

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001

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HOUSE BILL 1257  
Committee Substitute Favorable 4/24/01

Short Title: Stream Identification for Buffer Rules.

(Public)

Sponsors:

Referred to:

April 12, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE ENVIRONMENTAL MANAGEMENT  
COMMISSION TO DELEGATE TO THE DIVISION OF FOREST RESOURCES  
THE RESPONSIBILITY TO DETERMINE THE PRESENCE OF SURFACE  
WATERS THAT MAY BE AFFECTED BY SILVICULTURE ACTIVITIES FOR  
PURPOSES OF THE RIPARIAN BUFFER PROTECTION PROGRAM.

The General Assembly of North Carolina enacts:

**SECTION 1.** Part 1 of Article 21 of Chapter 143 of the General Statutes is amended by adding a new section to read:

**"§ 143-214.25. Riparian Buffer Protection Program: Delegation to the Division of Forest Resources.**

The Commission may delegate to the Division of Forest Resources of the Department the responsibility to determine the presence of surface waters that would be affected by any activity associated with silviculture and that would require the application of rules adopted by the Commission for the protection of riparian buffers. In exercising its responsibility pursuant to a delegation made under this section, the Division of Forest Resources shall use methods that have been approved by the Division of Water Quality of the Department. If the Commission determines that the Division of Forest Resources is failing to make proper determinations pursuant to a delegation under this section, the Commission shall rescind the delegation."

**SECTION 2.** This act is effective when it becomes law.