

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H.B. 632
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30290-MH-127

Short Title: Waterway Protection Act. (Public)

Sponsors: Representative von Haefen.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROTECT THE STATE'S WATERWAYS AND CITIZENS BY
3 STRENGTHENING BUFFER REQUIREMENTS, BY RESTORING LOCAL
4 AUTONOMY IN THE SETTING OF RIPARIAN BUFFERS, AND BY REQUIRING
5 MITIGATION FOR DESTRUCTION OF INTERMITTENT STREAMS.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.(a)** Definitions. – "Protection of Existing Buffers Rules" means all of
8 the following rules for purposes of this section and its implementation:

- 9 (1) Neuse River Basin: Nutrient Sensitive Waters Management Strategy:
10 Protection and Maintenance of Existing Riparian Buffers (15A NCAC 02B
11 .0714 – .0715 and 15A NCAC 02B .0610 – .0612).
- 12 (2) Tar-Pamlico River Basin: Nutrient Sensitive Waters Management Strategy:
13 Protection and Maintenance of Existing Riparian Buffers (15A NCAC 02B
14 .0734 – .0735 and 15A NCAC 02B .0610 – .0612).
- 15 (3) Randleman Lake Water Supply Watershed: Protection and Maintenance of
16 Existing Riparian Buffers (15A NCAC 02B .0721, 15A NCAC 02B .0724,
17 and 15A NCAC 02B .0610 – .0612).
- 18 (4) Jordan Water Supply Nutrient Strategy: Protection of Existing Riparian
19 Buffers (15A NCAC 02B .0267).
- 20 (5) Goose Creek Watershed Water Quality Management Plan (15A NCAC 02B
21 .0605, 15A NCAC 02B .0606, 15A NCAC 02B .0607, and 15A NCAC 02B
22 .0608).
- 23 (6) Mitigation Program Requirements for Protection and Maintenance of Riparian
24 Buffers (15A NCAC 02B .0295).
- 25 (7) Catawba River Basin: Protection and Maintenance of Existing Riparian
26 Buffers (15A NCAC 02B .0614 and 15A NCAC 02B .0610 – .0612).

27 **SECTION 1.(b)** Protection of Existing Buffers Rules. – Until the effective date of
28 the revised permanent rules that the Environmental Management Commission is required to
29 adopt pursuant to subsection (d) of this section, the Commission and the Department of
30 Environmental Quality shall implement the Protection of Existing Buffers Rules, as provided in
31 subsection (c) of this section.

32 **SECTION 1.(c)** Implementation. – The Commission shall provide for a minimum
33 riparian buffer of 100 feet unless the Commission specifically finds, based on findings of fact
34 specific to the river basin or stream segment, that a 100-foot riparian buffer would provide no
35 additional water quality, flood prevention, or flood mitigation benefits over the buffers currently
36 in the Protection of Existing Buffers Rules.



1 **SECTION 1.(d)** Additional Rulemaking Authority. – The Commission shall adopt
2 rules to amend the Protection of Existing Buffers Rules consistent with subsection (c) of this
3 section. Notwithstanding G.S. 150B-19(4), the rules adopted by the Commission, pursuant to this
4 section, shall be substantively identical to the provisions of subsection (c) of this section. Rules
5 adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the
6 General Statutes. Rules adopted pursuant to this section shall become effective as provided in
7 G.S. 150B-21.3(b1) as though 10 or more written objections had been received as provided by
8 G.S. 150B-21.3(b2).

9 **SECTION 1.(e)** Sunset. – This section expires when permanent rules adopted as
10 required by subsection (d) of this section become effective.

11 **SECTION 2.** G.S. 143-214.23A is repealed.

12 **SECTION 3.** G.S. 143-214.7C(a)(1) is repealed.

13 **SECTION 4.** This act is effective when it becomes law.