



Michael F. Easley
Governor

William G. Ross, Jr., Secretary
Department of Environment and Natural Resources

Alan W. Klimek, P.E., Director
Division of Water Quality

May 21, 2007
Buffer Interpretation/Clarification #2007-008

MEMORANDUM

RE: The Division of Water Quality's (DWQ's) clarification on acceptable versions of the soil survey maps in the Neuse River Basin Buffer Rule 15A NCAC 02B.0233(3), in the Randleman Lake Water Supply Watershed Buffer Rule 15A NCAC 02B.0250(1) or in the Tar-Pamlico River Basin Buffer Rule 15A NCAC 02B.0259(3).

Current Policy: According to the Neuse River Basin Buffer Rule 15A NCAC 02B.0233(3), the Randleman Lake Water Supply Watershed Buffer Rule 15A NCAC 02B.0250(1) and the Tar-Pamlico River Basin Buffer Rule 15A NCAC 02B.0259(3), the stream must be shown "on either the most recent version of the soil survey map prepared by Natural Resources Conservation Service of the United States Department of Agriculture... or the most recent version of the 1:24,000 scale... quadrangle prepared by the United States Geological Survey (USGS)"

Problem: It has been brought to DWQ's attention that the Natural Resource Conservation Service (NRCS) has recently made an online version of the soil survey maps available for public use. The online version of the NRCS soil survey maps does not show the streams that are depicted on the paper bound copies of the county soil surveys. Instead they appear to show streams shown on the 1:100,000 scale USGS topographic map. The 1:100,000 scale stream layer in the Web Soil Survey is provided only to assist in site location and is not intended to depict the actual stream network. Therefore, the web-based Soil Survey maps do not depict streams shown on the county soil survey and the web-based soil survey is not "the most recent version" of the county soil survey map but rather a subset of the existing map.

Solution: On January 11, 2007, the NC Environmental Management Commission decided to uphold an Administrative Law Judge's recommendation from "Ray S. Carpenter versus NC DENR, DWQ, 05EHR 2009". This recommendation stated that the hard copy paper bound version of the soil surveys is the most recent version of the NRCS maps and should be used for stream determinations under the riparian buffer rules. The hard copy paper bound county soil survey maps from NRCS are the only soil survey maps that will be accepted by DWQ for applicability to the Neuse River Basin Buffer Rule 15A NCAC 02B.0233(3), the Randleman Lake Water Supply Watershed Buffer Rule 15A NCAC 02B.0250(1) and Tar-Pamlico Buffer Rule 15A NCAC 02B.0259(3).

Signature: _____

Date: _____

5/21/07