

## Goose Creek Table of Buffer Uses and Designations

(copied from 15A NCAC 02B .0607 on July 28, 2022)

The potential new uses described in the table below shall have the following designation requirements:

**Deemed Allowable:** These uses may occur within the riparian buffer, but must be designed, constructed, and maintained to minimize vegetation and soil disturbance and to provide the maximum water quality protection practicable, including construction, monitoring, and maintenance activities.

**Allowable Upon Authorization:** These uses require a written Authorization Certificate from the Storm Water Administrator for impacts within the riparian buffer before the use can proceed.

**Allowable With Mitigation Upon Authorization:** These uses require a written Authorization Certificate from the Storm Water Administrator for impacts within the riparian buffer that includes an appropriate mitigation strategy before the use can proceed.

**Prohibited:** These uses may not proceed within the riparian buffer unless a Variance is granted by the Charlotte-Mecklenburg Storm Water Advisory Committee (SWAC). Mitigation may be required as a condition of Variance approval.

Use Description	Deemed Allowable	Allowable Upon Authorization	Allowable with Mitigation Upon Authorization	Prohibited
(A) Airport facilities: (i) Vegetation removal activities necessary to comply with Federal Aviation Administration requirements (e.g., line of sight requirements) provided the disturbed areas are stabilized and revegetated (ii) Airport facilities that impact equal to or less than one-third of an acre of riparian buffer (iii) Airport facilities that impact greater than one-third of an acre of riparian buffer	X	X	X	
(B) Archaeological activities	X			
(C) Bridges: (i) Impact equal to or less than one-tenth of an acre of riparian buffer (ii) Impact greater than one-tenth of an acre of riparian buffer	X	X		
(D) Dam maintenance activities: (i) Dam maintenance activities that do not cause additional riparian buffer disturbance beyond the footprint of the existing dam (ii) Dam maintenance activities that do cause additional riparian buffer disturbance beyond the footprint of the existing dam	X	X		
(E) Drainage of a pond subject to Paragraph (c) of this Rule provided that a new riparian buffer is established by natural regeneration or planting, within 50 feet of any stream which naturally forms or is constructed within the drained pond area. Drained ponds shall be allowed to naturalize for a minimum of six months from completion of the draining activity before a stream determination is conducted pursuant to Paragraph (d) of this Rule	X			
(F) Fences: (i) Fencing livestock out of surface waters (ii) Installation does not result in removal of trees (iii) Installation results in removal of trees	X X	X		
(G) Fertilizer application:				

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(i) One-time fertilizer application at agronomic rates in the riparian buffer to establish replanted vegetation. No runoff from this one-time application in the riparian buffer is allowed in the surface water (ii) Ongoing fertilizer application	X			X
(H) Forest harvesting - see Rule .0608 of this Section				
(I) Greenways, trails, sidewalks or linear pedestrian/bicycle transportation systems: (i) In outer riparian buffer (landward of 50 feet) provided that no built upon area is added within the riparian buffer (ii) In the inner riparian buffer provided that no built upon area is added within the riparian buffer and the installation does not result in the removal of tree(s) (iii) When built upon area is added to the riparian buffer, equal to or less than 10 feet wide with two-foot-wide shoulders. Shall be located landward of 50 feet unless there is no practical alternative (iv) When built upon area is added to the riparian buffer, greater than 10 feet wide with two-foot-wide shoulders. Shall be located landward of 50 feet unless there is no practical alternative	X  X	X	X	
(J) Historic Preservation	X			
(K) New Landfills as defined by G.S. 130A-290				X
(L) Maintenance access on modified natural streams or canals: a grassed travel way on one side of the waterbody when less impacting alternatives are not practical. The width and specifications of the travel way shall be only that needed for equipment access and operation. The travel way shall be located to maximize stream shading		X		
(M) Mining activities: (i) Mining activities that are covered by the Mining Act provided that new riparian buffers that meet the requirements of Paragraph (h) of this Rule and Rule .0605 of this Section are established adjacent to any relocated channels (ii) Wastewater or mining dewatering wells with approved NPDES permit		X	X	
(N) On-site sanitary sewage systems - new ones that use ground absorption				X
(O) Pedestrian access trail and associated steps leading to a surface water, dock, canoe or kayak access, fishing pier, boat ramp or other water dependent structure: (i) Equal to or less than six feet wide that does not result in the removal of any tree(s) within	X			

