

Riparian Buffer Rules Technical Advisory Group

Welcome and thank you for
your participation!



Nonpoint Source Planning Branch
NCDWR
2024



TAG Purpose & Process

- Purpose of TAGs: to get feedback from stakeholders on current implementation and rule revision concepts.
- TAG Process
 - April 11th – review current rules' intent and design, get feedback on implementation and discussion questions.
 - 2nd TAG (Spring-Sum) – aim to send draft rule language prior to meeting, review changes in the meeting and discuss implementation questions.
 - 3rd TAG (Sum) – review remaining questions on new draft rule language and potential plans for supporting policy documents and land-owner engagement.
 - Intent: Complete stakeholder engagement, comments on all rules by November 2024. Draft rules to WQC mid-February for **March 2025 WQC meeting.**

Break down tentative timeline again

- Email draft rules, TAG#2 ppt, and summary of changes document – edited considering today's comments: June 18th
- DWR All-party stakeholder meeting: Tentative July 15th
- Tag#2 review proposed rule changes: Tentative July 18th
- Email draft rules and meeting materials: Tentative August 8th
- Tag#3 review proposed rule changes and plans for supporting policy documents and land-owner engagement : Tentative August 15th

Riparian Buffer Rules 101

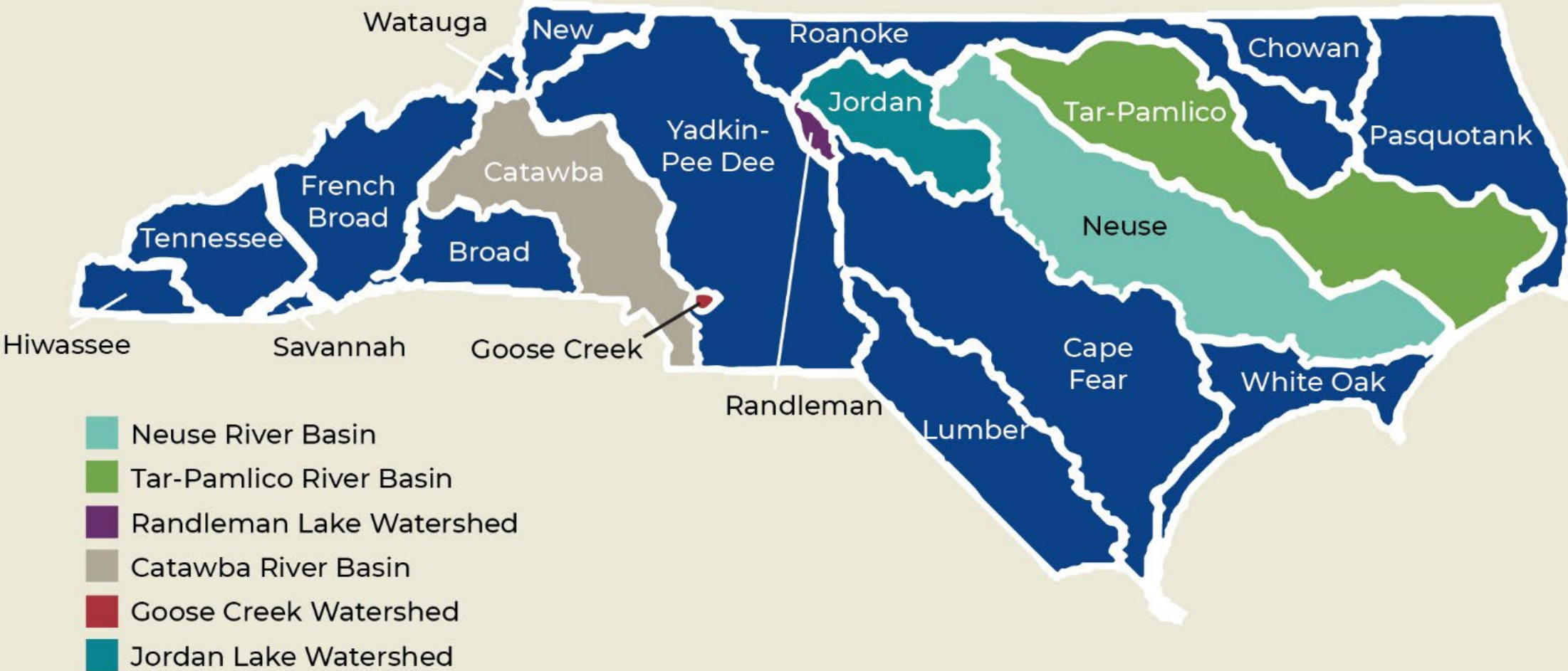


Sue Homewood
NCDWR
2024



What are the Riparian Buffer (RB) rules:

