2009

SENATE AGRICULTURE/ ENVIRONMENT/ NATURAL RESOURCES

MINUTES

Bill	Introducer	Short Title		Latest Action	In Date	Out Date
H0097	Killian	ACTIVE DUTY HUNTING/ FISHING LICENSE EXEMPTION.	SR	Ch. SL 2009-25	04-07-09	04-30-09
H0105=	Wainwright	CLARIFY INTERSTATE WILDLIFE VIOLATOR COMPACT.	SR	Ch. SL 2009-15	03-25-09	04-01-09
H0239=	Allen	RESTORE WATER QUALITY IN JORDAN RESERVOIR.	*SR	Ch. SL 2009-216	05-14-09	06-09-09
H0461	Hill	EXTEND ANIMAL WASTE OPERATION INSPECTION PGM.	SR	Ch. SL 2009-84	04-27-09	05-28-09
H0569	Gibson	DWQ/BRIDGE CULVERT STANDARDS.	*SR	Ch. SL 2009-478	05-19-09	06-30-09
H0588	Owens	ADOPT OFFICIAL NC POTATO FESTIVAL.	*SR	Ch. SL 2009-24	04-21-09	05-07-09
H0684=	Harrison	NC FARMLAND PRESERVATION TRUST FUND.	*SR	Ch. SL 2009-303	05-19-09	06-30-09
H0709=	Allen	ADDRESS EROSION CONTROL ISSUES.	*SR	Ch. SL 2009-479	05-19-09	08-06-09
H0759	Gibson	ABC RECYCLING STAY EXTENSION.	SR	Ch. SL 2009-105	04-16-09	06-02-09
H0760	Gibson	DISPOSAL OF PESTICIDE CONTAINERS.	*SR	Ch. SL 2009-499	05-04-09	06-02-09
H0760	Gibson	DISPOSAL OF PESTICIDE CONTAINERS.	*SR	Ch. SL 2009-499	06-03-09	08-04-09
H0857	Lucas	BALLISTICS STANDARDS/ TAKING BIG GAME.	*SF	Failed 2nd Reading	05-19-09	06-17-09
H0972	Tarleton	BOONE WATER INTAKE EASEMENT.	S	Ref To Com On Agriculture/ Environment/ Natural Resources	05-19-09	
H1083	Hill	EXTEND STATE VET'S ANIMAL DISEASE AUTHORITY.	SR	Ch. SL 2009-103	05-20-09	06-02-09
H1099	Allen	AMEND ENVIRONMENTAL LAWS 2009.	*S	Conf Com Appointed	05-19-09	08-04-09
H1100	Allen	STORMWATER CONTROLS FOR COMPOST.	*SR	Ch. SL 2009-322	05-19-09	07-07-09
H1103	Hill	UPDATE SEED LAW/ INCREASE SEED LICENSE FEES.	*SR	Ch. SL 2009-455	05-28-09	06-16-09
H1104	Hill	UPDATE NC MEAT INSPECTION ACT.	SR	Ch. SL 2009-102	05-20-09	06-02-09
H1108	Hill	CLARIFY LICENSE REQ/ OUT OF STATE WEIGHMASTERS.	SR	Ch. SL 2009-87	05-19-09	05-28-09
H1118	Haire	STANDARDIZE WILD BOAR SEASONS/SWINE STUDY.	*SR	Ch. SL 2009-89	05-05-09	05-28-09
H1175	Hill	UPDATE NPDES PERMITTING FOR CAFOS.	SR	Ch. SL 2009-92	05-14-09	05-28-09
H1196	England	STATE NAT. & HIST. PRES. ADDNS. & DEL.	*SR	Ch. SL 2009-503	05-19-09	06-23-09
H1236	Gibson	PROMOTE WATER USE EFFICIENCY.	*SR	Ch. SL 2009-480	05-20-09	08-04-09
H1335	Gibson	MORATORIUM ON EMC	*S	Ref To Com On	05-20-09	07-21-09

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Bill	Introducer	Short Title		Latest Action	In Date	Out Date
		RULE MAKING.		Rules, Calendar, and Operations of the House		
H1378	McComas	CLEAN MARINAS/PUMPOUT STATIONS.	*SR	Ch. SL 2009-345	05-14-09	07-07-09
H1388	Fisher	BROWNFIELDS PROPERTY NOTIFICATIONS.	*SR	Ch. SL 2009-181	05-20-09	06-16-09
H1399	Braxton	CAPACITY USE AREAS ENFORCEMENT.	*SR	Ch. SL 2009-134	05-20-09	06-02-09
H1419	Cleveland	BAT PROTECTION ACT.	*SR	Ch. SL 2009-219	05-14-09	06-23-09
S0089=	Joe Sam Queen	AUTHORIZE GRANDFATHER MTN. AS STATE PARK.	*SR	Ch. SL 2009-12	02-26-09	03-05-09
S0101	Fletcher L. Hart	INTERCONNECTION OF PUBLIC WATER SYSTEMS.	S	Ref To Com On Agriculture/ Environment/ Natural Resources	02-11-09	
S0105=	Charles W. Alber	SUSPENSION AND REVOCATION OF FISHING LICENSES.	*S	Re-ref Com On Finance	02-11-09	05-07-09
S0106=	Charles W. Alber	MORATORIUM ON EMC RULE MAKING.	*S	Re-ref Com On Finance	02-11-09	07-14-09
S0107=	Charles W. Alber	IMPLEMENT SHELLFISH FMP RECOMMENDATIONS.	*SR	Ch. SL 2009-433	02-11-09	05-07-09
S0108=	Charles W. Alber	MANAGEMENT OF THE STRIPED BASS FISHERY.	S	Re-ref Com On Ways & Means	02-11-09	02-26-09
S0126	Philip E. Berger	AMEND DRINKING WATER TESTING/PRIVATE WELLS.	S	Ref To Com On Agriculture/ Environment/ Natural Resources	02-12-09	
S0141=	John Snow	LIMIT WELL WATER TESTING FOR VOC'S.	*SR	Ch. SL 2009-124	02-12-09	02-19-09
S0166=	Tony Foriest	DISAPPROVE JORDAN LAKE RULES.	S	Re-ref Com On Rules and Operations of the Senate	02-16-09	02-17-09
S0457=	John Snow	ADD DEFINITION OF BIODIESEL.	*SR	Ch. SL 2009-237	03-09-09	04-01-09
S0467=	Floyd B. McKissi	RECOVER PETS/RELIEVE OVERCROWDING AT SHELTERS.	*SR	Ch. SL 2009-304	03-09-09	05-07-09
S0473=	David F. Weinste	CERTIFIED TECHNICIANS FOR ANIMAL EUTHANASIA.	S	Ref To Com On Agriculture/ Environment/ Natural Resources	03-10-09	
S0515=	Neal Hunt	PROHIBIT PENNING OF WILDLIFE.	S	Ref To Com On Agriculture/ Environment/ Natural Resources	03-11-09	
S0524=	Julia Boseman	DISAPPROVE COASTAL SETBACK RULE.	S	Ref To Com On Agriculture/ Environment/ Natural Resources	03-11-09	
S0600=	Daniel G. Clodfe	CONDEMNATION OF CONSERVATION EASEMENTS.	*SR	Ch. SL 2009-439	03-16-09	05-05-09
S0636=	Harry Brown	REIMBURSE BEACH	*S	Re-ref Com On	03-18-09	04-28-09

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Bill	Introducer	Short Title		Latest Action	In Date	Out Date
		NUISANCE ABATEMENT COST.		Appropriations		
S0699=	Julia Boseman	CEMENT PLANT MORATORIUM AND STUDY.	S	Re-ref Com On Appropriations/ Base Budget	03-19-09	05-13-09
S0706=	A. B Swindell	AMEND ON-SITE WASTEWATER CONTRACTOR LAWS.	S	Re-ref Com On Appropriations/ Base Budget	03-24-09	04-16-09
S0719	Daniel G. Clodfe	AMEND ENVIRONMENTAL LAWS 2009.	*S	Re-ref Com On Finance	03-24-09	05-07-09
S0739=	Vernon Malone	PROHIBIT PENNING OF WILDLIFE.	S	Ref To Com On Agriculture/ Environment/ Natural Resources	03-24-09	
$ S0753	**Daniel G. Clodfe**	**WATER INFRASTRUCTURE COMMN/COORDINATE FUNDS.**	**S**	**Ref To Com On Agriculture/ Environment/ Natural Resources**	**03-24-09**	
S0755	Daniel G. Clodfe	PROMOTE MITIGATION BANKS.	*SR	Ch. SL 2009-337	03-24-09	05-05-09
S0757	Daniel G. Clodfe	STATEWIDE WATER PLAN/ PROG. EVAL. RECOMMEND.	S	Ref To Com On Agriculture/ Environment/ Natural Resources	03-24-09	
S0760=	Floyd B. McKissi	PER DIEM EROSION CONTROL PENALTIES.	*S	Re-ref Com On Finance	03-24-09	05-04-09
S0778	R. C. Soles, Jr.	ELIMINATE OVERLAP BETWEEN CAMA AND SEPA.	*S	Ref to the Com on Environment and Natural Resources, if favorable, Judiciary I	03-25-09	05-04-09
$ S0785	**David F. Weinste**	**EQUINE INDUSTRY COMMISSION.**	**S**	**Re-ref Com On Appropriations/ Base Budget**	**04-01-09**	**04-16-09**
S0792	Fletcher L. Hart	WATER INFRASTRUCTURE AUTHORITY/WATER GRANTS.	S	Ref to Agriculture/ Environment/ Natural Resources. If fav, re-ref to Appropriations/ Base Budget	03-25-09	
S0832	Julia Boseman	CRC MAY PERMIT TERMINAL GROIN.	*S	Ref to the Com on Environment and Natural Resources, if favorable, State Government/State Personnel, if favorable, Rules, Calendar, and Operations of the House	03-25-09	04-29-09
S0833	Daniel G. Clodfe	DELINEATE RIVER BASINS.	S	Held by Senate	03-25-09	04-16-09

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Bill	Introducer	Short Title		Latest Action	In Date	Out Date
S0835	Charles W. Alber	EXTEND CLIMATE CHANGE COMMISSION.	*SR	Ch. SL 2009-306	03-25-09	04-01-09
S0836=	Charles W. Alber	RECYCLE PRODUCTS CONTAINING MERCURY.	*S	Re-ref Com On Environment and Natural Resources	03-25-09	05-07-09
S0838=	Charles W. Alber	AMENDMENTS TO ENVIRONMENTAL LAWS 2009.	*SR	Ch. SL 2009-484	03-25-09	05-07-09
S0865	David W. Hoyle	NO STATE REGULATION OF TOXIC TITLE V SOURCES.	S	Ref To Com On Agriculture/ Environment/ Natural Resources	03-26-09	
S0866=	David W. Hoyle	APA RULES: INCREASING COSTS PROHIBITION.	S	Ref to the Com on Rules, Calendar, and Operations of the House, if favorable, Environment and Natural Resources, if favorable, Judiciary I	03-26-09	05-12-09
S0876	Daniel G. Clodfe	STUDY CONSOLIDATED ENVIRONMENTAL COMMISSION.	S	Ref To Com On Agriculture/ Environment/ Natural Resources	03-26-09	
S0881=	Bob Atwater	AGRELIEF ACT/COST SHARE PROGRAM.	*S	Re-ref Com On Finance	03-26-09	05-04-09
S0881=	Bob Atwater	AGRELIEF ACT/COST SHARE PROGRAM.	*S	Re-ref Com On Finance	05-13-09	05-13-09
S0885	Don Vaughan	PROTECT OYSTER SANCTUARIES.	S	Ref To Com On Agriculture/ Environment/ Natural Resources	03-26-09	
S0886=	Don Vaughan	IMPROVE SUCCESS OF FMPS.	*S	Ref to the Com on Marine Resources and Aquaculture, if favorable, Environment and Natural Resources	03-26-09	05-07-09
S0896	Fletcher L. Hart	ANALYSIS OF AGRICULTURAL RESEARCH STATIONS.	S	Ref To Com On Agriculture/ Environment/ Natural Resources	03-26-09	
S0907=	Daniel G. Clodfe	WATER RESOURCE POLICY ACT OF 2009.	S	Ref To Com On Agriculture/ Environment/ Natural Resources	03-26-09	
S0919	Stan Bingham	STUDY INTERBASIN TRANSFER NETTING.	S	Ref To Com On Agriculture/ Environment/ Natural Resources	03-26-09	
S0992	Don Davis	AUTHORIZE MAYORS TO SOLEMNIZE MARRIAGE.	S	Ref to the Com on State Government/ State Personnel, if favorable,	05-14-09	05-14-09

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Bill	Introducer	Short Title		Latest Action	In Date	Out Date
				Judiciary I		
S0998	Clark Jenkins	MORATORIUM ON CERTAIN SANDBAG REMOVALS.	*S	Ref to the Com on Environment and Natural Resources, if favorable, Rules, Calendar, and Operations of the House	03-26-09	05-04-09
S1010	A. B Swindell	MIGRATORY GAME BIRD SEASON AUTHORITY.	*SR	Ch. SL 2009-221	03-26-09	05-05-09
S1011	A. B Swindell	AMEND TRAP SIZES.	*SR	Ch. SL 2009-120	03-26-09	05-05-09
S1018=	Josh Stein	BAN CERTAIN SINGLE-USE BAGS.	*SR	Ch. SL 2009-163	03-26-09	05-04-09
S1020	Josh Stein	IMPROVE UPPER NEUSE BASIN WATER QUALITY.	*SR	Ch. SL 2009-486	03-26-09	05-12-09
S1035	Andrew C. Brock	GOV/GA/COS PAY REDUCTION.	S	Ref To Com On Agriculture/ Environment/ Natural Resources	03-31-09	
S1067	Charles W. Alber	SUSTAINABLE LOCAL FOOD POLICY COUNCIL/ GOAL.	*SR	Ch. SL 2009-530	03-31-09	05-12-09
S1068=	Charles W. Alber	PERMITTING OF WIND ENERGY FACILITIES.	*S	Ref to the Com on Energy and Energy Efficiency, if favorable, Finance	03-31-09	07-07-09
S1068=	Charles W. Alber	PERMITTING OF WIND ENERGY FACILITIES.	*S	Ref to the Com on Energy and Energy Efficiency, if favorable, Finance	07-15-09	08-05-09
S1080	John Snow	MINING PERMIT APPLICATION REVIEW BY LOCALS.	S	Ref To Com On Agriculture/ Environment/ Natural Resources	03-31-09	
S1105	Bob Atwater	BOARD OF AGRICULTURE CONFIRMATION.	S	Adopted	07-01-09	07-07-09

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SENATE AGRICULTURE COMMITTEE - 2009 SESSION

MEMBER	LOCATION	PHONE	LEGISLATIVE ASST.
Atwater, Bob, **Chair**	312-LOB	5-3036	Carol Resar
Allran, Austin, **Vice Chair**	516-LOB	3-5876	Carole Walker
Davis, Don, **Vice Chair**	525-LOB	3-5621	Sylvia Sears
Kinnaird, Ellie, **Vice Chair**	2115-LB	3-5804	Kathie Young
Weinstein, David, **Vice Chair**	2108-LB	3-5651	Vickie Spears
Albertson, Charles W.	525-LOB	3-5705	Cindy Brooks Davis
Bingham, Stan	2117-LB	3-5665	Judy Chriscoe
Brock, Andrew	1101-LB	5-0690	Janet Black
Brown, Harry	521-LOB	5-3034	Suzanne Gunter
Clodfelter, Dan	408-LOB	5-8331	Wanda Joyner
Hartsell, Fletcher	518-LOB	3-7223	Gerry Johnson
Preston, Jean	313-LOB	3-6275	Suzanne Castleberry
Queen, Joe Sam	1121-LB	3-3460	Sarah Wilson
Rouzer, David	520-LOB	3-5748	Judy Edwards
Snow, John	517-LOB	3-5875	Rebecca Butler
Swindell, AB,	629-LOB	5-3030	Mo Hudson
Tillman, Jerry	628-LOB	3-5870	Yvonne Hall

Committee Counsel

Jeffrey Hudson	**LOB-545**	**3-2578**
Jennifer Mundt	**LOB-545**	**3-2578**
Jennifer L. McGinnis	**LOB-545**	**3-2578**
Mariah Matheson	**LOB-545**	**3-2578**
Lanier McRee	**LOB-619**	**3-4910**

Principal Clerk _____
Reading Clerk _____

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on **Agriculture/Environment/Natural Resources** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	February 17, 2009	11:00 AM	544 - LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR

Speaker:
Commissioner Steve Troxler, North Carolina Department of Agriculture

Senator Bob Atwater, Chair

Senator Agriculture/Environment/Natural Resources Committee
Tuesday, February 17, 2009
11:00 AM
544 LOB

AGENDA

- **Welcome and Opening Remarks**
- **Commissioner Steve Troxler, North Carolina Department of Agriculture**
- **Adjournment**

SENATE AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE
Tuesday, February 17, 2009 at 11:00 AM
Room 544, Legislative Office Building

MINUTES

The Senate Agriculture/Environment/Natural Resources Committee met at 11:00 AM on February 17, 2009, in Room 544 of the Legislative Office Building. 15 members of the committee were present. Senator Bob Atwater presided.

Senator Atwater welcomed everyone and introduced the Senate pages, Sergeant-at-arms staff, and Committee staff. He then asked the Committee members to introduce themselves.

Next, Senator Atwater asked Commissioner Steve Troxler, North Carolina Department of Agriculture, to give an overview of the Department. Commissioner Troxler stated that the Department of Agriculture's budget was 3/10ths of 1% of the total State budget; however, agribusiness is the number one industry in the State generating $71 billion.

Commissioner Troxler told the Members that the agriculture industry needed to be nurtured to remain successful and maintain the ability to feed the country so it does not have to rely on a foreign food supply. He said the average age of the North Carolina farmer is 57 and one of the challenges is to keep young people on the farm through profitability of the farms. Farm preservation and agriculture research are also key to sustaining the growth in agribusiness.

Commissioner Troxler also told the Committee that the Department's marketing strategies, "Goodness Grows in North Carolina" and "Got to Be NC," are very successful. Exported products have increased from $1.6 million to $2.2 million.

Also, national food safety concerns have impacted North Carolina. The recent tomato, chili pepper and peanut scares have affected the North Carolina farmers even though North Carolina products were not involved in the scare. Last year's peanut crop was the biggest ever grown, but the peanuts sit in warehouses because nobody will buy them because of the current peanut product recall. The Federal Food and Drug Administration and the State Food and Drug Division identify the problem and mitigate the problem, but it falls on the State to restore public confidence.

Commissioner Troxler concluded his overview by listing several budget requests he would like the Committee to consider including adequate money to test gas pumps, scales and retail scanners for accuracy, farmland preservation and poultry plant safety.

After commissioner Troxler's presentation, Senator Atwater opened up the meeting for questions.

- Senator Swindell asked about fertilizer costs, the outlook for the beans, wheat and corn crops, and the need for H2 workers to help with the aquaculture industry. Commissioner Troxler responded that the fertilizer costs went up with the price of commodities but has not fallen as low as commodity prices have fallen. A lot of the fertilizer is coming from offshore and the currency exchange rates played into the rising cost of fertilizer. Regarding crop outlook, Commissioner Troxler stated that

corn demand is high and production is not keeping up with that demand. He then stated that the aquaculture and seafood workers come under the H2B workers program which is different from the H2A agricultural worker program. The H2B program has different regulations and a cap on the number of workers that can come into the United States to work. The federal government will continue to play an important role in the agriculture industry because of these programs.

- Senator Kinnaird asked about the "School Yard Garden" program that was introduced in a few schools in Orange County. She said that they tried this program in Wilmington and was told that the food grown by the students could be taken home, but not served at the school. Commissioner Troxler responded that he did not know why that happened, but he said that the Department of Agriculture received $220,000 from the Legislature last year for seed money for the "Farm to Schools" program which put local products into the schools and this program is growing every year.
- Senator Preston asked what the Department was doing in the seafood area. Commissioner Troxler responded that the Department's role in the seafood and aquaculture industry is mainly marketing. The "Fresh from NC Waters" is part of the "Got to Be NC" marketing program.
- Senator Brown asked about the cotton and tobacco crops and their importance to the State. Commissioner Troxler responded that the cotton industry has rapidly lost acreage in recent years because of the low commodity prices and the stagnant worldwide demand for cotton. Tobacco has done well and is still a major crop in North Carolina. The federal increase in the excise tax on cigarettes will decrease consumption which will impact the tobacco crop. This is also true if the State increases the cigarette tax. Also, the Food and Drug Administration does not need to regulate tobacco products as they think they need to do.
- Senator Atwater asked Commissioner Troxler to close with a few comments about the marketing program and Wal-Mart. Commissioner Troxler told the Committee that Wal-Mart was the largest buyer of local foods and fresh fruits and vegetables and that did not just happen. The major goal of the "Got to Be NC" program is to get North Carolina products on grocery shelves and the Department was skeptical at first that Wal-Mart would be part of that program. However, Wal-Mart did some test markets and the growth in sales was so great that they wanted to be part of the program. Commissioner Troxler also said that through flavor shows, small North Carolina companies have been able to introduce their products to all the retail grocery chains, restaurants and food services in North Carolina. Many times these shows are the big break these companies need. Commissioner Troxler said 18 companies, 6 of which are minority companies, were going to a Wal-Mart show in Arkansans this year to showcase their products. He said Wal-Mart was so impressed with the "Got to Be NC" marketing program that they asked if the Department would help other states learn this marketing strategy. The Department declined. Commissioner Troxler concluded by saying that there is a tremendous return to the State agriculture industry on the money spent on the marketing programs.

The meeting was adjourned at 11:50 AM.

Senator Bob Atwater, Presiding

Carol Resar, Committee Clerk

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — February 17, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Zan Hedgecock	NCDA & CS
N. David Smith	NCDA & CS
Joy Hicks	NCDA & CS
David McLeod	NCDA & CS
Richard C. Reich	NCDA & CS
Ray Starling	"
Annette Newkirk	Gov. Office
Jeb Kelly	Senate Intern
Amy Sykes	DENR
Elizabeth Biser	DENR
John Mathuz	Gov Office

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — February 17, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Matt Harrell	The Policy Group
Paul Hoglund	Inform
Andrew Meehan	NC Elec. Co-ops
Steve Metcalf	NCPC
Leslie Arnold	SOG-Daily Bulletin
Laura W. Bone	Bone and Associates
Pat Sanford	NC Environmental Law Committee
Alicia Jones	MWC
Glenn Jernigan	Agricultural Alliance of N.C.
L. Andrews	NCFB
Patrick Baker	NMRS
Daniel Ambrose	Electric Cities
Howard Isley	NCDA&CS

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — February 17, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
DANIEL WILSON	North Carolina Rural Water Assoc.
Hayley Rogers	North Carolina Rural Water Assoc.
JERRY HARDESTY	NCRC
Bob Slocumb	NC Forestry Assoc
PRESTON HOWARD	NCIC
Doug Lassiter	NCSTA
Sue Cowell	Hemophilia of NC
Chip Kellian	Nelson Mullins

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — February 17, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Rochelle Williams	NCCARE

Principal Clerk ____
Reading Clerk ____

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on **Agriculture/Environment/Natural Resources** will meet at the following time:

DAY	DATE	TIME	ROOM
Thursday	February 19, 2009	10:00 AM**	544 - LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 141	Limit Well Water Testing for VOC's.	Senator Snow

Senator Bob Atwater, Chair

Senate Agriculture/Environment/Natural Resources Committee
Thursday, February 19, 2009, 10:00 AM
544 LOB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

SB 141	Limit Well Water Testing for VOC's.	Senator Snow

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE REPORT
Senator Bob Atwater, Chair

Thursday, February 19, 2009

Senator ATWATER,
submits the following with recommendations as to passage:

FAVORABLE

S.B. **141** Limit Well Water Testing for VOC's.
Sequential Referral: None
Recommended Referral: None

TOTAL REPORTED: 1

Committee Clerk Comments:

SENATE AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE
Thursday, February 19, 2009 at 10:00 AM
Room 544, Legislative Office Building

MINUTES

The Senate Agriculture/Environment/Natural Resources Committee met at 10:00 AM on February 19, 2009, in Room 544 of the Legislative Office Building. 11 members of the committee were present. Senator Bob Atwater presided.

Senator Atwater welcomed everyone and introduced the Senate pages. Then the following bill was discussed:

SB 141, Limit Well Water Testing for VOC's.

Senator Snow's explanation of the bill was followed by a brief discussion by the members. Mr. Don Yousey with the Brunswick County Health Department also spoke in favor of the bill. **Senator Bingham moved for a favorable report. Motion carried.**

The meeting was adjourned at 10:20 AM.

Bob Atwater
Senator Bob Atwater, Presiding

Carol Resar
Carol Resar, Committee Clerk

SENATE BILL 141

Short Title:	Limit Well Water Testing for VOC's.	(Public)
Sponsors:	Senators Snow; Jacumin and Tillman.	
Referred to:	Agriculture/Environment/Natural Resources.	

February 12, 2009

A BILL TO BE ENTITLED

AN ACT TO LIMIT DRINKING WATER TESTING FOR THE PRESENCE OF VOLATILE ORGANIC COMPOUNDS IN WATER OBTAINED FROM NEWLY CONSTRUCTED PRIVATE DRINKING WATER WELLS BASED UPON THE RISK OF THE COMPOUNDS' PRESENCE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 87-97(h) reads as rewritten:

"(h) **(Effective October 1, 2009)** Drinking Water Testing. – Within 30 days after it issues a certificate of completion for a newly constructed private drinking water well, the local health department shall test the water obtained from the well or ensure that the water obtained from the well has been sampled and tested by a certified laboratory in accordance with rules adopted by the Commission for Public Health. The water shall be tested for the following parameters: arsenic, barium, cadmium, chromium, copper, fluoride, lead, iron, magnesium, manganese, mercury, nitrates, nitrites, selenium, silver, sodium, zinc, pH, and bacterial ~~indicators,~~ indicators. The local health department shall make a specific determination as to whether the water obtained from the well shall be tested for the following additional parameters based on the risk of their presence at the site of the newly constructed private drinking water well: methyl tert-butyl ether, ethylene dibromide, 1,2-dichloroethane, 1,2-dichloropropane, isopropyl ether, benzene, toluene, ethylbenzene, xylenes, trichloroethylene, and tetrachloroethylene."