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<p>the riparian buffer and does not result in the addition of built upon area to the riparian buffer</p> <p>(ii) Equal to or less than six feet wide that results in the removal of tree(s) or the addition of built upon area to the riparian buffer</p> <p>(iii) Greater than six feet wide</p>		X	X	
<p>(P) Playground equipment:</p> <p>(i) Playground equipment on single-family lots provided that installation and use does not result in removal of vegetation</p> <p>(ii) Playground equipment on single-family lots where installation or use results in the removal of vegetation</p> <p>(iii) Playground equipment installed on lands other than single-family lots</p>	X	X		
<p>(Q) Ponds created or modified by impounding streams subject to riparian buffers pursuant to Paragraph (c) of this Rule and not used as stormwater control measures (SCMs):</p> <p>(i) New ponds provided that a riparian buffer that meets the requirements of Paragraph (h) of this Rule and Rule .0605 of this Section is established adjacent to the pond</p>		X		
<p>(R) Protection of existing structures and facilities when this requires additional disturbance to the riparian buffer</p>		X		
<p>(S) Public Safety - publicly owned spaces where it has been determined by the head of the local law enforcement agency with jurisdiction over that area that the riparian buffers pose a risk to public safety. The head of the local law enforcement agency shall notify the local government with land use jurisdiction over the publicly owned space and the Division of Water Resources of any such determination in writing</p>	X			
<p>(T) Removal of previous fill or debris provided that Paragraph (h) of this Rule is complied with and any vegetation removed is restored</p>	X			
<p>(U) Restoration or enhancement (wetland, stream) as defined in 33 CFR Part 332 available free of charge on the internet at: <a href="http://water.epa.gov/lawsregs/guidance/wetlands/mitigation_index.cfm">http://water.epa.gov/lawsregs/guidance/wetlands/mitigation_index.cfm</a></p> <p>(i) Wetland or stream restoration that is part of a compensatory mitigation bank, nutrient offset bank, or the In Lieu Fee program</p> <p>(ii) Wetland or stream restoration other than those listed above</p>	X	X		
<p>(V) Road, driveway or railroad - impacts other than perpendicular crossings of streams and other surface waters subject to this Rule</p>			X	

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<p>(W) Road, driveway or railroad - perpendicular crossings of streams and other surface waters subject to this Rule:</p> <ul style="list-style-type: none"> <li>(i) Impact equal to or less than one-tenth of an acre of riparian buffer</li> <li>(ii) Impact greater than one-tenth of an acre but equal to or less than one-third of an acre of riparian buffer</li> <li>(iii) Impact greater than one-third of an acre of riparian buffer</li> <li>(iv) Driveway crossings in a residential subdivision that cumulatively impact equal to or less than one-third of an acre of riparian buffer</li> <li>(v) Driveway crossings in a residential subdivision that cumulatively impact greater than one-third of an acre of riparian buffer</li> <li>(vi) Farm roads and forest roads that are exempt from permitting from the U.S. Army Corps of Engineers per Section 404(f) of the Federal Clean Water Act</li> </ul>	<p style="text-align: center;">X</p>	<p style="text-align: center;">X</p>	<p style="text-align: center;">X</p>	
<p>(X) Road relocation of existing private access roads associated with public road projects where necessary for public safety:</p> <ul style="list-style-type: none"> <li>(i) Less than or equal to 2,500 square feet of riparian buffer impact</li> <li>(ii) Greater than 2,500 square feet of riparian buffer impact</li> </ul>		<p style="text-align: center;">X</p>	<p style="text-align: center;">X</p>	
<p>(Y) Scientific studies and stream gauging</p>	<p style="text-align: center;">X</p>			
<p>(Z) Slatted uncovered decks, including steps and support posts, which are associated with a dwelling, provided that it meets the requirements of Paragraph (h) of this Rule and Rule .0605 of this Section and installation does not result in removal of vegetation</p>		<p style="text-align: center;">X</p>		
<p>(AA) Stormwater Control Measure (SCM) as defined in 15A NCAC 02H .1002:</p> <ul style="list-style-type: none"> <li>(i) In the outer riparian buffer (landward of 50 feet) if Paragraph (h) of this Rule is complied with</li> <li>(ii) In the outer riparian buffer (landward of 50 feet) if Paragraph (h) of this Rule is not complied with</li> </ul>		<p style="text-align: center;">X</p>	<p style="text-align: center;">X</p>	
<p>(BB) Streambank or shoreline stabilization</p>		<p style="text-align: center;">X</p>		
<p>(CC) Temporary roads, provided that the disturbed area is restored to pre-construction topographic and hydrologic conditions and replanted with comparable vegetation within two months of when construction is complete. Tree planting may occur during the dormant season. At the end of five years, any restored wooded riparian buffer</p>				

