



**North Carolina Department of Agriculture
and Consumer Services**
N.C. Forest Service



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Commissioner

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North Carolina’s Water Quality Laws & Rules for Logging and Forestry: Briefing Document

This briefing document outlines the applicable water-quality-related state laws and rules that apply (or do not apply) to forestry/silvicultural activities. More detailed information is provided in Ch.2, Ch.6 and Appendix 1 of the [North Carolina Forestry BMP Manual](#). This may not be an all-inclusive list, but is believed to highlight the rules that are most often associated with logging and forestry.

If there is a question about a timber harvest or other forestry activity, first contact the N.C. Forest Service County Ranger Office: www.ncforestservice.gov. Look under “[Contact Us](#)” at the top of the website page. There is a drop-down list with contacts for each County in NC. If the County Ranger is unavailable, then contact the appropriate District Forester Office, or [Water Quality Forester](#).

Logging / Forest Harvesting / Forestry Activities

Silvicultural activities are governed by the [Forest Practice Guidelines Related to Water Quality](#), codified in 02 NCAC 60C .0100 to .0209, abbreviated as “FPGs”.

The FPGs are narrative performance standards and they must be In Compliance to remain exempted from the full provisions of the N.C. Sedimentation Pollution Control Act. The 9 FPG standards are:

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|-------------------|--|
| 02 NCAC 60C .0201 | STREAMSIDE MANAGEMENT ZONE |
| 02 NCAC 60C .0202 | PROHIBITION OF DEBRIS ENTERING STREAMS AND WATERBODIES |
| 02 NCAC 60C .0203 | ACCESS ROAD AND SKID TRAIL STREAM CROSSINGS |
| 02 NCAC 60C .0204 | ACCESS ROAD ENTRANCES |
| 02 NCAC 60C .0205 | PROHIBITION/WASTE ENTERING STREAMS/WATERBODIES/GROUNDWATER |
| 02 NCAC 60C .0206 | PESTICIDE APPLICATION |
| 02 NCAC 60C .0207 | FERTILIZER APPLICATION |
| 02 NCAC 60C .0208 | PERENNIAL STREAM TEMPERATURE |
| 02 NCAC 60C .0209 | REHABILITATION OF PROJECT SITE |

The North Carolina Forest Service (NCFS) administers the FPGs and inspects for compliance, and is the lead state agency for addressing forestry-related, land-disturbing activities.

- References: G.S. 113A-52.01, 113A-52.1, 113A-61.1.

Stream or Ditch Obstructions

The NCFS has authority to address removal of waterway obstructions, if it occurs in woodlands. However, the NCFS authority does not apply to NCDOT roadside ditches, or to waterways located outside of woodlands.

- References: G.S. 77-13, 77-14; and FPG 02 NCAC 60C .0202.
- Note: NCDOT authority for roadside ditches is vested in G.S. 136-92, 136-95.

Stream Buffers

FPG rule 02 NCAC 60C .0201 requires a Streamside Management Zone (“SMZ”) alongside any intermittent stream or perennial stream or perennial waterbody. Requirements include:

....The SMZ must confine visible sediment resulting from accelerated erosion.

....Groundcover or BMPs within the SMZ must restrain accelerated erosion.

....Roads, skid trails and log decks must be kept out of the SMZ unless necessary due to terrain.

....Shade must be retained along any natural perennial stream (reference FPG rule .0208).

There are no limitations on harvesting timber from a SMZ, as long as the FPG standards are met.

Beaver ponds do not require a SMZ, but sediment must still be restrained from entering the water.

Additional (more restrictive) stream buffers are required on certain designated streams, as described in the “Forest Harvest Requirements” of 6 different river basin / watershed ‘Riparian Buffer Rules’ that are administered by the NCDEQ-Div. of Water Resources. The applicable areas of the state where these rules apply are: Catawba River mainstem, Goose Creek Watershed, Jordan Lake Watershed, Neuse River Basin, Randleman Lake Watershed, Tar-Pamlico River Basin.

