

ROY COOPER
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NORTH CAROLINA
Environmental Quality

Guidelines for Hurricane / Tornado Cleanup in Riparian Buffers

August 5, 2020

The Division of Water Resources will adhere to the following procedures during hurricane or tornado cleanup in the protected Jordan, Randleman, Neuse and Tar-Pamlico Riparian Buffers.

1. A variety of exemptions in the buffer rules allow for cleanup to occur without having to obtain verbal or written permission from the Division of Water Resources. These exemptions include the following activities.

- *Removal of debris*
- *Emergency fire control measures provided that topography is restored*
- *Pruning forest vegetation*

The rules require that normal pruning should be done in a way that does not compromise the health and function of the forest vegetation. DWR will assume that trimming needed to remove hurricane- or tornado- damaged tree branches or other hurricane- or tornado- damaged vegetation is exempt. Pruning is defined as: the removal of dead tree or shrub branches or live tree or shrub branches with a diameter of less than four inches.¹

- *Removal of individual trees which are in danger of causing damage to dwellings, other structures or human life*

These trees should be cut at ground level without removing or disturbing the root mat.

- *Construction of temporary roads that disturb less than or equal to 2,500 square feet, provided that the disturbed area is restored to pre-construction topographic and hydrologic conditions and replanted with comparable vegetation within two months of when construction is complete. Tree planting may occur during the dormant season.*

- *Issuance of a DCM emergency permit*

When the Division of Coastal Management (DCM) issues an emergency permit to rebuild or replace hurricane- or tornado- damaged structures, impacts in the protected riparian buffer must be in the same footprint as the original impact and not exceed the original square footage. Alternatively, impacts in the protected riparian buffer that do not exceed the original square footage may be moved back away from the water's edge or CAMA marsh.

DWR will interpret these exemptions broadly to allow foresters, municipalities, homeowners and their contractors to quickly complete cleanup of hurricane or tornado

¹ See 15A NCAC 02B .0610(33) for full explanation of what activities are, and are not, considered pruning.



debris in the impacted areas. Property owners are not expected to re-plant trees in buffer areas affected by the hurricane or tornado, but exposed areas need to be stabilized to avoid erosion. These exemptions are comprehensive and allow for cleanup of damaged areas affected by hurricanes or tornadoes, including the use of mechanized equipment. If heavy equipment is used or temporary roads constructed, those activities need to avoid creation of new ditches or other features that would drain water through the buffer and into the adjoining surface waters. When practicable, all stormwater through the protected buffers shall be dispersed or discharged in a way as to not cause erosion or further damage to the protected buffer.

2. There are several uses in the buffer rules that allow for cleanup to occur after receiving written approval from DWR. These approvals will be handled by DWR's Central Office and Regional Offices and will be processed as quickly as possible. Some of these uses include the following.

- *Protection of structures, facilities and streambanks if additional disturbance of the riparian buffer or stream channel is required*
- *Streambank stabilization*
Please note that in coastal counties, these approvals may be granted by DCM.
- *Construction of temporary roads that disturb greater than 2,500 square feet or for bridge construction or replacement*

3. Any impacts to wetlands and streams beyond the scope of the Riparian Buffer Rules, including the use of heavy equipment in wetlands, may require coordination with the U.S. Army Corps of Engineers. The Wilmington District Corps' Office issues public notices of their emergency procedures following hurricane or tornado events and posts them by date on their website:

<https://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Public-Notices/>

The Corps' Regulatory Field Offices can be reached as follows.

- Raleigh Regulatory Field Office: 919-554-4884
- Washington Regulatory Field Office: 910-251-4610
- Wilmington Regulatory Field Office: 910-251-4633

Should you have any questions, please contact the Division of Water Resources at your local NC Department of Environmental Quality (DEQ) Regional Office or the Central Office at 919-707-9000:

Counties	Contact
Chatham, Durham, Edgecombe, Franklin, Granville, Halifax, Johnston, Lee, Nash, Northampton, Orange, Person, Vance, Wake, Warren, Wilson	Raleigh Regional Office 919-791-4200

Beaufort, Bertie, Camden, Chowan, Craven, Currituck, Dare, Gates, Greene, Hertford, Hyde, Jones, Lenoir, Martin, Pamlico, Pasquotank, Perquimans, Pitt, Tyrrell, Washington, Wayne	Washington Regional Office 252-946-6481
Brunswick, Carteret, Columbus, Duplin, New Hanover, Onslow, Pender	Wilmington Regional Office 910-796-7215
Alamance, Caswell, Forsyth, Guilford, Randolph, Rockingham	Winston-Salem Regional Office 336-776-9800

More information about the Riparian Buffer Rules may be found at

<https://deq.nc.gov/about/divisions/water-resources/water-quality-permitting/401-buffer-permitting-branch/riparian>.