SECTION 2. This act becomes effective October 1, 2009.

SENATE BILL 141:
Limit Well Water Testing for VOC's

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	February 19, 2009
Introduced by:	Sen. Snow	**Prepared by:**	Jennifer Mundt Legislative Analyst
Analysis of:	First Edition		

SUMMARY: ***Senate Bill 141 would require the local health department to make a specific determination as to whether the water obtained from a newly constructed private drinking water well must be tested for VOCs. This determination would be based on their presence on the site of that well.***

[As introduced, this bill was identical to H163, as introduced by Reps. West, Haire, Frye, Goforth, which is currently in House Environment and Natural Resources, if favorable, Health.]

CURRENT LAW: G.S. 87-97(h) requires local health departments to test water obtained from newly constructed private drinking water wells or ensure that the water has been sampled and tested by a certified laboratory for a suite of parameters including: specific metals; nutrients; pH; bacterial indicators; and volatile organic compounds (VOCs).

BILL ANALYSIS: Senate Bill 141 would require the local health department to make a specific determination as to whether the water obtained from a newly constructed private drinking water well must be tested for VOCs. This determination would be based on their presence on the site of that well.

EFFECTIVE DATE: This bill would become effective October 1, 2009.

BACKGROUND: S.L. 2006-2002 (Safe Drinking Water/Private Wells) required the testing of water from newly constructed private drinking water wells for the presence of arsenic, barium, cadmium, chromium, copper, fluoride, lead, iron, magnesium, manganese, mercury, nitrates, nitrites, selenium, silver, sodium, zinc, pH, and bacterial indicators. Section 1 of S.L. 2008-198 (Amend Env. Laws/Env. Tech. Corrections 2008) added the following VOCs for which testing is required: methyl tert-butyl ether, ethylene dibromide, 1,2-dichloroethane, 1,2-dichloropropane, isopropyl ether, benzene, toluene, ethylbenzene, xylenes, trichloroethylene, and tetrachloroethylene.

A survey of several North Carolina county health departments[1] shows that the fees for VOC testing and analysis range up to $200 per well water sample.

S141-SMTA-1(e1) v5

[1] Per discussion with Chris Hoke, Chief of the Office of Regulatory and Legal Affairs in the Division of Public Health in the Department of Health and Human Services and a survey of the following counties: Buncombe, Cherokee, Cumberland, Durham, Edgecombe, Mecklenburg, Onslow, Wake, and Yadkin.

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Senate Ag/Env/Nat. Resources — February 19, 2009

Name of Committee — **Date**

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Elizabeth Biser	DENR
R. Rogers	CWMTF
Walt Haven	DENR/DEH
Don Yousey	Brunswick Co. Health Dept.
Lynette Tolson	NCALHD
DAVID RICE	NEW HANOVER CO. Health Dept
Terry L. Pierce	Div Env Hlth, DENR
Jeff Engel	DHHS / Public Health
Leslie Wolf	DHHS/Public Health/NCSLPH
John L. Neal	DHHS/Public Health/NCSLPH

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NAME	FIRM OR AGENCY AND ADDRESS
L. Andrews	NCFB
Kevin Leonard	NCSR
Butch Gunnells	NC Bev A
John Goodman	NC Chamber
Kathy Hawkins	Progress Energy

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Name of Committee — **Date**

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Alicia	MWC
W. Daniel Jackson	Electric Cities
Leslie Arnold	SOG-Daily Bulletin
Chris Hamer	ASTANA
Paula Lupton O'Brian Fine Page	Farm Bureau
Desmond Laughinghouse	NS
Bob Ford	NC Poultry Fed
Harrison Gilbert	Game Office
Bob Brennan	National Audubon
Colleen Kochanek	NCGWA

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Senate Ag/Env/Nat. Resources — February 19, 2009

Name of Committee — **Date**

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NAME	FIRM OR AGENCY AND ADDRESS
Michael Kaufman	Public Health / State Lab of PH
Anonymous	NCSG
Stan Wall	DENR
Michelle Frazier	Manning Fulton
R. Paul Wilms	WGR
Lisa Martin	NC Home Builders
Jessi Hayes	
Rick Zechini	NC Assn. of Realtors

Principal Clerk ____
Reading Clerk ____

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on **Agriculture/Environment/Natural Resources** will meet at the following time:

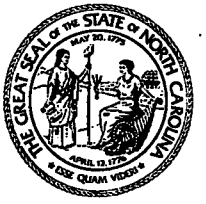
DAY	DATE	TIME	ROOM
Tuesday	February 24, 2009	11:00 AM	544 LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR

Speaker:
Secretary Dee Freeman, North Carolina Department of Environment and Natural Resources

Senator Bob Atwater, Chair



Senator Agriculture/Environment/Natural Resources Committee
Tuesday, February 24, 2009
11:00 AM
544 LOB

AGENDA

- **Welcome and Opening Remarks**
- **Introduction of Pages**
- **Presentations:**
  Secretary Dee Freeman, North Carolina Department of Environment/ Natural Resources
- **Adjournment**

SENATE AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE
Tuesday, February 24, 2009 at 11:00 AM
Room 544, Legislative Office Building

MINUTES

The Senate Agriculture/Environment/Natural Resources Committee met at 11:00 AM on February 24, 2009, in Room 544 of the Legislative Office Building. 14 members of the committee were present. Senator Ellie Kinnaird, Committee Vice-Chair, presided.

Senator Kinnaird introduced the pages and then asked Secretary Dee Freeman, Department of Environment and Natural Resources (DENR), to give an overview of the Department.

Secretary Freeman introduced some of his staff; Robin Smith, Assistant Secretary for Environment; Manly Wilder, Assistant Secretary for Natural Resources; Amy Simes, Transportation Liaison; and Elizabeth Biser, Legislative Liaison. He stated that one of things the Department wanted to do is work very closely with the Legislature.

He next gave a brief biography of himself including that he was a native of Lenoir, North Carolina, went to NC State University, was a City Manager for 27 years and was the Executive Director of the Triangle J Council of Government for 8-1/2 years prior to being named the Secretary of DENR. He has worked in public service for the last 40 years.

Secretary Freeman then told the Committee that Governor Perdue has created an atmosphere of teamwork among the Cabinet members. The Cabinet meets weekly with the Governor and the Secretaries of DENR, Cultural Resources, Commerce and Transportation are meeting as a subset to work on overlapping issues for these Departments. They particularly want to take full advantage of the federal stimulus money that is coming to North Carolina.

Secretary Freeman said that there was a working group within DENR that is looking specifically at the stimulus legislation from Congress. They want to have projects ready to go, as well as troubleshoot and make adjustments to the projects as needed. DENR will have more projects than are actually funded just in case other states revert money back to the federal government and North Carolina may be able to capture those funds. He also wanted DENR to help with the permitting process so the projects using the federal stimulus money can go forward unabated while continuing to protect the environment and conserve the natural resources.

With regards to the State budget, Secretary Freeman told the Committee that DENR has already given budget reductions to the Office of Budget and Management and will continue to look for areas that can be reduced.

After Secretary Freeman's comments, Senator Allran stated that he thought Dee Freeman was a great person, very accessible and easy to work with. He then asked Secretary Freeman the effect that the stimulus money will have on DENR. Secretary Freeman replied that the funds would come mainly through EPA for water and wastewater projects. There will be some money for underground storage tanks, the Brownfields program and maybe some earmark money for forestry. Most of DENR's attention would be directed at the water and wastewater projects.

Senator Allran asked what conditions would be attached to the projects. Secretary Freeman responded that with the water and wastewater projects in some cases the match funds requirement by the State would be waived, but with the Brownfields projects the match funds would not be waived. It will be a balancing act to meet the requirements and keep projects moving alone in a timely way. Also, a legislative package will have to be approved fairly quickly so the deadlines in the federal legislation can be met. This will be done in an omnibus manner to cover all the Departments.

Secretary Freeman added that DENR is working with the Department of Transportation to make sure their permitting requirements are met and the projects do not run into any snags.

The meeting was adjourned at 11:30 AM.

Senator Ellie Kinnaird, Presiding

Carol Resar, Committee Clerk

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — **Name of Committee**

February 24, 2009 — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Robin Smith	DENR
Mark Wilder	DENR
Amy Sims	DENR
Elizabeth Biser	DENR
Mary A. Graff	Duke Raleigh Hospital Nurse of Day
Sandra Hosford	Chapel Hill Pediatrics Doctor of Day
Angie Whitener	NC Pork
[illegible]	LAHA
Ken Melton	Ken Melton & Assoc.
Butch Gunnells	NC Ber A
Jessi Hayes	NC Home Builders

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — February 24, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Henry Huntsff	N.C.B.A.
Hayley Rogers	North Carolina Rural Water Assoc.
L.V. Taylor	Wake Co. resident
Lu-Ann [illegible]	MCIC
George Everett	Duke Energy
Tracy Kimbrell	Parker Poe
Preston Howard	MCIC
[illegible]	Economic
Anne Tazewell	NC Solar Center / NCSU
[illegible]	CPA

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Senate Ag/Env/Nat. Resources — February 24, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jay Stem	NCAA
David Boaz	NWC
John Shaw	Wake UP Wake Co.
Allen Hardison	CRSWMA
Mia Bailey	Electricities of NC, Inc.
Fred Bo[illegible]	B[illegible] & Assoc.
Kimberly Dalton	NCRMA
Linda Andrews	NCFB
[illegible]	[illegible]
Dianne Reading	DENR - Forestry
Carol Tingley	DENR - Parks
[illegible]	NCPC

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SENATE
NOTICE OF COMMITTEE MEETING
AND
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The Senate Committee on **Agriculture/Environment/Natural Resources** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	March 3, 2009	11:00 AM	544 LOB

- Final Report of the Water Allocation Study
  Richard B. Whisnant, Associate Professor of Public Law and Government
  University of North Carolina Institute of Government

  William E. Holman, Visiting Senior Fellow
  Nicholas Institute for Environmental Policy Solutions
  Duke University

Senator Bob Atwater, Chair

Senator Agriculture/Environment/Natural Resources Committee

Tuesday, March 3, 2009
11:00 AM
544 LOB

AGENDA

- **Welcome and Opening Remarks**
- **Introduction of Pages**
- **Presentations:**
  Final Report of the Water Allocation Study
  Richard B. Whisnant, Associate Professor of Public Law and Government
  University of North Carolina Institute of Government

  William E. Holman, Visiting Senior Fellow
  Nicholas Institute for Environmental Policy Solutions
  Duke University
- **Adjournment**

SENATE AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE
Thursday, March 3, 2009 at 11:00 AM
Room 544, Legislative Office Building

MINUTES

The Senate Agriculture/Environment/Natural Resources Committee met at 11:00 AM on March 3, 2009, in Room 544 of the Legislative Office Building. 12 members of the committee were present. Senator Bob Atwater presided.

Senator Atwater welcomed everyone and introduced the pages.

Senator Atwater then introduced Mr. Richard Whisnant, Associate Professor of Public Law and Government at the University of North Carolina Institute of Government, and Mr. William Holman, Visiting Senior Fellow at the Nicholas Institute for Environmental Policy Solutions at Duke University. He asked them to present the final report of the Water Allocation Study (see Attachment #1).

Mr. Holman told the Committee that the Water Allocation Study was authorized during the 2007 Legislative Session. Referring to a PowerPoint presentation (see Attachment #2), he said that the NC Drought Monitor gives weekly drought updates for North Carolina. By 2030, daily water use in the State will increase by 35% and water consumption was increasing at a faster rate than population increases.

Mr. Holman also told the Committee that there were other relevant studies regarding water allocation and referred to page 7 of Handout #2.

Mr. Whisnant then summarizes the 4 possible scenarios that the increased water usage could present:

Scenario 1: Stream dries up from withdrawals
Scenario 2: Wells dry up from withdrawals
Scenario 3: City over commit
Scenario 4: No good local new supply options

He also stated that as the State shifts off the use of oil, more water will be needed to produce the electricity that will replace oil. He said that there was ample precipitation, but it had to be managed correctly. There are multi-state compacts set up creating water management districts. However, North Carolina is not in any of them. He referenced to page 9 of Handout #2 and said the western United States had water budgets. The eastern United States allows everyone to use the amount of water they feel is "reasonable." Excluding North and South Carolina and Alabama, the eastern United States has a permit system for large withdrawals which helps control water conflict.

Mr. Whisnant told the Committee that the State had the tools to ensure adequate water supplies and avoid all four of the problem scenarios. He then offered nine recommendations that came out of the Study (listed on page 11 of Handout #2). Finally, he answered the question "why act in 2009?" The points he highlighted are on pages 13 and 14 of Handout #2.

After Mr. Whisnant and Mr. Holman gave their presentations, the Committee members asked a series of questions:

- Senator Bingham asked if they were going to make recommendations to the Committee through legislation. Mr. Whisnant replied they were working with Staff. Senator Bingham asked if they would have legislation for this Session and Mr. Holman replied yes. Senator Bingham asked what the criteria were for a "major withdrawal." Mr. Holman replied that current statutes state a user has to be registered with the State if using at least 100,000 gallons/day. Senator Bingham asked why the per capita use of electricity in the Northeast United States was half of what it is in the Southeast. Mr. Holman replied that the price of water and electricity was cheaper in the South and the Northeast used more oil.
- Senator Queen asked what the relationship was between future power generation and water flow. Mr. Whisnant answered that in general, nuclear power and coal power use large amounts of water. In the past, the State was not too worried about usage, but future sitings of these plants will take water usage into account.
- Senator Allran asked if there would be various groups involved in writing any legislation that may be introduced. Mr. Holman replied that he, Mr. Whisnant and Staff were working on the language. The Study was a result of input from several groups. Mr. Jeff Hudson, Committee Counsel, added that before the Study was approved, the Environmental Review Commission held five public hearings around the State. Several organizations continue to meet and it would not just be Mr. Holman, Mr. Whisnant and Staff "cooking up" the legislation. Senator Allran then asked if permitting legislation came out this year would the bi-state commission between North Carolina and South Carolina be talking about the same things. Mr. Holman replied yes. Senator Allran then commented that he believes with 9 million people in North Carolina, soon to be 12 million, that conservation cannot be the only solution and that new reservoirs and containment areas need to be created. Mr. Holman responded that there needed to be more storage and better efficiency, but it needed to be customized based on location. Senator Allran asked if they knew where the new containment facilities would be and Mr. Whisnant replied that the Report did not give the location of new storage. Dr. Moreau's Study was trying to answer that question (page 7 of Handout #2). He added that unlike some of the other States, their study did not suggest an overall State plan because they do not believe that a single one-size-fits-all plan was what North Carolina needed.
- Senator Queen commented that State policy now is that growth will happen where the resources are and discussions of the scarcity of resources would determine who gets to grow and who doesn't. Mr. Whisnant responded that the 2007 legislation tighten up on the standards of inter-basin transfers and reaffirmed the priority that water stay in the basin of origin. Nothing in the Report tries to change that policy. Mr. Whisnant said that is why they like the models and would like to see them used statewide. They look at all the ways water is leaving the basins and not coming back and can tell who will have a problem as a result.

- Senator Atwater asked who funded Dr. Moreau's Study and Mr. Holman responded he believed the Clean Water Management Trust Fund.

The meeting was adjourned at 11:40 AM.

Senator Bob Atwater, Presiding

Carol Resar, Committee Clerk

Handout #1

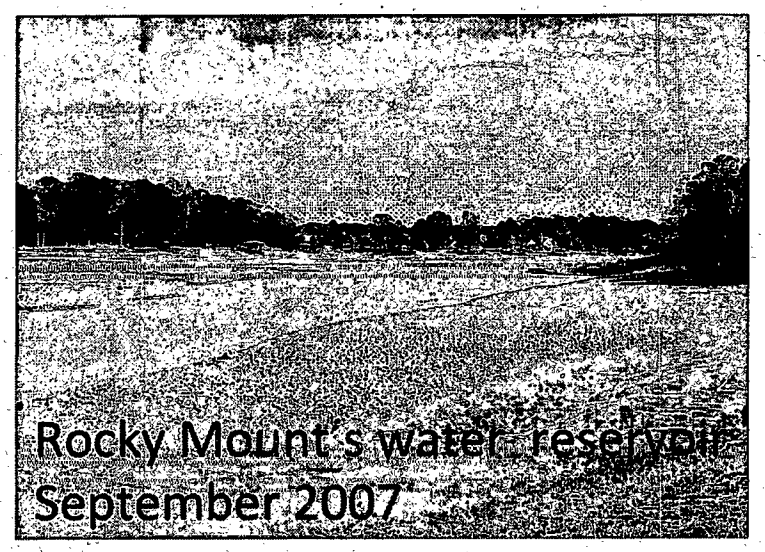
2008 Report of the Water Allocation Study

of the NC Environmental Review Commission



2008 Report of the Allocation Study team

Handout #2

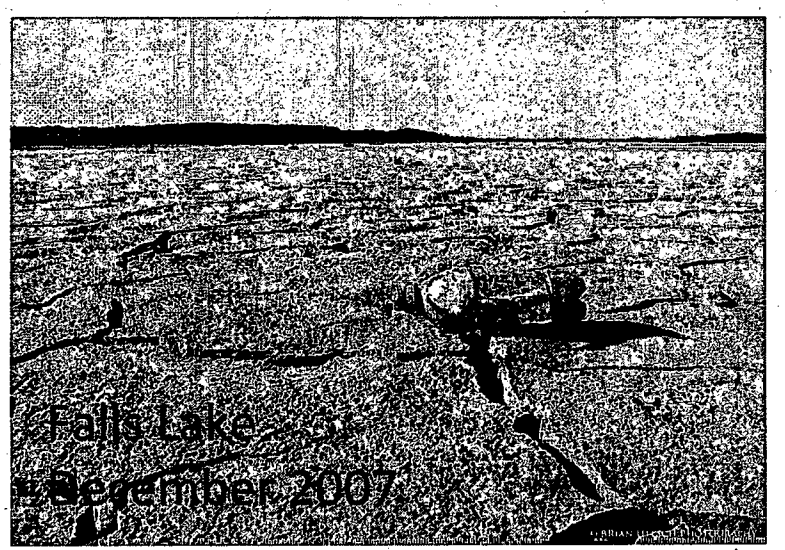


Rocky Mount's water reservoir
September 2007



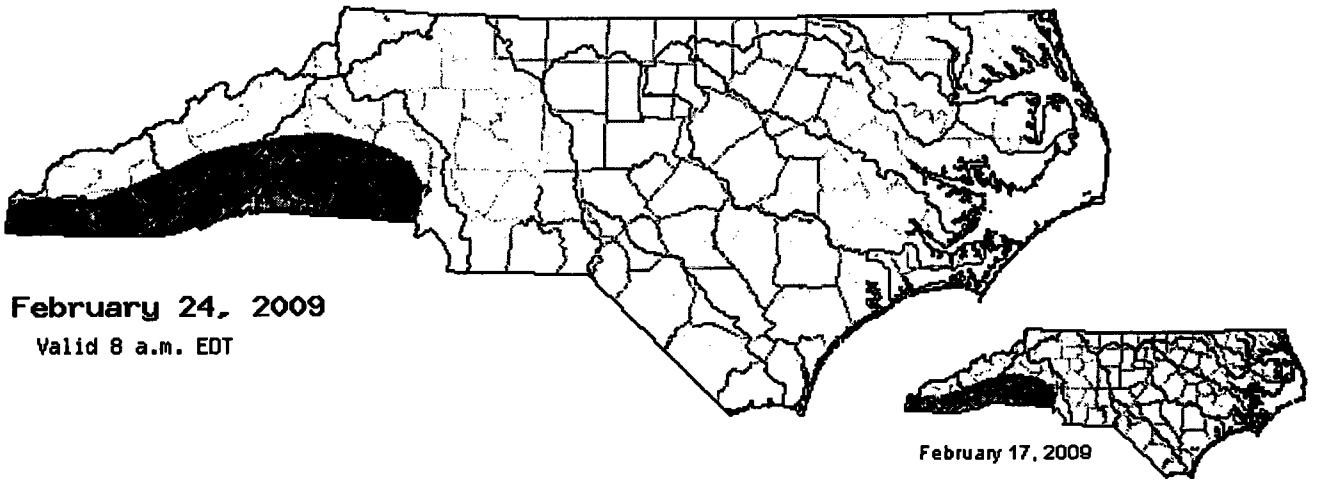


Little River, Durham County
October 2007



Falls Lake
September 2007

NC Drought Monitor



Percent of North Carolina in the Various Drought Categories

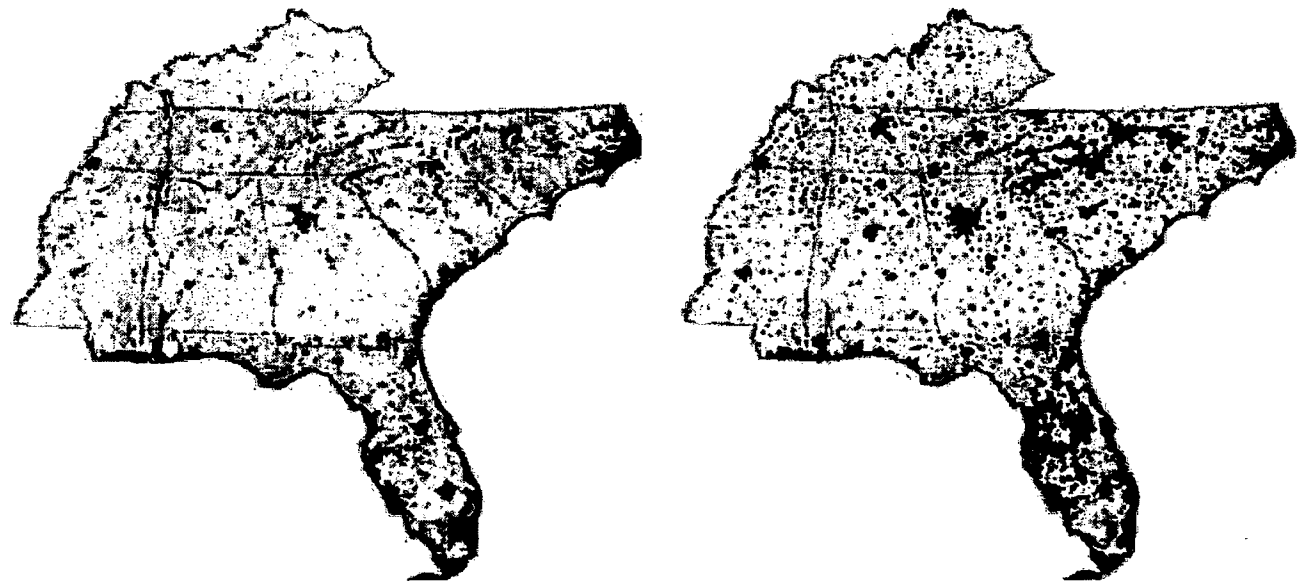
Week	No Drought & D0	All Levels of Drought D1 - D4	D1	[redacted]	[redacted]	[redacted]
2/17/2009	47.2%	52.8%	42.2%	10.6%	0.1%	0.0%
2/24/2009	**47.2%**	**52.8%**	**42.2%**	**10.6%**	**0.1%**	**0.0%**
2/26/2008	1.2%	98.8%	11.1%	26.4%	35.0%	26.3%
% Difference (Current Compared to Last Year)	3833.3%	-46.6%	280.2%	-59.8%	-99.7%	-100.0%

Water consumption in the Southeast

Water consumption in the Southeast grew 15% from 1990 to 2000, compared with 2% nationwide.

The population rose by 20% from 1990 to 2000 vs.13% in the rest of the country.

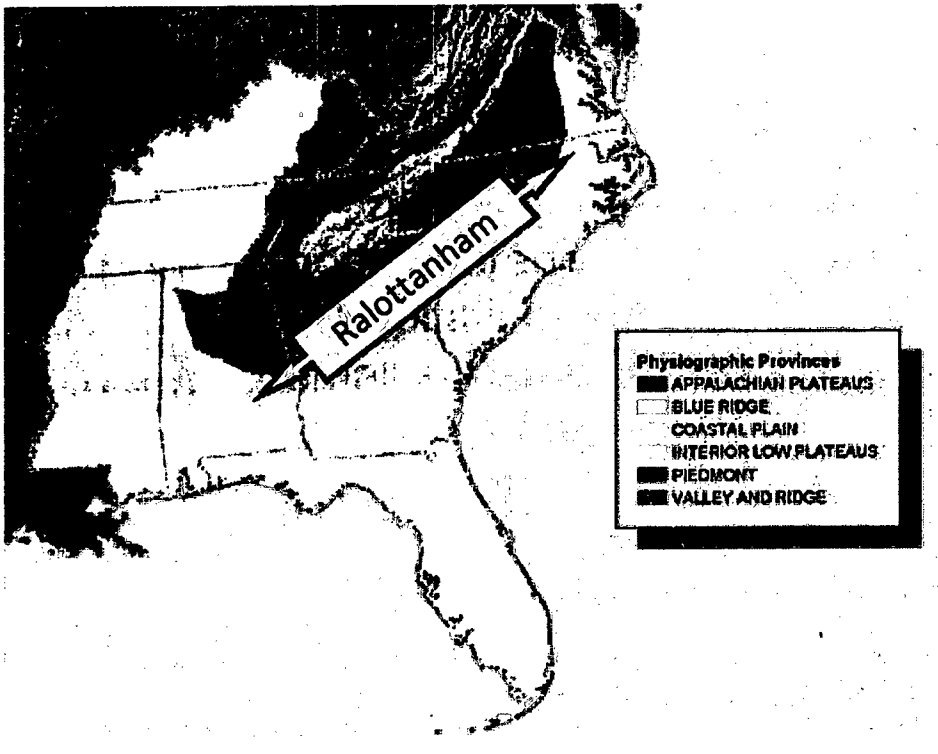
By 2030, daily water use in NC will increase by 35%.



