

February 21, 2001

H 189. REPEAL FISHERIES SUNSETS/EXTEND CORE SOUND MOR. TO REPEAL THE SUNSETS ON THE LICENSING PROVISIONS OF THE FISHERIES REFORM ACT OF 1997 AND THE MARINE FISHERIES AMENDMENTS OF 1998 AND TO EXTEND THE MORATORIUM ON ISSUING NEW SHELLFISH LEASES IN CORE SOUND BY ONE YEAR TO OCTOBER 1, 2002, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE. As title indicates. Effective July 1, 2001.

Intro. by Wainwright and Smith.

Ref. to Environment

UNCODIFIED

August 28, 2001

H 189. TEMPORARY RULES/COASTAL RESOURCES & ENV. MGT. Intro. 2/21/01. Senate committee substitute makes the following changes to 1st edition. Completely rewrites bill, changing title to *AN ACT TO AUTHORIZE THE COASTAL RESOURCES COMMISSION TO ADOPT TEMPORARY RULES TO ESTABLISH ADDITIONAL EXCEPTIONS TO THE 30-FOOT BUFFER REQUIREMENT ALONG PUBLIC TRUST AND ESTUARINE WATERS IN CERTAIN CIRCUMSTANCES AND TO ALLOW STRUCTURAL MODIFICATIONS TO PIERS TO PREVENT OR MINIMIZE STORM DAMAGE, AND TO EXTEND THE TIME THAT TEMPORARY RULES TO PROTECT WATER QUALITY AND RIPARIAN BUFFERS IN CERTAIN RIVER BASINS WILL REMAIN IN EFFECT SO AS TO ALLOW THE ENVIRONMENTAL MANAGEMENT COMMISSION ADDITIONAL TIME TO CONSULT WITH PERSONS WHO ARE INTERESTED IN OR MAY BE AFFECTED BY THE ADOPTION OF PERMANENT RULES TO REPLACE THOSE TEMPORARY RULES.* Authorizes Coastal Resources Comm'n to adopt temporary rules allowing as exceptions to 30-foot buffer requirement the construction of certain residential structures on lots platted before June 1, 1999, and the construction of nonwater dependent uses that have minimal impact on water quality, including fences. Authorizes Coastal Resources Comm'n to allow structural modifications to piers in existence on July 1, 2001, to prevent or minimize storm damage. Provides that temporary rules 15A NCAC 2B.0243 and 2B.0244 continue in effect until Sept. 1, 2003, (was, July 1, 2001) to allow Environmental Management Comm'n to consult further with business and industries, local governments, landowners, and other interested persons in the upper and lower Catawba River Basin as to the appropriate scope of permanent rules to protect water quality and riparian buffers in that river basin.

Also includes subsection stating that vested rights recognized under common law and certain statutes include the right to undertake and complete development in the Catawba River Basin without application of temporary rule 15A NCAC 2B.0243. Prohibits Environmental Management Comm'n and DEHNR from applying that temporary rule to development with vested rights recognized or established under statute prior to July 1, 2001, or to development with vested rights under common law prior to effective date of act if Comm'n has issued certification under GS 143B-282(a)(1)u. prior to July 1, 2001. States that Comm'n shall not adopt or enforce rules that confer or restrict vested right to undertake or complete development. States that intent of General Assembly is to apply these provisions only to circumstances addressed in this subsection and that subsection does not establish precedent as to application of vesting under other zoning, land-use planning, or environmental program.

September 25, 2001

SL 2001-418 (H 189). TEMPORARY RULES/COASTAL RESOURCES AND ENVIRONMENTAL MANAGEMENT. *AN ACT TO AUTHORIZE THE COASTAL RESOURCES COMMISSION TO ADOPT TEMPORARY RULES TO ESTABLISH ADDITIONAL EXCEPTIONS TO THE 30-FOOT BUFFER REQUIREMENT ALONG PUBLIC TRUST AND ESTUARINE WATERS IN CERTAIN CIRCUMSTANCES AND TO ALLOW STRUCTURAL MODIFICATIONS TO PIERS TO PREVENT OR MINIMIZE STORM DAMAGE, AND TO EXTEND THE TIME THAT TEMPORARY RULES TO PROTECT WATER QUALITY AND RIPARIAN BUFFERS IN CERTAIN RIVER BASINS WILL REMAIN IN EFFECT SO AS TO ALLOW THE ENVIRONMENTAL MANAGEMENT COMMISSION ADDITIONAL TIME TO CONSULT WITH PERSONS WHO ARE INTERESTED IN OR MAY BE AFFECTED BY THE ADOPTION OF PERMANENT RULES TO*

REPLACE THOSE TEMPORARY RULES. Summarized in *Daily Bulletin* 2/21/01 and 8/28/01.
Enacted Sept. 22, 2001. Effective Sept. 22, 2001.