

## Natural Buffer Zones for Construction Projects



State of Oregon  
Department of  
Environmental  
Quality

### Overview

When a surface 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 surface water of the state, the permit registrant must establish and maintain any natural buffer, or, if the buffer is impacted, must implement erosion and sediment controls to achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer zone ([1200-C Construction General Permit](#), Section 2.2.4 and [Appendix B](#)).

### Locating the 50-foot natural buffer zone

The Erosion and Sediment Control Plan (ESCP) must describe the method used to determine the edge of the waterbody, and how that method was used in the actual determination ([Appendix B Section B.1.3](#)).

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. The following must be determined when encroaching within the 50 foot Natural

Buffer Zone ([Appendix B Section B.1.4](#)):

- Sediment reduction efficiency of the 50-foot Natural Buffer Zone;
- Design Erosion and Sediment Controls equivalent to the sediment removal efficiency of the width the Natural Buffer Zone is to be reduced;
- Document how site-specific controls and retained portion of the 50 foot Natural Buffer Zone will achieve the sediment removal efficiency of the 50-foot natural Buffer Zone.

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

If the project is permitted through CWA Section 404 and certified through DEQ's 401 program, the project may not claim the Natural Buffer Zone alternatives of Section 2.2.4.a. DEQ recommends applicants identify, apply for and resolve any state (Department of State Lands) or federal (US Army Corps of Engineers) and DEQ 401 water quality certification requirements before applying for 1200-C NPDES permit coverage to prevent unintended non-compliance situations with other regulatory programs. If additional regulatory requirements, such as those listed above, are deemed necessary by other regulatory jurisdictions and agencies for the construction activity identified in the 1200-C application or Erosion and Sediment Control Plan, the registrant may be required to significantly alter the project and erosion and sediment controls to accommodate other regulatory jurisdiction 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.

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