Riparian Buffer Protection Programs



Purposes of Specific Buffer Rules

- Nutrient removal functions to protect estuaries
 - Neuse
 - Tar-Pamlico
- Nutrient removal, other water quality functions to protect reservoirs – aquatic life, recreation, water supplies
 - Randleman Lake (new Water Supply)
 - Jordan Lake
 - Catawba
- Sustain and recover federally endangered Carolina Heelsplitter
 - Goose Creek

Buffer Rule Implementers

- Division of Water Resources (DWR) – Neuse, Tar, Catawba, Goose Creek
 - In some watersheds, local governments may request delegation
- Local governments - Jordan & Randleman Lake Watersheds
 - Exceptions – DWR implements for:
 - Forestry
 - Multi-jurisdictional/boundary projects
 - Government Projects
 - Agriculture / Silviculture

Jordan: DWR also implements for:

- Areas where there is no local government
- Implementing state stormwater, water
- Supply watershed, or voluntary buffer program

2020 Buffer Rules Restructuring, Other Watersheds

- Duplicative content moved to new, ‘universally’ applicable rules – more consistent, clearer
 - Definitions
 - Forest Harvesting Requirements
 - Review & Approval Process
 - Local Government Delegation Process
- Individual rules retain watershed-specific content
 - Purpose & Applicability
 - Table of Uses

Where does the buffer apply?

- Applies to:

- Perennial streams
- Intermittent streams
- Lakes and reservoirs
- Ponds attached to streams
- Estuaries
- Modified natural streams

- Does not apply to:

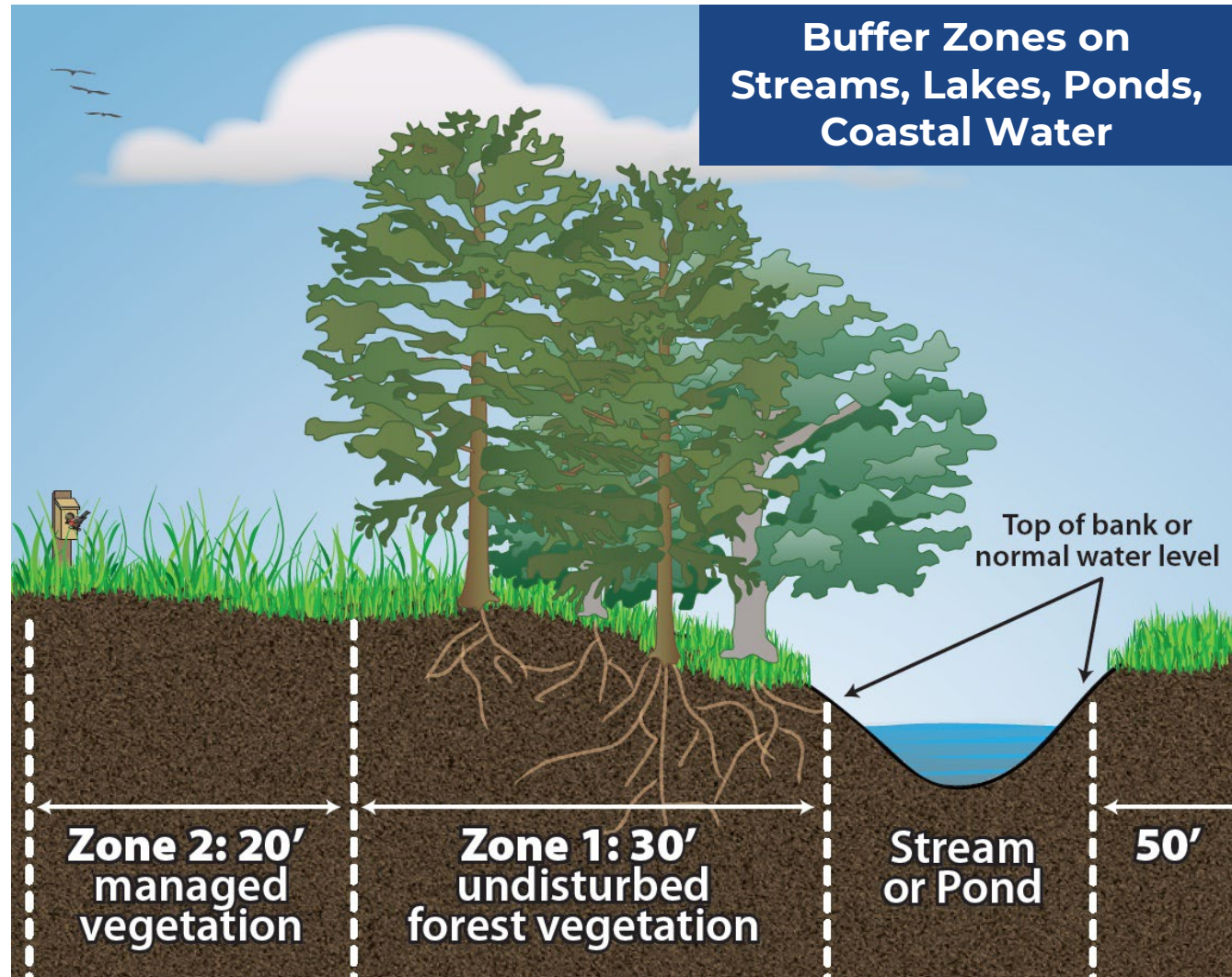
- Ditches & Manmade conveyances; unless constructed for navigation or boat access
- Ephemeral streams
- Ponds that are not attached to streams
- Wetlands
- Agricultural ponds

