of the Beech Creek Bog near Beech Creek ~~Index No. 8-20~~Index No. 8-20 to Class WL UWL. The  
28 North Carolina Division of Water Resources maintains a Geographic Information Systems data layer of the UWL.
- 29 (l) The Watauga River Basin Classification Schedule was amended effective September 1, 2023, with the  
30 reclassification of the following waterbodies:
- 31 (1) Green Ridge Branch [~~Index No. 8-3~~] Index No. 8-3 and tributary waters from the source to  
32 Watauga River from Class C to Class C ORW;
- 33 (2) Harrison Branch [~~Index No. 8-10-1~~] Index No. 8-10-1 and tributary waters from the source to  
34 Laurel Fork from Class C to Class C ORW;
- 35 (3) The portion of Upper Laurel Fork [~~Index No. 8-10-3~~] Index No. 8-10-3 and tributary waters from  
36 source to SR103 from Class C to Class C ORW;
- 37 (4) The portion of Dutch Creek [~~Index No. 8-12-(0.5)~~] Index No. 8-12-(0.5) and tributary waters from

- 1 source to Pigeonroost Creek from Class B Tr to Class B Tr ORW;
- 2 (5) Craborchard Creek [(Index No. 8-12-3)] Index No. 8-12-3 and tributary waters from source to Dutch
- 3 Creek from Class C Tr to Class C Tr HQW;
- 4 (6) The portion of South Fork Ellison Branch [(Index No. 8-15-1-2)] Index No. 8-15-1-2 and tributary
- 5 waters from source to U.S. 421 from Class C to Class C ORW;
- 6 (7) Laurel Creek [(Index No. 8-17)] Index No. 8-17 and tributary waters from source to Watauga River
- 7 from Class C Tr to Class C Tr ORW, including Worley Creek [(Index No. 8-17-1)] Index No. 8-17-
- 8 1 from source to Laurel Creek from Class C Tr to Class Tr ORW and Spice Branch (Creek) [(Index
- 9 No. 8-17-2)] Index No. 8-17-2 from source to Laurel Creek from Class C to Class C ORW;
- 10 (8) The portion of Little Beaverdam Creek [(Index No. 8-19-2)] Index No. 8-19-2 and tributary waters
- 11 from source to Fork Branch from Class C Tr to Class C Tr HQW, including Jones Branch [(Index
- 12 No. 8-19-2-1)] Index No. 8-19-2-1 from source to Little Beaverdam Creek from Class C to Class C
- 13 HQW;
- 14 (9) West Fork Rube Creek [(Index No. 8-19-3-2)] Index No. 8-19-3-2 and tributary waters from source
- 15 to Rube Creek from Class C to Class C HQW;
- 16 (10) The portion of Stone Mountain Branch [(Index No. 8-2)] Index No. 8-2 and tributary waters from
- 17 source to unnamed tributary located approximately 350 feet southwest of the intersection of SR
- 18 1206 and SR 1201 from Class C to Class C HQW; and
- 19 (11) Shawnehaw Creek [(Index No. 8-22-7)] Index No. 8-22-7 and tributary waters from source to Mill
- 20 Pond, Elk River from Class C Tr to Class C Tr ORW.

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23 *History Note: Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1);*

24 *Eff. February 1, 1976;*

25 *Amended Eff. November 1, 2007; August 1, 1998; April 1, 1994; February 1, 1993; August 3, 1992;*

26 *April 1, 1992;*

27 *Readopted Eff. November 1, 2019;*

28 *Amended Eff. September 1, 2023.*