



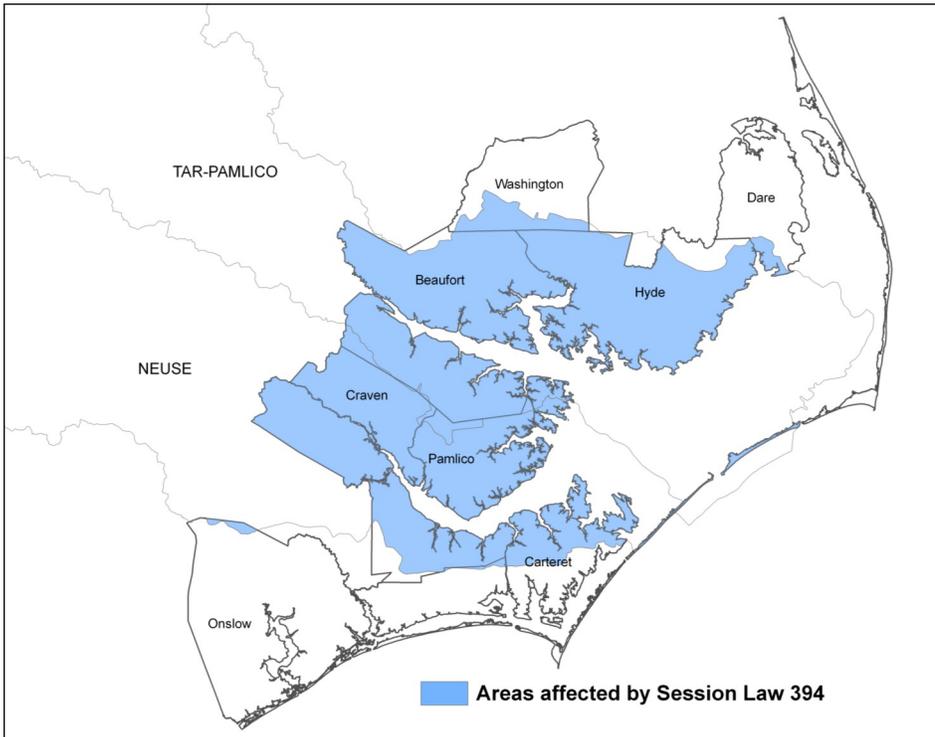
Coastal Riparian Buffer Rule Changes 2011



Revised October 2011

Session Law 2011-394 became effective July 1, 2011. Section 17(c) of this law changed the application of the Neuse Riparian Buffer Rules (15A NCAC 02B .0233) and Tar-Pamlico Riparian Buffer Rules (15A NCAC 02B .0259) in eight coastal counties.

This session law and related rule changes apply **only** to the construction of single-family residences on existing lots located in the blue-shaded areas of the counties shown on the map below.



GLOSSARY OF TERMS

Riparian Buffer Area of vegetated land next to a body of water.

Coastal Marsh Same as coastal wetlands shown in diagram on page two.

Diffuse Flow Overland flow of water that is spread out over the landscape, not concentrated into a defined channel.

Existing Lot A lot of two acres in size or less that was platted and recorded in the appropriate county Register of Deeds prior to Aug. 1, 2000.

Impervious Surface Land cover that prevents infiltration of water into the ground (e.g., roof top, concrete).

For the session law's coastal buffer rule changes to apply, all of the following requirements must be met:

- The property must be in Beaufort, Carteret, Craven, Dare, Hyde, Onslow, Pamlico or Washington County;
- The property must be in the Neuse or Tar-Pamlico River Basin;
- The property must meet the definition of an existing lot;

- The development must be for the construction of a single-family residence and its necessary infrastructure;
- And, construction of the single-family residence and its necessary infrastructure would otherwise be prevented by the Neuse Buffer Rules or Tar-Pamlico Buffer Rules.

If all of the previously listed requirements are met, what does that mean for my coastal property?