Where does the buffer apply - Details

- Features “approximately shown” on
 - *Latest* USGS Topographic 1:24,000 scale
 - OR-
 - Most Recent *Published* NRCS Soil Survey
- Jordan: Option to approve other maps via GICC
- Jordan: Questions, disputes resolved via on-site determination by local government :
 - Stream point of origin
 - Map accuracy disputes

How is a buffer measured?

Neuse
Tar-Pam
Catawba
Jordan
Randleman



What is allowed in the buffer? (1 of 4)

Zones 1 and 2

Jordan: “Vegetated area that is to be undisturbed except for uses provided for in Item (9) of this Rule” (Table of Uses)

Zone 2

- Jordan: “Grading and revegetating in Zone 2 is allowed provided that the health of the vegetation in Zone 1 is not compromised”
- Jordan: Maintenance of diffuse flow of runoff required prior to entering Zone 2

What is allowed in the buffer? (2 of 4)

Existing and Ongoing Uses

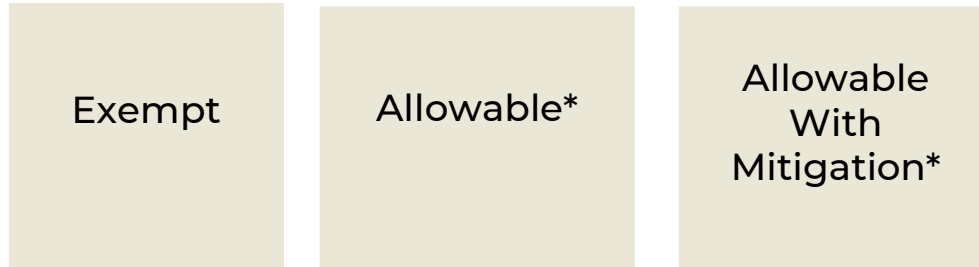
An activity is considered to be an “existing use” per the buffer rules if it existed (and ongoing) prior to effective date of the rule (or local ordinance)

Only the portion of the riparian buffer that contains the footprint of the existing use shall be exempt

Jordan: Various types of existing *permitted* uses allowed contingent on local determination

What is Allowed in the Buffer? (3 of 4)

Table of Uses: Jordan



- * Requires prior written authorization from local government or DWR.
- Any activity not addressed in Table is prohibited.