Projected growth in the Southeast from 1990 to the near future.
US EPA

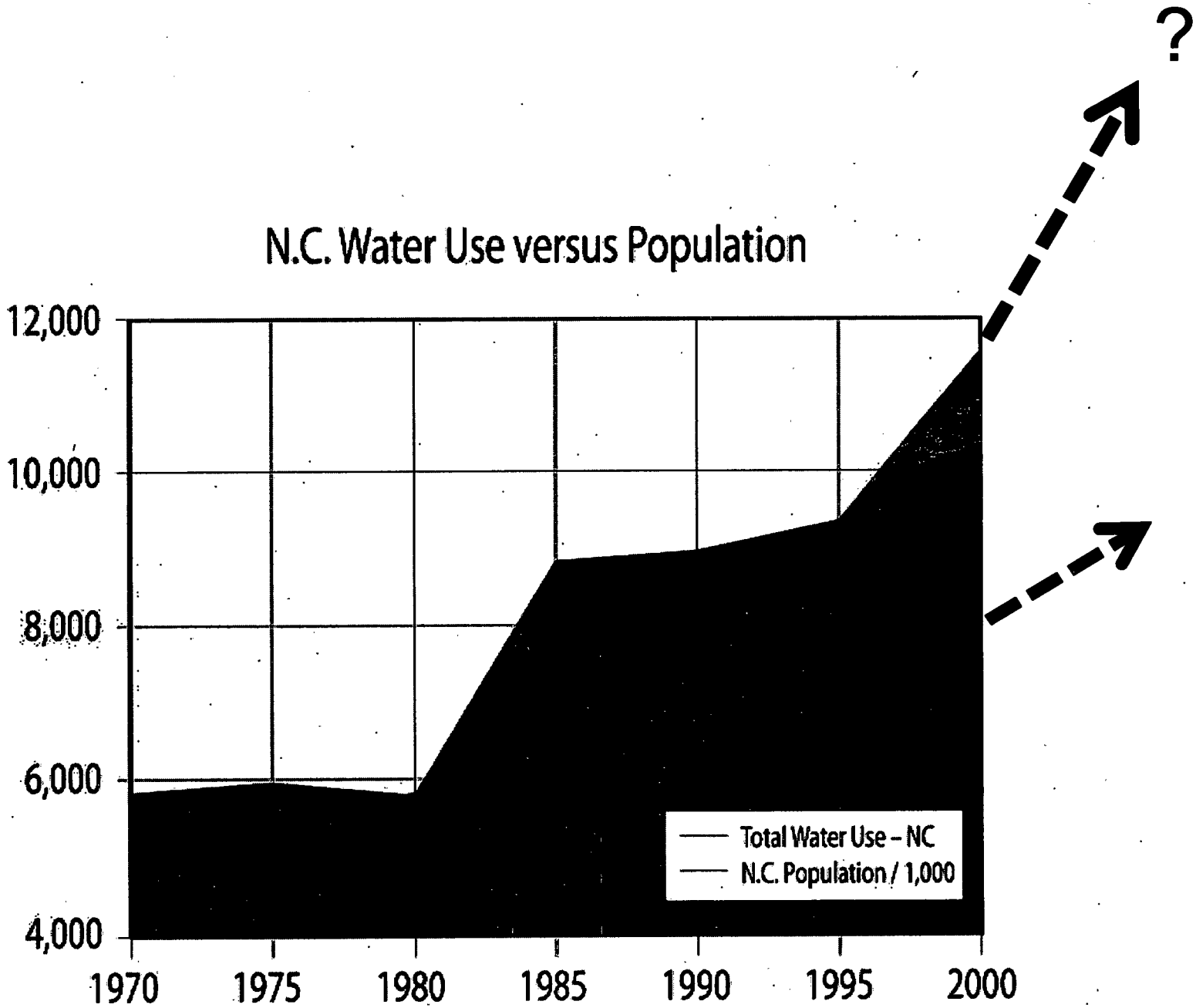
Our (region's) big water challenge: growth in areas lacking water storage

A huge percentage of the South's population, growth and economic prospects lies in the piedmont . . .

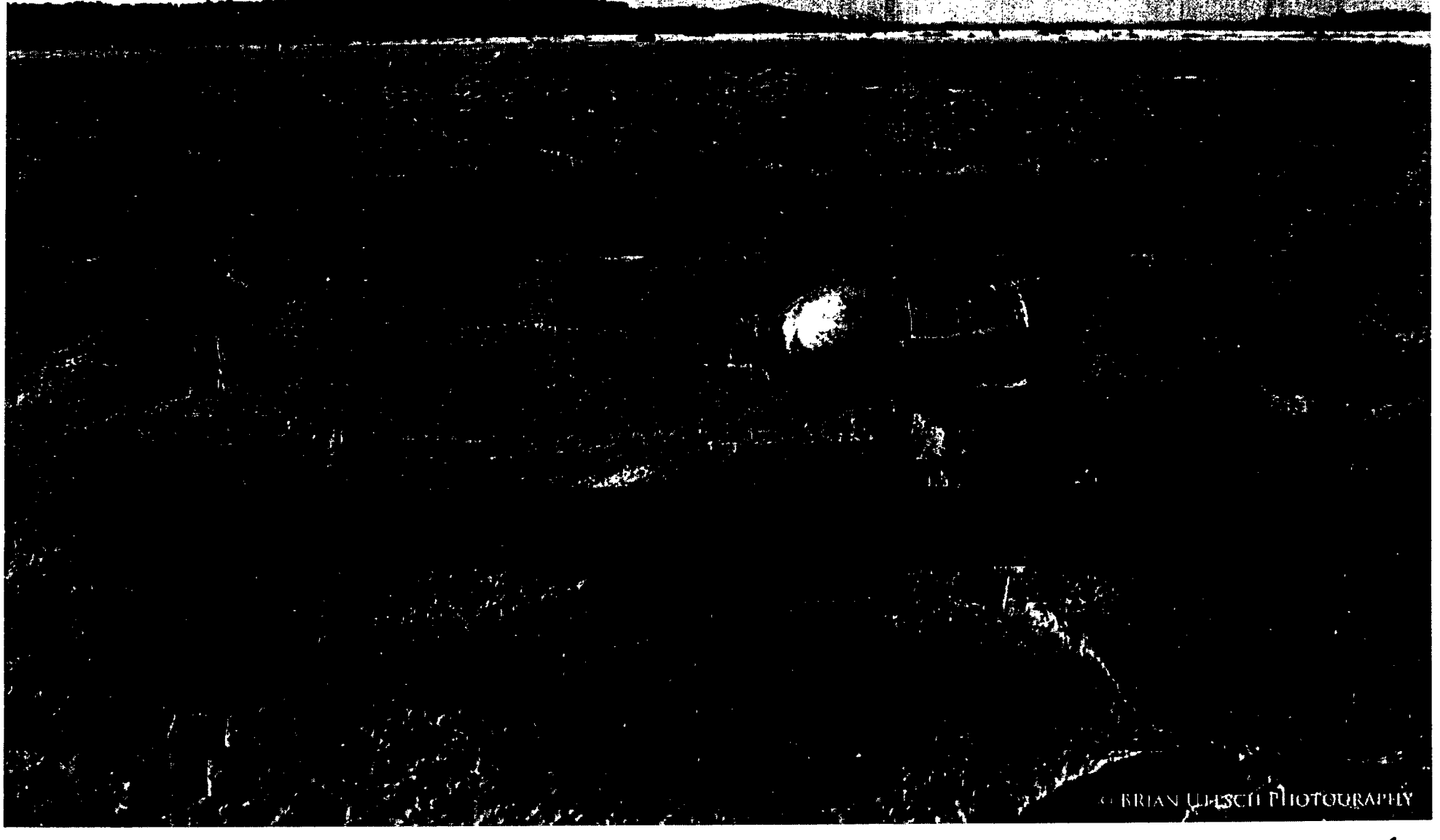


. . . a region with good average precipitation, but small streams and low yields from groundwater .

Result: low resilience; high susceptibility to drought; almost certain escalation in conflict over water unless growth stops.


N.C. Water Use versus Population
12,000
10,000
8,000
6,000
4,000
1970
1975
1980
1985
1990
1995
2000
Total Water Use – NC
N.C. Population / 1,000
?

What problems does this raise at the state (and regional) level?

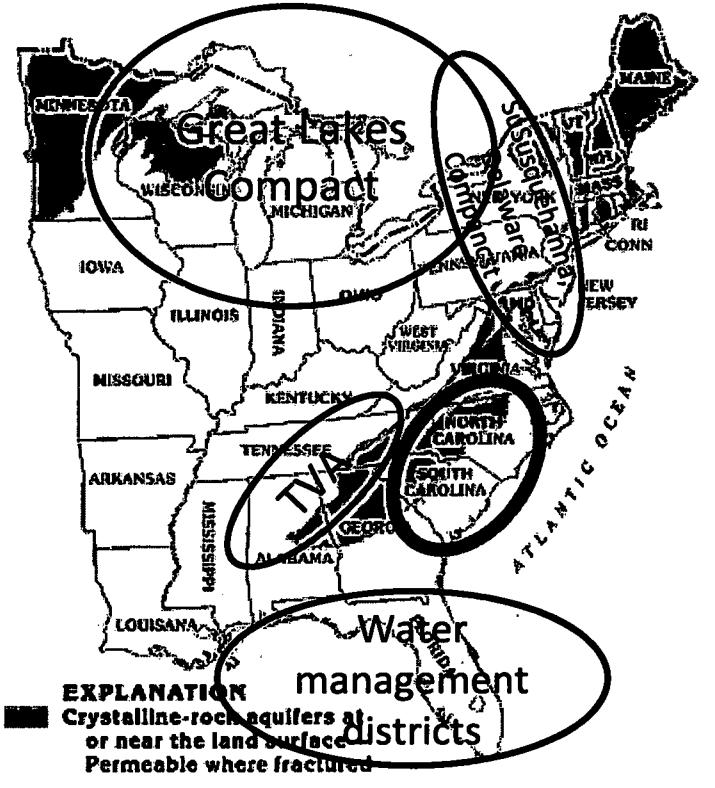


Other Relevant Studies

- Potential to increase water supplies at existing and new sites -- Dr. David Moreau at UNC-CH
- State Water Infrastructure Commission's (SWIC) annual report to General Assembly and study of water rates
- Program Evaluation Division's Report on Financing Water Infrastructure to Joint Legislative Commission on Program Evaluation
- DENR Report on Water Efficiency

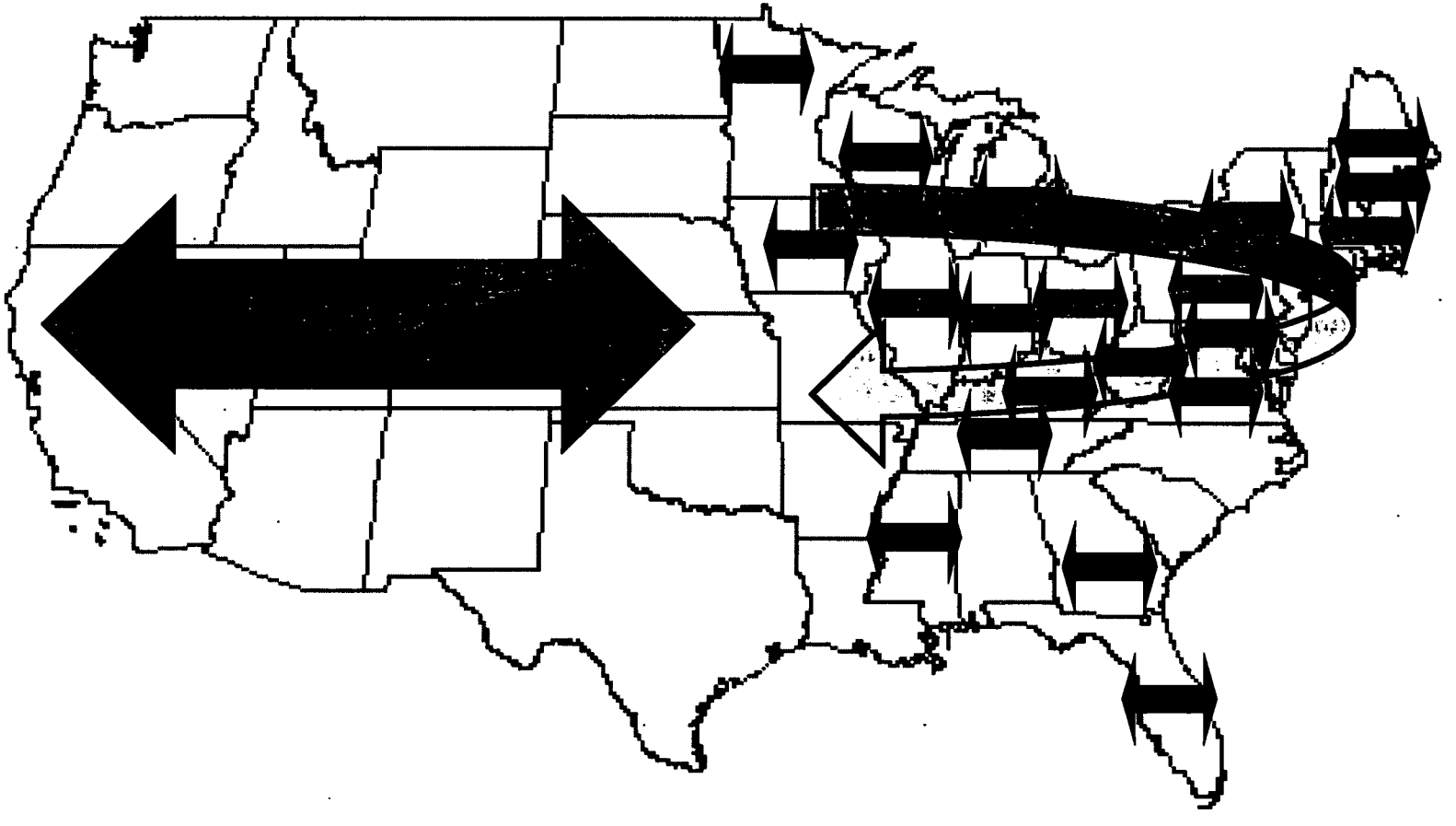
Global and institutional context

- Global context: severe water shortages in many places, including southwestern U.S., will make assured fresh water THE critical economic asset
- Institutional context: Carolinas are behind in water management



Source: *http://sr6capp.er.usgs.gov/aquiferBasics/crystal.html*

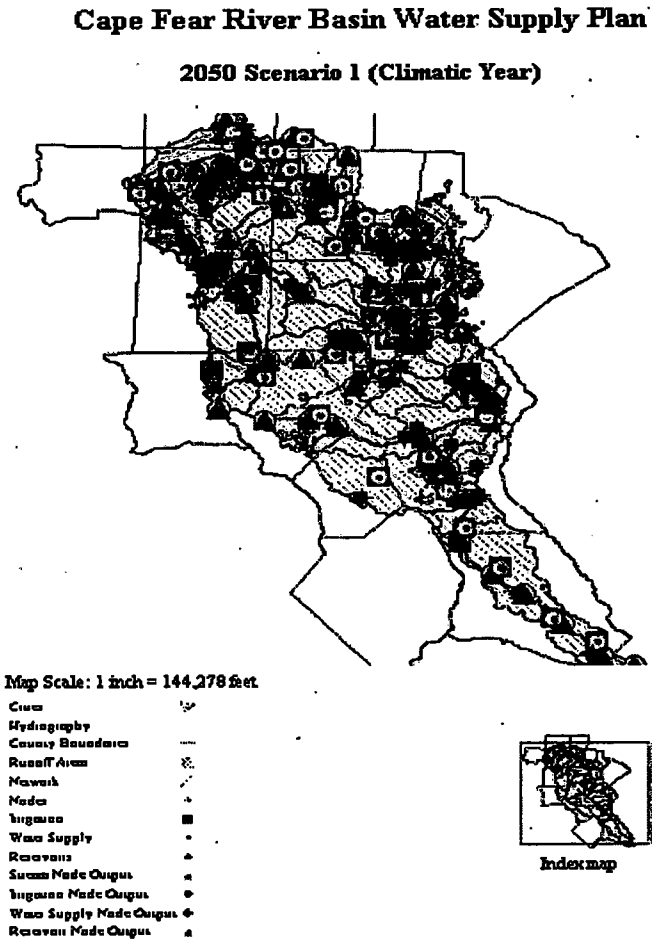
Solution: establish water budgets and appropriation (permit) process to ensure we remain in budget



In most of the east, outside the Carolinas and Alabama, a permit system for large withdrawals helps control water conflict.

We now have the tools to ensure adequate water supply and avoid all four problem scenarios.

- River basin models
- We need to build the legal and institutional framework to use these models and ensure an adequate water supply
- The report explains how we recommend doing this....



Nine Recommendations

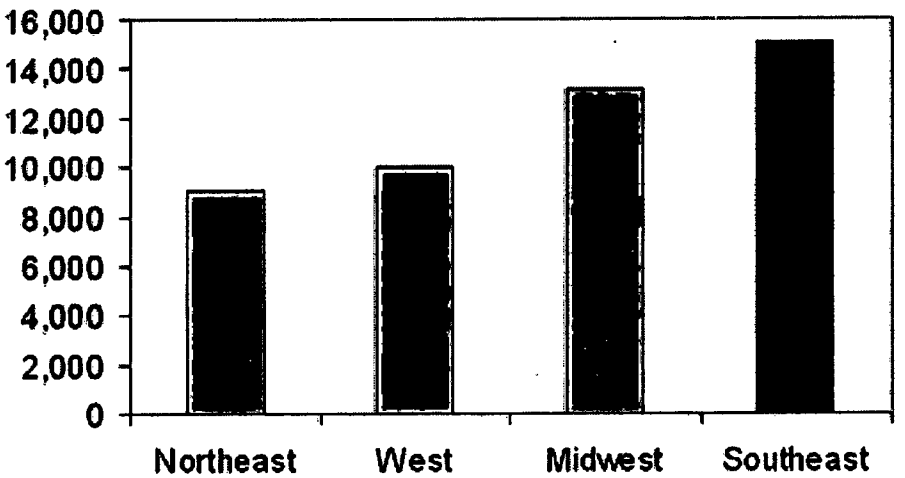
- Clearly state policy goals
- Establish a permit for large water withdrawals
- Conform existing laws
- Establish proactive, adaptive, river basin water supply planning
- Simplify & integrate water information
- Address critical research and study needs
- Ensure that water infrastructure is maintained
- Increase water efficiency
- Create more water storage

Water & Energy Efficiency

- Energy required to deliver one million gallons of clean water from:
  - Reservoir or river - 1400 kwh
  - Groundwater – 1800 kwh
  - Wastewater – 2350-3300 kwh
  - Seawater – 9780 – 16,500 kwh

  (Webber of U of Texas @ Austin)
- AWWA estimates that 20-25% of national municipal electricity use is to pump and treat water and wastewater.
- Water efficiency increases energy efficiency.

Figure 2: **Per Capita Electricity Consumption (kWh) 2001, by Region**



Federal Energy Regulatory Commission, Midwest Energy Infrastructure Conference, November 2002

Why act in 2009?

- Water users – industry, utilities, local governments, & agriculture – need certainty to protect existing investments and plan for the future
- "Water Footprinting" – industries are beginning to assess their water use and the risks to assured supplies of water
- Recession has temporarily slowed growth and demand for water services; Now is a good time to make the transition to a more orderly water withdrawal policy. Transition will take time....

Why act in 2009, con...

- Time – it will take years:
  - To develop river basin water models and balance budgets
  - To put in place an integrated river basin based water withdrawal and wastewater discharge permitting program
  - To develop new water storage
  - To increase water efficiency
- Other states in the region are moving forward; interstate cooperation and coordination are important for environmental and economic reasons
- Water can be a major, global, competitive advantage for NC



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VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — March 3, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Terry Harkey	NCR
Ann Lyle	Duke U
Dan McLawhorn	Raleigh
Kim Hibbard	NCLM
Alicia Davis	NWC
Andrew Cagle	DLC + BBC
Lisa Riegel	NHTF
Wendy Kelly	SZDWicker
George Everett	Duke Energy
Patrice Leary	NLACC
Jim Blackburn	Association of County Commissioners

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Senate Ag/Env/Nat. Resources — March 3, 2009

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NAME	FIRM OR AGENCY AND ADDRESS
Dan Crawford	CCNC
Richard Whisnant	UNC SOG
Heather Barrett	Hunton & Williams
Tracy Kimbrell	Parker Poe
Allison Fowler	NC State Grange
Jim Johnson	BSA
TINA Gordon	NCNA
Patrick Bufkin	NMRS
Sam Pearsall	EDF
Larry Yates	Program Evaluation Division, GA
Lu-Ann C Regan	DNCIC

VISITOR REGISTRATION SHEET

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NAME	FIRM OR AGENCY AND ADDRESS
Kathy Hawkins	Progress Energy
Henry Huntsman	N.C.B.A.
Peter Raabe	American Rivers
Elizabeth Biser	DENR
Ray Starling	NCDA + CS
Steve Hall	DENR
Amy Simes	DENR
Robin Smith	DENR
R Rogers	CWMTF
Butch Gannells	NC Bev A
	The Insider
	NC Bar Association
Steven Waters	Living Streets

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — March 3, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Tommy Stevens	NCPC
Jay Stem	NCAA
John Goodman	NC Chamber
Doug Chapman	NC Green Industry Council
Tom Beason	NC EDF, NC SEA, NCWF
Mark Wilde	DENR
T Reeder	"
Mia Bailey	Electricities of N.C. Inc
Fred Michael	Brunswick Co Health Dept
Amy Cook	New Hanover County Health Dept
David Rice	New Hanover County Health Dept.

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — March 3, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Don Yousey	Brunswick Co. Health Dept.
Grady McCallie	NC Conservation Network.
Tom Cors	TNC
Cady Thomas	NC Assn of REALTORS
Kenny Waldroup	City of Raleigh
Dave McNaught	Env. Def. Fund
Ashley Gilbert	American Cancer Society
Chris Valauri	The Valauri Group, LLC

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — March 3, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Lori Ann Harris	LAHA
	—

Principal Clerk ____
Reading Clerk ____

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on **Agriculture/Environment/Natural Resources** will meet at the following time:

DAY	DATE	TIME	ROOM
Thursday	March 5, 2009	11:00 AM	544 LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 89	Authorize Grandfather Mtn. as State Park.	Senator Queen

Senator Bob Atwater, Chair

Senate Agriculture/Environment/Natural Resources Committee
Thursday, March 5, 2009, 11:00 AM
544 LOB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

SB 89	Authorize Grandfather Mtn. as State Park.	Senator Queen

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE REPORT
Senator Bob Atwater, Chair

Thursday, March 05, 2009

Senator ATWATER,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

S.B. **89** Authorize Grandfather Mtn. as State Park.

Draft Number:	55157
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 1

Committee Clerk Comments:

SENATE AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE
Thursday, March 5, 2009 at 11:00 AM
Room 544, Legislative Office Building

MINUTES

The Senate Agriculture/Environment/Natural Resources Committee met at 11:00 AM on March 5, 2009, in Room 544 of the Legislative Office Building. 13 members of the committee were present. Senator Bob Atwater presided.

After Senator Atwater welcomed everyone and introduced the pages, the following bill was discussed:

SB 89, Authorize Grandfather Mountain as State Park.

Senator Queen said there was a Proposed Committee Substitute (PCS) for the bill. **Senator Weinstein moved to approve the PCS for purposes of discussion.** After a brief explanation of the bill, **Senator Allran moved for an unfavorable report as to bill, but a favorable report for the PCS. Motion carried.**

The meeting was adjourned at 11:20 AM.

Senator Bob Atwater, Presiding

Carol Resar, Committee Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S D

SENATE BILL 89
PROPOSED COMMITTEE SUBSTITUTE S89-CSMA-2 [v.7]

2/26/2009 10:31:59 AM

Short Title: Authorize Grandfather Mtn. as State Park. (Public)

Sponsors:

Referred to:

February 10, 2009

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE ADDITION OF GRANDFATHER MOUNTAIN STATE PARK TO THE STATE PARKS SYSTEM.

Whereas, Section 5 of Article XIV of the North Carolina Constitution states that it shall be a proper function of the State of North Carolina to acquire and preserve park, recreational, and scenic areas and, in every other appropriate way, to preserve as a part of the common heritage of this State its open lands and places of beauty; and

Whereas, the General Assembly enacted the State Parks Act in 1987, declaring that the State of North Carolina offers unique archaeological, geological, biological, scenic, and recreational resources, and that such resources are part of the heritage of the people of the State to be preserved and managed by those people for their use and for the use of their visitors and descendants; and

Whereas, Grandfather Mountain in Watauga, Avery, and Caldwell counties is known to be nationally significant for its excellent examples of many rare high elevation natural communities and an exemplary assemblage of rare plant and animal species; and

Whereas, Grandfather Mountain is an internationally recognized terrestrial ecosystem and is therefore designated as a Biosphere Reserve by the United Nations Educational, Scientific and Cultural Organization's Programme on Man and the Biosphere; and

Whereas, Grandfather Mountain is one of the most biologically diverse and significant sites in the Southern Appalachian region; and

Whereas, rare species found at Grandfather Mountain include Spreading avens, Roan Mountain bluet, Heller's blazing star, Blue Ridge goldenrod, Virginia big-eared bat, Carolina northern flying squirrel, the Spruce-fir moss spider, and many others; and

Whereas, Grandfather Mountain is also one of North Carolina's most important scenic landmarks and offers outstanding opportunities for wilderness recreation; and

Whereas, Grandfather Mountain has been found to possess geological, biological, and scenic resources of statewide significance;

Whereas, the Council of State approved the purchase of Grandfather Mountain, to be operated as a State Park, and the Joint Legislative Commission on Governmental Operations approved the report of the State Property Office regarding acquisition of Grandfather Mountain by the State;

Whereas, the proposal is for the acquisition of Grandfather Mountain to be funded through the Natural Heritage Trust Fund and the Parks and Recreation Trust Fund; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. The General Assembly authorizes the Department of Environment and Natural Resources to add Grandfather Mountain to the State Parks System as provided in G.S. 113-44.14(b).

SECTION 2. The State shall purchase Grandfather Mountain with existing funds in the Natural Heritage Trust Fund and the Parks and Recreation Trust Fund, as previously approved by the Council of State and the Joint Legislative Commission on Governmental Operations. During the 2009-2011 biennium, the Department of Environment and Natural Resources shall, with funds available, operate Grandfather Mountain State Park.

