



Michael F. Easley
Governor

William G. Ross, Jr., Secretary
Department of Environment and Natural Resources

Coleen, H. Sullins, Director
Division of Water Quality

August 19, 2008
Buffer Interpretation/Clarification #2008-019

MEMORANDUM

RE: The Division of Water Quality's (DWQ's) stance on whether diffuse flow of stormwater through the newly restored buffers on mitigation sites should be a requirement. Diffuse flow is a requirement for buffer restoration or enhancement in the Neuse River Basin Buffer Rule 15A NCAC 02B.0242(9)(d)(iii), the Tar-Pamlico River Basin Buffer Rule 15A NCAC 02B.0260(9)(d)(iii), and the Catawba River Basin Buffer Rule 15A NCAC 02B.0244 (9)(d)(iii).

Diffuse flow is a requirement for all sites in a buffered basin for buffer mitigation and for sites providing nutrient offset credit as well.

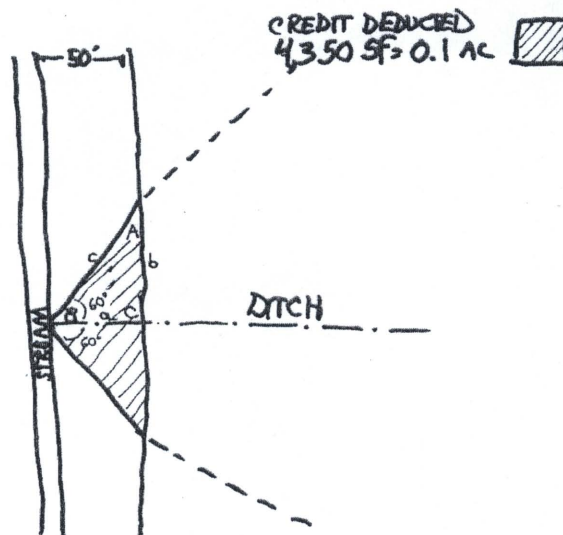
Current Policy: According to the Mitigation rules in the Neuse, Tar-Pamlico and Catawba buffer rules, a grading plan must be provided for buffer mitigation sites. In addition, those rules state that "The site shall be graded in a manner to ensure diffuse flow through the riparian buffer".

Problem: The question has been raised as to whether stormwater carried by lateral ditches that enter buffered streams should provide diffuse flow prior to that stormwater entering the restored buffers.

Solution: The Neuse, Tar-Pamlico and Catawba buffer rules with respect to buffer mitigation sites contain a very clear requirement that states that diffuse flow of stormwater must be maintained through the buffer. Unless otherwise approved by DWQ, all buffer mitigation sites must provide diffuse flow of stormwater from ditches and similar conveyances through the restored buffer.

Where such diffuse flow cannot be attained and where DWQ agrees that such treatment is not possible, deduction of buffer credit will be calculated as follows:

SCENARIO 1



One
North Carolina
Naturally

A, B and C are angles. a, b, and c are distances (lengths)

DWQ believes that using an immediate drainage area extending at a 60-degree angle from the point of discharge to the stream is a reasonable approach to the issue of determining the area which is not draining through the restored buffer. To calculate the area of buffer being "short-circuited" by the ditch, the area of the right triangles shown in the figure above must be determined.

$$a = 50'$$

$$A = 30^\circ$$

$$B = 60^\circ$$

$$b = a \cot A$$

$$b = 50 (1.732)$$

$$b = 86.6' (87')$$

The area to be excluded from credit would be the area of the two right triangles:

