

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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BILL DRAFT 2013-SBz-29 [v.3] (03/04)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)

3/6/2014 3:24:33 PM

Short Title: Amend Isolated Wetland Regulation.

(Public)

Sponsors: (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE REGULATORY REQUIREMENTS FOR ISOLATED
3 WETLANDS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW
4 COMMISSION.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.(a)** Until the effective date of the revised permanent rule that the
7 Environmental Management Commission is required to adopt pursuant to Section 1(c) of this
8 act, the Commission and the Department of Environment and Natural Resources shall
9 implement 15A NCAC 02H .1305 (Review of Applications) as provided in Section 1(b) of this
10 act.

11 **SECTION 1.(b)** Notwithstanding 15A NCAC 02H .1305 (Review of
12 Applications), both of the following shall apply to the implementation of 15A NCAC 02H
13 .1305:

14 (1) The amount of impacts of isolated wetlands under 15A NCAC 02H
15 .1305(d)(2) shall be less than or equal to 1 acre of isolated wetlands east of I-
16 95 for the entire project and less than or equal to 1/3 acre of isolated
17 wetlands west of I-95 for the entire project.

18 (2) The mitigation ratio under 15A NCAC 02H .1305(g)(6) shall be 1:1.

19 **SECTION 1.(c)** The Environmental Management Commission shall adopt a rule to
20 amend 15A NCAC 02H .1305 (Review of Applications) consistent with Section 1(b) of this
21 act. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this
22 section shall be substantively identical to the provisions of Section 1(b) of this act. Rules
23 adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the
24 General Statutes. Rules adopted pursuant to this section shall become effective as provided in
25 G.S. 150B-21.3(b1) as though 10 or more written objections had been received as provided by
26 G.S. 150B-21.3(b2).

27 **SECTION 2.** The Department of Environment and Natural Resources shall study
28 the surface area thresholds for the regulation of mountain bog isolated wetlands, including
29 whether mountain bog isolated wetlands should have surface area regulatory thresholds
30 different from other types of isolated wetlands. The Department shall report its findings and
31 recommendations to the Environmental Review Commission on or before November 1, 2014.

32 **SECTION 3.** This act is effective when it becomes law. Section 1(b) of this act
33 expires on the date that rules adopted pursuant to Section 1(c) of this act become effective.

