

Natural Buffer Zones for Construction Projects



State of Oregon
Department of
Environmental
Quality

Operations Division

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Overview

If a water of the state is within the project site or within 50 feet of the project boundary and a natural buffer exists within 50 feet of the water of the state, the permit registrant must protect any natural buffer, or, if the buffer is impacted, must increase Best Management Practices (BMPs) ([1200-C Construction General Permit](#), Schedule A.7.b).

Locating the 50-foot natural buffer zone

The Erosion and Sediment Control Plan (ESCP) should describe the method used to determine the edge of the waterbody, and how that method was used in the actual determination.

Where a buffer of any size will be retained, the buffer should be measured perpendicularly from any of the following points, whichever is further landward from the water:

- a. A jurisdictional determination line (wetland or marshland delineation)
- b. The ordinary high water mark of the water body, defined as the line on the shore established by fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, and/or the presence of litter and debris; or
- c. The edge of the stream or river bank, bluff, or cliff.

Disturbance of the natural buffer zone

Projects that disturb the natural buffer zone must provide additional erosion and sediment controls (beyond those required in other sections of this general permit). The selected BMP(s) must be identified in the ESCP as addressing this condition of the permit, and the rationale for choosing the selected BMP(s) must also be provided. Acceptable BMPs are:

- Compost berms, compost blankets, or compost socks;
- Erosion control mats;
- Tackifiers used in combination with perimeter sediment control BMPs; and
- Water treatment by electro-coagulation, flocculation, or filtration.

- Other substantially equivalent sediment or turbidity BMPs may be use *if approved by DEQ or agent.*

The 1200-C permit does not address post-construction requirements. However, local codes may require post-construction BMPs such as pervious pavers, porous concrete, bio-swales, and rain gardens; and may require maintenance plans as well.

404 permitting and 401 Certification

Natural buffer zone requirements under the 1200-C permit do not apply if the project is permitted through CWA Section 404 and certified through DEQ's 401 program. 404 permits and 401 certifications must be obtained prior to 1200-C permit application approval if the applicant is seeking this exemption from the natural buffer requirements.

Alternative formats

Alternative formats of this document can be made available. For more information call 503-229-5696, Portland, or call toll-free in Oregon at 1-800-452-4011, ext. 5696. Hearing-impaired persons may call 711