

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

2

SENATE BILL 1050

Agriculture/Environment/Natural Resources Committee Substitute Adopted 4/27/99

Short Title: Neuse River Buffer Funds.

(Public)

Sponsors:

Referred to:

April 15, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF ENVIRONMENT
3 AND NATURAL RESOURCES TO DEVELOP STATEWIDE STREAM
4 DELINEATION MAPS AND TO APPROPRIATE FUNDS TO THE WETLANDS
5 RESTORATION FUND IN THE DEPARTMENT OF ENVIRONMENT AND
6 NATURAL RESOURCES FOR THE RESTORATION OF RIPARIAN BUFFERS,
7 AS RECOMMENDED BY THE NEUSE RIVER BUFFER RULES
8 STAKEHOLDER ADVISORY COMMITTEE AND REQUESTED BY THE
9 ENVIRONMENTAL MANAGEMENT COMMISSION.

Whereas, in 1996 the General Assembly established a goal to reduce the average annual load of nitrogen delivered from point and nonpoint sources to the Neuse River Estuary by a minimum of thirty percent (30%) of the average load for the period 1991 through 1995 by the year 2001 and directed the Environmental Management Commission to develop and adopt a plan to achieve this goal; and

Whereas, in 1997 the General Assembly directed the Environmental Management Commission to develop and implement a basinwide water quality plan for each of the State's 17 major river basins; and

Whereas, in 1997, in response to these legislative mandates, the Environmental Management Commission adopted a Neuse River Nutrient Sensitive Waters Management

Strategy as temporary and permanent rules and adopted revisions to these rules in 1998; and

Whereas, in 1998 the General Assembly enacted legislation to disapprove 15A NCAC 2B.0203 (Neuse River Nutrient Sensitive Waters Management Strategy: Protection and Maintenance of Riparian Areas with Existing Forest Vegetation) as a permanent rule while continuing this rule in effect as a temporary rule with certain modifications until the Environmental Management Commission adopted a revised temporary and permanent rule; and

Whereas, the 1998 legislation established a Stakeholder Advisory Committee to assist the Environmental Management Commission with the development of (i) a revised temporary rule, (ii) rules and recommended legislation to provide for compensatory mitigation as an alternative to the maintenance of riparian buffers, and (iii) rules and recommended legislation to authorize the Environmental Management Commission to delegate responsibility for the implementation and enforcement of the State's riparian buffer protection requirements to local governments; and

Whereas, the Stakeholder Advisory Committee, after many hours of work, submitted a report and recommendations to the Environmental Management Commission; and

Whereas, that report included recommendations that funds be appropriated as set out in this act; and

Whereas, at its meeting on 8 April 1999, the Environmental Management Commission accepted the recommendation that these funds be appropriated and forwarded this request to the Environmental Review Commission; Now, therefore,

1 The General Assembly of North Carolina enacts:

2 Section 1. There is appropriated from the General Fund to the Department of
3 Environment and Natural Resources the sum of five million dollars (\$5,000,000) for the
4 1999-2000 fiscal year and the sum of two hundred thousand dollars (\$200,000) for the
5 2000-2001 fiscal year to develop statewide stream delineation maps to identify streams
6 and other bodies of water to which the riparian buffer rules apply and to administer the
7 mapping program.

8 Section 2. There is appropriated from the General Fund to the Wetlands
9 Restoration Fund, established in the Department of Environment and Natural Resources
10 by G.S. 143-214.12, the sum of one million dollars (\$1,000,000) for the 1999-2000 fiscal
11 year for the restoration of riparian buffers.

12 Section 3. This act becomes effective 1 July 1999.