



Jordan TAG#2: Riparian Buffers

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NC Division of Water Resources

Thank you

Thank you for joining the second Technical Advisory Group for the Jordan Riparian Buffer Protection Rule Readoption.

Introduce

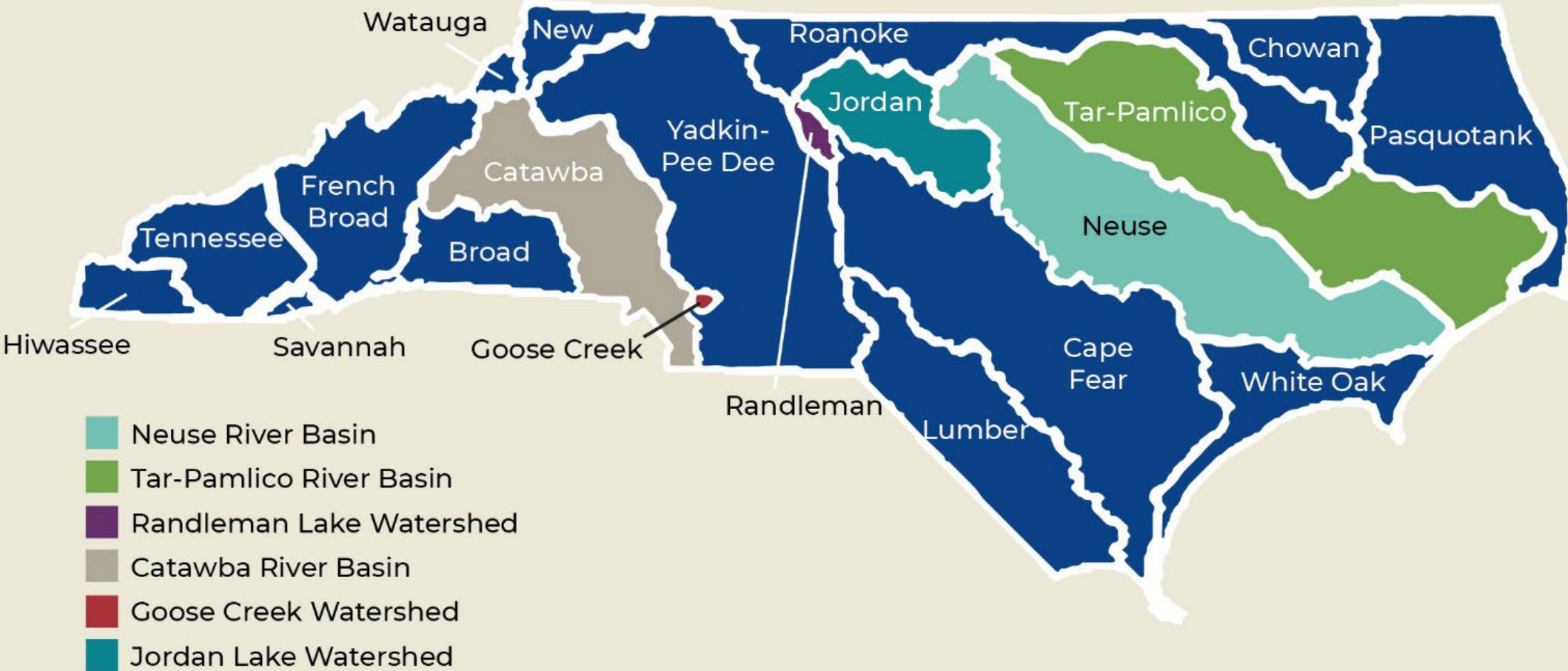
Please introduce yourself – name and affiliation.

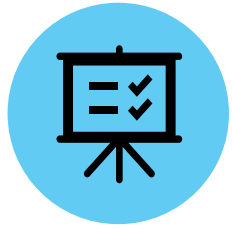
Open

Open the documents emailed. We will be primarily answering questions today after an overview of planned rule changes.

