



Michael F. Easley
Governor

William G. Ross, Jr., Secretary
Department of Environment and Natural Resources

Coleen H. Sullins, Director
Division of Water Quality

December 7, 2007
Buffer Interpretation/Clarification #2007-002

MEMORANDUM-MODIFICATION

RE: DWQ's stance on wooden-slatted decks that are attached to a dwelling and its associated wooden-slatted steps within the Neuse and Tar-Pamlico Protected Riparian Buffers

Problem: It has been brought to DWQ's attention that wooden-slatted decks that are attached to a dwelling and its associated steps in either zone of the protected riparian buffers have only been addressed in the definitions under 15A NCAC 02B.0202(13), where wooden-slatted decks are considered pervious. However, DWQ has concerns that not all wooden-slatted decks are high enough to allow for adequate sunlight and moisture to penetrate them to ensure that Zones one and two of the buffers are continuing to be maintained in vegetation as required in 15 NCAC 2B.0233(4) and 15NCAC 2B.0259(4).

Solution: Provided that the wooden-slatted deck is attached to a dwelling, minimal vegetation is removed from Zone two and no vegetation is removed from Zone one during the installation of the deck, if the deck is at least 8 feet (ft) in height to allow for adequate sunlight and moisture for maintaining vegetation beneath it and that it meets the requirements of diffuse flow for Zone one and Zone two of the buffers, then wooden-slatted decks (and associated steps) would be allowable in Zones one and two of the protected riparian buffers. However, if the deck does not meet any of the requirements listed above, it would be considered prohibited in Zone one and Zone two of the protected riparian buffers.

Please note: If the deck is built within one of the 20 Coastal Counties that meets the criteria for the General Coastal Major Variance, this memorandum does not apply.

Signature: 

Date: 12-11-07