

May 17, 2006

H 2162. LAND DISTURBING ACTIVITIES NEAR TROUT WATERS. Filed 5/17/06. *TO AMEND THE LAWS GOVERNING LAND-DISTURBING ACTIVITIES NEAR TROUT WATERS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.* Amends GS 113A-57(1) with respect to land-disturbing activities along trout waters. The statute currently provides that the Sedimentation Control Commission may approve these activities when the duration of the activities would be temporary and the extent of the disturbance minimal. This bill substitutes more defined criteria for those terms in order to allow some publicly-beneficial activities within buffers, in effect overturning a recent administrative law judge's ruling barring all non-temporary activity. It provides that land-disturbing activities may be approved (or approved with modifications) by the commission within the buffer zone along trout waters if (1) the land-disturbing activity disturbs less than 10% of the total length of the buffer zone, disturbs no more than 100 feet of each 1000 feet of buffer zone, and provides temporary ground cover that, within 21 days, controls erosion and sedimentation as well as before the disturbance; or (2) the land-disturbing activity is associated with a road that will be part of the state highway system, a water line, a wastewater or other utility infrastructure, a stormwater control structure, or a temporary erosion and sedimentation control device (to use this second exception, there must be no better way practically to control erosion and sedimentation); or (3) the land-disturbing activity is part of a stream restoration activity that is designed to improve water quality, aquatic habitat, or habitat along the bank. Also amends GS 113A-57(1) to require that buffer zones along trout waters must be wide enough to maintain the ecological functions provided by buffer zones.

Intro. by Gibson.

GS 113A