

## **15A NCAC 02B .0610 MANAGING ACTIVITIES WITHIN RIPARIAN BUFFERS: DEFINITIONS**

For the purposes of this Section, the following words and phrases shall mean:

- (1) "Airport Facilities" means all properties, facilities, buildings, structures, and activities that satisfy or otherwise fall within the scope of one or more of the definitions or uses of the words or phrases "air navigation facility," "airport," or "airport protection privileges" under G.S. 63-1; the definition of "aeronautical facilities" in G.S. 63-79(1); the phrase "airport facilities" as used in G.S. 159-48(b)(1); the phrase "aeronautical facilities" as defined in G.S. 159-81 and G.S. 159-97; and the phrase "airport facilities and improvements" as used in Article V, Section 13, of the North Carolina Constitution. The term shall include:
  - (a) airports;
  - (b) airport maintenance facilities;
  - (c) aeronautic industrial facilities that require direct access to the airfield;
  - (d) clear zones;
  - (e) drainage ditches;
  - (f) fields;
  - (g) hangars;
  - (h) landing lighting;
  - (i) airport and airport-related offices;
  - (j) parking facilities;
  - (k) related navigational and signal systems;
  - (l) runways;
  - (m) stormwater outfalls;
  - (n) terminals;
  - (o) terminal shops;
  - (p) all appurtenant areas used or suitable for airport buildings or other airport facilities; and
  - (q) all appurtenant rights-of-way; restricted landing areas; any structures, mechanisms, lights, beacons, marks, communicating systems, or other instrumentalities or devices used or useful as an aid, or constituting an advantage or convenience to the safe taking off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport or restricted landing area; easements through, or interests in, air space over land or water, interests in airport hazards outside the boundaries of airports or restricted landing areas, and other protection privileges, the acquisition or control of which is necessary to ensure safe approaches to the landing areas of airports and restricted landing areas, and the safe operation thereof and any combination of any or all of such facilities.

The following shall not be included in the definition of "airport facilities": Satellite parking facilities; retail and commercial development outside of the terminal area, such as rental car facilities; and other secondary development, such as hotels, industrial facilities, free-standing offices and other similar buildings, so long as these facilities are not directly associated with the operation of the airport, and are not operated by a unit of government or special governmental entity such as an airport authority, in which case they are included in the definition of "airport facilities."
- (2) "Archaeological activities" means activities conducted by a Registered Professional Archaeologist (RPA).
- (3) "Authority" means either the Division or a local government that has been delegated pursuant this Section to implement a riparian buffer program.
- (4) "Bridge" means any spanning structure that begins and ends at the outer edge of the approach slabs and includes any support structures such as bents, pilings, footings, etc.
- (5) "Built-upon area" means the term as defined in G.S. 143-214.7(b2).
- (6) "Channel" means a natural water-carrying trough cut vertically into low areas of the land surface by erosive action of concentrated flowing water or a ditch or canal excavated for the flow of water.
- (7) "Coastal wetlands" means marshland as defined in G.S. 113-229.
- (8) "Dam" means the term as defined in G.S. 143-215.25.
- (9) "DBH" means diameter at breast height of a tree measured at 4.5 feet above ground surface level.
- (10) "Development" means the term as defined in G.S. 143-214.7.
- (11) "Director" means the Director of the Division.

