



Riparian Buffer Protection Rules for the Neuse and Tar-Pamlico River Basins

On Dec. 9, 1999, the North Carolina Environmental Management Commission adopted rules to protect 50-foot wide riparian, or waterside, buffers along waterways in the Neuse and Tar-Pamlico River Basins. These buffers remove nitrogen, phosphorus, and other pollutants from rainwater that flows into the basins' waterways, protecting the waterways from surrounding land uses. The rules are part of larger nutrient reduction strategies for each basin. In the **Neuse River basin**, the rules have been effective as temporary rules since **July 22, 1997**. In the **Tar-Pamlico basin**, temporary rules took effect on **Jan. 1, 2000**.

In both basins, the rules will be effective as permanent rules on Aug. 1, 2000, pending review by the General Assembly during the summer.

The main rule, referred to as the buffer *protection* rule, requires that up to 50 feet of riparian area be protected and maintained on the banks of waterways in the basin. **This rule does not require establishment of new buffers unless the existing use of the buffer changes.** Diffuse flow of stormwater that runs into the buffer must be maintained.

Here are some frequently asked questions followed by answers that further explain the rules.

Q: What waters in the basins require buffers?

A: Intermittent and perennial streams, lakes, ponds and estuarine waters that are shown on the most recent version of either a county soil survey map prepared by the Natural Resources Conservation Service or a 1:24,000 scale topographic map prepared by the U.S. Geologic Survey, and that exist on the ground.

Q: Are there any waters that don't have to be buffered?

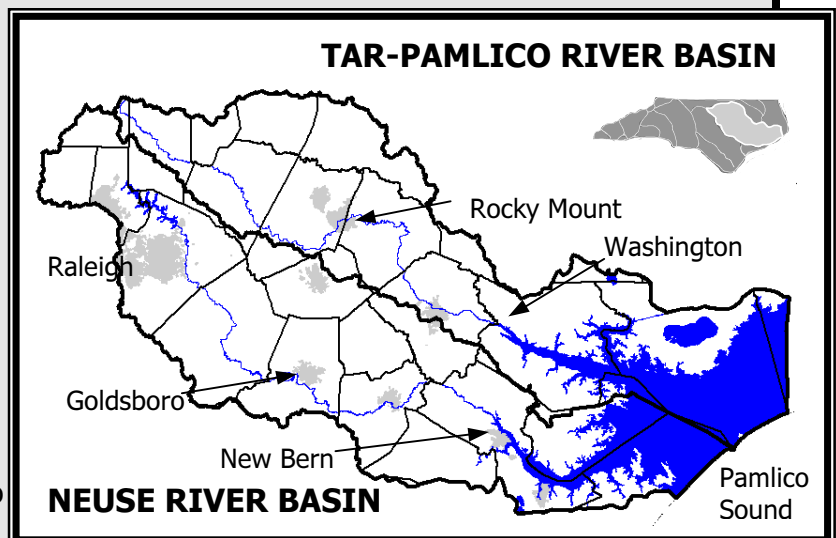
A: Yes. The rule does not apply to the following waters: ditches and manmade conveyances other than modified natural streams unless they are constructed for navigation and/or boat access; manmade ponds and lakes located outside natural drainageways; and ephemeral (stormwater) streams.

Q: What does it mean to protect the buffer?

A: The first 30 feet (zone 1) of the buffer is to remain essentially undisturbed. The landward 20 feet (zone 2) is to be vegetated, but certain uses would be allowed in this zone.

Q: Are existing activities within 50 feet of waterways exempt from the rules?

A: Yes. The footprint of existing, ongoing uses is exempt. These uses include, but are not limited to: agriculture; buildings; industrial, commercial, and transportation facilities; maintained lawns; utility lines; and on-site wastewater systems.



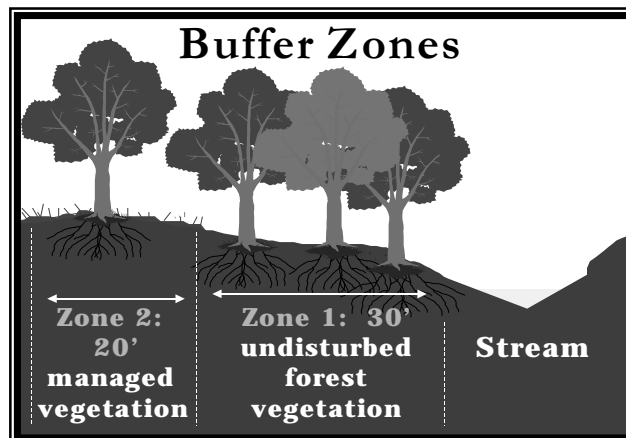
Q: *What activities are allowed in the buffer?*

A: The rule includes a table of uses. In it, specific activities are listed as *exempt*, *allowable*, *allowable with mitigation*, or *prohibited*. *Exempt* activities require no prior approval. *Allowable* and *allowable with mitigation* mean that approval must be obtained from the Division of Water Quality beforehand. The approval process will require a showing of no practical alternatives to the impact, and that the impact will be minimized. If it is *allowable with mitigation*, a greater amount of buffer must be established elsewhere to offset impacts. A separate buffer **mitigation rule** establishes requirements for activities that are *allowable with mitigation*. *Prohibited* activities are not allowed, however, a variance may be sought if one thinks that complying with the rule will cause practical difficulties or unnecessary hardships. If an activity is not listed in the table, then it is prohibited.

Q: *What are some common activities listed in the table of uses?*

A: The following are brief explanations of only some activities listed in the table - you will want to read and understand the rule before you begin any activity in a buffer:

- ❑ Driveway crossings on single-family residential lots that disturb less than 25 feet along the buffer are *exempt*.
- ❑ Maintenance of existing ditches through the buffer is *exempt* provided that water quality impacts are minimized.
- ❑ Grading and revegetation in zone 2 only is *exempt* if disturbed areas are stabilized, the health of vegetation in zone 1 is not compromised, and diffuse flow is reestablished.
- ❑ Road intrusions into the buffer are *allowable with mitigation*.
- ❑ Road crossings of a waterbody that impact less than 40 feet of the buffer are *exempt*. Wider crossings that are less than 150 feet wide are *allowable*, and those over 150 feet wide are *allowable with mitigation*.
- ❑ New ponds in drainageways are *allowable* if a 50-foot buffer is established around the new ponds, or *allowable with mitigation* if a new buffer is not established.
- ❑ Fertilizer application is *prohibited*, except for one-time application to establish replanted vegetation.
- ❑ Some management of vegetation is *exempt*, such as periodic mowing and harvesting of plant products in zone 2 only, planting to enhance the buffer, pruning provided that the health and function of the vegetation is not compromised, removal of understory nuisance vegetation as defined in the rule, and removal of individual trees that endanger structures or human life.
- ❑ Water dependent structures as defined in the rules are *allowable*.
- ❑ Utilities vary from *exempt* to *allowable with mitigation*, depending on type, size, and location.



The public is encouraged to read and understand the buffer rules before beginning any activities within buffers in the Basin. For more information or to obtain a copy of the rules, please contact Division of Water Quality staff at a Regional Office (see below). The rules can also be viewed or downloaded from the DWQ web site at <http://h2o.enr.state.nc.us/nps/tarp.htm>.

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