- The NCFS does not enforce these Riparian Buffer Rules, but will notify DWR if an apparent violation is observed on a forestry site.
- The NCFS has the authority to determine which streams are subject to the Riparian Buffer Rule, but only for a forestry activity. Reference G.S. 143-214.25A.

Trout Buffers

Additional stream buffers on trout streams are not required for timber/forest harvesting, as long as the forestry activity is In Compliance with the FPGs. This is because the forestry activity is not considered to be ‘construction’ or ‘development’; and because FPG rule .0201 already requires that visible sediment be confined within a Streamside Management Zone (SMZ).

- Reference: G.S. 113A-57(1).

Water Supply Watershed

Additional stream buffers on WS-designated waterbodies are not required, as long as the forestry activity is In Compliance with the FPGs; and other applicable forestry water quality standards.

- References: G.S. 143-214.5(d1); and 15A NCAC 02B .0622.

Local Ordinances

Local governments are prohibited from adopting ordinances that restrict forestry activities.

- References: G.S. 160D-9-21.

Floodplain Permits

Forestry activities can occur in a flood hazard area without the need to obtain a floodplain permit.

- Reference: G.S. 143-215.54.

Temporary Driveway Access Permit

Temporary driveway access entrances for forestry/silviculture do not require a permit from the NCDOT. However, FPG rule .0204 still applies; and there are Forestry BMPs for access entrances.

- Reference: G.S. 136-92.1.

Mud/Dirt on the Highway

FPG rule 02 NCAC 60C .0204 states the following: *“A forest access road entrance that intersects a paved road shall be installed and maintained to prevent visible sediment or other debris from being deposited onto the paved road to the extent that the visible sediment or other debris would enter an intermittent stream, a perennial stream, or a perennial waterbody.”*

This FPG standard is interpreted to also include situations where the mud/dirt could wash into the roadside ditch and then be delivered to a connecting natural stream. However, if the mud/dirt on the highway is not going to cause a water quality impact, then this FPG is not applicable, and the NCFS has no authority to compel a clean-up. However, NCFS personnel will usually suggest to the logger that the roadway be cleaned off as a best practice, and for safety.

In this type of situation where there is no water quality impact, the NCDOT has authority in G.S. 136-90 or 136-91 to require the roadway to be cleaned off. Also, if the mud/dirt is causing a public road safety hazard, then a Law Enforcement Officer can require removal of the material from off the road.

Coastal Area Management Act (CAMA) / NC Dredge & Fill Law

Forestry activities that occur in an Area of Environmental Concern (AEC) do not require a CAMA permit, unless excavating or filling a coastal marsh or a State-owned lake.

- References: G.S. 113A-103(5); and 15A NCAC 07K .0206.

Oil/Petroleum Discharges

Forestry activities must comply with the state laws on reporting and cleaning-up of petroleum releases. The NCDEQ handles oversight of cases which are referred to them.

- References: G.S. 143-214.1, 143-215.85; and 02 NCAC 60C .0205.

Pesticides

Applications must adhere to the FPGs and corresponding rule set forth by the N.C. Pesticide Board. The NCDA&CS Pesticide Section handles oversight of cases which are referred to them.

- References: G.S. 143-458; and 02 NCAC 60C .0206.
- NC Pesticide General Permit NCG56 covers aerial application of pesticide, if certain threshold triggers are exceeded regarding the number of acres or feet of waterway treated per year.

Additional References

FAQs About Logging: https://www.ncforestservice.gov/Managing_your_forest/logging_faq.htm

