

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 1241

Short Title: Protect/Restore Riparian Buffers.

(Public)

---

Sponsors: Representative Creech.

---

Referred to: Environment and Natural Resources.

---

April 15, 1999

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE FOR THE PROTECTION AND RESTORATION OF  
2 VEGETATED RIPARIAN BUFFERS IN ORDER TO PREVENT THE  
3 POLLUTION OF SURFACE WATERS.  
4

5 The General Assembly of North Carolina enacts:

6 Section 1. Part 1 of Article 21 of Chapter 143 of the General Statutes is  
7 amended by adding a new section to read:

8 "**§ 143-214.20. Protection and restoration of vegetated riparian buffers.**

9 (a) Policy; Purpose and Intent. – Protection and restoration of vegetated riparian  
10 buffers along surface waters will prevent and reduce pollution of those waters. Vegetated  
11 riparian buffers remove sediment, nutrients, and other pollutants before those pollutants  
12 enter and impact surface waters. It is the purpose and intent of this section to provide for  
13 the protection of vegetated riparian buffers along all surface waters of the State and to  
14 provide for the restoration of vegetated riparian buffers along surface waters where  
15 buffers do not currently exist.

16 (b) Protection of Riparian Buffers. – The Commission shall adopt rules to provide  
17 for the protection of riparian buffers along all surface waters of the State, including  
18 intermittent streams, perennial streams, lakes, ponds, and estuaries. These rules shall be  
19 consistent with any rules adopted by the Commission that apply to riparian buffers along  
20 the Neuse River. The Commission shall adopt temporary rules for the protection of

1 vegetated riparian buffers along all surface waters in watersheds designated as nutrient  
2 sensitive waters (NSW) under rules adopted by the Commission.

3 (c) Restoration of Riparian Buffers. – The Commission shall examine  
4 opportunities to restore vegetated riparian buffers in watersheds through the development  
5 and implementation of basinwide water quality management plans as provided in G.S.  
6 143-215.8B(b)(3).

7 (d) Reporting Requirement. – The Commission shall report no later than  
8 November 1 of each year to the Environmental Review Commission regarding  
9 implementation of this section. The report shall document the status of the statewide  
10 protection of vegetated riparian buffers along surface waters and the status of vegetated  
11 riparian buffer restoration in each of the seventeen major river basins."

12 Section 2. G.S. 143-215.8B(b) is amended by adding a new subdivision to  
13 read:

14 "(3) Examine opportunities to restore vegetated riparian buffers in  
15 watersheds, identify surface waters that lack vegetated riparian buffers,  
16 establish priorities regarding vegetated riparian buffer restoration along  
17 surface waters, and identify sources of funds for buffer restoration. In  
18 carrying out the requirements of this subdivision, the Commission shall  
19 coordinate its efforts with the Wetlands Restoration Program under G.S.  
20 143-214.8 through G.S. 143-214.13."

21 Section 3. When referring to rules adopted by the Environmental Management  
22 Commission that apply to riparian buffers along the Neuse River, G.S. 143-214.20(b), as  
23 enacted by Section 1 of this act, means temporary rule 15A NCAC 2B.0233, as defined in  
24 Section 1.1 of S.L. 1998-221, as revised pursuant Section 1.8 of S.L. 1998-221 and  
25 adopted by October 1, 1999.

26 Section 4. This act becomes effective October 1, 1999.