



North Carolina Department of Environment and Natural Resources

Division of Water Quality

Beverly Eaves Perdue  
Governor

Coleen H. Sullins  
Director

Dee Freeman  
Secretary

September 20, 2010  
Buffer Interpretation/Clarification #2010-006

**MEMORANDUM**

Background: Session Law 2009-484 (6)(g) states: Implementation. – Notwithstanding Riparian Buffer Rule 15A NCAC 02B .0267, the Environmental Management Commission shall implement Riparian Buffer Rule 15A NCAC 02B .0267 as provided in this section. (1) For purposes of implementing Riparian Buffer Rule 15A NCAC 02B .0267, the Commission may only use one of the following types of maps for purposes of identifying a water body subject to the riparian buffer protection requirements of Riparian Buffer Rule 15A NCAC 02B .0267:

- a. The most recent version of the soil survey map prepared by the Natural Resources Conservation Service (NRCS) of the United State Department of Agriculture.
- b. The most recent version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geological Survey (USGS).
- c. A map approved by the Geographic Information Coordinating Council and by the Commission. Prior to approving a map under this sub-subdivision, the Commission shall provide a 30-day public notice and opportunity for comment.

Clarification: The Division of Water Quality (DWQ) has interpreted Section 6(g) to mean DWQ or delegated local governments shall determine which of the above-mentioned maps will be used for determining applicability to the Jordan Lake Buffer Rules (15A NCAC 2B. 0267) for each individual stream feature on a project. For example, if one stream on a project only shows up on the USGS topographic map, then the USGS topographic map shall be used to determine applicability to the Jordan Lake Buffer Rule for that stream feature. However, if another stream on the same project only shows up on the NRCS soil survey map, then the NRCS soil survey map shall be used for determine applicability to the Jordan Lake Buffer Rule for that stream feature.

Signature: Mark Maut Date: 9/27/2010

Signature: Chris Walsh Date: 9/27/10