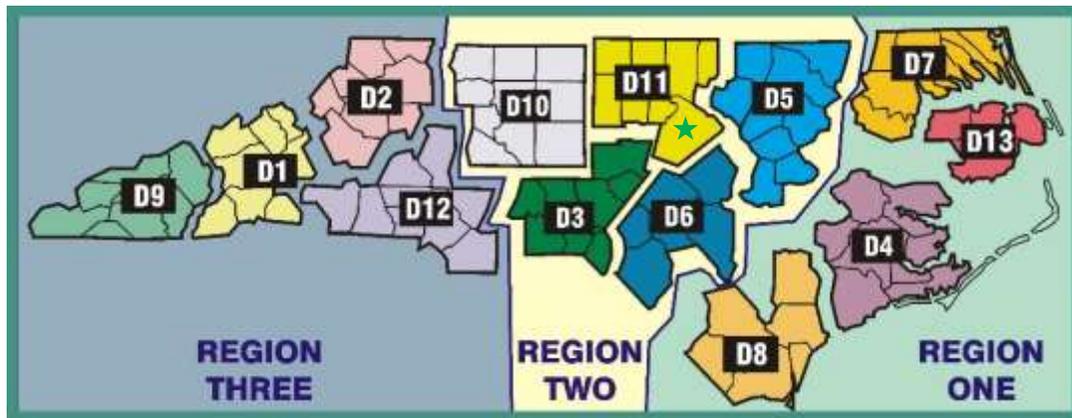
NCFS Inspection Process: https://www.ncforestservice.gov/water_quality/WQ_Inspection_Process.htm

WQ Regulations for Forestry: https://www.ncforestservice.gov/water_quality/regulations.htm

Riparian Buffer Rules, Forestry Leaflets: https://www.ncforestservice.gov/water_quality/buffer_rules.htm

Water Quality Forester contacts: https://www.ncforestservice.gov/water_quality/contacts/contactsRegion.asp

N.C. Department of Agriculture and Consumer Services
North Carolina Forest Service District Offices



NCFS District 1 (Buncombe, Henderson, Madison, McDowell, Mitchell, Polk, Transylvania, Yancey)
 220 Sardis Road Asheville NC 28806 Phone: 828-667-5211

NCFS District 2 (Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Watauga, Wilkes)
 1543 Wilkesboro Blvd NE Lenoir, NC 28645 Phone: 828-757-5611

NCFS District 3 (Anson, Chatham, Lee, Montgomery, Moore, Richmond, Scotland, Stanly)
 1163 US Hwy 1-North Rockingham, NC 28379-8513 Phone: 910-997-9220

NCFS District 4 (Beaufort, Carteret, Craven, Jones, Lenoir, Onslow, Pamlico, Pitt)
 3810 M. L. King Jr Blvd. New Bern, NC 28562-2236 Phone: 252-514-4764

NCFS District 5 (Edgecombe, Franklin, Greene, Halifax, Nash, Northampton, Warren, Wayne, Wilson)
 737 Smokey Road Rocky Mount, NC 27804-5869 Phone: 252-442-1626

NCFS District 6 (Cumberland, Harnett, Hoke, Johnston, Robeson, Sampson)
 221 Airport Rd. Fayetteville, NC 28301 Phone: 910-437-2620

NCFS District 7 (Bertie, Camden, Chowan, Currituck, Gates, Hertford, Martin, Pasquotank, Perquimans)
 861 Berea Church Road Elizabeth City, NC 27909-7303 Phone: 252-331-4781

NCFS District 8 (Bladen, Brunswick, Columbus, Duplin, New Hanover, Pender)
 1413 Chadbourn Hwy Whiteville, North Carolina 28472 Phone: 910-642-5093

NCFS District 9 (Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain)
 133 Glenn Caba Road Sylva, NC 28779 Phone: 828-586-4007

NCFS District 10 (Davidson, Davie, Forsyth, Guilford, Randolph, Rockingham, Rowan, Stokes, Surry, Yadkin)
 304 Old Hargrave Road Lexington, NC 27295-7513 Phone: 336-956-2111

NCFS District 11 (Alamance, Caswell, Durham, Granville, Orange, Person, Vance, Wake)
 3314 NC Hwy 86 South Hillsborough, NC 27278-8711 Phone: 919-732-8105

NCFS District 12 (Cabarrus, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Rutherford, Union)
 1933 Mountain Island Hwy Mount Holly, NC 28120 Phone: 704-827-7576

NCFS District 13 (Dare [includes Dare Bomb Range], Hyde, Tyrrell, Washington)
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