

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 1028

Short Title: Protect/Restore Riparian Buffers.

(Public)

Sponsors: Senator Clodfelter.

Referred to: Agriculture/Environment/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.
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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 17 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.