

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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SENATE BILL 130

Short Title: Delineate Coastal Wetlands Riparian Buffers. (Public)

Sponsors: Senators Cook (Primary Sponsor); and Sanderson.

Referred to: Rules and Operations of the Senate.

March 2, 2015

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
13 tidewaters reach the marshland areas through natural or artificial
14 watercourses), provided this shall not include hurricane or tropical storm
15 tides.

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

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

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

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

36 SECTION 2. This act becomes effective October 1, 2015.

