

April 15, 1999

**S 1049. AMEND ENV. & NAT. RESOURCES LAWS--3. TO AMEND LAWS RELATING TO THE ENVIRONMENT OR NATURAL RESOURCES.** Blank bill.

**Intro. by Albertson.**

Ref. to Rules

GS 143

April 27, 1999

**S 1049. NEUSE RIVER BUFFER AMENDS..** Intro. 4/15/99. Senate committee substitute makes the following changes to 1st edition. Replaces blank bill with provisions recommended by the Neuse Stakeholder Advisory Committee set up under SL 1998-221 and approved by the Env'l Management Commission (EMC).

(1) *Compensatory mitigation in lieu of buffers.* Requires EMC to set up a program to allow three ways to avoid protecting existing riparian buffers: payments of fees into a Riparian Buffer Restoration Fund, donations of land, or creation of other buffers that are not required to be protected. Persons using any of these forms of compensatory mitigation must demonstrate attempts to avoid and minimize loss of the riparian buffer and lack of a practical alternative to its loss. Mitigation payments will be subject to a standard schedule of fees to be established by the EMC. Donation of real property requires approval by Dep't of Environment and Natural Resources, an agreement by a donee organization to maintain the donated land as a riparian buffer, and a showing that the donated land is either a riparian buffer that provides equal or greater water quality protection to the buffer that is lost, or that it will be used to restore, create, enhance or maintain an equal or better riparian buffer.

(2) *Delegation of buffer protection to local governments.* Allows EMC to delegate implementation and enforcement responsibility for riparian buffer protection to any unit of local government that has power to regulate land use, so long as the EMC finds that local implementation and enforcement will equal that of the State. Requires EMC action on a request for delegation within 90 days after receiving a complete application. If a local delegee is determined to be failing to implement or enforce the buffer requirements, the EMC must give notice of deficiencies in writing and allow 90 days to cure. Requires technical assistance by the State to local units.

(3) *Stream identification.* Requires Dep't to provide a stream identification training program to determine the existence of surface water for purposes of applying the riparian buffer rules.

(4) *Riparian Buffer Restoration Fund.* Amends nonreverting fund provisions of GS 143-214.21 to allow compensatory mitigation purposes noted above.

May 20, 1999

**S 1049. NEUSE RIVER BUFFER AMENDS..** Intro. 4/15/99. Senate committee substitute makes the following changes to 2nd edition. Revises proposed GS 143-214.20(a) by clarifying that alternatives include creation of a new buffer that will provide water quality protection equal to or greater than, and will be in the same river basin as that provided by the buffer that is lost, subject to approval by the Department. Specifies additional alternative of constructing alternative measure that reduces nutrient loading as well as or better than and in the same river basin as the buffer that is lost. Specifies that compensatory mitigation fees be based on the lost buffer area and the cost of providing protection in the same river basin as that provided by the buffer that is lost, and makes other conforming changes.