- (12) "Ditch or canal" means a man-made, open drainage way or channel other than a modified natural stream in or into which excess surface water or groundwater from land, stormwater runoff, or floodwaters flow either ephemeral, intermittently, or perennially. On the coastal plain, ditches are typically dug through inter-stream divide areas.
- (13) "Division" means the Division of Water Resources of the North Carolina Department of Environmental Quality.
- (14) "Ephemeral stream" means a feature that carries only stormwater in direct response to precipitation with water flowing only during and shortly after precipitation events. An ephemeral stream may or may not have a well-defined channel, the aquatic bed is always above the perched or seasonal high water table, and stormwater runoff is the primary source of water. An ephemeral stream typically lacks the biological, hydrological, and physical characteristics commonly associated with the continuous or intermittent conveyance of water.
- (15) "Existing lot" in Randleman Lake watershed means a lot of two acres in size or less that was platted and recorded in the office of the appropriate county Register of Deeds prior to the effective date of a local ordinance or ordinances enforcing Rule .0724 of this Subchapter. For activities listed in Rule .0724(12)(b) of this Subchapter, "existing lot" in the Randleman Lake watersheds means a lot of two acres in size or less that was platted and recorded in the office of the appropriate county Register of Deeds prior to April 1, 1999. "Existing lot" in the Neuse and Tar-Pamlico river basins means a lot of two acres in size or less that was platted and recorded in the office of the appropriate county Register of Deeds prior to August 1, 2000.
- (16) "Existing utility line maintenance corridor" means the portion of a utility right of way that was established as a permanent maintenance corridor prior to the effective date of the Rule, or was approved as a permanent maintenance corridor through an Authorization Certificate or Variance issued by the Authority, and in which the vegetation has been maintained (e.g. can be mowed without a chainsaw or bush-hog).
- (17) "Fertilizer" means the term as defined in Rule .0202 of this Subchapter.
- (18) "Forest management plan" means the term as defined in G.S. 160A-458.5.
- (19) "Forest plantation" means an area of planted trees that may be conifers (pines) or hardwoods. On a forest plantation, the intended crop trees are planted rather than naturally regenerated from seed on the site, coppice (sprouting), or seed that is blown or carried into the site.
- (20) "Forest vegetation" means the term as defined in Rule .0202 of this Subchapter.
- (21) "Freshwater" means the term as defined in Rule .0202 of this Subchapter.
- (22) "Greenway / Hiking Trails" means pedestrian trails constructed of pervious and impervious surfaces and related structures including boardwalks, steps, rails, and signage, and that generally run parallel to the surface water.
- (23) "High value tree" means a tree that meets or exceeds the following standards: for pine species, 14-inch DBH or greater or 18-inch or greater stump diameter; or for non-pine species, 16-inch DBH or greater or 24-inch or greater stump diameter.
- (24) "Intermittent stream" means a well-defined channel that contains water for only part of the year, typically during winter and spring when the aquatic bed is below the perched or seasonal high water table. The flow may be supplemented by stormwater runoff. An intermittent stream often lacks the biological and hydrological characteristics commonly associated with the continuous conveyance of water.
- (25) "Local government" means the term as defined in Rule .0202 of this Subchapter.
- (26) "Modified natural stream" means an on-site channelization or relocation of a stream channel and subsequent relocation of the intermittent or perennial flow as evidenced by topographic alterations in the immediate watershed. A modified natural stream must have the typical biological, hydrological, and physical characteristics commonly associated with at least an intermittent conveyance of water.
- (27) "Natural drainageway" means any water course, channel, ditch, or similar physiographic feature draining water from land to down gradient areas.
- (28) "Normal water level" means the water level within a pond, lake, or other type of impoundment, natural or man-made (including beaver ponds), at the elevation of the outlet structure or spillway (i.e., the elevation of the permanent pool). The normal water level is typically identified by the lowest edge of the terrestrial vegetation.
- (29) "Perched water table" means the term as defined in 15A NCAC 18A .1935.

- (30) "Perennial stream" means a well-defined channel that contains water year round during a year of normal rainfall with the aquatic bed located below the perched or seasonal high water table for most of the year. Groundwater is the primary source of water for a perennial stream, but it also carries stormwater runoff. A perennial stream exhibits the typical biological, hydrological, and physical characteristics commonly associated with the continuous conveyance of water.
- (31) "Perennial waterbody" means a natural or man-made watershed that stores surface water permanently at depths sufficient to preclude growth of rooted plants, including lakes, ponds, sounds, non-stream estuaries and ocean.
- (32) "Perpendicular" means leading toward the nearest subject surface water at an angle between 75 and 105 degrees.
- (33) "Pruning" means the removal of dead tree or shrub branches or live tree or shrub branches with a diameter of less than four inches.
  - (a) Pruning for Deciduous Trees: If pruning must be done on deciduous trees, then it shall only be performed once a year during the dormant season or following an "act of God" situation, such as a hurricane or ice storm that causes tree damage. Dead branches on trees may be removed any time.
  - (b) Pruning for Coniferous Trees: Conifers may be pruned any time of year. Dead branches on trees may be removed any time.
  - (c) Pruning for Shrubs: Shrubs may be pruned by selectively removing branches while maintaining the natural shape of the plant. Cutting the branches of a shrub down to its main trunk is not a selective removal of branches.
- (34) "Seasonal high water table" means the term as defined in 15A NCAC 02H .1002.
- (35) "Streambank or shoreline stabilization" is the in-place stabilization of an eroding streambank or shoreline.
- (36) "Stormwater Control Measure" or "SCM," also known as "Best Management Practice" or "BMP," means the term as defined in 15A NCAC 02H .1002.
- (37) "Stump diameter" means the diameter of a tree measured at six inches above the ground surface level.
- (38) "Temporary road" means a road constructed temporarily for access or to maintain public traffic during construction and is restored upon completion of construction.
- (39) "Transportation facility" means the existing road surface, road shoulders, fill slopes, ferry terminal fill areas, and constructed stormwater conveyances or drainage canals adjacent to and directly associated with the road.
- (40) "Tree" means a woody plant with a DBH equal to or exceeding five inches or a stump diameter exceeding six inches.
- (41) "Wetlands" means the same as defined in Rule .0202 of this Subchapter.

*History Note:* Authority G.S. 143-214.1; 143-214.7; 143-214.23; 143-214.23A; 143-215.3(a)(1); 143-215.8A; S.L. 1995-572; S.L. 1999-329; S.L. 2011-394; S.L. 2012-200; S.L. 2013-413, S.L. 2015-246; Eff. June 15, 2020 (The provisions of this Rule were previously codified in 15A NCAC 02B .0233(2), 15A NCAC 02B .0243(2), 15A NCAC 02B .0250(2), and 15A NCAC 02B .0259(2)).