SECTION 3. This act is effective when it becomes law.

SENATE BILL 89

Short Title:	Authorize Grandfather Mtn. as State Park.	(Public)
Sponsors:	Senators Queen, Goss, Jacumin; Albertson, Allran, Atwater, Berger of Rockingham, Bingham, Blake, Brock, Brown, Clodfelter, Davis, Dorsett, Foriest, Garrou, Hoyle, Kinnaird, Malone, Preston, Purcell, Rucho, Shaw, Snow, Stein, Stevens, Swindell, Tillman, and Vaughan.	
Referred to:	Appropriations/Base Budget.	

February 10, 2009

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE ADDITION OF GRANDFATHER MOUNTAIN STATE PARK TO THE STATE PARKS SYSTEM.

Whereas, Section 5 of Article XIV of the North Carolina Constitution states that it shall be a proper function of the State of North Carolina to acquire and preserve park, recreational, and scenic areas and, in every other appropriate way, to preserve as a part of the common heritage of this State its open lands and places of beauty; and

Whereas, the General Assembly enacted the State Parks Act in 1987, declaring that the State of North Carolina offers unique archaeological, geological, biological, scenic, and recreational resources, and that such resources are part of the heritage of the people of the State to be preserved and managed by those people for their use and for the use of their visitors and descendants; and

Whereas, Grandfather Mountain in Watauga, Avery, and Caldwell counties is known to be nationally significant for its excellent examples of many rare high elevation natural communities and an exemplary assemblage of rare plant and animal species; and

Whereas, Grandfather Mountain is an internationally recognized terrestrial ecosystem and is therefore designated as a Biosphere Reserve by the United Nations Educational, Scientific and Cultural Organization's Programme on Man and the Biosphere; and

Whereas, Grandfather Mountain is one of the most biologically diverse and significant sites in the Southern Appalachian region; and

Whereas, rare species found at Grandfather Mountain include Spreading avens, Roan Mountain bluet, Heller's blazing star, Blue Ridge goldenrod, Virginia big-eared bat, Carolina northern flying squirrel, the Spruce-fir moss spider, and many others; and

Whereas, Grandfather Mountain is also one of North Carolina's most important scenic landmarks and offers outstanding opportunities for wilderness recreation; and

Whereas, Grandfather Mountain has been found to possess geological, biological, and scenic resources of statewide significance; Now therefore,

The General Assembly of North Carolina enacts:

SECTION 1. The General Assembly authorizes the Department of Environment and Natural Resources to add Grandfather Mountain State Park to the State Parks System as provided in G.S. 113-44.14(b).

SECTION 2. This act is effective when it becomes law.

SENATE BILL 89:
Authorize Grandfather Mtn. as State Park

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	March 5, 2009
Introduced by:	Sen. Queen	**Prepared by:**	Jennifer McGinnis Committee Counsel
Analysis of:	PCS to First Edition S89-CSMA-2 [v.7]		

SUMMARY: ***The proposed committee substitute (PCS) for Senate Bill 89 would authorize the Department of Environment and Natural Resources (DENR) to add Grandfather Mountain to the State Parks System. The PCS would be effective when it becomes law.***

[As introduced, this bill was identical to H128, as introduced by Reps. Frye, Starnes, Tarleton, which is currently in House Environment and Natural Resources, if favorable, Appropriations.]

CURRENT LAW: G.S. 113-44.14(b) provides that the Department of Environment and Natural Resources (DENR) may add a State park, State natural area, State recreation area, State trail, State river, or State lake to the State Parks System upon authorization by an act of the General Assembly.

BACKGROUND[1]:

- Grandfather Mountain is a well-known scenic icon in North Carolina's Blue Ridge Mountains. It contains the headwaters of both the Linville and the Watauga rivers, supports 16 distinct ecological communities, and is known to contain at least 73 rare species, 32 of which are federally or State listed as imperiled. The mountain's diversity of habitats and rare species, as well as its scenic beauty, make it an important addition to the State's conservation lands to be protected in perpetuity.
- The proposed Grandfather Mountain State Park would encompass the undeveloped portion of the privately owned Grandfather Mountain preserve.
- The property is under contract pending authorization by the General Assembly. The contract includes:
    1. The State will purchase in fee simple 2,456 acres of wilderness "backcountry" to become a State Prk.
    2. The 749-acre developed portion of the property (visitor center, nature museum, picnic areas, swinging bridge, animal enclosures) and a buffer tract will be retained and operated by a private non-profit company created by Grandfather Mountain Inc.
    3. The State will also purchase a conservation easement on the developed portion, so that it can never be re-developed for another use.
    4. The State will receive a right of first refusal on the developed tract so that if it is ever for sale, the State can add it to the State Park.
    5. The State Park and the non-profit will cooperate as neighbors to manage the two adjacent properties efficiently and safely on behalf of the visiting public.
- No funding is requested as part of this authorization bill. Land acquisition funds have already been obtained from the Parks and Recreation Trust Fund and the Natural Heritage Trust Fund, both of which are supported by the State's tax on real estate deed transfers. The contract price is $12 million, although appraisals have determined the value to be $22,000,000. Each Trust Fund will contribute $6 million.

[1] Information provided by the Division of Parks and Recreation of DENR.

BILL ANALYSIS:

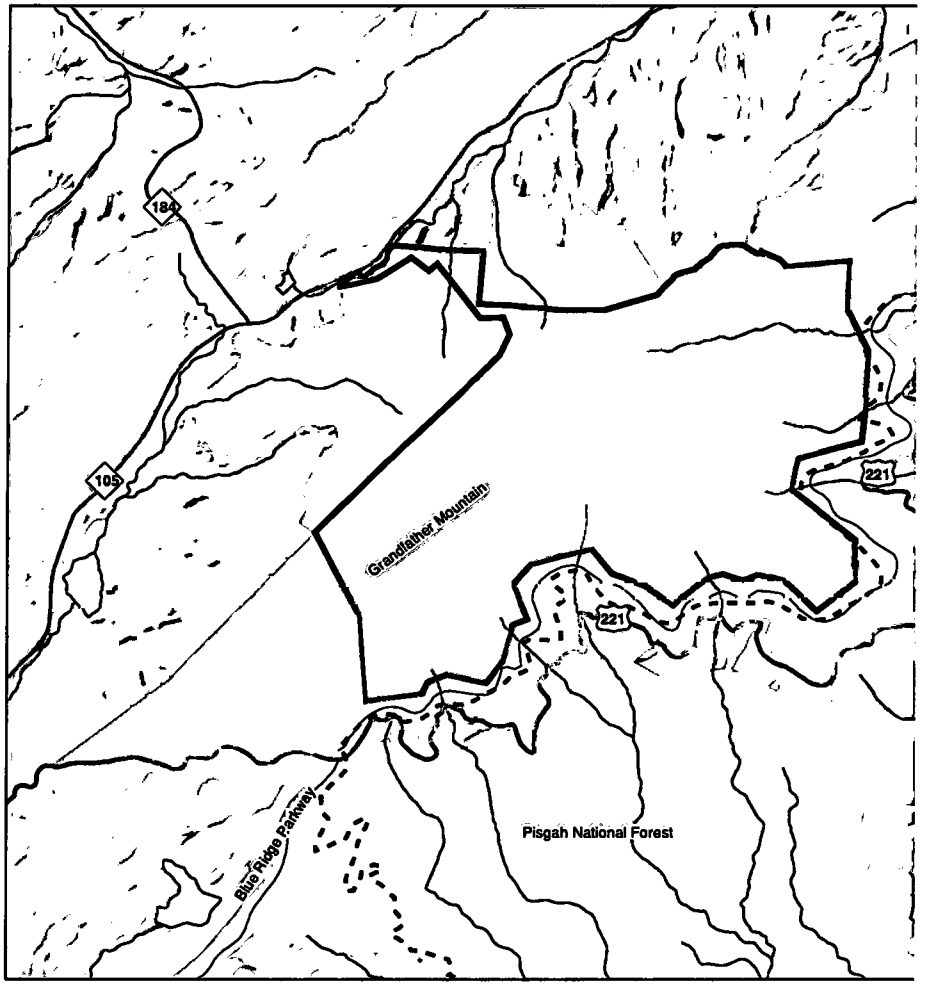
Section 1: The PCS would authorize DENR to add Grandfather Mountain to the State Parks System.

Section 2: Provides that the State must purchase Grandfather Mountain with existing funds in the Natural Heritage Trust Fund and the Parks and Recreation Trust Fund, as previously approved by the Council of State and the Joint Legislative Commission on Governmental Operations. The PCS further provides that during the 2009-2011 biennium DENR must operate Grandfather Mountain State Park, with funds available.

EFFECTIVE DATE: The PCS would become effective when it becomes law.

S89-SMRI-4(CSMA-2) v1

Grandfather Mountain Acquisition



Grandfather Mountain Acquisition

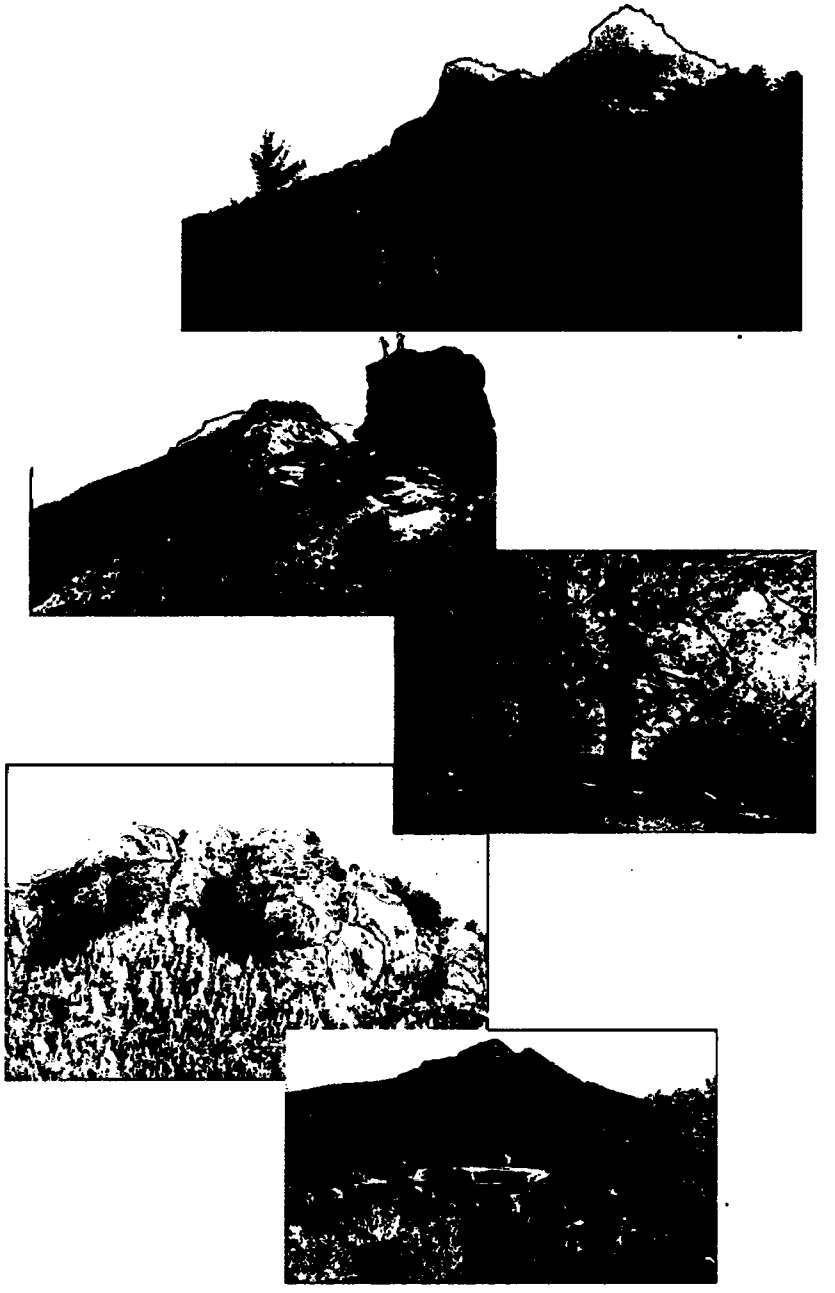
Legend

- Subject Property
- Mountains-to-Sea Trail
- US Forest Service
- Grandfather Mountain Inc.
- Blue Ridge Parkway
- The Nature Conservancy

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Feet

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Draft Sept 2008



VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — March 5, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Elizabeth Dalton	NCRMA
DAVID BARNES	Poyner Spruill
Carol Tingley	DENR - Parks
Elizabeth Biser	DENR
David Knight	NENA
Butch Gunnells	NC Bev A
L. Andrews	NCFB

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — March 5, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Erica Peterson	NCAg

Principal Clerk ____
Reading Clerk ____

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on **Agriculture/Environment/Natural Resources** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	March 10, 2009	11:00 AM	544 LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR

Presentation:
Reports on State Conservation Efforts.

Senator Bob Atwater, Chair

Senate Agriculture/Environment/Natural Resources Committee
Tuesday, March 10, 2009, 11:00 AM
544 LOB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Presentations:

1. Report on the Parks and Recreation Trust Fund
   Lewis R. Ledford, Director
   Division of Parks and Recreation, DENR

2. Report on the North Carolina Natural Heritage Trust Fund
   Lisa D. Riegel, Executive Director
   North Carolina Natural Heritage Trust Fund, DENR

3. Report on the activities of the North Carolina Development and Farmland Preservation Trust Fund Committee
   Dewitt Hardee, Environmental Program Manager
   Department of Agriculture and Consumer Services

4. Update on Land for Tomorrow
   Katherine Skinner, Executive Committee Member
   Land for Tomorrow

5. Report on the implementation of the Clean Water Management Trust Fund
   Richard E. Rogers, Jr., Executive Director
   Clean Water Management Trust Fund

Adjournment

SENATE AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE
Tuesday, March 10, 2009 at 11:00 AM
Room 544, Legislative Office Building

MINUTES

The Senate Agriculture/Environment/Natural Resources Committee met at 11:00 AM on March 10, 2009, in Room 544 of the Legislative Office Building. 13 members of the committee were present. Senator Bob Atwater presided.

After introducing the pages, Senator Atwater asked Mr. Lewis Ledford, Director of the Division of Parks and Recreation with the Department of Environment and Natural Resources (DENR) to give his presentation on the Parks and Recreation Trust Fund (see Handout #1 and Handout #2).

Mr. Ledford's presentation included information on the dedicated revenue sources for the Trust Fund, how grants were awarded to local governments, and the accomplishments of the grants program since the start of the Trust Fund in 1996. Mr. Ledford also discussed the capital improvement projects in the State parks system from 1997-2008.

Next, Senator Atwater asked Ms. Lisa Riegel, Executive Director of the North Carolina Natural Heritage Trust Fund, DENR, to give a report on the Trust Fund (see Handout #3). Ms. Riegel highlighted the mission of the Natural Heritage Trust Fund, aspects of the program, and revenue sources. She also talked about the Plant Conservation Program and the efforts of the Trust Fund to boost the State economy. After her presentation, Senator Allran asked about her role as an Executive Director and an employee with DENR.

Senator Atwater next asked Mr. Dewitt Hardee, Environmental Program Manager with the Department of Agriculture and Consumer Services, to give a report on the North Carolina Development and Farmland Preservation Trust Fund Committee (see Handout #4 and Handout #5). Mr. Hardee told the Committee that there is a 19 member Advisory Committee that oversees the Trust Fund. He also highlighted the Fund's budget, the grant process and some of the grants awarded across the State. He stated that the 3 functions of the Trust Fund were to protect agri-business, continue the quality of life in the State, and preserve the countywide economic benefits. After his report, Senator Kinnaird asked about term-easements versus perpetual easements. Mr. Hardee replied that when the farmland owner did not want a perpetual easement, they arranged for a term-easement and in most cases, after education and time, the farmland owner made the term-easement a perpetual one. She also asked why the Trust Fund only had temporary staff and if they needed recurring money to hire permanent staff. Mr. Hardee replied yes.

Next, Senator Atwater asked Ms. Katherine Skinner, Executive Committee Member for Land for Tomorrow, to give her remarks regarding Land for Tomorrow (see Handout #6). Her remarks expounded on the importance of conserving the State's natural resources and not to abandon the appropriations for the conservation funds and programs.

Finally, Senator Atwater asked Mr. Richard Rogers, Executive Director of the Clean Water Management Trust Fund, to give his report (see Handout #7). Mr. Rogers' remarks included the mission of the Trust Fund, the funding for the Trust Fund and the accomplishments of the Trust

Fund. He also highlighted the amount of matching funds the Trust Fund has received since 1997 and the future focus of the Trust Fund. Finally, he reported that as of February 25, 2009 when Governor Perdue transferred $100 million from the Trust Fund to the General Fund, 192 projects have been put on hold. After his report, Senator Bingham asked if the lands around military bases are taken off the local government tax rolls when they are put in the land conservation program. Mr. Rogers responded yes if the land is fully acquired. Mr. Rogers told the Committee that the Trust Fund's annual report would be posted online.

Senator Atwater thanked all the presenters and asked that they convey to all their employees the Committee members' appreciation for all their hard work.

The meeting was adjourned at 11:55 AM.

Bob Atwater

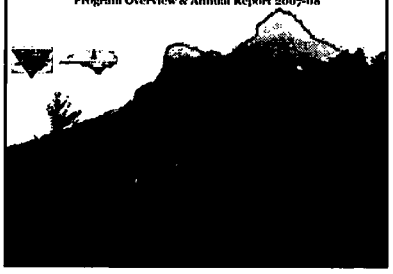
Senator Bob Atwater, Presiding

Carol Resar

Carol Resar, Committee Clerk

Handout #1

Parks and Recreation Trust Fund
Program Overview & Annual Report 2007-08



Parks & Recreation Trust Fund (PARTF)

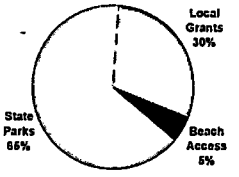
Established in 1994 to provide funding for:

1. State park land acquisition and capital improvement projects
2. Grants to local governments for local park and recreation purposes
3. Coastal and Estuarine Beach Access Program



Rowan County – Dunn's Mountain

PARTF Revenue Allocated by Purpose



Dedicated Revenue 2007-08

- Primary revenue source: $1.00 tax per $500 in real estate value
- PARTF receives 75% of the state's portion of the revenue
- PARTF receives $5.00 for each personalized license plate (FY 07-08 = $1.4 million)
- Total Revenue in 2007-08: $52.4 million



New River State Park Visitor Center

North Carolina Parks and Recreation Authority



PARTF Local Government Grant Program Basic Facts

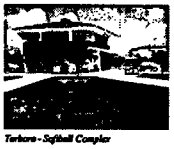
- Applicants – Local governments and public authorities authorized to provide recreation
- Eligible Projects – Buy park land and build recreational facilities



Louisburg – Walking Trail

PARTF Grants for Local Governments Basic Facts

- Maximum Grant Amount - $500,000
- Local governments match the PARTF grant dollar-for-dollar.
- The value of donated property can be used as the local match.



Yarboro - Softball Complex

PARTF Grants for Local Governments Important Dates

- Applications due January 31
- The Parks and Recreation Authority selects grant recipients in May and July



Spruce Pine

Evaluating Applications - PARTF Scoring System Criteria

- Number of recreation facilities provided
- Project planning
- Involving the public
- Acquiring land
- Applicant's ability to operate and maintain the project
- Quality of park site



Roanoke Rapids – Picnic Shelter on Lake Gaston

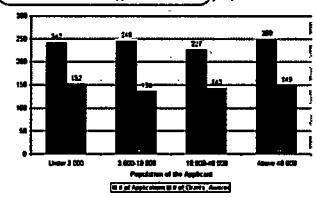
Selecting Grant Recipients: Other Factors Considered

- Distribution of grant awards across the state
- Population of the applicant
- Administration of previous grants
- The applicant's justification for the project

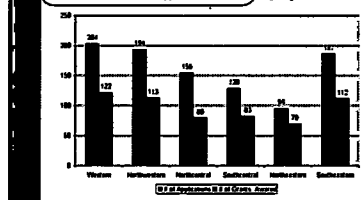


Chowan County – Community Center

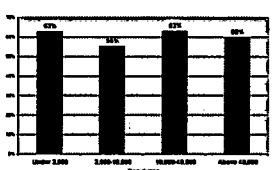
Local Government
Number of Applications & Grants by Population



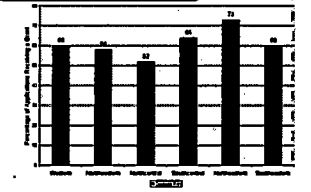
Local Government
Number of Applications and Grants by Region



Grants Have Been Awarded Evenly to Small and Large Communities



Grants Have Been Distributed Evenly Across the State



PARTF Grant Requests and Awards 2008

Applications

- 89 applications received, proposing $60 million in land acquisition and recreational facilities
- $27 million in grant requests
- $61 million in local matching funds committed

Grants Awarded

- 45 grants awarded to projects totaling $51 million
- $16.8 million in PARTF funds awarded
- $34.3 million in local matching funds leveraged

PARTF Grants for Local Governments 1997-2008

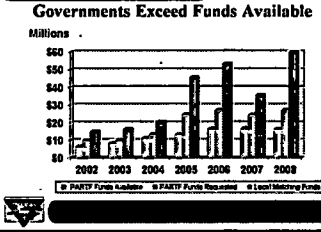
Applications Received

- 1,044 applications received
- $200 million in grant requests
- $367 million in local funds pledged to match PARTF grant funds

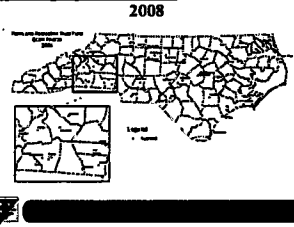
Grants Awarded

- 585 grants awarded
- $126 million in grant awards
- $213 million in local matching funds leveraged by grants ($1.70 in local funds are spent to match each $1.00 in grant funds)

Grant Request Funds from Local Governments Exceed Funds Available



Geographic Distribution of Grants 2008



Examples of PARTF Grant Awards
2008

- Guilford County – Stokesdale, population 3,600, is establishing its first public park. The park will provide a playground, soccer fields and walking trails for a growing community.
- Lincoln County - Rock Springs Park is a planned site for the Carolina Thread Trail. The116-acre park will aid in protecting water supply and water quality in a rapidly urbanizing area.
- Pender County – The Town of Burgaw will build a 2.1 mile looped trail system to include a picnic shelter and playground.
- Person County – The Mayo Park Environmental Education Center is the first facility like this to be built in the county and will employ "green design" features such as solar panels, low flow toilets and compact florescent lighting.

Geographic Distribution of Grants
1995 - 2008



PARTF Grant Program Accomplishments since 1996

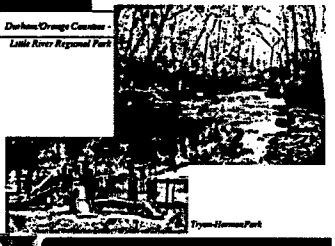
- 4,300 acres acquired
- 366 picnic shelters
- 247 playgrounds
- 465 athletic fields
- 107 tennis courts
- 277 trail projects
- 60 recreation centers
- 11 swimming pools



Hertford County – Fishing Pier on the Perquimmons River



Morganton – Catawba River Greenway



Durham/Orange Counties - Little River Regional Park

Tryon-Hermon Park



Forsyth/Guilford Counties - Triad Park Community Center

PARTF Funding
State Parks System



Chimney Rock State Park

PARTF Capital Improvement Projects in the State Parks System
2008

14 Capital Improvement Projects totaling $18.1 million

Examples:

- Dismal Swamp State Park – Funding for 7,050-square-foot visitor center, exhibits and related facilities to open this new state park to the public.



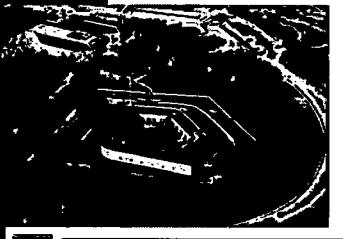


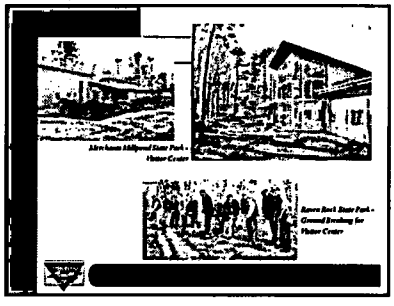
- Mount Mitchell State Park - Observation deck for a panoramic view along with upgrade of summit trail.

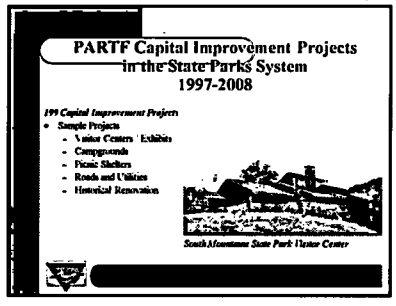


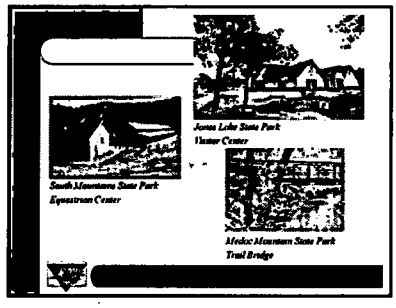
- Elk Knob State Park - Interim visitor facilities including picnic grounds, ranger station and improvement to summit trail.

