

FACT SHEET ON THE REVISED RIPARIAN BUFFER AND 401 RULES

JUNE 2020

As part of a legislative mandate to review and revise all DEQ rules, most of the Riparian Buffer Rules (*all except the Jordan Buffer Rules*), the 401 Water Quality Certification Rules, and the Isolated Permitting Rules have been revised. The updates do not change the purposes of the Rules, or who/what are regulated by these rules, however there are many organizational and technical updates as described below. Most notably, some of the Riparian Buffer rules have been relocated and subdivided within 15A NCAC 02B.

If you have questions, contact Sue Homewood at Sue.Homewood@ncdenr.gov or (336) 776-9693.

Facts about Revised Riparian Buffer Rules

The following common elements of each Buffer Rule have been relocated into new rules:

- Definitions
- Forest Harvesting Requirements
- Buffer Authorizations and Variances

See the [Cross Reference Table of Rule Relocations](#)

Prior legislation, declaratory rulings, and buffer clarification memos have been incorporated into the Rules

Consistent language has been used throughout all the rules

New Categories for Uses:

Exempt	→	Deemed Allowable
Allowable	→	Allowable upon Authorization
Allowable with Mitigation	→	Allowable with Mitigation upon Authorization
Prohibited	→	Prohibited
(Variance)	→	(Allowable with Exception)

All footnotes have been relocated to the appropriate category within the Tables

Variances are only required for Prohibited Uses

New Process - Allowable with Exception has been created for activities that are not listed within the Table of Uses

- Requirements same as previous Variance requirements
- Approved at staff level
- Minor Variance = impacts less than 1/3 acre
- Major Variance = impacts greater than 1/3 acre
- Major Variance requires public notice on DWR website/ listserv

New stormwater requirements replace diffuse flow requirements

Substantially expanded categories for utility activities within the Table of Uses

CURRENT RULE CITATION	NEW RULE 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

Facts about 401 Water Quality Certification Rules And the Isolated Waters Rules

Language has been simplified throughout the rules

Recent legislation regarding mitigation requirements and applicability of the rules to isolated wetlands has been incorporated

Application submittal requirements have been updated

Mitigation requirements and referenced federal mitigation regulations have been updated