

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1057*

AMENDMENT NO. A1
(to be filled in by
Principal Clerk)

H1057-ATA-67 [v.1]

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Comm. Sub. [YES]
Amends Title [YES]
Second Edition

Date _____, 2014

Representative Baskerville

1 moves to amend the bill on page 1, lines 2 through 10,
2 by rewriting those lines to read:

3
4 "AN ACT TO (1) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL
5 RESOURCES TO STUDY THE STATUTES AND RULES GOVERNING INTERBASIN
6 TRANSFERS; (2) DIRECT THE ENVIRONMENTAL MANAGEMENT COMMISSION
7 TO STUDY THE STATE'S POLICY FOR ESTABLISHING THE QUANTITY OF
8 SURFACE WATER TO BE PROTECTED FOR ECOLOGICAL INTEGRITY AND TO
9 REPORT TO THE ENVIRONMENTAL REVIEW COMMISSION ON THE STATUS OF
10 HYDROLOGIC MODELS PROPOSED FOR USE IN ESTABLISHING THE WATER
11 QUANTITY TO BE RESERVED FOR ECOLOGICAL FLOW; AND (3) PROVIDE FOR
12 AN EXPEDITED INTERBASIN TRANSFER PROCESS FOR CERTAIN
13 RESERVOIRS"; AND

14
15 on page 2, line 43, by rewriting that line to read:

16
17 "SECTION 7. G.S. 143-215.22L(w) reads as rewritten:
18 "(w) Requirements for Coastal ~~Counties~~ Counties and Reservoirs Constructed by the
19 United States Army Corps of Engineers. – A petition for a certificate (i) to transfer surface
20 water to supplement ground water supplies in the 15 counties designated as the Central
21 Capacity Use Area under 15A NCAC 2E.0501, ~~or~~ (ii) to transfer surface water withdrawn from
22 the mainstem of a river to provide service to one of the coastal area counties designated
23 pursuant to G.S. 113A-103, or (iii) to withdraw or transfer water stored in any multipurpose
24 reservoir constructed by the United States Army Corps of Engineers and partially located in a
25 state adjacent to North Carolina, provided the United States Army Corps of Engineers approved
26 the withdrawal or transfer on or before July 1, 2014, shall be considered and a determination
27 made according to the following procedures:

- 28 (1) The applicant shall file a notice of intent that includes a nontechnical
29 description of the applicant's request and identification of the proposed water
30 source.
31 (2) The applicant shall prepare an environmental document pursuant to
32 subsection (d) of this section, except that an environmental impact statement



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- 1 shall not be required unless it would otherwise be required by Article 1 of
2 Chapter 113A of the General Statutes.
- 3 (3) Upon determining that the documentation submitted by the applicant is
4 adequate to satisfy the requirements of this subsection, the Department shall
5 publish a notice of the petition in the North Carolina Register and shall hold
6 a public hearing at a location convenient to both the source and receiving
7 river basins. The Department shall provide written notice of the petition and
8 the public hearing in the Environmental Bulletin, a newspaper of general
9 circulation in the source river basin, a newspaper of general circulation in
10 the receiving river basin, and as provided in subdivision (3) of subsection (c)
11 of this section. The applicant who petitions the Commission for a certificate
12 under this subdivision shall pay the costs associated with the notice and
13 public hearing.
- 14 (4) The Department shall accept comments on the petition for a minimum of 30
15 days following the public hearing.
- 16 (5) The Commission or the Department may require the applicant to provide any
17 additional information or documentation it deems reasonably necessary in
18 order to make a final determination.
- 19 (6) The Commission shall make a final determination whether to grant the
20 certificate based on the factors set out in subsection (k) of this section,
21 information provided by the applicant, and any other information the
22 Commission deems relevant. The Commission shall state in writing its
23 findings of fact and conclusions of law with regard to each factor.
- 24 (7) The Commission shall grant the certificate if it finds that the applicant has
25 established by a preponderance of the evidence that the petition satisfies the
26 requirements of subsection (m) of this section. The Commission may grant
27 the certificate in whole or in part, or deny the request, and may impose such
28 limitations and conditions on the certificate as it deems necessary and
29 relevant."
- 30 **SECTION 8.** This act is effective when it becomes law."
31

SIGNED _____
Amendment Sponsor

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and vote information, is available in the
House Principal Clerk's Office**