

**Jordan Nutrient Rules Engagement Process**  
**Riparian Technical Advisory Group (TAG)**  
**Meeting 1: April 11th, 2024, 2-3:30pm EST on Teams**

1 <sup>st</sup> hour	Introductions and overview of TAG purpose and timeline	Ellie Rauh, DWR
	Foundations of Jordan Riparian Rule	Sue Homewood, DWR
	Discussion on current implementation	Sue Homewood and Ellie Rauh, DWR
2 <sup>nd</sup> hour	General new concept overview	Ellie Rauh, DWR
	Discussion on how to proposed changes	Sue Homewood, Ellie Rauh and Rich Gannon, DWR
	Closing	Ellie Rauh, DWR

**Main meeting discussion questions:**

- What is your experience with Riparian Buffer Protection Rule?
- Do you have any issues with current implementation?
- Do you have any data or reports you would like to share to inform DWR or support rule changes to the EMC?
- Do you have any additional information on programs or funding that you would like to share with local governments implementing the Riparian Buffer Protection rule?

**Stakeholder Comments and Questions:**

Allie – give example of change of use within agriculture?

- Sue: see cropland as one category. Consider change of use to be crops to pasture or livestock or building a barn e.g. I.e. larger changes in type of ag activity.
- Allie – so if hay transitions to pasture, that’s grass to grass but considered a change. Would it ever be able to change back to crop, maybe a different kind of crop?
  - o Sue: don’t ever get a case of transitioning back b/c first change invokes buffer requirement.
- Eric K – when I was in the RRO, people wanted to argue that change from pasture to yard was no change, had to correct that often – change of use from ag to residential.

Allison: GICC process for using a different map?

- Sue: involved process specified in rule, typically through the EMC.
- Allison – Chapel Hill has maps, interested in pursuing. Did you say state is working on new maps?
  - o Sue – not near horizon but foreseeable future, yes.

Allie – small infrastructure (seeing playground equipment is exempt) - what else, thinking of ag?

- Sue: do get this Q more from residential owners. Table doesn't give infrastructure as a category, or dimensions; instead lists specific things or activities (i.e. fencing), it is not generic.

Allison –

- Appeal window. Have had instances where applicant got CH stream determination, then went to DWR a couple years later to appeal. Encourage you to state time limit in rule.
- Who has authority to make buffer calls for LGs? Rule now says 3<sup>rd</sup> party can make stream call and maybe buffer call. Clarification on that will be valuable (CH staff does all theirs currently).
- Enforcement challenges – determining existing use.
  - o Landowners will say used to keep it as a lawn, now returning it to that.
  - o Often have battles on this.

Eric K: appeals –

- Potential property purchaser has determination done, then doesn't buy. Next interested party wants to appeal buffer call. Problematic ...
- Would very much like rule to retain the provision that this buffer supersedes WSW buffers in Purpose statement.

Allie: enforcement on agricultural lands?

- Sue: under Applicability, Rule says DWR enforces.
- Allie – any subjects I should solicit feedback on from SWCD's? Let me know.
- Sue – definitely want to do new round of educational materials for implementation.

Ellie – any info you want to share that will shed light on rules design?

- Allison: Collaboratory reports
- Peter: overlap with floodplain protection; multi-benefit space.
- Randee: what will rule add considering climate change patterns, how floodplains and buffers will be affected?

Eric K:

- One useful thing we've found is not allowing single SFR lots to have buffers platted on them. All buffers are under responsibility of HOA. When developer is laying out lots, may not extend them into buffer. Buffers are then part of common area under responsibility of HOA – one entity. But have to be platted regardless.
- Also any stream showing on USGS map gets 100' buffer. If only on Soil Survey, 50'. Can do this b/c it's in our NPDES permit, and there's an allowance for other federal requirements.

Peter: Buffer restoration – interested to see if restoration can be worked into rule ...

Judy:

- It's typical for common areas to be platted in our area.
- Problem with not allowing lot in buffer is it impinges on meeting local minimum lot sizes. Wonder if there's a way to allow it to count toward lot size while keeping land out of lots.
- Important to consider changes as flood zones change with climate.
- Important to provide information on how to make 50' buffers more effective vs making them wider.

Allie: wonder if buffer rule on ag side disincentivizes farmers to enroll in ag contracts that establish woody vegetation in buffers, given that they then become subject. Would hate to disincentivize. Will check with CREP staff on this.