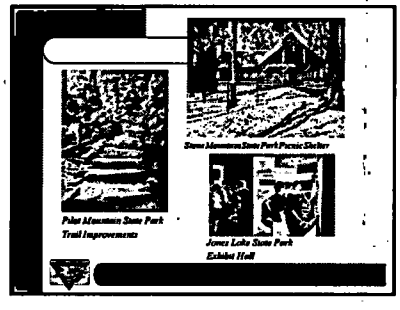


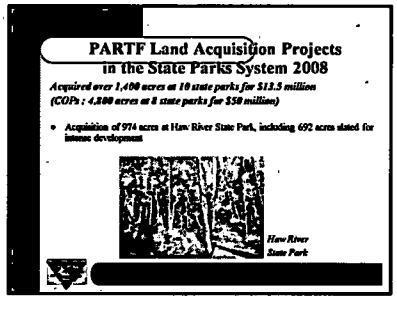


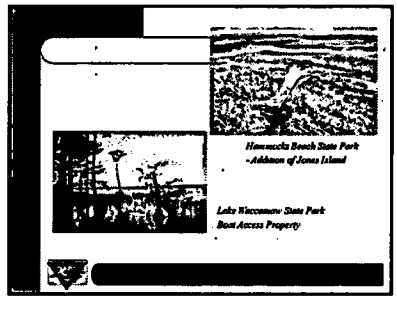


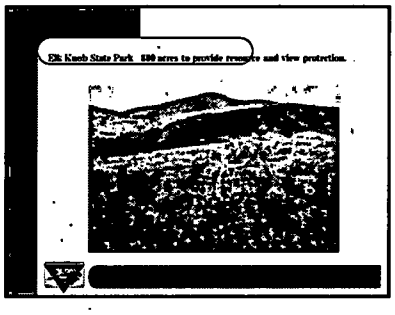

PARTF Capital Improvement Projects
in the State Parks System
1997-2008
199 Capital Improvement Projects
Sample Projects
- Visitor Centers / Exhibits
- Campgrounds
- Picnic Shelters
- Roads and Utilities
- Historical Renovation
South Mountains State Park Visitor Center


South Mountains State Park
Equestrian Center
Jones Lake State Park
Visitor Center
Mount Mitchell State Park
Trail Bridge

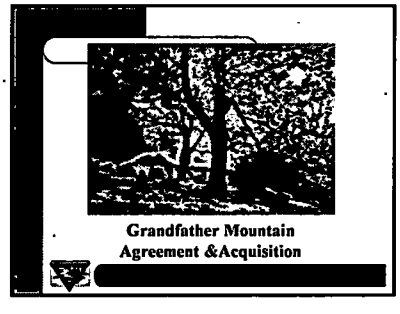

Pilot Mountain State Park
Trail Improvements
Stone Mountain State Park Picnic Shelter
Jones Lake State Park
Exhibit Hall

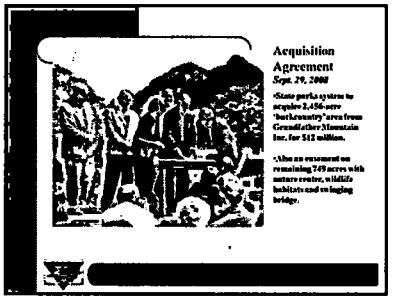

PARTF Land Acquisition Projects
in the State Parks System 2008
Acquired over 1,400 acres at 10 state parks for $13.5 million
(COPs : 4,800 acres at 8 state parks for $50 million)
Acquisition of 974 acres at Haw River State Park, including 692 acres slated for intense development
Haw River
State Park

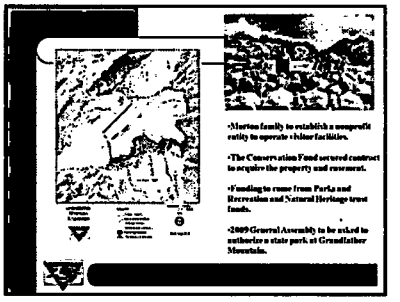

Hammocks Beach State Park
-Addition of Jones Island
Lake Waccamaw State Park
Boat Access Property

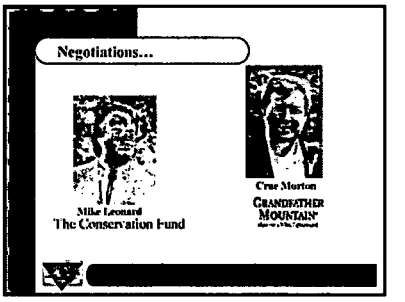

Elk Knob State Park 880 acres to provide resource and view protection.


PARTF Land Acquisition Projects
in the State Parks System
1997-2008
Over 36,000 acres acquired
Sample Projects:
- Eno River 'Wilderness'
- Chimney Rock
- Elk Knob
- Gorges
- Mayo River
- Haw River
Lake James State Park – 2,915 acres


Grandfather Mountain
Agreement &Acquisition


Acquisition Agreement
Sept. 29, 2008
•State parks system to acquire 2,456-acre 'backcountry' area from Grandfather Mountain Inc. for $12 million.
•Also an easement on remaining 749 acres with nature center, wildlife habitats and swinging bridge.

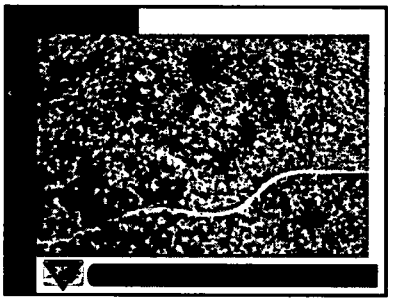

•Morton family to establish a nonprofit entity to operate visitor facilities.
•The Conservation Fund secured contract to acquire the property and easement.
•Funding to come from Parks and Recreation and Natural Heritage trust funds.
•2009 General Assembly to be asked to authorize a state park at Grandfather Mountain.


Negotiations...
Mike Leonard
The Conservation Fund
Crae Morton
GRANDFATHER MOUNTAIN

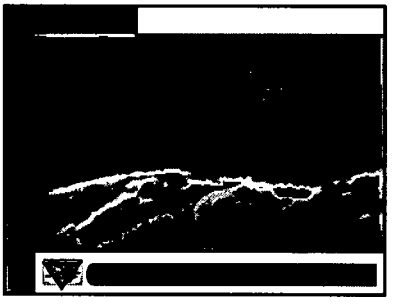






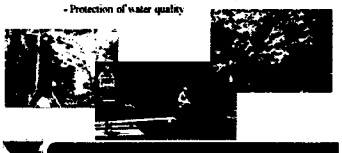






PARTF/CWMTF/NHTF Partnership

- Have shared in the conservation of many significant areas
- Conservation of land through the state parks system serves multiple goals including,
  - Preservation of significant natural resources
  - Providing recreation in a natural setting, and
  - Protection of water quality



State Parks Visitation



2000	11.8 million
2001	12.6 million
2002	13.2 million
2003	11.2 million
2004	11.7 million
2005	12.3 million
2006	12.6 million
2007	13.4 million (Record High)
2008	13 million

State Parks System - Future Needs

- The system is experiencing record attendance
- Important natural resources need protection
- Visitor centers and exhibit space are needed for environmental education

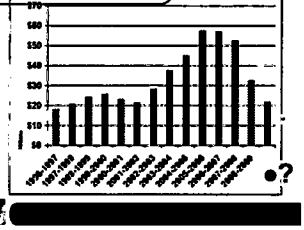


State Parks System - Future Needs

- Additional Land and facilities are needed at most state parks.
- More than 40 potential park units have been identified by the *New Parks for a New Century* initiative.
- Ongoing repairs and renovations are needed to ensure safe, high-quality experiences for park visitors.



PARTF Total Revenue







... to protect North Carolina's natural diversity;
... to provide and promote outdoor recreation opportunities throughout North Carolina; and
... to exemplify and encourage good stewardship of North Carolina's natural resources for all citizens and visitors.



Handout #2

North Carolina
Parks and Recreation Trust Fund
2007–2008
ANNUAL REPORT



Division of Parks and Recreation

Department of Environment and Natural Resources

Michael F. Easley

Governor

William G. Ross Jr.

Secretary
Department
of Environment and
Natural Resources

Parks and Recreation Trust Fund
Annual Report 2007-2008

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1.0 Introduction

The North Carolina General Assembly established the North Carolina Parks and Recreation Trust Fund (PARTF) on July 16, 1994. The General Assembly made an initial appropriation of $1 million to the PARTF to fund improvements in state parks, to fund grants for local governments and to increase public access to the state's beaches. In 1995, the General Assembly dedicated funds from the excise stamp tax to the trust fund starting in FY 1996-97. The Parks and Recreation Authority, an 11 member board, was also created to allocate funds from the PARTF to projects in state parks and to grants for local governments.

The excise tax is the primary funding source for the PARTF. The tax is levied on each "deed, instrument, or writing by which interest in real property is conveyed to another person." The tax is levied at the rate of one dollar on each $500 of the interest or property conveyed. Each county remits one-half of the proceeds, less the county's allowance for administrative expenses, to the state. Effective July 1996, the General Assembly (G.S. 105-228.30) stipulated that part of the state's share would be allocated to the PARTF. Of the funds remitted, the Department of Revenue credits 75 percent to the Parks and Recreation Trust Fund and 25 percent to the Natural Heritage Trust Fund. Additional revenue is allocated from a portion of the fees from personalized license plates as well as investment earnings credited to the assets of the fund.

Pursuant to G.S. 113-44.15, the money from the Parks and Recreation Trust Fund is to be allocated as follows:

(1) Sixty-five percent (65 percent) for the State Parks System for capital projects, repairs and renovations of facilities and to acquire land.

(2) Thirty percent (30 percent) to provide grants to local governments on a dollar-for-dollar basis to create or improve parks and recreational projects.

(3) Five percent (5 percent) for the Coastal and Estuarine Water Beach Access Program.

(4) No more than three percent may be used by the Department of Environment and Natural Resources (DENR) for the operating expenses associated with managing capital improvements projects, acquiring land, and administering the grants program for local governments.

2.0 North Carolina Parks and Recreation Authority

The North Carolina Parks and Recreation Authority, a 15-member board which oversees the Parks and Recreation Trust Fund, was created by the General Assembly with the Authority's powers and duties becoming effective July 1, 1996. The membership on the board was expanded from 11 to 15 in 2007. The Governor appoints five members, including the chairperson. The General Assembly appoints 10 members, five upon the recommendation of the President Pro Tempore of the Senate and five upon the recommendation of the Speaker of the House.

The Authority is charged with six powers and duties: 1) to receive public and private donations and funds for deposit into the trust fund; 2) to allocate funds for land acquisition; 3) to allocate funds for capital projects; 4) to solicit financial and material support; 5) to develop effective support for parks and recreation; 6) and to advise the Secretary of DENR on any matter he may refer to the body.

Members are appointed for three-year terms and may serve no more than two consecutive three-year terms. After serving two consecutive three-year terms, a member is not eligible for appointment to the Authority for at least one year after the expiration of the member's last term. The Parks and Recreation Authority held four meetings during fiscal year 2007-2008.

The 2007-2008 Parks and Recreation Authority members are:

Jonathan Howes, Chairman
Chapel Hill

Timothy L. Aydlett
Elizabeth City

Wendell Begley
Black Mountain

Thomas Blue
Southern Pines

Daryle Bost
Winston-Salem

Robert Epting
Chapel Hill

Cody Grasty
Maggie Valley

Eddie Holbrook
Shelby

Ron Kincaid
Mount Gilead

Boyd Lee
Greenville

Philip McKnelly
Raleigh

Cynthia Tart
Oak Island

Lisa Weston
Belmont

Hollis Wild
West Jefferson

Edward Wood
Wilmington

3.0 Parks and Recreation Trust Fund Summary

The Parks and Recreation Trust Fund (PARTF) is housed within the Division of Parks and Recreation, which operates the North Carolina State Parks System. The Parks and Recreation Authority allocates PARTF revenue to the state parks capital improvement and land acquisition projects. This board also selects the recipients of the grants to local governments to create or improve parks and recreational projects. The Division of Parks and Recreation, under Lewis Ledford, Division Director, develops priorities for the state parks system and recommends projects for the board's approval. Once the board has allocated the PARTF funds, the Division manages the projects for state parks and for the grants program.

The Division of Parks and Recreation transfers 5 percent of PARTF revenue to the Division of Coastal Management (DCM) for the Coastal and Estuarine Water Beach Access Program. The Division of Coastal Management, under Division Director Jim Gregson, administers these funds and offers matching grants to local governments throughout the 20 coastal counties. Table 3-1 shows the revenues received into the Parks and Recreation Trust Fund and the allocation of revenues by program for Fiscal Year 2007-2008

Table 3-1. Parks and Recreation Trust Fund Deposits and Distribution of Revenues Fiscal Year 2007-2008

Deposits	Amount
Total 2007-2008 PARTF Revenues	**$ 52,481,200**
Personalized Registration Plates	$ 1,445,813
Investment Income	$ 2,359,502
Excise Tax	$ 48,675,885
Distribution	**Amount**
Public Beach and Coastal Waterfront Access Program	$ 2,624,060
Local Governments Matching Grants Program	$ 15,407,771
State Parks System	
Land Acquisition	$ 13,543,122
Capital Improvements	$ 18,083,320
COPs Repayment	$ 1,757,061
Administrative Expenses	
Contract with NCSU - Recreation Resources Service	$ 361,115
Division of Parks & Recreation staff and Authority members	$ 704,751

4.0 Grants Program for Local Governments

4.1 *Program Description*

The Parks and Recreation Trust Fund (PARTF) program provides dollar-for-dollar grants to local governments. All counties, incorporated municipalities and public authorities (as defined in N.C.G.S. 159-7) are eligible for funding. Two or more local governments may apply jointly. Recipients can acquire land to be used for public recreation or to protect the natural or scenic resources of the property. Recipients can also use a grant to build or renovate recreational and support facilities. All facilities must serve the general public.

In September, the Division of Parks and Recreation (DPR) mails a description of the PARTF program and a schedule to local governmental officials and parks and recreation directors. A local government can request a maximum grant amount of $500,000 in PARTF assistance with its grant application. The approved value of land that is donated to a local governmental unit or public authority may be applied to the 50 percent matching requirement.

The DPR provides assistance to local governments in several ways. In October, the PARTF staff conducts a workshop where local governments can learn about the program and how to complete an application. The workshop is presented simultaneously at University of North Carolina video conference sites. The DPR has a contract with the Recreation Resources Service (RRS) at North Carolina State University. The staff of RRS provide technical assistance to local governments who request help in planning projects and preparing grant applications. RRS has six consultants in regional offices across the state.

The members of the Parks and Recreation Authority select which applicants will receive a grant. The factors considered by the Authority as it selects recipients include, but are not limited to, the criteria contained in the PARTF scoring system, the population of the applicant, the geographic distribution of projects across the state, the presence or absence of other funding sources and compliance with prior grant agreements.

Applications are due January 31. The Parks and Recreation Authority meets in May to select recipients from PARTF revenues received for the first three-quarters of the fiscal year. The Authority meets in early July to select grant recipients from PARTF revenues received during the fourth quarter of the fiscal year.

4.2 Description of Applications and Grants

The PARTF revenues allocated to local grants for fiscal year 2007-2008 were $15,407,771. Eighty-nine units of local government submitted PARTF applications requesting a total of $27.2 million in PARTF assistance. The Authority awarded 44 grants for $16,426,029. The difference between the amount awarded and the fiscal year revenues is $882,516 from various cancelled projects, reductions in the scope of work or projects completed under budget.

Table 4-1 shows a list of the projects approved for fiscal year 2007-2008. The table is organized alphabetically by recipient.

4.3 Geographic Distribution of Grants

The members of the Parks and Recreation Authority consider the geographic distribution of funds across the state as one of the factors used in selecting grant recipients. Since 1995, the Authority has awarded more than $123 million in PARTF grants to 586 projects in 99 counties across North Carolina (Figure 4-1). Figure 4.2 presents the distribution of PARTF grants by county for the current fiscal year.

Table 4-1. North Carolina Parks and Recreation Trust Fund Grants Fiscal Year 2007-08

Applicant	County	Project	Grant Amount
Ahoskie	Hertford	Ahoskie Creek Recreational Complex	$500,000
Alamance County	Alamance	Alamance County Greenway	$400,000
Albemarle	Stanly	E.E. Waddell Community Center	$499,979
Avery	Avery	Avery Community Park	$376,125
Black Mountain	Buncombe	Lake Tomahawk Park	$500,000
Buncombe	Buncombe	Owen Park Renovation	$23,107
Cameron	Moore	Phillips Memorial Park	$30,000
Carteret	Carteret	Newport Park	$500,000
Chatham	Chatham	Northeast Community Park	$500,000
Cleveland	Cleveland	Kings Mountain Gateway Trail	$500,000
Conetoe	Edgecombe	Conetoe Town Park	$65,000
Edenton	Chowan	Meadow View Dairy Farm Park	$500,000
Elizabeth City	Pasquotank	South Park Sports Complex	$500,000
Forest City	Rutherford	Cool Springs Recreation Center Renovation	$150,000

Franklin	Franklin	Pilot Lion Community Park	$500,000
Gamewell	Caldwell	Gamewell Park	$185,503
Gaston County	Gaston	Poston Park Lake Project	$500,000
Greensboro	Guilford	Gateway Gardens	$500,000
Harnett County	Harnett	Barbecue Creek Park Improvements	$500,000
High Shoals	Gaston	High Shoals Park	$34,925
Hoke	Hoke	Community Center Project	$500,000
Jamestown	Guilford	Center City Park Land Acquisition	$55,863
Kenansville	Duplin	Kenan Park Improvements	$267,177
Kure Beach	New Hanover	Oceanfront Park Property Acquisition	$500,000
Lillington	Harnett	Lillington Recreational Facility	$500,000
Lincoln	Lincoln	Rock Springs Park/Pine Ridge	$500,000
Marion	McDowell	Catawba River Greenway-Phase I	$167,300
Morganton	Burke	Catawba River Soccer Complex Phase II	$385,000
Mount Airy	Surry	Ararat River Greenway Phase II	$500,000
Nags Head	Dare	Whalebone Park	$500,000
Oak Island	Brunswick	Yaupon Fishing Pier	$500,000
Person	Person	Mayo Park Environmental Education Center	$327,500
Pitt	Pitt	Pitt County District Park - Phase II	$100,000
Polk	Polk	Alexander's Ford Project	$500,000
Rutherfordton	Rutherford	Lights for Crestview Park Ball Fields	$100,000
Selma	Johnston	Richard Harrison Recreation Center Improvements	$291,000
Smithfield	Johnston	Smithfield Recreation & Aquatic Center - Phase II	$451,950
Stokesdale	Guilford	Stokesdale Town Park	$500,000
Surf City	Pender	Surf City Recreational Park	$212,950
Surry	Surry	Shoals Community Park	$477,000
Transylvania	Transylvania	Connestee Falls	$325,650
Union	Union	Jesse Helms Park (Passive Area) Phase 2	$500,000
Wagram	Scotland	Wagram Recreation Center	$500,000
Winterville	Pitt	Recreation Park Redevelopment Phase I	$500,000
Total			**$16,426,029**

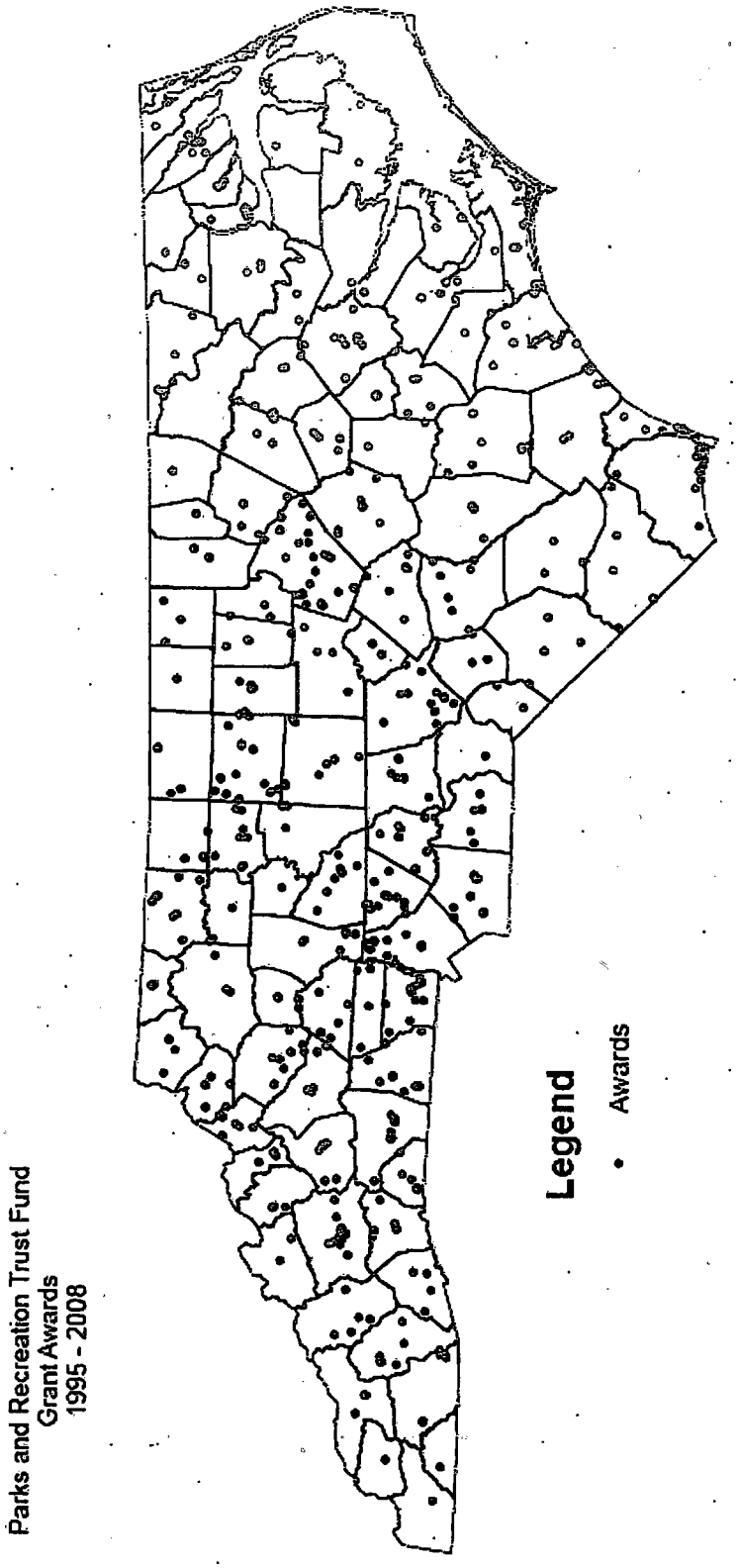


Figure 4-1. Distribution of PARTF Grants by County 1995-2008

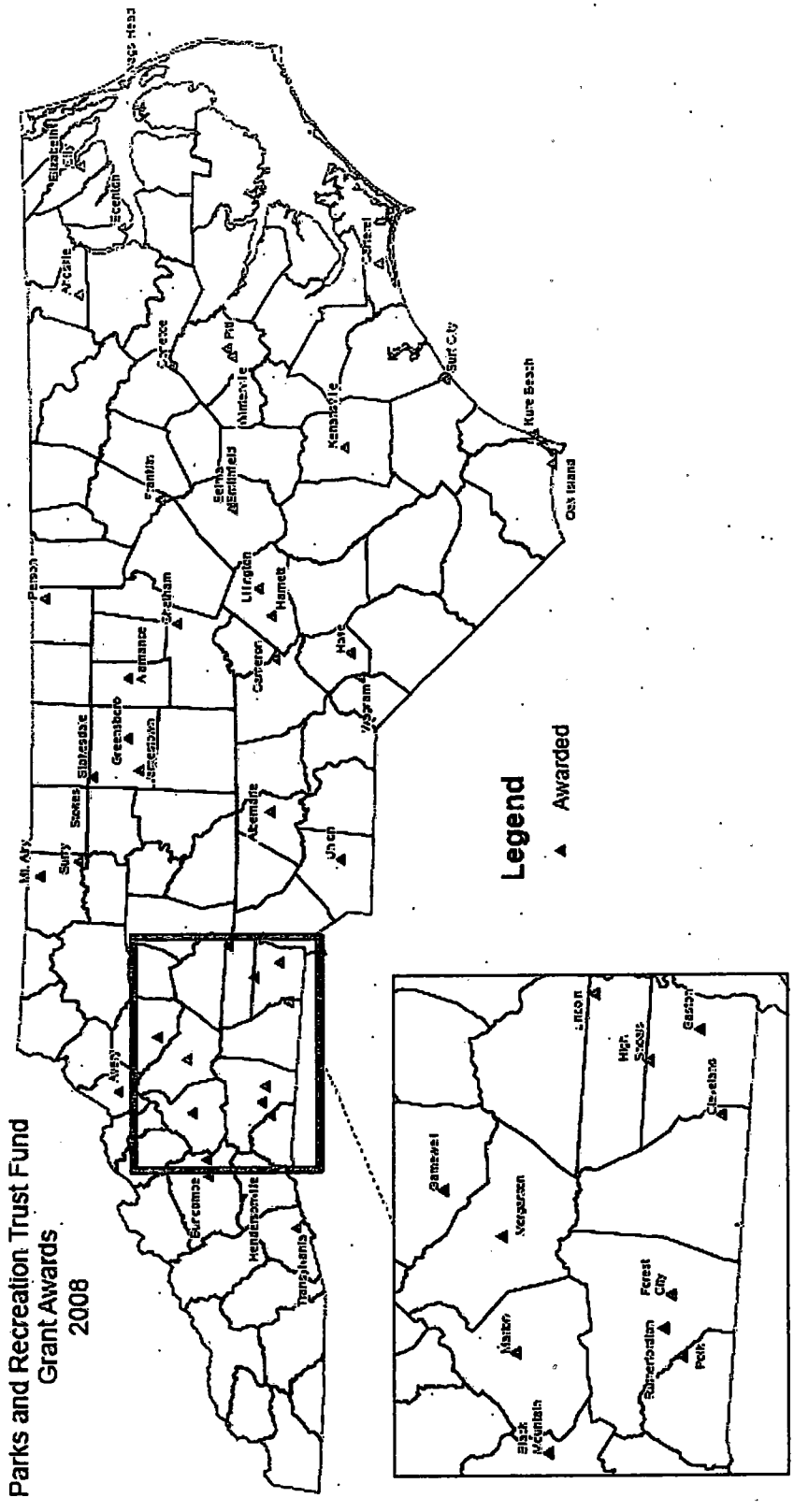


Figure 4-2. Distribution of PARTF Grants by County from 2008 Grant Cycle

Examples of Local Government Projects Funded by NC Parks and Recreation Trust Fund

Harnett County – Town of Lillington

The Lillington Recreational Facility project will provide the town's first indoor recreation space. The 6,000-square-foot facility will be located on a 21-acre site that has been donated to the town for a public park. The park and recreation center will help address the recreation needs of approximate 20,000 persons who live in and around this rapidly-growing community. The buildings will include an exercise and fitness room, a technology room oriented toward recreation users, a crafts and cultural activities area, as well as a kitchen.