$$\text{Area} = (a \times b)/2$$

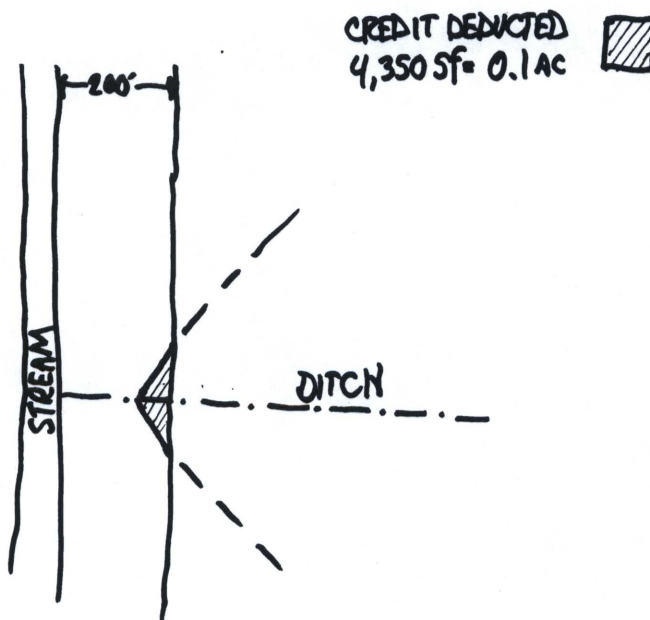
$$\text{Area} = (50 \text{ feet} \times 87 \text{ feet})/2$$

$$\text{Area} = 2,175 \text{ SF}$$

Total deducted area = $2,175 \times 2 = 4,350 \text{ SF}$ or 0.1 acres.

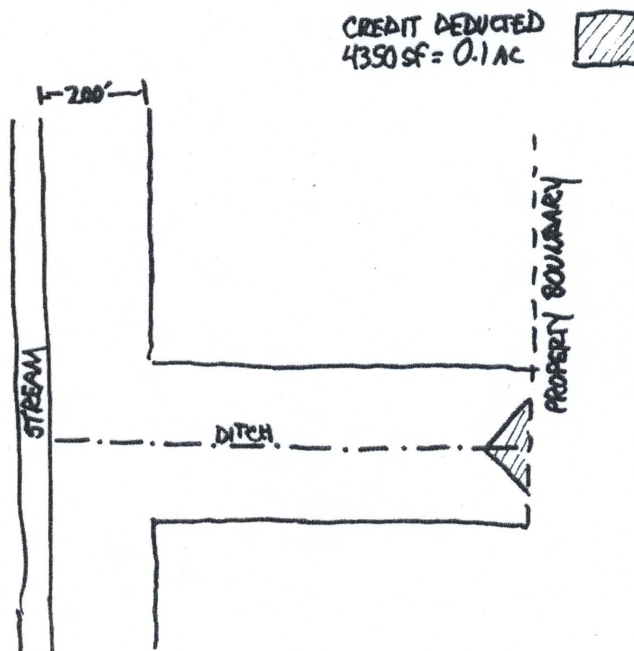
The example shown above assumes a buffer width of 50 feet from the top of bank (riparian buffer mitigation site). For nutrient offset sites, credit can be generated out to 200 feet from the top of bank. The policy applies to sites with larger buffers as follows:

SCENARIO 2



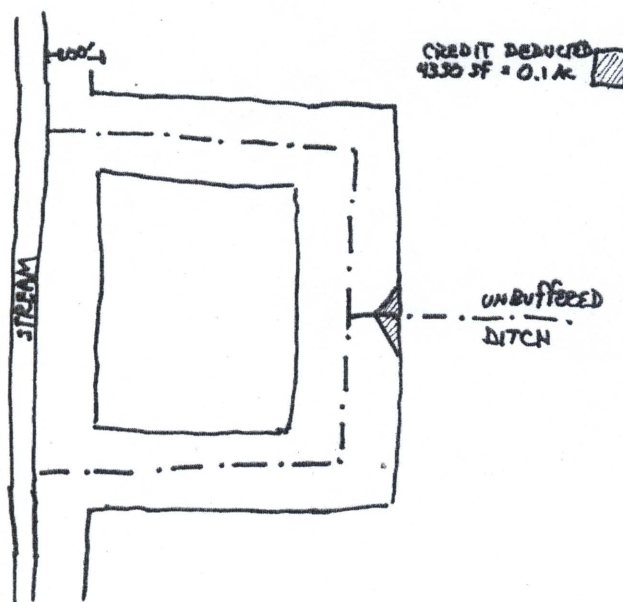
If a ditch leading to a buffered stream is buffered, then no credit is deducted from the stream buffer. If the upstream origin of the ditch is within the buffer, no credit is deducted. If the upstream origin of the ditch is not buffered (e.g. if the ditch begins upstream offsite), the credit deduction is applied to the most upstream portion of the ditch on the property.

