

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE DRH70036-LH-1 (08/18)

Short Title: Delineate Coastal Wetlands Riparian Buffers.

(Public)

Sponsors: Representative Daughtry.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT REGARDING THE DELINEATION OF PROTECTIVE RIPARIAN BUFFERS
3 FOR COASTAL WETLANDS IN THE NEUSE RIVER AND TAR-PAMLICO RIVER
4 BASINS.

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 "**§ 143-214.19. Delineation of protective riparian buffers for coastal wetlands in the Neuse**
9 **River and Tar-Pamlico River Basins.**

10 (a) The following definitions apply in this section:

11 (1) Coastal wetlands. – Any salt marsh or other marsh subject to regular or
12 occasional flooding by tides, including wind tides (whether or not the tide
13 waters reach the marshland areas through natural or artificial watercourses),
14 provided this shall not include hurricane or tropical storm tides.

15 (2) Marshlands. – The term has the same meaning as G.S. 113-229(n).

16 (b) If State law requires a protective riparian buffer for coastal wetlands in either the
17 Neuse River Basin or the Tar-Pamlico River Basin, the coastal wetlands and marshlands shall
18 not be treated as part of the surface waters but instead shall be included in the measurement of
19 the protective riparian buffer. The protective riparian buffer for any of the coastal wetlands or
20 marshlands in the Neuse River Basin or the Tar-Pamlico River Basin shall be delineated as
21 follows:

22 (1) If the coastal wetlands or marshlands extend less than 50 feet from the high
23 normal water level or normal water level, as appropriate, and therefore
24 would not encompass a 50-foot area beyond the appropriate water level, then
25 the protective riparian buffer shall include all of the coastal wetlands and
26 marshlands and enough of the upland footage to equal a total of 50 feet from
27 the appropriate normal high water level or the normal water level measured
28 horizontally on a line perpendicular to the surface water."

29 (2) If the coastal wetlands or marshlands extend 50 feet or more from the
30 normal high water level or normal water level, as appropriate, then the
31 protective riparian buffer shall be the full width of the marshlands or coastal
32 wetlands up to the landward limit of the marshlands or coastal wetlands but
33 shall not extend beyond the landward limit of the marshlands or coastal
34 wetlands."

35 **SECTION 2.** This act becomes effective October 1, 2011.