Uses Addressed in Table:

- ❖ Roads
- ❖ Utilities
- ❖ Residential properties
- ❖ Protection of Existing Structures
- ❖ Water Dependent Activities
- ❖ Management of dead/diseased vegetation, invasive vegetation, nuisance vegetation

Table of Uses: Other Watersheds



- ❖ ... and many more

- Any activity not addressed in Table could be approved via a Authorization with Exception.

What is Allowed in the Buffer? (4 of 4)

– Forest Harvesting: Jordan

- Forest harvest activities allowed under conditions:
 - on lands that have a deferment for use value under G.S. 05-277.2 through 277.6
 - on lands that have a forest management plan prepared or approved by a registered professional forester
 - Follow list of measures to minimize soil disturbance throughout buffer
 - No decks or sawmills within buffer
 - Fertilization largely prohibited
- Zone-specific conditions (all following FPG's):
 - Zone 2
 - Harvesting allowed provided ground cover is re-established
 - Zone 1
 - First 10' adjacent to stream, only high value trees, and only where no primary roots exposed in streambank
 - Outer 20' of Zone 1, harvest max 50% of trees > 5" DBH, max frequency 15 yrs.
 - Minimal use of tracked/wheeled vehicles

Questions on riparian buffer rule requirements?

We will get into readoption slides next

Jordan Riparian Buffer Feedback



Ellie Rauh and Sue Homewood
NCDWR
2024



Readoption of Jordan RB Rule

- DWR intends to make Jordan content consistent with last (2020) revisions to Neuse, Tar, and Randleman rules to the greatest extent possible, allowing for watershed-specific differences where identified.
- We would like your input on watershed-specific differences you're aware of.
- We are also seeking your input on implementation issues of current rules (next).

- After this meeting, we will incorporate today's feedback and send out a list of what we propose to change in the RB rule and what to leave the same.

Current Jordan RB Rule - Feedback

- What is your experience with Riparian Buffer Protection Rule?
- Do you have any issues with or feedback on current implementation?
- Do you have any suggestions for changes to reporting requirements?
- 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?

Readoption of Jordan RB Rule – local gov feedback

- Initial meetings with local governments have highlighted need for:
 - Consistency between the RB rules.
 - Requirement for stormwater outlets/conveyances to be in-line with the stream– (we are considering language such as, “Stormwater conveyances through the riparian buffer are either deemed allowable or allowable upon authorization, provided that they do not erode through the riparian buffer and do not cause erosion to the receiving waterbody.”).
 - Mechanism to incentivize use piping or deep pools – level spreaders are not effective
 - Policy documents to provide guidance on how to implement/enforce this RB regulation on single family residential lots (esp. in rural areas).
 - Policy documents or inter-agency support for residential education on riparian buffer importance/maintenance (i.e. communication with DA&CS).
 - Possible separate reporting requirements from residential lots.

Readoption of Jordan RB Rule – more feedback

- Additional feedback on riparian buffers protection rule?

Questions?

Back up slides

Common questions

Making the RB larger for habitat co-benefits:

- Pros: increase habitats for native species and nutrient mitigating potential
- Cons: viewed as a “land grab” by some property owners, difficult to implement inconsistent RB rules, little support to pass in EMC
- Alternative: contacting **NC Wildlife Resources Commission** to discuss NC habitat restoration! There are other important ways to improve conservation and habitat restoration – please don’t end interest in habitats here.
 - [Conservation Programs Link](#). Ex: Cooperative Upland-Habitat Restoration and Enhancement (CURE)

One Change: Stormwater Management in the buffer rules

- ~~Diffuse Flow~~ → **Stormwater Runoff Through Riparian Buffer**
 - Allows for conveyances through the buffer from approved Stormwater Control Measures (SCMs)
 - Also provides options for:
 - Allow new conveyances when nutrient calculations show achievable rule loading goals
 - Allow for new conveyances with minimal flow rates to account for small areas that cannot be reasonably directed to SCMs due to topography
 - Allow for realignment of existing conveyances
 - Allow for new conveyances for bypass of upslope runoff
 - Expanded allowances for linear transportation facilities
 - Provides a process for stormwater runoff control methods that are not specifically listed in the rule to be considered for approval through an “exception” process