Pasquotank County - Elizabeth City

The South Park Sports Complex is a joint effort between the Elizabeth City and Pasquotank County parks and recreation departments. This project will be located on property purchased with a previous PARTF land acquisition grant. The sports complex will feature five ball fields for youth baseball and softball, batting cages, a playground, a picnic area, and a multi-purpose trail. All of these facilities will be connected by walkways that are accessible according to Americans with Disabilities Act guidelines.

McDowell County - City of Marion

The Catawba River Greenway, Phase I project is the initial segment of City's efforts to establish a greenway for its citizens. The city has received a generous gift of five acres along the Catawba River, an ideal location for the greenway. When completed, the area will provide a variety of recreational activities. Phase I calls for nearly a mile of trail, picnic area, pier, canoe launch, wildlife observation deck and parking.

5.0 State Parks Program

5.1 *Land Acquisition*

For fiscal year 2007-2008, the Parks and Recreation Authority approved $13,543,122 for land acquisition projects in the state parks system (Table 5-1). These projects will help address the need for additional acreage at 15 state parks. However, it will cost an estimated $176 million to purchase the 43,752 acres needed to complete all of the current state park units.

Table 5-1 Division of Parks and Recreation
Land Acquisition Projects for FY 2007 - 2008

Unit	Acres	Approved Cost	Description
Chimney Rock State Park	181	$ 3,880,000	Tracts on Rumbling Bald, Round Top Mountain and next to Chimney Rock Park to protect natural and scenic resources
Eno River State Park	42	$ 600,000	River corridor tracts for resource protection and public trails
Lake Norman State Park	115	$ 2,323,400	Tract to expand land base for trails and to protect water quality
Lake Waccamaw State Park	3	$ 372,000	Tract to provide public access to Lake Waccamaw on east side. Property includes boat ramp.
Mayo River State Park	350	$ 1,028,000	Mayo River corridor tracts and Cedar Mountain tracts.
Medoc Mountain State Park	60	$ 150,000	Buffer tracts and access control.
Mount Jefferson State Natural Area	34	$ 300,000	Tract for resource protection on the slopes of Mount Jefferson
New River State Park	22	$ 750,000	River corridor tracts for resource protection and public access
Raven Rock State Park	139	$ 800,000	Inholding near Cedar Rock and resource protection tracts on south side.
South Mountains State Park	459	$ 2,336,000	Multiple tracts in Henry Fork and on the west side of the park for resource protection
Associated Expenses	n/a	$ 1,003,122	Land expenses such as surveys, appraisals, title work, interest payments and other overhead expenses.
Total	**1,405**	**$13,543,122**	

Some highlights include acquisition of 181 acres at Chimney Rock State Park to protect scenic and natural views, and 115 acres at Lake Norman State Park to expand the trail park's trail system and protect water quality of the lake. However, it will cost an estimated $176 million to purchase the 43,752 acres needed to complete all of the current state park units.

Through its "New Parks for a New Century" initiative, the Division of Parks and Recreation has identified over 40 sites across the state that could be added as potential state park units. These areas are some of the most treasured and threatened natural resources in North Carolina and have been identified as high-priority acquisitions to the state parks system. Purchasing these new units would require an estimated $454 million to acquire 113,625 acres.

Land Acquisition Projects for the State Parks System
Funded by NC Parks and Recreation Trust Fund

Orange County - Eno River State Park

The Eno River is a nationally-significant aquatic system. The state has been working on protection the river corridor since the early 1970s. The three tracts to be purchased are adjacent river. Two are near Cabes Ford, which may be used as a trail crossing for the state park trails in the future. The third tract is near the Lawrence Road crossing of the river. All three tracts protect the riparian buffer of the Eno River and its tributaries as well as provide connections for trails along the river.

Burke County - South Mountains State Park

South Mountains State Park is part of the nationally significant South Mountains range. This acquisition project consists of tracts in three different parts of the state park: the Jacobs Fork and Henry Fork watersheds as well as the Hall Knob area. The properties are key pieces for the protecting the park's natural resources as well as locating facilities.

Ashe and Alleghany Counties - New River State Park

The South Fork of the New River is a state and federal scenic river. Protection by the state began in the early 1970s. This project will purchase several tracts in the river corridor identified as high priority sites to provide scenic protection and visitor use of the river.

5.2 *Construction and Renovation*

During fiscal year 2007-2008, the Parks and Recreation Authority approved state park construction and renovation projects totaling $18,083,320 (Table 5-2). With PARTF funds, the Division continues to address a lengthy backlog of construction and renovation projects in the state parks system. However, approximately $335.4 million is required to meet all of the needs for new construction and renovation for state parks.

Table 5-2 Division Parks and Recreation Trust Fund Capital Projects for Fiscal Year 2007-08

Park	Description	Cost
Park System	Major Maintenance Funds	$ 1,200,000
Park System	Trail Maintenance Funds	500,000
Park System	Statewide Construction Reserve	864,550
Carolina Beach State Park	Marina Dredging/Facility Improvements	2,300,000
Chimney Rock State Park	Trail Structure, Cistern, & Emergency Generator Improvements	865,550
Cliffs of the Neuse State Park	Visitor Center & Eastern District Office	3,299,260
Gorges State Park	Phase I-B: Visitor Center, Sewer, Picnic Area, Maintenance Area (Design Only)	695,900
Haw River State Park	Brown Summit Center Repairs/Renovations (Cottage 400)	450,000
Kerr Lake State Recreation Area	Henderson Point Campground Improvements	1,769,639
Morrow Mountain State Park	Shoreline Improvements & Boathouse Replacement	1,152, 596
Mount Mitchell State Park	Water System Improvements	450,000
Pettigrew State Park	New Maintenance Area & Conversion of Existing Area to Staff/Public Space	844,889
Pettigrew State Park	Pocosin Natural Area Improvements	101,970
Raven Rock State Park	Visitor Center & Picnic Area	3,588,966
TOTAL		**$18,083,320**

Capital Improvement Projects for the State Parks System
Funded by NC Parks and Recreation Trust Fund

Wayne County - Cliffs of the Neuse State Park Visitors Center

Cliffs of the Neuse State Park was established in 1945 when land on the south side of the Neuse River was donated through the Wayne Foundation. Additional purchases and donations increased the park to its present size of 890 acres. Today, the park office consists of a 600-square-foot building built in the 1950s. The park also services as the East District office which operates from a converted maintenance warehouse facility.

The new visitor center project includes an entrance road with 30-car parking lot, a 7500-square-foot building to house exhibits, an auditorium, a classroom, lobby area, and administrative office space for both the park and the district staff.

Harnett County - Raven Rock State Park Visitors Center & Picnic Area

The current visitor contact station is a converted single-wide mobile home. This project will construct a new visitor center that includes a museum-quality exhibit area, an auditorium, classroom, and office space for staff. Also included is expansion of the existing picnic area by adding two 12-table shelters, 10 individual picnic sites, parking lot expansion, and entrance road improvements.

Stanley County - Morrow Mountain State Park Boathouse Replacement

The existing boathouse serves visitors who use Lake Tillery and the Yadkin / Pee Dee rivers, but it is failing structurally. The project scope will include demolition and replacement of the boathouse, which also serves as a restroom and concession area. In addition to replacing the boat house, improvements will be made to the courtesy dock by adding mooring space for 6-8 boats, installing connecting ADA walkways, and installing one ADA boat launch ramp.

Special Financing for Projects in State Parks

In 2007, legislation approved by the General Assembly and Governor authorized the issuance of special indebtedness using certificates of participation (COPs) for land acquisition in the state parks system. The indebtedness is to be repaid by future PARTF revenue. A maximum amount of $50 million is to be used to finance the cost of land acquisition for the expansion of the State Parks System and the Mountains to the Sea Trail. The land acquisitions are to support the conservation priorities set out by the One North Carolina Naturally Program.

The Parks and Recreation Authority approved 11 projects totaling $50 million using the COPs funding (Table 5-3).

Examples of Projects Financed through the Certificates of Participation (COPs)

Rutherford County - Chimney Rock State Park

The Chimney Rock State Park project area contains many natural resources of national significance. The site was identified by the New Parks for a New Century planning effort and was authorized as a new state park by the General Assembly in 2005. This acquisition project will help to protect the resources around the Bottomless Pools between Chimney Rock Park and Cane Creek Mountain. The tract contains the plunge pools known as the Bottomless Pools, which was an attraction in the Town of Lake Lure for many years.

Guilford County - Haw River State Park

Located near the headwaters, Haw River State Park and Summit Environmental Education Center is situated on nearly 300 acres of piedmont forest, fields, wetlands, and uplands. This project adds nearly 1,000 acres to provide further resource protection of the Haw River corridor and recreational opportunities for park visitors. Future recreation opportunities are to include picnicking, camping, and hiking. The Haw River corridor is also a proposed route for the Mountains-to-Sea Trail.

Guilford, Alamance, Orange, Wake and Johnston Counties – The Mountains-to-Sea Trail

The Mountains-to-Sea Trail is an effort to link by trail Clingman's Dome in the Great Smoky Mountains National Park to Jockey's Ridge State Park on the Outer Banks. The trail is the flagship project of the NC State Trails System. Today, over 450 miles of the 1,000 mile route are open for use. These acquisitions, along with future partnerships across North Carolina, will eventually link communities together and to serve as the backbone for a growing system of land and water trails.

Table 5-3 Certificates of Participation (COPS) North Carolina Division of Parks and Recreation Land Acquisition Projects for FY 2007 – 2008			
Unit	**Acres**	**Approved Cost**	**Description**
Chimney Rock State Park	244	$5,500,000	Bottomless Pools, Bat Cave and Round Top Mountain tracts for resource protection
Elk Knob State Park	2,269	$13,100,000	Long Hope Valley property for natural and scenic resource protection
Deep River State Trail	73	$500,000	Tracts near White Pines for water quality and natural resource protection
Elk Knob State Park	309	$3,826,000	Snake Mountain and Elk Knob tracts for natural and scenic resource protection
Eno River State Park	20	$500,000	Resource protection tracts at the Pump Station access of the state park
Haw River State Park	800	$17,000,000	Key tracts in core area of state park, both up and down stream of the Summit
Mountains-to-Sea State Trail	200	$2,000,000	Alamance County keystone tracts for state trail north of I-40
Mountains-to-Sea State Trail	250	$3,000,000	Guilford County keystone tracts for state trail between Greensboro Lake and Haw River
Mountains-to-Sea State Trail	350	$985,000	Orange County tracts upstream of state park along the Eno River for state trail
Mountains-to-Sea State Trail	212	$2,589,000	Tracts along the Neuse River where Marks Creek joins the river for state trail
Mount Mitchell State Park	65	$1,000,000	Tracts for natural and scenic protection of the Black Mountains
Totals	**4,792**	**$50,000,000**	

Repayment of COPs Indebtedness

The Parks and Recreation Authority may allocate up to 50 percent of the portion of the Parks and Recreation Trust Fund dedicated for projects in state parks to repay the debt. The PARTF revenue designated for grants to local governments cannot be used to repay debt. This year's principal plus interest payment for COPs indebtedness issued in 2005 is $1,757,061. These funds repay $11,381,000 for projects approved by the Parks and Recreation Authority in Fiscal Year 2004-05 and $8,701,616 approved for projects in Fiscal Year 2005-06.

Pursuant to Session Law 2007-323, the Parks and Recreation Authority approved the repayment of up to $20 million for projects approved under the Waterfront Access and Marine Industry (WAMI) Fund from the state parks portion of PARTF. Repayment of the WAMI projects funds will begin after Fiscal Year 2007-08.

6.0 Public Beach and Coastal Waterfront Program

6.1 Program Description

North Carolina's Public Beach and Coastal Waterfront Access Program was established by the General Assembly in 1981. In fiscal year 1996-97, the program began receiving 5 percent of the revenues from the Parks and Recreation Trust Fund. The program enabling legislation (GS 113A-134.1) states that public purpose would be served by providing increased access to coastal waters, public parking facilities, or other related public uses.

The program provides matching grants to local governments for low-cost capital projects designed to improve pedestrian access to the state's beaches and waterways. The program, administered by the Division of Coastal Management (DCM), offers matching grant funds to local governments throughout the 20 coastal counties. Since 1981, over 300 public access sites have been either constructed or improved at a cost of over $30 million. The majority of the grant projects are managed by local governments who are responsible for construction, operation and long-term maintenance of the facilities. While most of the early projects were located along the oceanfront, more and more projects are now designed to improve access to estuarine shorelines, coastal rivers, and urban waterfronts.

The Division of Coastal Management sends pre-application requests for proposals (RFPs) to local governments in the 20 coastal counties in the fall of every year. Select communities are then invited to submit a final application with communities prioritized for funding being accomplished in May of every year. Recipients are usually selected in July and contracts are awarded in between September and January. Grant recipients have 18 months to complete their projects. However, extensions are granted for un-foreseen events and delays such as hurricanes. The maximum life of a contract with extensions is three (3) years.

The division uses criteria developed by the Coastal Resources Commission to select grant recipients. Local governments are required to match from 10 percent to 25 percent of the project costs depending on whether the request is for acquisition of land or improvements, as well as the communities' economic status.

The required match, based on recent rule changes, may include Federal and other State funds to be used as the local government cash contribution provided such funds are not already being used as matching funds for other state and federal programs. Minimum match requirements are based on the economic status of the local government per the North Carolina Department of Commerce's Tier designations, as outlined by the Lee Act (G.S. 105-129.3). Counties designated as Tier 1 and the municipalities located within them are considered economically distressed. Projects that are listed on Table 6.1 denoted by an (*) are able to take advantage of a lower match requirement.

6.2 Types of Projects Funded

Communities can apply for five different types of water access sites: local, neighborhood, regional, multi-regional and urban waterfront redevelopment projects.

- Local access sites include public access points, offering minimal, or no facilities. Pedestrians who reside within a few hundred yards of the site primarily use them. Generally, these access ways are a minimum of ten feet in width providing only a dune crossover or pier. Vehicle parking is generally not available at these access sites. Bicycle racks may be provided as well as litter receptacles and access signs.

- Neighborhood access sites are public access areas offering parking, usually for five to 25 vehicles, a dune crossover or pier, litter receptacles and public access signs. Such accesses are typically 40 to 60 feet in width and are primarily used by individuals within the immediate subdivision or vicinity of the site. Restroom facilities may be installed.

- Regional access sites serve the public throughout an island or community including day visitors. These sites normally provide parking for 25 to 80 vehicles, restrooms, a dune crossover, pier, foot showers, litter receptacles, and public access signs. Where possible, one-half acre of open space in addition to all required setback areas should be provided for buffering, day use, nature study or similar purposes.

- Multi-regional access sites are generally larger than regional accessways but smaller than state parks. Multi-regional facilities provide parking for 80 to 200 cars, restrooms with indoor showers and changing rooms, and concession.

- Urban waterfront redevelopment projects improve public access to urban waterfronts. Such projects include the establishment or rehabilitation of boardwalk areas, shoreline stabilization measures such as the installation or rehabilitation of bulkheads, and the placement or removal of pilings for the purpose of public safety and/or increased access and use of the urban waterfront.

Additionally as part of rule changes that took affect in 2007, boat ramps and motorized boating facilities may be included as part of any of the above types of access provided the pedestrian access is also part of the project.

6.3 PARTF Revenues and Awards Based on 2007-2008 Fiscal Year Deposits

The actual amount transferred from the PARTF fund to DCM during fiscal year 2007-2008 was $2,624,060. Including carryover funds, cancelled contracts and those completed under budget, the total funds available for awards was $5,475,696.

The DCM received 37 pre-applications from 24 local governments requesting over $8,230,000 in funds. Table 6-1 provides the list of local governments prioritized to receive funding following review of final applications. Two of the listed projects (Pender and Dare County), have received WAMI funding (w) totaling $1,135,365; a third is an accessory project to the Jeannette's Pier project ($568,500).

Table 6-1 Communities Prioritized for 2007-2008 Funding Based on 2007-2008 Deposits and Other Available Funds

Local Government	Project Name	Grant Requests	Total Cost w/Match
Ahoskie *	Recreational Land Acquisition Phase II	$96,017	$106,685
Beaufort County *	Cotton Patch Landing Public Access	$500,000	$700,000
Carolina Beach	Cape Fear Blvd. Access Enhancement	$100,000	$200,000
Carteret County	Cedar Point Boat Ramp	$300,000	$850,000
Dare County (w)	Manns Harbor Marina	$335,365	$4,256,51
Edenton	Public Waterfront Property Renovation Project	$13,374	$17,832
Hertford	Lower Perquimans River Kayak/Canoe Launch	$8,943	$11,924
Jacksonville	Sturgeon City	$300,000	$400,000
Kure Beach	Oceanfront Park Land Acquisition	$600,000	$3,625,080
Leland	Sturgeon Creek Land Acquisition	$168,000	$210,000
Nags Head (w)	Whalebone Park	$568,500	$1,068,500
Navassa	Davis Creek Regional Access Phase II Improvements	$117,221	$156,295
Oak Island	Yaupon Pier Acquisition	$300,000	$1,008,000
Onslow County	Oakhurst Nature Park	$52,275	$69,700
Oriental	Hodges Street Pier	$12,750	$17,000
Pender County (w)	Hampstead Waterfront Access and Park	$800,000	$10,000,000
Sunset Beach	Waterway Park Public Access	$500,000	$2,250,000
Totals		**$4,772,445**	**$24,947,531**

(w) WAMI related projects (*) Economically Distressed Communities Totals may be adjusted during the final contract process.

The above-prioritize $4,772,445 for grant contracts that will begin either the fall of 2008 or January 2009. Additionally $500,000 is held in reserve for the future Aquarium Emerald Isle Pier project, and a $100,000 for a previously awarded Fort Fisher project. *Total funds budgeted $5,392,445.*

No PARTF funds are used for administrative costs associated with the grant program. The only non-award costs are about $20,000 a year used for access site signs made by the State Department of Corrections. Signs are provided for new sites as well as existing ones which regularly require replacement due to weathering and storm events.

Handout #3

NORTH CAROLINA
NATURAL HERITAGE
TRUST FUND

Update for Senate Committee on
Agriculture/Environment/Natural Resources
Lisa Riegel
Executive Director
(919) 715-8014
March 10, 2009

MISSION
protect natural & cultural heritage lands

- Recreation, scientific, education, cultural and aesthetic purposes
- Additions to state parks, trails, forests, wildlife areas
- Historic properties program
- Other beneficial use and enjoyment by the public

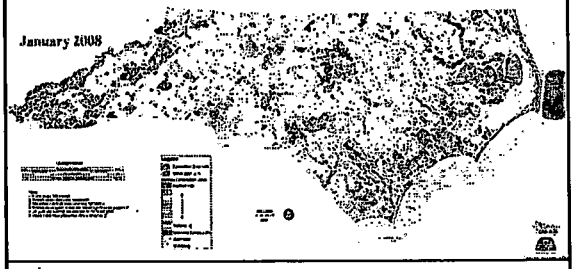


Natural Heritage Program

- ID most important natural areas in state
- 83 of 100 Counties complete; 6 ongoing
- Statewide Conservation Planning Tool (Map)



One NC *Naturally*
Conservation Planning Tool



Biodiversity / Wildlife Habitat Assessment

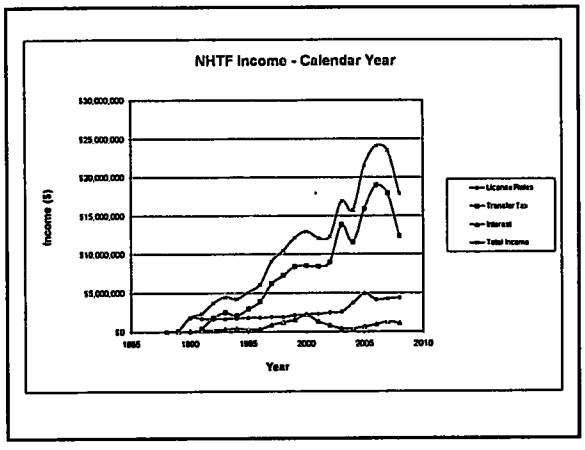
Program Overview

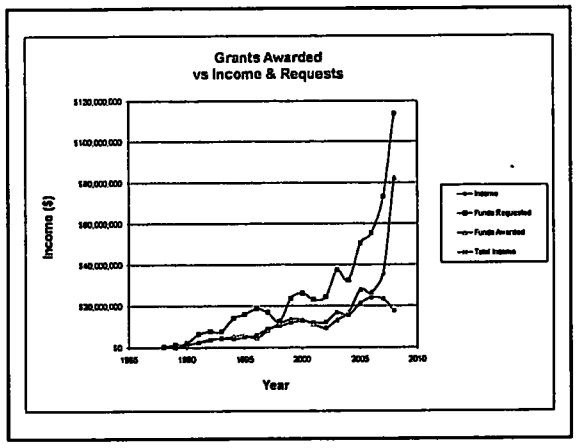
- Established 1987
- 12 member citizen board
- Accepts applications from 4 state agencies: DENR, DoACS, DCR, WRC
- Awards - twice a year



NHTF 2008 Income

Real Estate Tax	$12,357,922
License Plate Fee	$ 4,379,840
Interest	$ 1,112,639
Total	**$17,850,401**



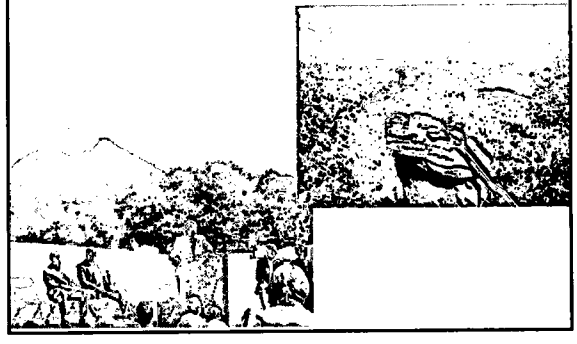


2008 Awards

- 49 Projects
- >22,000 Acres
- $82,675,345



Iconic Acquisitions



Additional Tracts at Existing Parks
Mt. Mitchell State Park



Gorges State Park



Plant Conservation Program Protection Projects

All tract purchases are designed to contribute to the long-term survival and viability of North Carolina's native plants.



PCP relies on Natural Heritage Program information to establish priorities.





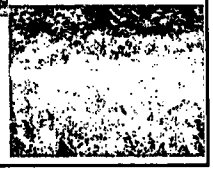


Eno River Diabase Sill Plant Conservation Preserve









Tater Hill Plant Conservation Preserve

Boosting the Economy

- Military - $18 billion
- Fisheries - $1 billion
- Tourism – visitors spend $16 billion+ and $1.3 billion in state and local tax revenue
- Outdoor and wildlife-related recreation - $4.3 billion
- Ag/Forestry $70.8 billion
- A clean and healthy environment attracts business and industry



Cultural Resources

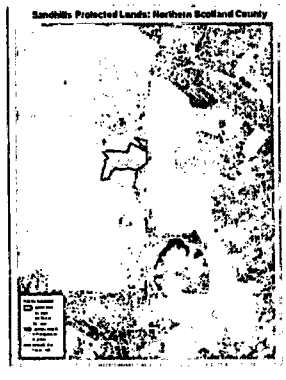


Horne Creek State Historic Site Land Acquisition

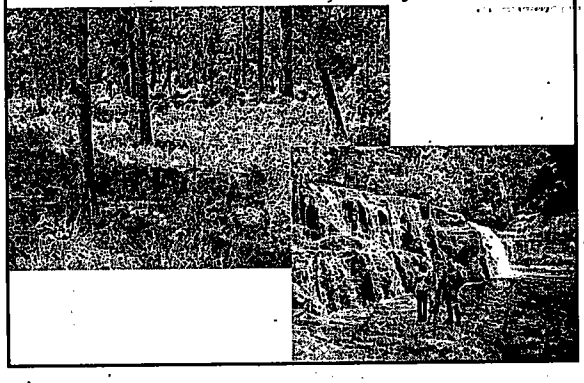
Pinnacle, Surry County

Military Buffer

- Key Connector
- 263 acres
- Leveraged with $208,000 Military (federal) funds; $636,000 NHTF funds
- RCW habitat, gameland/ recreation, protects encroachment onto Camp Mackall

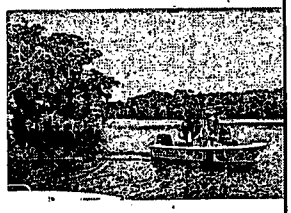


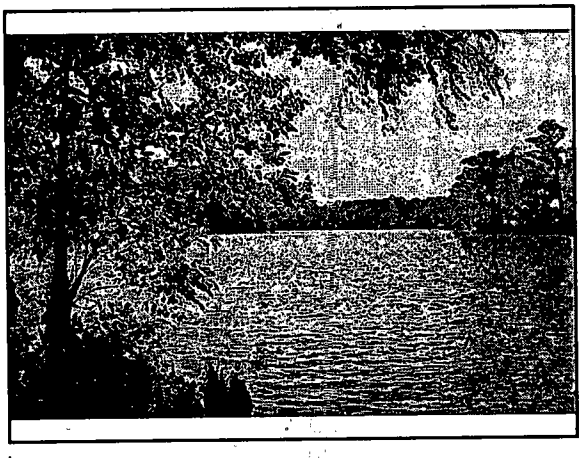
Carver's Creek – Military Buffer



WRC – Chowan River
Aquatic Habitat, Fisheries

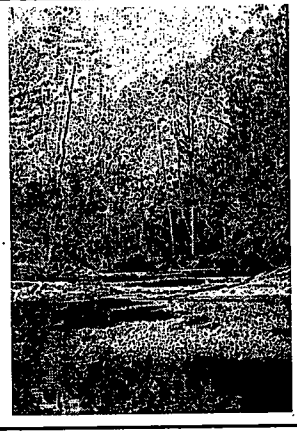
- Nationally Significant Aquatic Habitat
- Last of the IP projects closed in 2008
- A multi-year, multi-trust fund endeavor
- $80 million – 80,000 acres of prime river protection in Roanoke, Upper Tar, Juniper Cr and Chowan Rivers





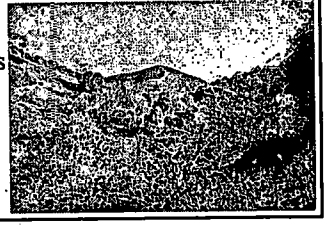
Lutz Tract – Wilson Creek

- Nationally Significant and designated Wild and Scenic River
- Community – County Commissioner enthusiastically approached us for support
- Caldwell County, $7.9MM, 649 acres
- CWTMF, Owner bargain sale



Healthy, Happy Lives

- Provides source of inexpensive, quality, close-to-home recreation
- Protected open space maintains air/water quality
- Quality of life issues for citizens
- Protects cultural and rural heritage





Additional Information

Lisa.riegel@ncmail.net

www.ncnhtf.org

(919) 715-8014

Land for Tomorrow Handout #6

Katherine Skinner
SENR Remarks
3/10/09

Madam Chair and members of the Committee.

