MEMORANDUM

Background: According to Neuse Buffer Rules 15A NCAC 02B.0233(3)(b), the Tar-Pamlico Buffer Rules 15A NCAC 02B.0259(3)(b), and the Catawba Buffer Rules 15A NCAC 02B.0243(3)(a), the buffer protection rules do not apply when there are existing uses that are present and ongoing. The Division of Water Quality interprets the Randleman Buffer Rules 15A NCAC 02B.0250 to be consistent with the above-mentioned riparian buffer rules.

Problem: Several questions have been raised regarding the definition of an existing transportation facility. Specifically, the questions ask, what are the lateral boundaries of an existing transportation facility?

Solution: “Existing Transportation Facilities” are defined as shown in the attached drawings. If scenarios arise that are not addressed by the attached drawings, DWQ shall make a determination of the existing transportation facility on a case-by-case basis.

Signature: [Signature]

Date: 7/24/07
WHEN & WHERE THE BUFFER RULES APPLY FOR ROAD WIDENING PROJECTS:

Plan view of existing

Existing Transportation Facility

Existing road

Fill Slope

Fill Slope

Anything in here is exempt as it is part of the Existing Transportation facility before widening

Natural Ground

Natural Ground

Plan view of proposed widening

Existing Transportation Facility

New Widened Roadway Surface

New toe of slope

Old toe of slope

Natural Ground

Natural Ground

Any impacts (pavement, clearing, etc) in this area is considered "new transportation facilities" and will trigger the buffer rules.
Possible impacts from temporary or permanent drainage easement

Old toe of slope

New Toe of Slope

Pipe

Pipe extension

New Buffer Impacts for construction of pipe between old Toe of Slope and New Toe of Slope as shown in above picture

Possible Additional Buffer Impacts for the case when construction of pipe extends beyond new Toe of Slope such as in a temporary or permanent drainage easement.

In cut slope areas:

Existing Transportation Facility

The road

This line to be determined by edge of maintained area

Natural Ground

Point where horizontal level of road hits natural ground
In Coastal Areas:

- Existing Transportation Facility
- The road
- Canal to maintain water off of roadway

NOTE: UNLESS it is a modified stream, used for navigation, or subject to a CAMA permit because it is adjacent to a coastal marsh

WHEN THE BUFFER RULES APPLY FOR BRIDGE REPLACEMENT PROJECTS:

- New Bridge
- Anything under the existing bridge is the existing transportation facility
- Roadway approaches constitutes new fill and subject to buffer rules
- Any work to vegetated areas not under the existing bridge will trigger the buffer rules