

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021**

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**HOUSE BILL 632**

Short Title: Waterway Protection Act. (Public)

Sponsors: Representatives von Haefen, Autry, Brown, and Ball (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Rules, Calendar, and Operations of the House

April 22, 2021

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



1 additional water quality, flood prevention, or flood mitigation benefits over the buffers currently  
2 in the Protection of Existing Buffers Rules.

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

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

13       **SECTION 2.** G.S. 143-214.23A is repealed.

14       **SECTION 3.** G.S. 143-214.7C(a)(1) is repealed.

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