My name is Katherine Skinner and I am a member of the executive committee and steering committee of Land for Tomorrow. Thank you for the opportunity to address you today.

I am sure most of you are familiar with the work of Land for Tomorrow. We are a statewide partnership of community leaders, organizations and local governments working to increase land and water conservation in North Carolina.

We thank you for your past support and ask you for support during this year. We recognize that this is going to be a tough year. The legislature will be faced with tough decisions, arguably the toughest in generations.

As you heard last night, Gov. Perdue has been wrestling with these tough issues – prompting her decision two weeks ago to withhold $100 million from the Clean Water Management Trust Fund.

I assure you that the conservation community understands that times are tough and the difficulty we all found ourselves in. We have had conversations with the Governor's staff about that $100 million.

To give you an idea of the impacts of that decision, it is helpful to give a brief idea of how the conservation community works with the Fund. The way Clean Water works is that once a conservation group receives approval from the trust fund board, we move forward on an acquisition and are reimbursed by the trust fund for the deal. So, a portion of that $100 million, while still in the Clean

Water trust fund accounts, is approved and intended to go to land conservancies for acquisitions that have already closed or are under option or contract with the respective landowners.

$14.5 million of that money has been approved for projects that are already closed. Another $10.8 million is for projects that are either under contract or option.

We hope that $25.2 million will be returned to the trust fund to make good on its trustees' commitment to conservation. For now, we hold the discussion for another day regarding the remaining $36 million which funds projects that have no options effective February 25, 2009 – the date of Governor Perdue's decision. These were also some very worthy projects, but we recognize that tough times call for everyone to make sacrifices.

As for the future, we urge you to continue funding the Clean Water Management Trust Fund. Some folks will say that conservation funding is discretionary – something that can be put off until the economy gets better. But, we absolutely do not believe that to be the case. Conservation protects clean water, clean air, scenery, animals, plants and trees. Conservation is also a valuable economic driver and is important for public health.

As traditional industries like furniture manufacturers and textile operations have moved out of North Carolina, many communities have found that they were sitting on another gold mine – their incredible natural heritage was a valuable building block in the local economy.

Take for example the town of Lake Lure. Since you authorized creation of Chimney Rock State Park, the state's conservation trust funds have bought thousands of acres in the Hickory Nut Gorge area, which includes Chimney Rock and Lake Lure. The mayor of Lake Lure, Jim Proctor, likes to make the point that buying and

protecting Lake Lure's viewshed is protecting the Lake Lure economy. That's certainly true across the state.

In addition to attracting tourism and drawing retirees, land conservation also plays a crucial role in another major aspect of North Carolina's economy – the military. Camp Lejeune lies in an area that is rapidly developing. That development threatened the military's abilities to conduct their training. Enter the Onslow Bight Conservation Forum, which was formed in 2002 by the Marine Corps and The Nature Conservancy. The Forum's purpose is two fold – it addresses the issue of development encroaching on the base and it also works to conserve the natural heritage of the area. The state's conservation funds have provided more than $60 million toward conservation in the area, leveraging $15 million in federal funding.

Land conservation is also important to the public health. Creating parks, trails and greenways is vital to providing residents with recreational opportunities, which is particularly important in a state with the 16th highest rate of obesity, fifth highest if you count just children.

Watershed protection, which is part of many conservation efforts, is important for both economic and public health reasons. The cost of treating drinking water is reduced when watersheds are protected. The EPA estimates it is anywhere from 20 to 400 times more expensive to treat contamination than to prevent it.

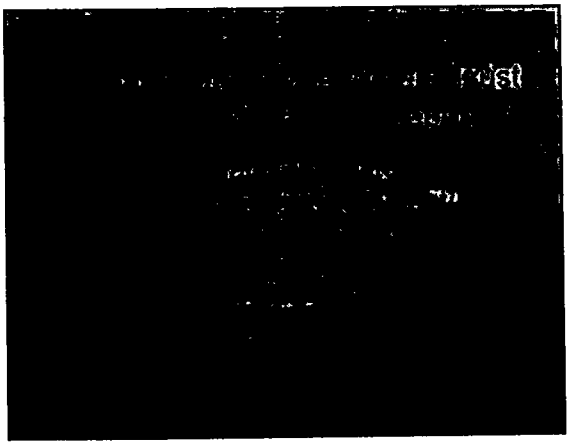
And, of course, conservation land for all to enjoy is an important tool for attracting new businesses to this state. Attracting businesses to North Carolina remains a critical component in our state's economic engine – which is even more important now than ever.

We have significant conservation needs. Last year, the Clean Water Management Trust Fund was only able to fund 60 percent of the requests it received. 2009 applications to the fund are at a record level. Land prices are at their lowest point in years. Now is the time to make conservation acquisitions, rather than paying top dollar in a few years. Our dollars are going to go further this year, provided that you allocate them.

Your strong leadership will guide us during these difficult economic times. I understand that you are faced with an extremely difficult budget situation and will need to make tough choices. I encourage you, however, to include substantial funding for the Clean Water Management Trust Fund and the Agricultural Development and Farmland Preservation Trust Fund. Also, please maintain the existing dedicated revenue sources for the Natural Heritage and Parks and Recreation Trust Funds.

All of us, who are Land For Tomorrow, hope you will keep these facts in mind as you move through the legislative session. We want you to know that land and water conservation is part of the solution to our economic downturn – not a competing entity that can be left to be funded later. The dollars that are invested this year in conservation will sweeten the state's economy while improving and protecting the public health.

Handout #7



The Clean Water Mission

- Restore/enhance degraded waters
- Protect/conserve unpolluted waters
- Eliminate water pollution
- Create a network of riparian buffers and greenways
- Fund innovative systems as demonstrations
- Not strictly conservation



Alligator River

cleanwater

CWMTF Funded Projects

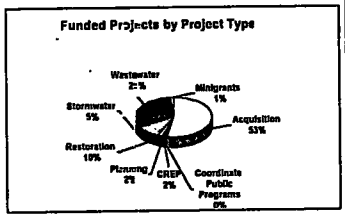
- 1,344 grants since 1997
- Over $943.3 million awarded
- Projects in 98 Counties
- 415 Grants to Municipalities



cleanwater

CWMTF Funded Projects 1997-2008

- Over $503.1 million invested in land and water conservation
- 159 buffer, stream and wetlands restoration projects funded totaling over $94.6 million



cleanwater

The Trust Fund's Accomplishments - by the Numbers

- 4,859 miles of buffers preserved
- 454,944 acres protected
  - –10 Trips from Murphy to Manteo
  - –333,000 Football Fields
  - –6% of NC's Streams



Waynesville Watershed

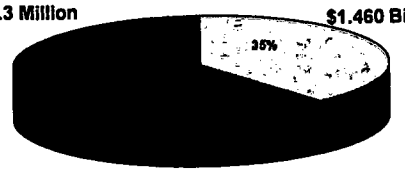
cleanwater

Matching Funds

1997-2008

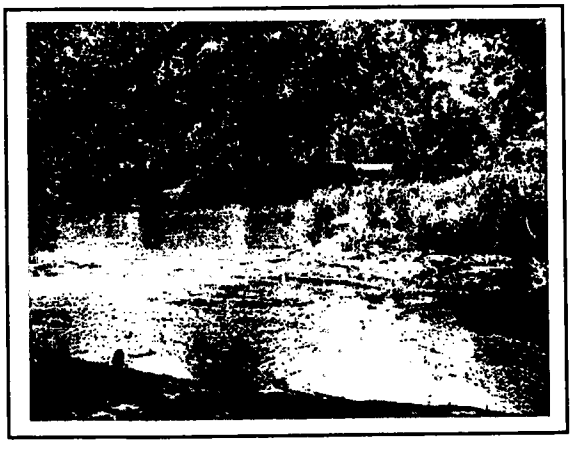
$943.3 Million

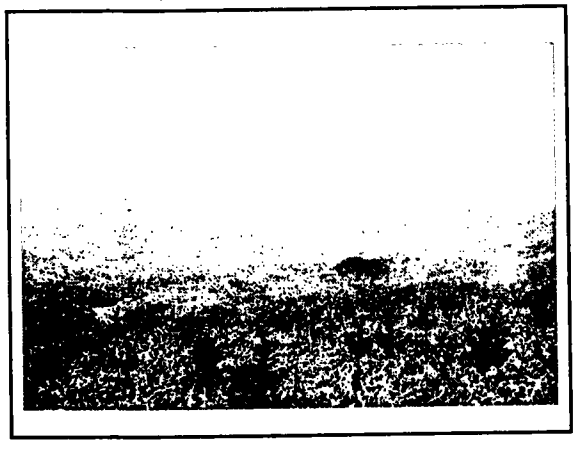
$1.460 Billion



Total Amount CWMTF Funded Total Amount Match

cleanwater











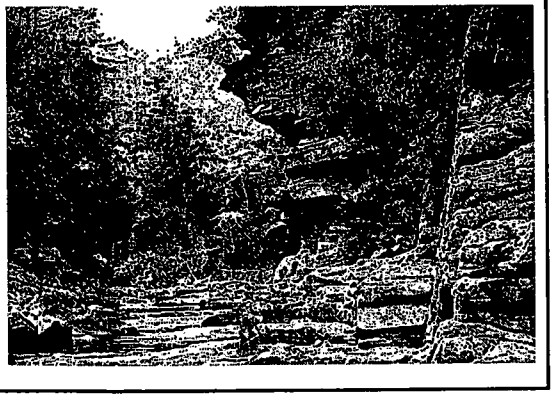
CWMTF Focus...

- Innovative Stormwater Management Update
  - SB 1468
  - $8.6 Million in RFP requests
  - 32 RFPs received
  - $5 million available;awarded in February
- Improved Organizational Management
  - Four months = contracts out the door
  - Money appropriated in August; grants awarded by November; contracts out by February
  - 150 contract per year on average
- Greenways
  - Development and implementation of program established
  - Increase presence in Piedmont/Urbanized areas

cleanwater

CWMTF Focus...

- CWMTF's Importance to NC's Economy:
  - $16.5 Billion Tourism Economy
  - $144 Million Fisheries Economy
  - $71 Billion Agriculture Economy
  - $6.1 Billion Forest Products Industry
  - $23 Billion Military Economy
- Infrastructure Funding
- Resource to cities and counties
- Key to health of citizens

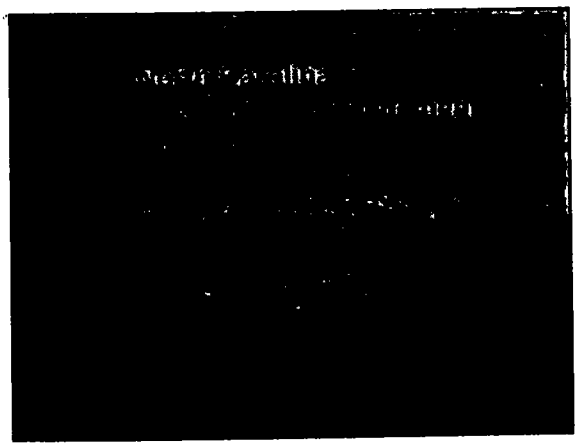


February 25, 2009

- Executive Order #6
- $100M Transferred back into the General Fund

Where We Are

- 192 projects approved in 2008 on hold:
  - Wastewater: $26.2 M
  - Stormwater/Restoration: $16.8 M
  - Acquisition: $55.8 M



VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — March 10, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Tommy Stevens	NCPC
Maximilian Merrill	NCDA+CS
Allison Fowler	NC State Grange
MIKE WATERS	NCRPA
Jay Leutze	SAHC
Dan Crawford	CCNC
LISA SCHELL	CWMTF
Katherine Ukman	Nature Conservancy
TOM CORS	TNC
Edgar Mills	CTNC
Alicia Davis	MWC

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — March 10, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
LISA RIEGEL	NHTF
Adrienne McCoig	DENR-DPR
Elizabeth Biser	DENR
R Rogers	CWMTF
David Knight	DENR
Leslie B Cohen	Capstrat
Butch Gunnells	NC Ber 14
Ed [illegible]	BP
Dick Carlton	Atty.
Mike Sprayberry	NCEM

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — March 10, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Patrice Pearlman	NCACC
ANTHONY MANNON	NCACC
[signature]	NCIT
Doug Lassiter	NCSTA
Kathy Hawkins	Progress Energy
Ken Melton	Ken Melton & Assoc.
[signature]	NS
[signature]	NCPCM

Principal Clerk ____
Reading Clerk ____

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on **Agriculture/Environment/Natural Resources** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	March 24, 2009	11:00 AM	544 LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 699	Cement Plant Moratorium and Study.	Senator Boseman

FOR DISCUSSION ONLY

Senator Bob Atwater, Chair

Senate Agriculture/Environment/Natural Resources Committee
Tuesday, March 24, 2009, 11:00 AM
544 LOB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

SB 699	Cement Plant Moratorium and Study.	Senator Boseman

Presentations

Adjournment

SENATE AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE
Tuesday, March 24, 2009 at 11:00 AM
Room 544, Legislative Office Building

MINUTES

The Senate Agriculture/Environment/Natural Resources Committee met at 11:00 AM on March 24, 2009, in Room 544 of the Legislative Office Building. 12 members of the committee were present. Senator Bob Atwater presided.

After welcoming everyone and introducing the pages, the following bill was discussed:

SB 699, Cement Plant Moratorium and Study.

After Senator Boseman's opening comments, she thanked all the concerned citizens for attending the meeting. Next, Jennifer McGinnis, Staff Counsel, explained the bill as outlined in the bill summary. Senator Clodfelter asked what parts of the purposed study were not already required under existing permitting law. Ms. McGinnis responded that the State Environmental Protection Act (SEPA) rules would not apply so there would not be an environmental assessment required by the Department of Environment and Natural Resources (DENR). Also, there are pending rules from the US Environmental Protection Agency (USEPA) on mercury emissions for cement plants that will not be in place in final form until March 31, 2010.

Senator Brock asked if this bill would put limits on a shovel-ready project for Federal stimulus money and Senator Boseman replied no, it did not qualify for stimulus money. Senator Atwater added he thought the completion date for the plant was 2012-2013.

Senator Brown asked how many cement plants were operating in the United States and Ms. McGinnis replied that two plants were in operation, but none in North Carolina.

Next, Senator Atwater asked for outside speakers who would like to speak on the bill. First, Mr. Mike Giles, Cape Fear COASTKEEPER, gave a power point presentation in support of SB 699 (see Handout #1). After his presentation, Senator Clodfelter asked Mr. Giles to explain his comment that DENR was involved in legal maneuvering. Mr. Giles responded that the Wilmington community was not involved in the decision to not enact SEPA. The decision was made between DENR and Titan. Senator Clodfelter asked if DENR was out of compliance with the rules that have been set and Mr. Giles said when Titan and the New Hanover County Commissioners first met with the public, Titan said they would follow the strictest rules and comply will all State regulations. Mr. Giles added that SEPA was in place for the protection of the public and should be followed. Senator Clodfelter then asked Ms. McGinnis for a short written synopsis as to why SEPA does or does not apply in this situation.

Senator Boseman added that Titan had applied for and received a grant for $200,000 for rail bed improvements but declined the grant so they would not have to be under SEPA.

Senator Tillman then asked if DENR was backing off the requirements they have in place and Mr. Giles replied that the Division of Air Quality and Coastal Management were left out of the process and had no information on the project. Senator Tillman stated he did not know how DENR could be left out of the permitting process and Mr. Giles responded that the citizens wanted a full review of the project under SEPA and have a review at the total project with all the regulatory agencies involved.

Next, Mr. John Merritt who represents Titan America spoke against SB 699. Mr. Merritt told the Committee that Titan has been in the permitting process for over a year and no draft of the Environmental Impact Study (EIS) from the US Army Corp of Engineers had been issued yet. He also stated that North Carolina induced Titan to build their $500 million plant in New Hanover County. The plant will take two years to build 1000 people will be involved with the construction. Once the plant is operational, it will employ 160 people at an average yearly wage of $75,000.

Further, Mr. Merritt stated that the USEPA will come out with new mercury rules in a draft report on March 31, 2009 and the final regulation will be in place on March 31, 2010. Titan has agreed to adhere to the lowest of the EPA standard even at a $20 million cost to them. Mr. Merritt concluded his comments by telling the Committee that the cement needs of North Carolina will double in the next 10 years as the population doubles. There are over 2000 bridges to repair and replace and interstate highways to be built. The Wilmington location for the plant is the only site conducive for the plant in the State and the sit is in a heavy industrial zone. The County Commissioners agreed to the deal with Titan and there is nothing in SB 699 that is not already in the State or Federal regulatory scheme.

Senator Clodfelter asked Mr. Merritt about the incentives received by Titan. Mr. Merritt said New Hanover offered $4 million in grants over 7 years. Titan received a One North Carolina grant and several other grants. Mr. Merritt had a conversation with Commerce Secretary Keith Crisco about whether incentives triggered SEPA. If a perspective company has to work through the 12-18 month SEPA process, no company will agree to locate in the State. SEPA is not a permitting process; it is a review process which is parallel to the NEPA process conducted by the US Army Corp of Engineers.

Next, Senator Atwater asked Mr. Mac Currin, Chairman of the North Carolina Marine Fisheries Commission, to give his remarks in favor of SB 699. Mr. Currin told the Committee that the Marine Fisheries Commission sent letters to the Division of Air Quality and the US Army Corps of Engineers listing their concerns regarding the permitting of the cement plant in Wilmington.

Next, Senator Atwater asked Mr. Marino Papazoglou to give his remarks against SB 699. Mr. Papazoglou stated that he was one of the owners of Titan. He agreed that cement plants with old technology do pollute but the two Titan plants in Virginia and Florida

have received the Award of the Energy Star which is the highest environmental award a company can receive. Titan is taking community concerns very seriously, but they have followed the process and would like to see the process run its course. Mr. Papazoglou stated that he was confident that mercury emissions would not put the community at risk. Further, in a couple of weeks Titan will receive the results of an independent study done by a top US toxicologist as to the effects of mercury on Wilmington. Those results will be shared with the public. After Mr. Papazoglou's remarks, Senator Clodfelter asked Mr. Papazoglou to commit to the lowest mercury standard regulated by USEPA when those new standards are issued. Mr. Papazoglou said they will commit to it.

Mr. Papazoglou added that his culture has nothing but honor and respect for laws. He also clarified Senator Boseman's statement about backing away from a $200,000 grant. The reason they did so was because they could not meet the State's deadline for plant completion, so they went to the State and refused the grant.

Senator Atwater then called on Mr. Craig Galbraith, Professor in the Cameron School of Business at the University of North Carolina at Wilmington, to give his remarks in favor of SB 699. Dr. Galbraith gave the Committee his opinion of the true economic impact of the Titan plant. He said the economic analysis that was done was incomplete and did not pass the "sniff" test. He concluded that heavy industry may actually discourage economic growth and have a negative impact on tourism and the environment.

Senator Boseman then gave final comments on SB 699. She disagreed with former Governor Easley in offering incentives. Although she is aware of the many people who need jobs, she, nor the citizens who have attended today's meeting, will never think it is ok to sacrifice the health of children or do irreparably damage to the environment for the sake of a job.

The meeting was adjourned at 11:55 AM.

Bob Atwater
Senator Bob Atwater, Presiding

Carol Resar
Carol Resar, Committee Clerk

SENATE BILL 699

Short Title:	Cement Plant Moratorium and Study.	(Public)
Sponsors:	Senator Boseman.	
Referred to:	Agriculture/Environment/Natural Resources.	

March 19, 2009

A BILL TO BE ENTITLED

AN ACT TO IMPOSE A MORATORIUM ON THE CONSIDERATION OF PERMIT APPLICATIONS AND ISSUANCE OF PERMITS FOR THE CONSTRUCTION AND OPERATION OF CEMENT PLANTS IN THE STATE UNTIL SEPTEMBER 1, 2010, AND TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY ISSUES RELATED TO THE ENVIRONMENTAL IMPACTS OF CEMENT PLANTS AND THE SITING, DESIGN, AND OPERATIONAL REQUIREMENTS GOVERNING CEMENT PLANTS IN ORDER TO PROTECT PUBLIC HEALTH AND THE ENVIRONMENT.

Whereas, it is declared to be the public policy of this State to provide for the conservation of its water and air resources; and

Whereas, it is the intent of the General Assembly to achieve and maintain a total environment of superior quality for the citizens of the State; and

Whereas, recognizing that the water and air resources of the State belong to the people, the General Assembly has affirmed the State's ultimate responsibility for the preservation and development of these resources in the best interest of all its citizens and has declared the prudent utilization of these resources to be essential to the general welfare; and

Whereas, cement plants emit pollutants injurious to the environment and human health such as sulfur dioxide, nitrogen oxide, volatile organics, particulate matter, and hazardous air pollutants including dioxins, furans, and mercury; and

Whereas, mercury, which is generated from the raw materials and some fuels used in cement-making, is a toxic metal that can damage the brain and nervous system; and

Whereas, mercury emissions are converted to the highly toxic form of methylmercury in surface waters; and

Whereas, mercury bioaccumulates in fish, which makes siting of facilities with high mercury emissions near public water bodies and in coastal areas of particular concern; and

Whereas, consumption advisories for 17 species of ocean fish and eight species of freshwater fish have been issued for sensitive populations such as pregnant and nursing women and children under the age of 15, based on the high level of mercury these fish contain and the potential damaging health effects that may be suffered by these sensitive populations from exposure to high levels of mercury; and

Whereas, section 303(d) of the federal Clean Water Act (CWA) requires states to develop a list of waters not meeting water quality standards or that have impaired uses, which waters must be prioritized, and a management strategy or total maximum daily load (TMDL) must subsequently be developed for all listed waters; and at least 49 segments of water bodies in the State (assessment units) are included on the State's 303(d) list of impaired waters as a result of fish advisories due to mercury; and

Whereas, in 2007 the United States Environmental Protection Agency (USEPA) initiated a process to collect data from cement kiln companies pertaining to mercury content of all kiln inputs and the results of any mercury tests that had been performed on cement kilns at these facilities at any time. USEPA asserted that it would take until mid-September 2008 to analyze the data, determine the floor levels for emissions limitations, determine whether to propose more stringent beyond-the-floor emission limitations, and issue a proposed rule for public comment; and

Whereas, in January 2009 the USEPA noticed a proposed settlement agreement between the USEPA, several environmental groups, the Portland Cement Association, and the States of New York, Connecticut, Illinois, Maryland, Michigan, New Jersey, and the Commonwealths of Massachusetts and Pennsylvania wherein USEPA agreed to take action to establish new mercury emissions limitations from new and existing Portland cement kilns, with a notice taking final administrative action concerning the proposed rule making to be signed by the USEPA Administrator no later than March 31, 2010; and

Whereas, adequate data on mercury emissions from cement plants and conclusion of USEPA's final administrative action to establish new emissions limitations for these facilities are essential to an informed consideration of issues concerning the proper siting, design, and operation of cement plants in the State; and

Whereas, improperly sited, designed, or operated cement plants have the potential to cause serious environmental damage, including air and surface water contamination, and threaten human health; and

Whereas, it is essential that the State study the siting, design, and operational requirements for cement plants near schools and other places where children regularly congregate as children are thought to be more vulnerable to environmental exposures than adults given that their bodily systems are still developing, and for other reasons; and

Whereas, it is essential that the State study the siting, design, and operational requirements for cement plants in environmentally sensitive areas with nearby waterbodies in order to protect public health and the environment; and

Whereas, it is essential for the protection of public health and the environment to conduct an environmental review of the primary, secondary, and cumulative impacts of cement plants to ensure both air and water quality issues are considered together prior to the issuance of any permits; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. Moratorium Established. – There is hereby established a moratorium on consideration of applications for permits and on the issuance of permits for cement plants for construction and operation in the State. The purpose of this moratorium is to allow the State to study the environmental impacts of cement plants in order to protect public health and the environment. The Department of Environment and Natural Resources shall not consider a permit application nor issue a permit for a cement plant for the period beginning on the date this act becomes law until September 1, 2010.

SECTION 2.(a) Study. – The Environmental Review Commission, with the assistance of the Department of Environment and Natural Resources, shall study issues related to cement plants. In conducting this study, the Commission shall consider the findings of any environmental impact statements conducted pursuant to the State Environmental Policy Act and the National Environmental Policy Act for cement plants proposed to be sited in the State. The Commission shall specifically study issues concerning:

(1) Impacts of mercury and all other pollutants emitted from cement plants on public health in nearby communities, with particular attention to the potential impacts on children's health in schools located in close proximity to cement plants.

(2) Impacts of accumulations of mercury and other dangerous chemicals in surface waters and aquatic life, and atmospheric deposition of air pollutants upon surface waters and land.

(3) Impacts of cement plants on regional groundwater and drinking water supplies, including the potential for saltwater intrusion into coastal aquifers.

(4) Impacts of cement facility operations on nearby communities, including, but not limited to: (i) impacts on local and regional traffic patterns and infrastructure; and (ii) cumulative impacts of cement plants and other heavy industry to regional tourism, commercial and residential development, and recreational activities such as hunting and fishing.

(5) Siting, design, and operational requirements for cement plants that are proposed for construction and operation in close proximity to schools, communities, public lands and waters, and other environmentally sensitive areas.

