



North Carolina Department of Environment and Natural Resources

Division of Water Quality  
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Director

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Secretary

October 26, 2009  
Buffer Interpretation/Clarification #2009-004

**MEMORANDUM**

Background: In the table of uses in the Neuse River Basin Buffer Rule 15A NCAC 02B.0233(6), the Tar-Pamlico River Basin Buffer Rule 15A NCAC 02B.0259(6), the Goose Creek Watershed Buffer Rule 15A NCAC 02B.0607(1), and the Catawba Buffer Rules 15A NCAC 02B.0243(6), there is a provision for greenway/hiking trails that is listed as an "allowable" use which requires written authorization from the Division of Water Quality (DWQ) prior to any impacts in the buffer provided there is no practical alternative for the proposed impacts. In the Randleman Lake Water Supply Watershed Buffer Rule there is no table of uses, but the allowance for a trail is identified in 15A NCAC 02B.0250(2)(g).

Problem: There is no clear definition or concise guidelines in the above-mentioned buffer rules to explain the width that is acceptable for the construction of the greenways, hiking trails and access trails to water dependent structures.

Solution: DWQ's standing is that the greenway trails width cannot be wider than ten feet paved with a two-foot wide grassed maintenance corridor on either side of the paved trail.

For access trails to water dependent structures in the Neuse, Tar-Pamlico and Randleman Lake basins, the width can be no greater than six feet. Any material used for the construction of the greenways, trails or water dependent access paths is considered a permanent impact in the buffers due to the fact that vegetation is not allowed to be maintained in the footprint of the buffer. However, the use of pervious materials is preferred unless just cause can be shown to add impervious material with the buffer. For access trails in the Catawba River basin, if the maximum width of the access trail does not exceed four feet and is made of pervious material, then the activity is exempt from the Catawba Buffer Rules. However, if the trail exceeds four feet and is made of impervious material, this activity would require a buffer authorization from DWQ. The maximum width is six feet for access trails in the Catawba River basin.

In order to best minimize the impacts to the protected riparian buffer for greenways and hiking trails, the applicant must have their trails situated outside of Zone 1 and preferably outside of Zone 2. In the instances where site constraints force portions of the trail into Zone 1, adequate written justification and documentation must be submitted to DWQ with the application for consideration.

To best minimize impacts to the protected riparian buffer for water dependent access paths, the footprint of the path must be aligned to avoid woody vegetation removal when possible. Only one access path is allowable per single family residence.

Signature: *M. H. Sullins* Date: 10/26/2009

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