



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

January 4, 2007  
Buffer Interpretation/Clarification #2006-003

## MEMORANDUM

**Background:** According to the table of uses in the Neuse Buffer Rules 15A NCAC 02B.0233(6), the Tar-Pamlico Buffer Rules 15A NCAC 02B.0259(6), and the Catawba Buffer Rules 15A NCAC 02B.0243(6), if a temporary road is installed in the buffer then the area of impact must be restored with vegetation within six (6) months, or immediately after bridge construction or replacement.

**Problem:** There is no clear explanation of what is required to be replanted to comply with the requirement to restore vegetation for temporary roads.

**Solution:**

If a temporary road is installed in the buffer that previously lacked a forested area\*, then trees\*\* do not have to be replanted to comply with the requirement to restore vegetation. However, if trees are not removed, then vegetation must be replanted to stabilize the area such as grass or shrubs.

If a temporary road is installed and a forested area needs to be removed, then in order to comply with the requirement to restore vegetation, trees must be replanted in the areas where trees were removed. The trees that are replanted must be at least six inches in diameter.

\*A forested area is 10% cover by trees in the buffer.

\*\* Trees are defined in the buffer rules [Neuse: 15A NCAC 02B.0233(2)(m), Tar-Pamlico: 15ANCAC 02B.0259(2)(m), and Catawba: 15A NCAC 02B.0243(2)(s),] as "a woody plant with a DBH equal to or exceeding five inches or a stump diameter equal to or exceeding six inches".

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

1/4/07