- The single-family residence must be set back the maximum feasible distance from the normal water level or the normal high-water level and be designed to minimize encroachment into the protected riparian buffer.
- The single-family residence must be a minimum of 30 feet landward of the normal water level or the normal high-water level. The protected riparian buffer has not changed with the implementation of this session law. However, for properties with a coastal marsh, a single-family home can potentially be built adjacent to the

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coastal marsh provided the home is at least 30 feet landward of the normal water level or the normal high water level.

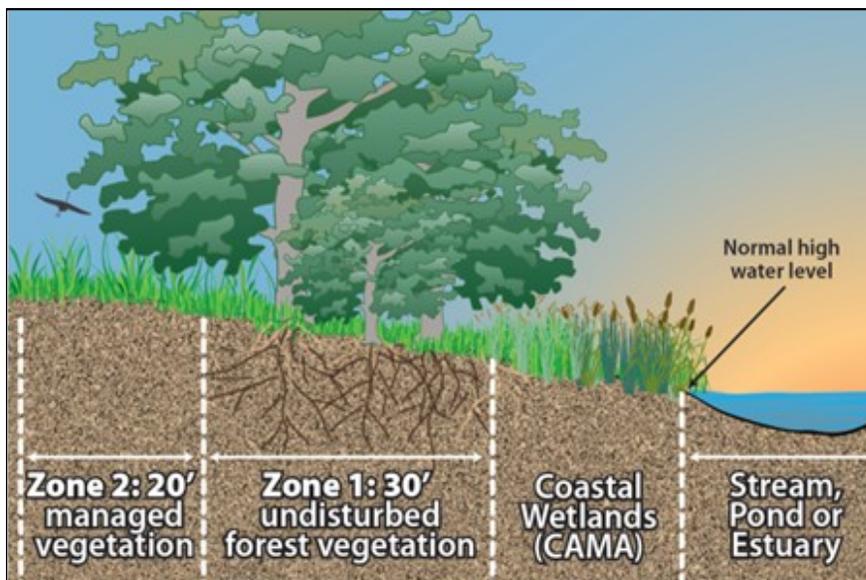
- Stormwater generated by new impervious surface must be treated and diffuse flow maintained through the protected riparian buffer.
- No part of a septic tank or drainfield may encroach into the protected riparian buffer.

How do I obtain approval to apply the provisions of the session law to my property?

If you meet all of the requirements listed on page one of this document and would like to apply the session law provisions to your property, please contact the North Carolina Division of Water Quality (DWQ) at the Washington or Wilmington Regional Offices.

Division staff will verify that all requirements of the session law have been met and will evaluate whether the *No Practical Alternatives* requirement of the Neuse and Tar-Pamlico Buffer Rules has been met.

Please note that a Buffer Authorization or Variance may be required for impacts to the protected riparian buffer.



In the Neuse and Tar-Pamlico River Basins, there is a 50-foot protected riparian buffer that is divided into two zones. The 30 feet closest to the water or coastal marsh (Zone 1) must remain undisturbed; the outer 20 feet (Zone 2) may be managed vegetation.

IMPORTANT: Session Law 394 and related coastal buffer rule changes apply **only** to construction of single-family residences on existing lots in those areas of the eight coastal counties located in the Neuse River Basin or Tar-Pamlico River Basin as depicted on the map on page one of this document.

Who should I contact?

If you have any questions or concerns, please contact:

Amy Adams of the Washington Regional Office
amy.adams@ncdenr.gov or 252-948-3917

Joanne Steenhuis of the Wilmington Regional Office
joanne.steenhuis@ncdenr.gov or 910-796-7306

Amy Chapman of the Central Office
amy.chapman@ncdenr.gov or 919-807-6400

More information about the Neuse and Tar-Pamlico Buffer Rules may be found online at:
<http://portal.ncdenr.org/web/wq/swp/ws/401/riparianbuffers>.



Additional information can be found at these websites:

DWQ Washington Regional Office
 NC Coastal Stormwater Permitting
 NC Division of Coastal Management
 NC Stormwater Outreach and Education

<http://portal.ncdenr.org/web/wq/home/ro/waro>
<http://portal.ncdenr.org/web/wq/ws/su/statesw#tab-2>
<http://dcm2.enr.state.nc.us/rules/rules.htm>
<http://www.ncstormwater.org/>