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shall comply with the restoration criteria in Rule .0295(i) of this Subchapter: (i) Less than or equal to 2,500 square feet of riparian buffer disturbance (ii) Greater than 2,500 square feet of riparian buffer disturbance (iii) Associated with culvert installation or bridge construction or replacement	X	X  X		
(DD) Temporary sediment and erosion control devices provided that the disturbed area is restored to preconstruction topographic and hydrologic conditions and replanted with comparable vegetation within two months of when construction is complete. Tree planting may occur during the dormant season. At the end of five years, any restored wooded riparian buffer shall comply with the restoration criteria in Rule .0295(i) of this Subchapter: (i) In the outer riparian buffer (landward of 50 feet) provided that ground cover is established within the timeframes required by the Sedimentation and Erosion Control Act, vegetation in the inner riparian buffer is not compromised, and that discharge is released in accordance with Paragraph (h) of this Rule (ii) In the inner and outer riparian buffer to control impacts associated with uses identified in this Table or uses that have received an Authorization Certificate with Exception provided that sediment and erosion control for upland areas is addressed outside the riparian buffer (iii) In-stream temporary erosion and sediment control measures for work within a stream channel that is authorized under Sections 401 and 404 of the Federal Clean Water Act	X          X	X		
(EE) Utility Lines - Streambank stabilization for the protection of publicly owned utility lines (not including new line installation): (i) Less than 150 feet of streambank disturbance (ii) Greater than 150 feet of streambank disturbance	X	X		
(FF) Utility Lines - Sewer Lines - Sanitary Sewer Overflows: (i) Emergency sanitary sewer overflow response activities, provided that the disturbed area within the riparian buffer outside of the existing utility line maintenance corridor: is the minimum necessary to respond to the emergency overflow, is restored to pre-construction topographic and hydrologic conditions, and is replanted with comparable vegetation (e.g., grass with grass, hardwoods	X			

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<p>with hardwoods) within two months of when disturbance is complete</p> <p>(ii) Emergency sanitary sewer overflow response activities that do not meet the listing above. For any new proposed permanent impacts are not a "Deemed Allowable Activity", an application for an Authorization Certificate shall be submitted to the Authority no later than 30 calendar days of conclusion of the emergency response activities</p>		X		
<p>(GG) Utility - Sewer Lines – Vegetation maintenance activities that remove forest vegetation from existing sewer utility right of ways (not including new line installation) outside of the existing utility line maintenance corridor:</p> <p>(i) Impacts outside of the inner 50 feet nearest the stream</p> <p>(ii) Impacts in the inner 50 feet nearest the stream: For lines that have not been maintained, the vegetation can be mowed, cut or otherwise maintained without disturbance to the soil structure for a maintenance corridor that is equal to or less than 30 feet wide</p> <p>(iii) Impacts in the inner 50 feet nearest the stream other than those listed above</p>	X		X	
<p>(HH) Utility – Sewer Lines - Replacement/ Rehabilitation of existing sewer lines within, or adjacent to, an existing right of way but outside of an existing utility line maintenance corridor provided that comparable vegetation (e.g., grass with grass, hardwoods with hardwoods) is allowed to regenerate in disturbed riparian buffers outside of the permanent maintenance corridor and riparian buffers outside of the permanent maintenance corridor are not maintained:</p> <p>(i) Permanent maintenance corridor equal to or less than 30 feet wide provided there is no grading and/or grubbing within 10 feet of the top of bank when the sewer line is parallel to the stream</p> <p>(ii) Grading and/or grubbing within 10 feet of the top of bank when the sewer line is parallel to the stream and permanent maintenance corridor equal to or less than 30 feet wide</p> <p>(iii) Permanent maintenance corridor greater than 30 feet wide. For impacts other than perpendicular crossings, mitigation is only required for impacts in the inner 50 feet nearest the stream. For perpendicular crossings that disturb equal to or less than 40 linear feet, no mitigation is required. For perpendicular crossings that disturb greater</p>	X	X	X	

