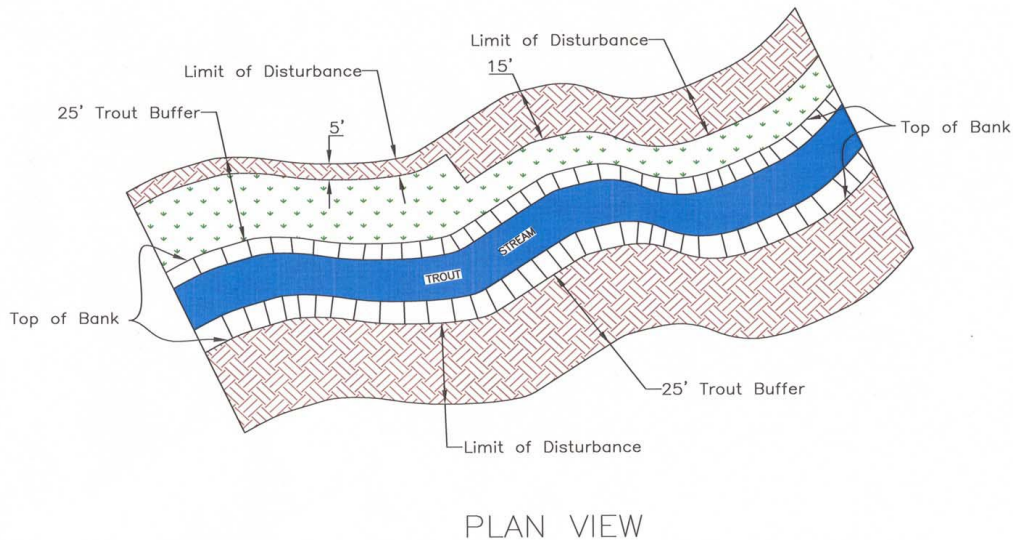


# Water

## Trout Buffer Variance

**What Activities Require This Variance Approval?** Any land-disturbing activity occurring on a designated trout stream that will exceed 100 linear feet of disturbance in each 1,000 linear feet of buffer zone or encroachment that is greater than 10 percent of the linear footage of stream owned within the tract to be distributed. Encroachment means any land-disturbing activity occurring within the buffer zone adjacent to a designated trout stream and measured horizontally from the top of the bank back 25 feet.



**What Is The Purpose of This Variance Approval?** The buffer zone protects the water quality from the detrimental effects of temperature fluctuation and sedimentation.

**Who Issues This Variance Approval?** Division of Energy, Mineral, and Land Resources.

**How Much Will This Variance Approval Cost?** There is no charge for a Trout Buffer Variance. However, if the project is also linked with a Sedimentation and Erosion Control Plan approval, the application fees for that approval will apply.

**What Are My Payment Options for Variance Approval Application Fees?** Not applicable

**If Paying by Check, Who do I Make the Check Payable to and Where Do I Send the Check?** Not applicable

**Where Can I Get The Application For This Variance Approval?** There is no formal application. However, information that should be included in the Trout Buffer Variance request is as follows: (1) drawings, blueprints, calculations, narratives, etc. (2) completion of a "Trout Buffer Waiver Supplemental Information" Form - obtain from DEMLR regional office staff (3) Financial Responsibility and Ownership Form - only required with an Erosion and Sedimentation Plan submittal (4) encroachment amounts such as total encroachment, longest contiguous encroachment and the amount of linear stream owned. (5) watercourse, stream or creek name and its stream classification (This information may be found at the following: [DWR Surface Water Classifications map](#)) (6) current land type (e.g., woodland, pasture, thick undergrowth, etc.) (6) a trout buffer variance should be received prior to submittal and review of the full blown Erosion and Sedimentation Control Plan.

**How Long Will it Take to Review my Application?** Review time depends on the complexity of the project and staff workload. There is no statutory time limit for review.

**Where Do I Submit my Application?** The Division of Energy, Mineral, and Land Resources Regional Office appropriate for your location: <https://deq.nc.gov/about/divisions/energy-mineral-land-resources/contact-demlr#Regions>.

# Water

## Trout Buffer Variance

Continued

**How Long is my Variance Approval or License or Certificate Valid?** Until the work is completed, the site is permanently stabilized and released by an inspector from the N.C. Division of Energy, Mineral, and Land Resources in the respective region of the project.

**Notes/Comments:** There is an allowable amount of encroachment without special approval. This allowance is up to 10 percent of linear footage owned, not to exceed 100 feet in any 1,000 feet. It is also important to note, that the buffer zone is measured horizontally from the top of the bank. A trout buffer variance should be received prior to submittal and review of the full blown Erosion and Sedimentation Control Plan.

**Legal Authority/Statute Reference:**

G.S. 113A-57(1) Mandatory standards for land disturbing activity.  
Sedimentation Pollution Control Act of 1973.

**Links:** <https://deq.nc.gov/about/divisions/energy-mineral-and-land-resources>

**Statewide Contact Information:**

N.C. Division of Energy, Mineral, and Land Resources  
Sediment Program  
1612 Mail Service Center  
Raleigh, NC 27699-1612  
Telephone/Fax: (919) 707-9220