



North Carolina Department of Environment and Natural Resources

Beverly Eaves Perdue
Governor

Division of Water Quality
Coleen H. Sullins
Director

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Secretary

February 3, 2011
Buffer Interpretation/Clarification #2011-001

MEMORANDUM

Background: Currently in the Neuse (15A NCAC 2B. 0233), Tar-Pamlico (15A NCAC 2B. 0259), Randleman Lake (15A NCAC 2B. 0250), Catawba (15A NCAC 2B. 0243), Goose Creek (15A NCAC 2B. 0607)*, and Jordan Lake (15A NCAC 2B. 0267) Buffer Rules, a buffer authorization and mitigation is required for non-electric utility lines other than perpendicular crossings with Zone 1 riparian buffer impacts. Perpendicular crossings are defined by the afore-mentioned buffer rules as crossings between 75 and 105 degrees. There is also not an explicit use in the table to address how vehicles can access the utility lines for maintenance that is required.

Problem: Several questions have arisen as to when notification to the Division of Water Quality (DWQ) is required and when riparian buffer mitigation is required for non-perpendicular, non-electric utility line riparian buffer impacts when a maintenance corridor is not maintained or a pipe is replaced or upsized. Another question was if the vehicular access associated with utility line maintenance was considered a prohibited activity since it is not a use in the table of uses.

Solution: Non-electric utility lines with riparian buffer impacts other than perpendicular crossing scenarios are outlined in the attached table. If a scenario arises that is not specified in the attached table, DWQ shall make a determination of when a non-electric utility line-parallel buffer impact would require mitigation.

In addition, the “utility, non-electric, perpendicular crossings of streams” use has an additional item that potentially allows for impacts to the protected buffers for vehicular access for utility line maintenance.

The attached table outlines the utility uses, whether each use is “exempt”, “allowable”, or “allowable with mitigation” and what current table of uses activity can be used to permit these.

* For the Goose Creek Buffer Rules, riparian buffer mitigation is required for non-perpendicular impacts for non-electric utility lines within fifty (50) feet of the stream.

Signature: Dee Freeman

Date 2/3/11

Signature: Mark White

Date 2/3/2011

Non-electric utility lines - parallel impacts:	Exempt	Allowable	Allowable w/ Mitigation	Area in Table of Use Where this Activity is Authorized
New non-electric utility line impacts other than perpendicular crossings				utility
- In Zone 2		X		
- In Zone 1			X	
Installing an additional non-electric utility line outside of a maintained corridor of an existing utility line easement:		X		utility
- In Zone 2			X	
- In Zone 1			X	
Installing a new non-electric utility line within a pre-established easement that does not currently contain a line:		X		utility
- In Zone 2			X	
- In Zone 1			X	
Installing a non-electric utility line within a pre-established maintained corridor (no new buffer impacts)	X			existing use
Maintaining/mowing an existing non-electric utility line maintenance corridor per buffer authorization	X			existing use
Maintaining/mowing an existing non-electric utility line maintenance corridor with:				
- an existing maintenance corridor footprint (maintenance has occurred within last 10 years)	X			existing use
- no maintenance corridor footprint (no maintenance has occurred within 10 years)		X		protection of existing structures
Replacing an existing non-electric utility line within the footprint of the existing maintenance corridor with:				
- a line the same size or larger and within an existing maintenance corridor footprint (no new buffer impacts)	X			existing use
- a line the same size or larger and within an unmaintained easement (>10 years)		X		protection of existing structures
Replacing an existing non-electric utility line outside of the footprint of the existing maintenance corridor:				utility
- In Zone 2 (buffer impacts outside of existing corridor)		X		
- In Zone 1 (buffer impacts outside of existing corridor)			X	
Non-electric utility lines - perpendicular impacts				
Perpendicular impacts for vehicular access for maintenance of utility lines (if fill occurs in stream then must apply for appropriate 404/401)		X		protection of existing structures