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<p>than 40 linear feet, mitigation is only required for impacts in the inner 50 feet nearest the stream</p>				
<p>(II) Utility - Sewer Lines – New Line Construction/Installation Activities – Perpendicular crossings of streams and other surface waters subject to this Rule or perpendicular entry into the riparian buffer that does not cross a stream or other surface water subject to this Rule provided that vegetation is allowed to regenerate in disturbed areas outside of the permanent maintenance corridor:</p> <p>(i) Construction corridor of less than or equal to 40 linear feet wide and a permanent maintenance corridor that is equal to or less than 30 feet wide</p> <p>(ii) Construction corridor of greater than 40 linear feet wide and less than or equal to 150 linear feet wide and a permanent maintenance corridor that is equal to or less than 30 feet wide</p> <p>(iii) Construction corridor of greater than 150 linear feet wide and a permanent maintenance corridor that is equal to or less than 30 feet wide</p> <p>(iv) Permanent maintenance corridor that is greater than 30 linear feet wide. For impacts other than perpendicular crossings, mitigation is only required for impacts in the inner 50 feet nearest the stream. For perpendicular crossings that disturb equal to or less than 40 linear feet, no mitigation is required. For perpendicular crossings that disturb greater than 40 linear feet, mitigation is only required for impacts in the inner 50 feet nearest the stream</p>	<p>X</p>	<p>X</p>	<p>X</p> <p>X</p>	
<p>(JJ) Utility - Sewer Lines – New Line Construction/Installation Activities – Impacts other than perpendicular crossings provided that vegetation is allowed to regenerate in disturbed areas outside of the permanent maintenance corridor:</p> <p>(i) Impacts outside of the inner 50 feet nearest the stream</p> <p>(ii) Less than 2,500 square feet of impacts in the inner 50 feet nearest the stream when impacts are solely the result of tying into an existing utility line and when grubbing or grading within 10 feet immediately adjacent to the surface water is avoided</p> <p>(iii) Impacts to the inner 50 feet nearest the stream other than noted above</p>	<p>X</p>	<p>X</p>	<p>X</p>	
<p>(KK) Utilities – Non-Sewer Underground Lines. Vegetation maintenance activities that remove</p>				

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<p>forest vegetation from existing utility right of ways (not including new line installation) outside of the existing utility line maintenance corridor:</p> <p>(i) Impacts outside of the inner 50 feet nearest the stream</p> <p>(ii) Impacts in the inner 50 feet nearest the stream: For lines that have not been maintained, the vegetation can be mowed, cut or otherwise maintained without disturbance to the soil structure for a maintenance corridor that is equal to or less than 30 feet wide</p> <p>(iii) Impacts in the inner 50 feet nearest the stream other than those listed above</p>	<p>X</p> <p>X</p>	<p>X</p>		
<p>(LL) Utilities – Non-Sewer Underground Lines. Perpendicular crossings of streams and other surface waters subject to this Rule or perpendicular entry into the riparian buffer that does not cross a stream or other surface water subject to this Rule provided that vegetation is allowed to regenerate in disturbed areas outside of the permanent maintenance corridor:</p> <p>(i) Construction corridor of less than or equal to 50 linear feet wide and a permanent maintenance corridor that is equal to or less than 30 feet wide</p> <p>(ii) Construction corridor of greater than 40 linear feet wide and less than or equal to 150 linear feet wide and a permanent maintenance corridor that is equal to or less than 30 feet wide</p> <p>(iii) Construction corridor of greater than 150 linear feet wide and a permanent maintenance corridor that is equal to or less than 30 feet wide</p> <p>(iv) Permanent maintenance corridor that is greater than 30 linear feet wide (mitigation is required only for impacts within the inner 50 feet nearest the stream)</p>	<p>X</p>	<p>X</p>	<p>X</p> <p>X</p>	
<p>(MM) Utilities – Non-Sewer Underground Lines. Impacts other than perpendicular crossings provided that vegetation is allowed to regenerate in disturbed areas outside of the permanent maintenance corridor:</p> <p>(i) Impacts outside of the inner 50 feet nearest the stream</p> <p>(ii) Impacts in the inner 50 feet nearest the stream to less than 2,500 square feet when impacts are a result of tying to an existing utility line and when grubbing or grading within 10 feet immediately adjacent to the surface water is avoided</p>	<p>X</p>	<p>X</p>	<p>X</p>	

