

2020 Riparian Buffer Rule Updates Overview

The Big Picture: What's changing?

- Main Goals of Rule Re-adoption Process:
 - Review all rules for outdated requirements
 - Provide maximum consistency with other NC rules and/or federal regulations
 - No changes to the purpose of the individual rules
 - No changes to who/what is subject to the individual rules
 - Improve and clarify language / address inconsistencies
 - Incorporate recent legislation, declaratory rulings, clarification memos, interpretations
 - Provide maximum consistency between individual Riparian Buffer Rules
 - Reduce/ improve regulatory processes when possible
 - Provide more flexibility to the regulated community
 - Reorganization within Administrative Code

What's not changing?

- No changes to Jordan Lake Riparian Buffer Rules
 - Unable to revise rules per legislation
- Each Rule has retained its original scope, purpose, and applicability
- Retained all exemptions and existing uses
- No changes to what features are subject to the buffer rules
- No changes to the width or definition of Zone 1 or Zone 2
- Retained the Table of Uses to identify specific activities within the buffers
- No changes to local government delegation/designation authority

What's New

- Relocation and subdivision of many Rules (Citation cross-reference table)

Current Rule Citation	New Citation
15A NCAC 02B .0233 Neuse Buffer Rules	<ul style="list-style-type: none"> • 15A NCAC 02B .0714 Neuse Maintenance of Existing Riparian Buffers • 15A NCAC 02B .0610 Definitions • 15A NCAC 02B .0611 Authorization Certificates • 15A NCAC 02B .0612 Forest Harvesting Requirements
15A NCAC 02B .0241 Neuse Buffer Rules Delegation	<ul style="list-style-type: none"> • 15A NCAC 02B .0715 Neuse Buffer Rule Delegation Authority

15A NCAC 02B .0259 Tar Pam Buffer Rules	<ul style="list-style-type: none"> • 15A NCAC 02B .0734 Tar Pam Maintenance of Existing Riparian Buffers • 15A NCAC 02B .0610 Definitions • 15A NCAC 02B .0611 Authorization Certificates • 15A NCAC 02B .0612 Forest Harvesting Requirements
15A NCAC 02B .0261 Tar Pam Buffer Rules Delegation	<ul style="list-style-type: none"> • 15A NCAC 02B .0735 Tar Pam Buffer Rule Delegation Authority
15A NCAC 02B .0243 Catawba Buffer Rules	<ul style="list-style-type: none"> • 15A NCAC 02B .0614 Catawba Maintenance of Existing Riparian Buffers • 15A NCAC 02B .0610 Definitions • 15A NCAC 02B .0611 Authorization Certificates • 15A NCAC 02B .0612 Forest Harvesting Requirements
15A NCAC 02B .0250 Randleman Lake Buffer Rules	<ul style="list-style-type: none"> • 15A NCAC 02B .0724 Randleman Lake Maintenance of Existing Riparian Buffers • 15A NCAC 02B .0610 Definitions • 15A NCAC 02B .0611 Authorization Certificates • 15A NCAC 02B .0612 Forest Harvesting Requirements
15A NCAC 02B .0251 Randleman Lake Stormwater Rules	<ul style="list-style-type: none"> • 15A NCAC 02B .0721 Randleman Lake Stormwater Requirements
15A NCAC 02B .0605 Goose Creek Buffer Rules: Buffer Widths	<ul style="list-style-type: none"> • 15A NCAC 02B .0605 Goose Creek Buffer Widths
15A NCAC 02B .0606 Goose Creek Variance Activities	<ul style="list-style-type: none"> • 15A NCAC 02B .0606 Goose Creek Authorization Certificates
15A NCAC 02B .0607 Goose Creek Buffer Rules	<ul style="list-style-type: none"> • 15A NCAC 02B .0607 Goose Creek Buffer Types and Managing Activities in Buffers
15A NCAC 02B .0608 Goose Creek Forest Harvesting Activities	<ul style="list-style-type: none"> • 15A NCAC 02B .0608 Goose Creek Forest Harvesting Activities

- **Common Elements for Neuse, Tar-Pam, Catawba Relocated into Separate Rules**
 - 15A NCAC 02B .0610 Definitions
 - Updated to reflect the most recent definitions in use
 - Updated to include citations to federal or state regulations for consistency
 - Updated to include prior interpretations (e.g. Pruning)
 - Provided new definitions where necessary (e.g. Existing Utility Line Maintenance Corridor)
 - 15A NCAC 02B .0611 Authorization Certificates
 - Updated to clarify the requirements for applying for, and securing, Authorization Certificates
 - Retained timeframe for Authorities to take action on applications
 - Provided new category for activities that are not listed in the Table of Uses
 - Allowable upon Exception

- 15A NCAC 02B .0612 Forest Harvesting Requirements
 - Updated to reflect the most recent language from existing buffer rules
 - Updated to provide consistency with non-forest harvesting activities (fertilizer use, Zone 2 allowances)
- New Categories for better clarity, but definitions and approval process have not changed

Existing Category	New Category
Exempt	Deemed Allowable
Allowable	Allowable upon Authorization
Allowable with Mitigation	Allowable with Mitigation upon Authorization
Prohibited	Prohibited

- New category: Allowable upon Exception
 - For any activities that are not specifically listed within the Table of Uses
 - Variances required only for activities listed as Prohibited
 - Requirements (hardships) retained and updated from previous Variance process
 - Mitigation specifically required for all activities within this category
 - Major/Minor exceptions based on total impact acreage rather than Zone location
 - Minor exceptions less than or equal to 1/3 acre of buffer impacts
 - Major exceptions greater than 1/3 acre of buffer impacts
 - All Authorization upon Exceptions approved by implementing Authority
 - Major exceptions must be noticed to the public on DWR website following DWR notice procedures prior to approvals
- Table of Uses
 - All footnotes were relocated into appropriate line items
 - Combined roads, driveways and railroads into one line item
 - Simplified to acreage thresholds instead of linear feet
 - Added exemption for Farm Roads to be consistent with 404 regulations
 - Expanded allowances for stormwater control measures within buffer
 - Significant update/revisions to Utility Line Uses
 - Increased allowances for maintenance, repair, emergency response, stream stabilization for protection of utilities
 - Separated categories for rehab/relocation and new line construction
 - Separated vegetation maintenance activities versus line installation activities

- Provided allowances for connecting to existing utilities
- Increased permanent maintenance corridor allowance to 30 feet
- Diffuse Flow
 - Changed to **Stormwater Runoff Through Riparian Buffer**
 - Changed references of diffuse flow to dispersed flow as defined in 15A NCAC 02H .1002 Stormwater Rules for consistency between programs
 - Conveyances through the buffer from approved SCMs now deemed authorized
 - Added activities/uses to allowable upon authorization
 - Allow for new conveyances when nutrient calculations show loading goals of rules can be achieved
 - Allow for new conveyances when flow rate is minimal to account for small areas that cannot be reasonably directed to SCMs due to topography
 - Allow for realignment of existing conveyances
 - Allow for new conveyances for bypass of upslope runoff
 - Expanded allowances for linear transportation facilities
 - Provided a process for any stormwater runoff control methods not listed within the rule to be able to be reviewed/considered under Allowable with Exception