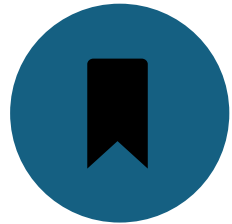


Riparian Buffer Protection Programs





Purpose of today's Jordan Riparian Buffer Protection TAG #2: to answer questions and get feedback from stakeholders on draft rule language for the Riparian Buffer Protection regulation for the **Jordan Lake Nutrient Strategy, Rule Readoption.**



Previous TAGs: TAG #1 was March 2024

Next TAGs: TAG #3 will be late January 2025 - review remaining questions on new draft rule language and potential plans for supporting policy documents and land-owner engagement.

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**‘Informal’
Stakeholder
Engagement**

2024-2025

- DWR stakeholder engagement.
- DWR rule drafts and internal review.
- Stakeholder groups review rule language.

**WQC
Approval to Proceed
(expected multiple reviews)**

2025

- April - DWR drafts fiscal analysis
- June or July – OSBM fiscal submission
- **July or Sept WQC:** Action item
 - Provide approved fiscal analysis
 - Request to proceed w/rules
- **Nov WQC 2025 or Jan 2026:** 2nd attempt if needed
(filing dates = 1 mo prior to meetings)

**“Formal” Rulemaking
(steps can require > 1 pass)**

2026-2027

- EMC approval to proceed
- 60-day public comment period
- Hearing Officers deliberate
- Develop Hearing Officers report
- EMC adopts rules
- Rules Review Commission approves

What's NOT changing?

- The Jordan Buffer Rule has retained its original scope, purpose, and applicability
 - No changes to who/what is subject to the rules
- Retained all exemptions and existing uses
- No changes to what features are subject to the buffer rules
- No changes to the width or definition of Zone 1 or Zone 2
- Retained the Table of Uses to identify specific activities within the buffers
- No changes to local government designation authority

What is changing

General changes

- References to new sections of buffer rules that are consistent between all buffer rules:
 - Definitions
 - Forestry Harvesting
 - Authorization/Approval Process
- Incorporation of previous buffer clarification memos
- Incorporation of legislation enacted since last adoption

- Clarification and simplification of language and structure to improve implementation and to provide consistency between buffer rules whenever possible.

What is changing

General changes

- Table of Uses Definitions
- Exempt / Allowable / Allowable with Mitigation now are Deemed Allowable / Allowable Upon Authorization / Allowable upon Authorization with Mitigation / Prohibited
- Allowable with Exception similar to current variance process but approved at the Division or Local Government level, no longer need EMC/WQC approval
 - specifies that they always require mitigation
 - major exceptions require public notice by DWR
- Variances (through EMC/WQC) are only for prohibited activities

What is changing

Table of Uses Items

- Removal of all footnotes, specific criteria now incorporated into each category within the table for ease of use
- Increased allowances for many categories: airport facilities, greenways/hiking trails/sidewalks/access trails, fences,
- Combined road, driveway and railroad impacts into one category and simplified to acreage thresholds versus linear feet
- Added exemption for farm roads as defined in Clean Water Act for consistency
- Expanded allowances for SCMs in buffer
- Significant changes to Utility Lines categories
 - Increased width of vegetation maintenance corridors
 - Separated out sewer lines from all other underground utility lines (non-sewer)
 - Increased allowances for maintenance, repair, emergency response, stream stabilization
 - Separated categories for vegetation maintenance, rehab/replacement/new lines
 - Provided allowance for connection to existing lines

What is changing

Diffuse Flow

- Changed to “stormwater runoff through riparian buffer”
- Changed diffuse to “dispersed” as defined in 15A NCAC 02H .1002 for consistency with new stormwater rules
- Conveyances from approved Primary SCMs are deemed allowable (no separate buffer authorization necessary)
- Allowable upon authorization expanded substantially:
 - Allow for new conveyances when flow rate is small to account for small areas which cannot be directed to SCMs
 - Allow for realignment of existing conveyances
 - Expanded allowances for public linear transportation facilities
- Any stormwater management method not specified in rule can be approved through the exception process (no longer require variances)

Questions



Next TAG: Review policy documents to support rule changes

Date: late January 2025

To Do: Please email any additional comments by January 7, 2025

Thank you!

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