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(iii) Impacts to the inner 50 feet nearest the stream other than noted above				
(NN) Utilities – Non-Sewer Aerial Lines. Perpendicular crossings of streams and other surface waters subject to this Rule or perpendicular entry into the riparian buffer that does not cross a stream or other surface water subject to this Rule: (i) Disturb equal to or less than 150 linear feet wide of riparian buffer provided that a minimum zone of 10 feet wide immediately adjacent to the waterbody is managed such that only vegetation that poses a hazard or has the potential to grow tall enough to interfere with the line is removed, that no land grubbing or grading is conducted in the inner 50 feet nearest the stream, and that that poles or aerial infrastructure are not installed within 10 feet of a waterbody (ii) Disturb greater than 150 linear feet wide of riparian buffer	X		X	
(OO) Utilities – Non-Sewer Aerial Lines - Impacts other than perpendicular crossings of streams and other surface waters subject to this Rule or perpendicular entry into the riparian buffer that does not cross a stream or other surface water subject to this Rule: (i) Impacts outside of the inner 50 feet nearest the stream (ii) Impacts in the inner 50 feet nearest the stream provided that a minimum zone of 10 feet wide immediately adjacent to the waterbody is managed such that only vegetation that poses a hazard or has the potential to grow tall enough to interfere with the line is removed, that no land grubbing or grading is conducted in the inner 50 feet nearest the stream, and that that poles or aerial infrastructure are not installed within 10 feet of a waterbody	X	X		
(PP) Vegetation management: (i) Emergency fire control measures provided that topography is restored (ii) Placement of mulch ring around restoration plantings for a period of five years from the date of planting (iii) Planting non-invasive vegetation to enhance the riparian buffer (iv) Pruning forest vegetation provided that the health and function of the forest vegetation is not compromised (v) Removal of individual trees, branches or limbs which are in danger of causing damage	X X X X X			

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<p>to dwellings, existing utility lines, other structures or human life, or are imminently endangering stability of the streambank provided that the stumps are left or ground in place without causing additional land disturbance</p> <p>(vi) Removal of individual trees that are dead, diseased or damaged</p> <p>(vii) Removal of poison ivy, oak or sumac. If removal is significant, then the riparian buffer shall be replanted with non-invasive species</p> <p>(viii) Removal of understory nuisance vegetation as defined in: Smith, Cherri L. 2008. Invasive Plants of North Carolina. Dept. of Transportation. Raleigh, NC (available at <a href="http://portal.ncdenr.org/c/document">http://portal.ncdenr.org/c/document</a>). If removal is significant then the riparian buffer shall be replanted with non-invasive species</p> <p>(ix) Removal of woody vegetation in the riparian buffer provided that Paragraph (h) of this Rule is complied with</p>	<p>X</p> <p>X</p> <p>X</p>		<p>X</p>	
<p>(QQ) Vehicle access roads and boat ramps (excluding parking areas) leading to surface water, docks, fishing piers, and other water dependent activities:</p> <p>(i) Single vehicular access road and boat ramp to the surface water but not crossing the surface water that are restricted to the minimum width practicable not to exceed 15 feet wide</p> <p>(ii) Vehicular access roads and boat ramps to the surface water but not crossing the surface water that are restricted to the minimum width practicable and exceed 15 feet wide</p>	<p>X</p>	<p>X</p>		
<p>(RR) Water dependent structures (except for boat ramps) as defined in Rule .0202 of this Subchapter</p>		<p>X</p>		
<p>(SS) Water wells</p>	<p>X</p>			
<p>(TT) Wildlife passage structures</p>		<p>X</p>		