

March 14, 2007

H 859. EXTEND NUTRIENT OFFSET PAYMENT SUNSET (=S 603). Filed 3/14/07. *TO EXTEND THE SUNSET FOR THE LAW THAT SETS THE PER POUND FACTOR USED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION TO CALCULATE NUTRIENT OFFSET PAYMENTS AND REQUIRE THAT THE NUTRIENT OFFSET PAYMENT FOR NITROGEN BE CALCULATED AS IT WAS PRIOR TO CERTAIN RULE AMENDMENTS.*

Identical to S 603, filed 3/7/07.

Intro. by Gibson, Allen.

STUDY

July 26, 2007

H 859. NUTRIENT OFFSET PROGRAM TRANSITION (NEW). Filed 3/14/07. Senate committee substitute makes the following changes to 1st edition. Deletes the proposed amendment to Section 5 of SL 2006-215, as amended, which would have extended the sunset. Sets the per-pound rates for nutrient offset payments as follows until September 1, 2009: (1) \$28.35 per pound of nitrogen in the Neuse River Basin, (2) \$21.67 per pound of nitrogen in the Tar-Pamlico River Basin, and (3) \$28.62 per tenth of a pound for phosphorous in the Tar-Pamlico River Basin. Requires the Department of Environment and Natural Resources (DENR) to implement a plan for transitioning the nutrient offset program from a fee-based program to one based on actual costs by September 1, 2009. Requires the new program to use the least cost alternative for providing nutrient offset credits consistent with rules adopted by the Environmental Management Commission. Requires DENR to report on the progress in implementing the new fee structure to the Environmental Review Commission on September 1, 2008, and March 1, 2009. Provides that partial offset credits to meet nutrient loading requirements in the Neuse and Tar-Pamlico basins may be obtained through offset payments into the Riparian Buffer Restoration Fund or through nutrient offset projects provided by organizations that are not affiliated with DENR. Requires the offset projects to be located within the same eight-digit cataloging unit in which the nutrient loading takes place. Amends whereas clauses. Changes the effective date from when the act becomes law to September 1, 2007.

August 27, 2007

SL 2007-438 (H 859). NUTRIENT OFFSET PROGRAM TRANSITION. AN ACT TO ESTABLISH TRANSITIONAL NUTRIENT OFFSET PAYMENTS AND TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO DEVELOP AND IMPLEMENT A PLAN TO TRANSITION THE NORTH CAROLINA ECOSYSTEM ENHANCEMENT PROGRAM NUTRIENT OFFSET PROGRAM FROM A FEE-BASED PROGRAM TO A PROGRAM BASED ON THE ACTUAL COSTS OF PROVIDING NUTRIENT CREDITS. Summarized in *Daily Bulletin* 3/14/07 and 7/26/07. Enacted August 23, 2007. Effective September 1, 2007.