

<b>Topic:</b>	State Land Use Law; Wetlands & Watercourse Protection; Buffer Zones Regulations
<b>Resource Type:</b>	
<b>State:</b>	North Carolina
<b>Jurisdiction Type:</b>	State
<b>Municipality:</b>	N/A
<b>Year (adopted, written, etc.):</b>	2004
<b>Community Type - applicable to:</b>	Urban; Suburban; Rural
<b>Title:</b>	State of North Carolina Watercourse Protection Ordinance
<b>Document Last Updated in Database:</b>	May 7, 2017

### ***Abstract***

Watercourse protection in North Carolina falls primarily to the North Carolina Department of Environment and Natural Resources (DENR), although local governments may apply for a limited role. DENR is responsible for promulgating rules for riparian buffer protection to safeguard watercourses. Under § 143-214.23, a local government may request that DENR delegate responsibility for implementing any riparian buffer protection programs the Department may implement.

Additionally, DENR administers the Natural and Scenic Rivers Act of 1971, located in Article 3 of Chapter 113A. Local governments do not appear to have any authority in connection with this act.

### ***Resource***

§ 143-214.23. Riparian Buffer Protection Program: Delegation of riparian buffer protection requirements to local governments

(a) The Commission may delegate responsibility for the implementation and enforcement of the State's riparian buffer protection requirements to units of local government that have the power to regulate land use. A delegation under this section shall not affect the jurisdiction of the Commission over State agencies and units of local government. Any unit of local government that has the power to regulate land use may request that responsibility for the implementation and enforcement of the State's riparian buffer protection requirements be delegated to the unit of local government. To this end, units of local government may adopt ordinances and regulations necessary to establish and enforce the State's riparian buffer protection requirements.

(b) Within 90 days after the Commission receives a complete application requesting delegation of responsibility for the implementation and enforcement of the State's riparian

buffer protection requirement, the Commission shall review the application and notify the unit of local government that submitted the application whether the application has been approved, approved with modifications, or disapproved. The Commission shall not approve a delegation unless the Commission finds that local implementation and enforcement of the State's riparian buffer protection requirements will equal implementation and enforcement by the State.

(c) If the Commission determines that a unit of local government is failing to implement or enforce the State's riparian buffer protection requirements, the Commission shall notify the unit of local government in writing and shall specify the deficiencies in implementation and enforcement. If the local government has not corrected the deficiencies within 90 days after the unit of local government receives the notification, the Commission shall rescind delegation and shall implement and enforce the State's riparian buffer protection program. If the unit of local government indicates that it is willing and able to resume implementation and enforcement of the State's riparian buffer protection requirements, the unit of local government may reapply for delegation under this section.

(d) The Department shall provide technical assistance to units of local government in the development, implementation, and enforcement of the State's riparian buffer protection requirements.

(e) The Department shall provide a stream identification training program to train individuals to determine the existence of surface water for purposes of rules adopted by the Commission for the protection and maintenance of riparian buffers. The Department may charge a fee to cover the full cost of the training program. No fee shall be charged to an employee of the State who attends the training program in connection with the employee's official duties.

(f) The Commission may adopt rules to implement this section.