

Existing Protections of Isolated Wetlands Environmentally Sensitive Areas

Key Points:

- Swansboro supports the policies and permitting processes under CAMA and Section 404 of the Clean Water Act.
- Due to changes in interpretation/legislation in the past few years, gaps have been created in the protection of coastal NC's small, isolated wetlands by federal and state programs.
- Swansboro does not have policies or ordinances specifically targeting and protecting isolated, non-coastal wetlands not protected under federal or state law.

Findings:

In the existing Land Use Plan (LUP), Swansboro complies with all state and federal laws regarding wetlands and environmentally sensitive areas, including section 404 of the Clean Water Act and all CAMA regulations. However, in 2008, a [statement by the EPA](#) asserted that wetlands not adjacent to traditional navigable waters are not under 404 jurisdiction. In 2015, changes were made to [15A NCAC 2H .1300](#) to regulate only 2 types of the 16 formerly identified isolated wetlands in NC, and to allow discharges that impact one acre or less of isolated wetlands in the coastal region without a permit (15A NCAC 02H .1305(3)). Combined, these changes create a gap in protection for small, non-adjacent/isolated wetlands and make it increasingly important that local municipalities adopt more stringent protections.

Currently, the town does not have many policies that go beyond protections under section 404 of the CWA. Going forward, the Town plans to amend the Unified Development Ordinance to enable clustering in office and business zoning districts, as well as residential district. Most policies in regard to wetlands are statements of support for federal/state regulations. For example, policy 37 states that the town “supports coordinated efforts to preserve and protect the ecological and flood hazard benefits of freshwater wetlands, as protected under Section 404 of the Clean Water act. “Swansboro also has a CAMA-required Environmental Composite Map that incorporates areas of environmental concern into their land suitability analysis. In addition to this, there are a few policies which could have indirect benefits to isolated wetlands. Policy 93 mentions a commitment to Low Development (LID), which the UDO is required in Flexible Lot Developments. In implementing action 21 and policy 65, the town supports the education of the public about “environmentally sensitive areas” and the dangers of location development in natural hazard areas, which could be used to support an education campaign about isolated wetlands.