NCDENR

North Carolina Department of Environment and Natural Resources
Division of Water Quality
Coleen H. Sullins
Director

Beverly Eaves Perdue
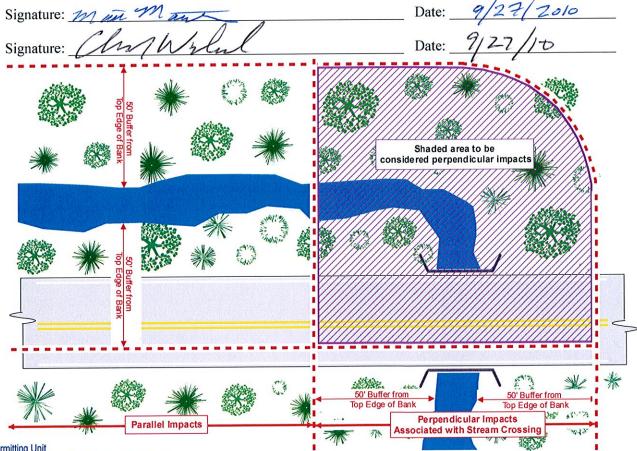Governor

Dee Freeman
Secretary

September 20, 2010
Buffer Interpretation/Clarification #2010-003

MEMORANDUM

Background: In constructing a road project where streams and other surface waters are crossed in basins with state implemented riparian buffer rules (which currently include the Neuse River Buffer Rule 15A NCAC 02B .0242, Catawba River Buffer Rule 15A NCAC 02B .0244, Tar-Pamlico River Buffer Rule 15A NCAC 02B .0260, Jordan Lake Buffer Rule 15A NCAC 02B .0267, and the Goose Creek Buffer Rule 15A NCAC 02B .0607), it is possible that both parallel and perpendicular impacts may occur.

Problem: It is unclear which impacts should be considered perpendicular and which should be considered parallel.

Solution: Pursuant to the appropriate Buffer Rule, a 50-foot wide riparian buffer directly adjacent to surface waters will be established. Perpendicular impacts generally occur from crossing a stream or other surface water, as shown in the diagram below (generally listed as "road crossings of streams and other surface waters" in the Table of Uses). However, the stream or other water may change course such that parallel (generally listed as "road impacts other than crossings of streams and other surface waters subject to this rule" in the Table of Impacts) impacts occur. When this occurs, there will be an area of overlap, as indicated by the hatched area in the diagram below. Within this overlap area impacts should be counted as perpendicular. Mitigation for impacts to this area will be required as indicated in the corresponding riparian buffer basin Table of Uses.

Signature: _M̅ w̅ M̅ ̅_____ Date: _9/27/2010_

Signature: _Chy Wylnl_____ Date: _9/27/10_

Shaded area to be considered perpendicular impacts

50' Buffer from Top Edge of Bank

50' Buffer from Top Edge of Bank

Parallel Impacts

50' Buffer from Top Edge of Bank

50' Buffer from Top Edge of Bank

Perpendicular Impacts Associated with Stream Crossing

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NorthCarolina
Naturally