SCENARIO 3



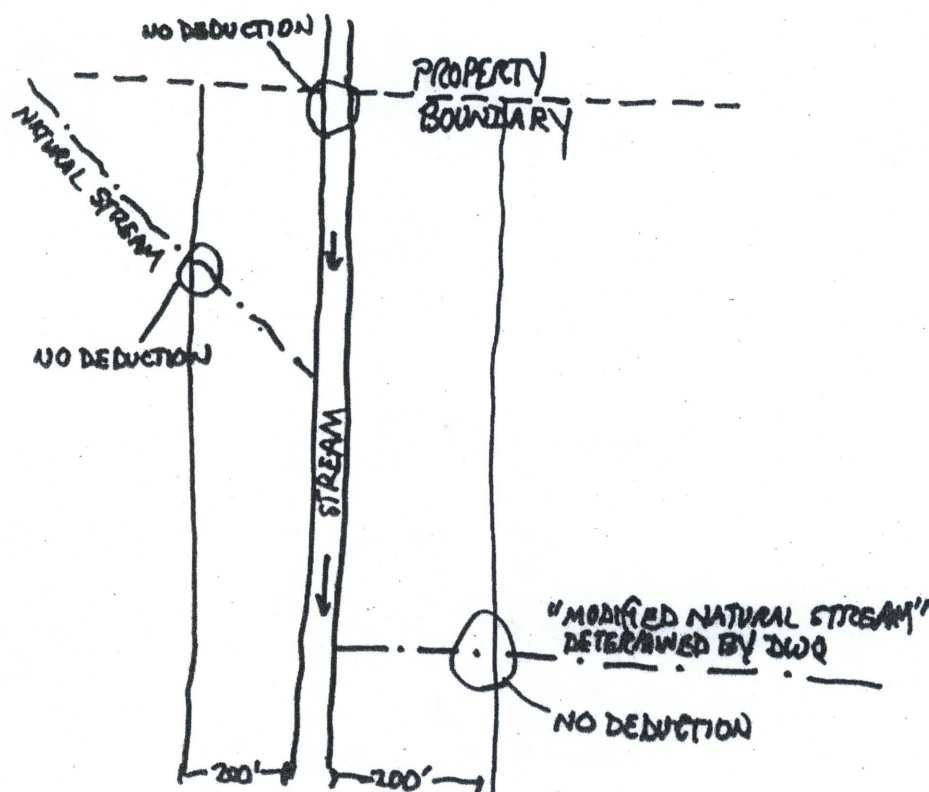
Where a network of interconnecting ditches occurs on a site, and all of the ditches are buffered, the only credit deduction would be at the point where an unbuffered ditch enters the project:

SCENARIO 4



Where a natural stream enters the project site, no deduction of credit will occur. Also, when a natural stream or a modified natural stream flow into a buffered stream, no deduction of credit will occur. The modified natural stream must be subject to the buffer rules, and must be verified to be a modified natural stream (as opposed to a ditch) through an on-site determination by DWQ personnel.

SCENARIO 5



For any additional questions or clarifications on this issue, please contact Eric Kulz or Amy Chapman at (919) 733-1786.

Signature: Max Matthews Date: 8/19/2008

Signature: PLR Date: 8/19/2008