(6) The advisability of requiring the Department to: (i) conduct a study, which meets all of the requirements set forth in G.S. 113A-4 and rules adopted pursuant to G.S. 113A-4, of the environmental impacts of all proposed cement plants; and (ii) consider the study of environmental impacts and any mitigation measures proposed by an applicant in deciding whether to issue or deny a permit for a cement plant.

SECTION 2.(b) Subcommittee. – In order to facilitate the conduct of this study, the cochairs of the Environmental Review Commission may establish a subcommittee of the Commission. The subcommittee of the Commission may include nonlegislative members who have special knowledge, interest, or expertise in various aspects of cement plants, such as air toxics, atmospheric deposition of airborne pollutants, land conservation, public health, and hydrology, appointed in consultation with the President Pro Tempore of the Senate and the Speaker of the House of Representatives.

SECTION 2.(c) Report. – The Commission shall report its findings, together with any recommended legislation, to the 2010 Regular Session of the General Assembly upon its convening.

SECTION 3. This act is effective when it becomes law.

SENATE BILL 699:
Cement Plant Moratorium and Study

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	March 24, 2009
Introduced by:	Sen. Boseman	**Prepared by:**	Jennifer McGinnis Committee Counsel
Analysis of:	First Edition		

SUMMARY: ***Senate Bill 699 would establish a moratorium on consideration of applications for permits and on the issuance of permits for cement plants for construction and operation in the State. The Department of Environment and Natural Resources (DENR) would be prohibited from considering a permit application and issuing a permit for a cement plant for the period beginning on the date this bill would become law until September 1, 2010.***

BILL ANALYSIS: The bill would establish a moratorium on consideration of applications for permits and on the issuance of permits for cement plants for construction and operation in the State. DENR would be prohibited from considering a permit application and issuing a permit for a cement plant for the period beginning on the date this act becomes law until September 1, 2010. The purpose of the moratorium would be to allow the State to study the environmental impacts of cement plants. The bill would direct the Environmental Review Commission (ERC), with the assistance of DENR, to study issues concerning:

- Impacts of mercury and all other pollutants emitted from cement plants on public health in nearby communities, with particular attention to the potential impacts on children's health in schools located in close proximity to cement plants.
- Impacts of accumulations of mercury and other dangerous chemicals in surface waters and aquatic life, and atmospheric deposition of air pollutants upon surface waters and land.
- Impacts of cement plants on regional groundwater and drinking water supplies, including the potential for saltwater intrusion into coastal aquifers.
- Impacts of cement facility operations on nearby communities, including, but not limited to: (i) impacts on local and regional traffic patterns and infrastructure; and (ii) cumulative impacts of cement plants and other heavy industry to regional tourism, commercial and residential development, and recreational activities such as hunting and fishing.
- Siting, design, and operational requirements for cement plants that are proposed for construction and operation in close proximity to schools, communities, public lands and waters, and other environmentally sensitive areas.
- The advisability of requiring the Department to: (i) conduct a study, which meets all of the requirements set forth under the State Environmental Protection Act (SEPA) and rules adopted pursuant to SEPA, of the environmental impacts of all proposed cement plants; and (ii) consider the study of environmental impacts and any mitigation measures proposed by an applicant in deciding whether to issue or deny a permit for a cement plant.

BACKGROUND: In 2007 the United States Environmental Protection Agency (USEPA) initiated a process to collect data from cement kiln companies pertaining to mercury content of all kiln inputs and the results of any mercury tests that had been performed on cement kilns at these facilities at any time. USEPA asserted that it would take until mid-September 2008 to analyze the data, determine the floor

levels for emissions limitations, determine whether to propose more stringent beyond-the-floor emission limitations, and issue a proposed rule for public comment.

In January 2009 the USEPA noticed a proposed settlement agreement between the USEPA, several environmental groups, the Portland Cement Association, and the States of New York, Connecticut, Illinois, Maryland, Michigan, New Jersey, and the Commonwealths of Massachusetts and Pennsylvania wherein USEPA agreed to take action to establish new mercury emissions limitations from new and existing cement plants, with a notice taking final administrative action concerning the proposed rule making to be signed by the USEPA Administrator no later than March 31, 2010.

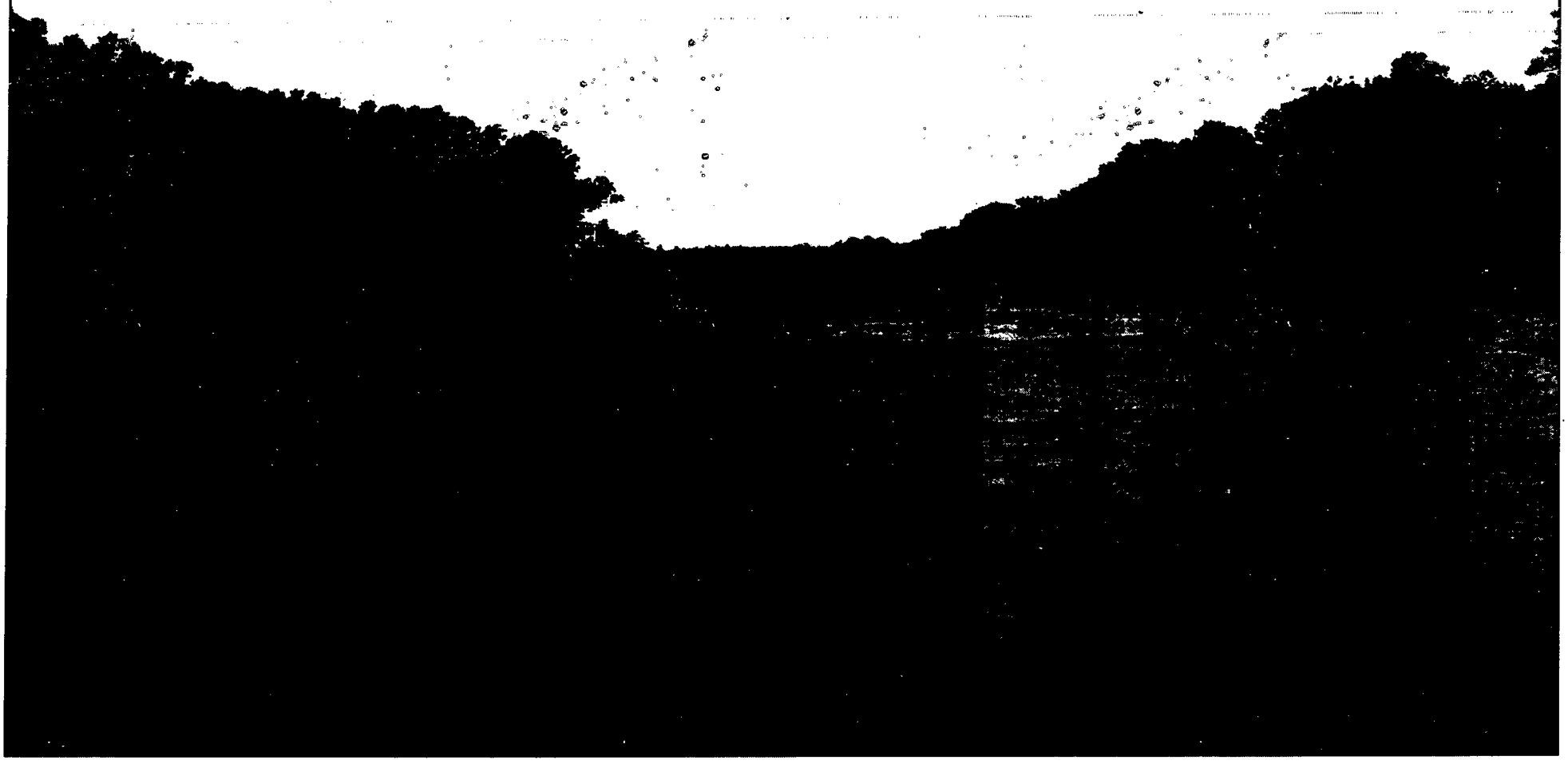
There are no cement plants currently operating in the State. A permit application is pending for a cement plant proposed to be located in New Hanover County.

EFFECTIVE DATE: This bill would become effective when it becomes law.

S699-SMRI-6(e1) v3

Cement Plants

Trouble for Our Air & Water



Handout #1

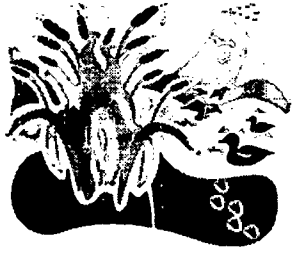
Titan's Proposal

- **4th Largest Cement Plant in United States**
- **Create one of the largest sources of pollution in the Cape Fear Region for next 50 years**
- **Contribute to an Existing Mercury Issue. Titan's Permit is for Maximum Allowable Emissions.**
- **Expose More Than 8700 Students to Pollutants Known to Cause Health Concerns and Disease**
- **Create an Open Pit Strip Mine that Will Impact the Cape Fear River Ecosystem Forever**

Why Are We Here? Or *Five Reasons to Live in SE North Carolina…*



Affordable – Great Value for Lifestyle



Scenic Beauty...Natural Capital

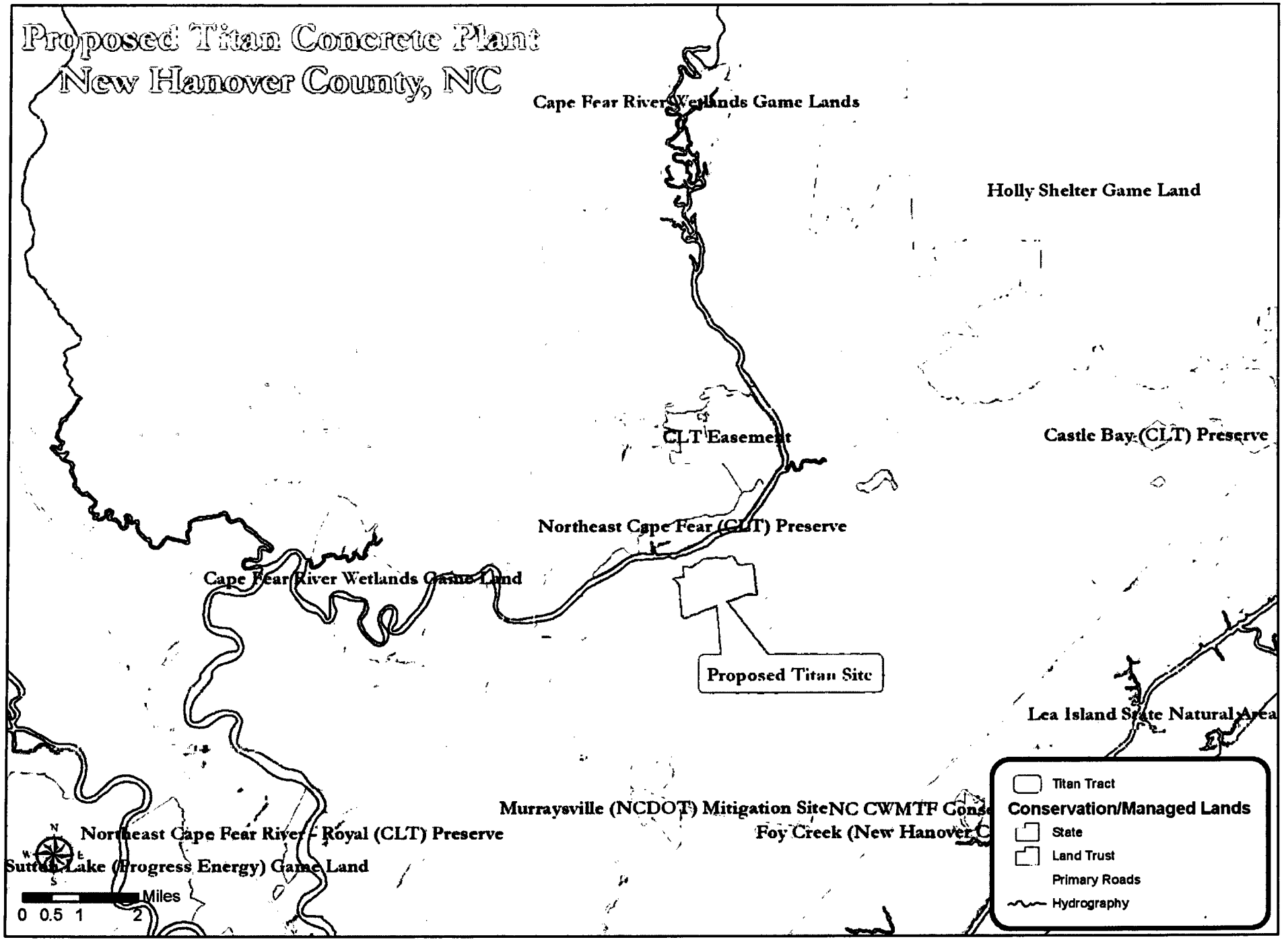
Clean Water & Air ...Much Better Than Where We Were...

Recreation...Golf, Beaches, Boating, Fishing, Retirement, Quality of Life

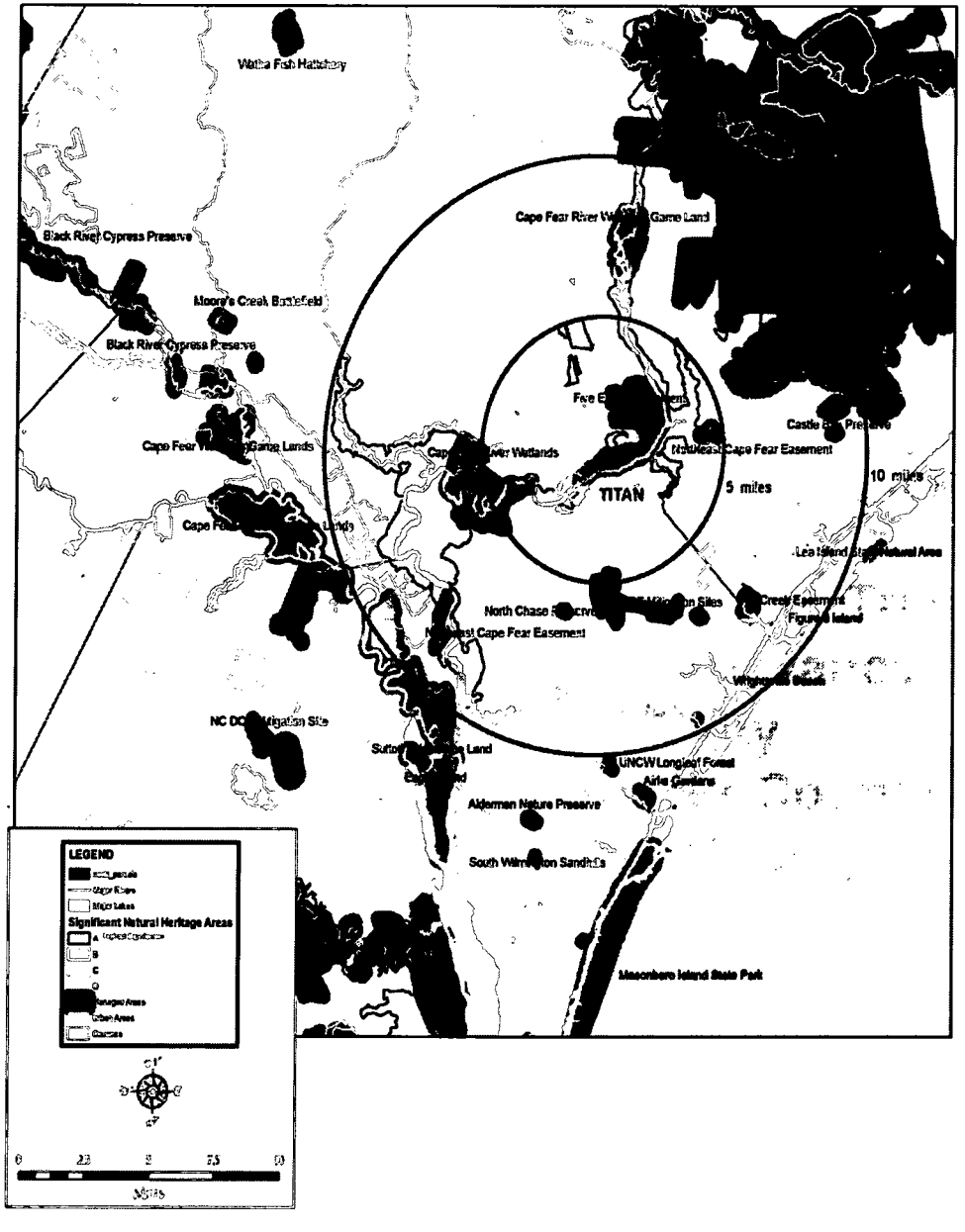


Great Sense of Heritage and Community




Proposed Titan Concrete Plant
New Hanover County, NC
Cape Fear River Wetlands Game Lands
Holly Shelter Game Land
CLT Easement
Castle Bay (CLT) Preserve
Northeast Cape Fear (CLT) Preserve
Cape Fear River Wetlands Game Land
Proposed Titan Site
Lea Island State Natural Area
Murraysville (NCDOT) Mitigation Site
Foy Creek (New Hanover C
Northeast Cape Fear River - Royal (CLT) Preserve
Sutton Lake (Progress Energy) Game Land
N
W
E
S
Miles
0 0.5 1 2
Titan Tract
Conservation/Managed Lands
State
Land Trust
Primary Roads
Hydrography

Conserved Lands & Significant Natural Areas



Funding for Conservation Projects

- **CWMTF: $42,981,581**
- **Total Costs: $111,382,696**

- **Conservation Easements**
- **Game Lands**
- **NC Coastal Land Trust**
- **Nature Conservancy**
- **Pender County**
- **New Hanover County**
- **Brunswick County**

What's at Stake

NE Cape Fear River : An Aquatic Resource of National Importance
US Fish & Wildlife Service November 2008

New Hanover County Inventory: NE Cape Fear River Floodplain: Nationally Significant Area for Conservation Protection



- Our Air
- Our Water
- Over 1,000 Acres Wetlands
- 5 Schools 8700 Children
- Tourism Based Economy
- Cape Fear River & Atlantic Fisheries

NE Cape Fear

303d Listed Mercury Impaired



Toxic Water in SE NC

- **Mercury emitted as air pollution from cement plants eventually deposits in waterways where bacteria convert it to methyl mercury - an especially toxic form of mercury that accumulates in fish, people and wildlife.**

- **The N.C. Department of Health and Human Services extended a mercury advisory to cover 22 fresh water and marine fish species. The warning advises women of child-bearing age, pregnant women, nursing mothers and young children not to eat any of the 22 fish species with high mercury levels.**

New Hanover County's Toxic Emissions

- **The EPA's 2007 Toxic Release Inventory rates New Hanover County among the worst in the <u>country</u> for the following ...**

  - **#1 for Chromium**
  - **#1 for Carbon Monoxide**
  - **#5 for Nitrogen Oxide (smog)**
  - **#6 for Particular Matter**
  - **#5 for Sulfur Dioxide (acid rain)**
  - **#6 for Mercury**
  - **#5 for Volatile Organic Compounds**

Regulatory Process: Are We Safe?

- **Currently the project is not subject to SEPA due to legal maneuvering by DENR & Titan**

- **DAQ is poised to issue a draft air permit for the project which does not consider the deposition of pollutants onto and into our surface waters. If they do not who does?**

- **To fully evaluate total impacts of cement plants further study is needed in order to protect our children, our waters, fisheries and our community.**


LIBRARY
LIBRARY
PROTECT OUR
AIR • WATER • CHILDREN
stoptitan.org
3 LIVE
overage



Titan America LLC
1151 Azalea Garden Road
Norfolk, Virginia 23502
Telephone (757) 858-6500
Fax (757) 855-7707

March 23, 2009

Senator Robert Atwater
Chair, Agriculture/Environment/Natural Resources Committee
312 Legislative Office Building
Raleigh, North Carolina 27603-5925

Dear Senator Atwater:

Last Thursday, Senator Julia Boseman of New Hanover County introduced S 699, legislation to stop the permitting and construction of any cement plant in North Carolina. This legislation, while discussing all cement plants, is aimed at Carolina Cement Company LLC's pending permit application to build a plant on the only suitable cement plant site in North Carolina. This site was the location of North Carolina's only operating cement plant for 20 years before Ideal Cement closed it. The quarry on site is still in operation. Titan America LLC (Carolinas Cement's parent) believes strongly that this legislation, aimed solely at our company's efforts to build a 500 million dollar facility in Castle Hayne, is without merit and perhaps unconstitutional.

Presently, the NC Department of Environment and Natural Resources ("DENR") has under consideration Carolinas Cement Company's application for a PSD (prevention of significant deterioration) air permit for a cement plant for over a year; and we believe is ready to issue a draft air permit for public comment. As you well know, no facility may obtain an air permit under existing regulations unless they can prove there will be no significant deterioration of the surrounding air quality. The proposed legislation is singling out this plant and is similar to a bill of attainder and not a legitimate legislative function.

The State of North Carolina and New Hanover County recruited our company to your State because of the enormous need for this strategic material. With thousands of bridges and miles of highway to replace, the cost savings to the state of reopening a local cement plant is considerable. This legislation would definitely change the rules under which we were recruited and would produce a chilling effect on others who may wish to locate jobs to your state.

We appreciate the opportunity to discuss this matter with you more fully.

Sincerely,

Russell A. Fink
Vice President, General Counsel and Secretary

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — March 24, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
IAN OESCHGER	FRIENDS OF LOWER CAPE FEAR
Hope Taylor	Clean Water for NC 2009 Chapel Hill NC
Liz Hutchby	CWFAC + 401 Student Coop, NC - Durham Womens International for Peace + Freedom
Fawn Pattison	Toxic Free NC
Kate DeMayo	Carolina Farm Stewardship Assoc.
Amy Sines	Duke
Tracy Skrabal	NC Coastal Federation
John Merritt	mcguire woods . Com
M. Papazoglou	TITAN
Larry Baldwin	Lower Neuse Riverkeeper Neuse Riverkeeper Foundation
Dan Springer	Cape Fear River Watch

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — March 24, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Marc Currin	NC-MFC
Joe Bourne	Friends of the Lower Cape Fear - Wilmington NC
Jim Sullivan	No Firm - myself & family
Betty Rouse	Castle Hayne,
Carla Pope	& my family, community of N.H. County
Janice Wilson	Wilmington, N.C.
Cary Paynter	Wilmington NC
Juanita Roushdy	Bald Head Island; Cape Fear audubon society
Anne Slade-Weeks	StopTitan.org - Wilmington
Susan Sluik	Friends of the Lower Cape Fear Wilmington NC
Eleanor Morton John Morton	Friends of the Lower Cape Fear STOPTITAN.ORG Wilmington NC

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — March 24, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Kemp Burdette	Cape Fear River Watch Wilmington, NC
Tracey Bruno	Friends of the Lower Cape Fear Home address: 435 Wendover Ln Wilmington NC 28411
Jessica Mairs	Friends of the Lower Cape Fear Wilmington, NC
Shelly Fort	Friends of the Lower Cape Fear Wilmington NC
Heather Kelejian	Cape Fear River Watch 221 Pilgrim Cir. Wilmington NC 28401
ED CLAYTON	SIERRA CLUB 109 W GERRELL CT CARY NC 27511
Ann Stewart	8417 FAZIO DR. WILMINGTON, NC 28411 PENDERWATCH
Kelly Stryker	Friends of the Lower Cape Fear, PO 11067 Wilmington, NC 28404
Geoff Gisler	Southern Environmental Law Center 200 W. Franklin St. Suite 330 Chapel Hill, NC 27516
Blake Hocker	Wilmington, NC
Joe Hardesty	NCCF Raleigh

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — March 24, 2009
Name of Committee — **Date**

Jennifer Braswell — New Hanover Soil + Water Conservation District

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

SeAnna Lovett — Hampstead, NC

NAME	FIRM OR AGENCY AND ADDRESS
Sherry Lovett	Stophtanorg Hampstead, NC
Lauren Hazlett	UNCW ECO Wilmington, NC
Callie McLellan	New Hanover Soil & Water Conservation District
Kathryn Hardee	NC Pediatric Society
Lauren Hood	NC Pediatric Society
RANDY SHACKELFORD	RESIDENTS OF OLD WILMINGTON 412 CHURCH ST. WILMINGTON, NC 28401
Jim Price	Surfrider Foundation
Amanda Jones	UNCW + NCCF
ANN GRIFFITH	N.C. Coastal Federation
JANIE PRONE	NCCF
Susan Meyer	NCCF
CHRISTA GERFELDER	WILMINGTON Resident
DEANNA BERTINO	CONCERNED CITIZEN of WILMINGTON
Amy Lamb	Stophtanorg Burgaw, NC

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — March 24, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Sally Buchanan	Cape Fear Audubon Society
Mark Scott	
Ed Scott	Rocky Point, NC 28457
Cheryl McGraw	Rocky Point, NC 121 EAST POINTE — right across the river from the proposed plant
Julie Hurley	Wilmington, NC — CAPE FEAR RIVER WATCH
Duane Upton	Castle Hayne, NC
Julia Wacker	Duke Children's Health
Michelle Nowlin	Duke Environmental Law & Policy Clinic
Rhead Enen	Duke Environmental Law & Policy Clinic
Amy Freitag	Duke Environmental Law & Policy Clinic, Duke Uni. Marine Lab
David Pinsky	UNCW ECO Wilmington, NC

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — March 24, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Dan Crawford	CCNC
Rebecca Romulus	
William Price	
Paul Trani, MD	Blue Ridge Community Health Services NC Pediatric Society
Randy Kerr	stoptitan.org Castle Hayne, NC
Mark Nunez	" "
Heather Barnett	Hunton & Williams
Craig Galbraith	UNC Wilmington
Lorna Fertig	PenderWatch - Hampstead, NC
MARY SHEFFIELD	Penderwatch Hampstead
Allie Sheffield	StopTitan
Mac Pooley	Cardinal Ready mixed Concrete Assoc.
WILLIAM ARENT	" " " " "

Principal Clerk ____
Reading Clerk ____

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on **Agriculture/Environment/Natural Resources** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	March 31, 2009	11:00 AM	544 LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 105	Clarify Interstate Wildlife Violator Compact.	Representative Wainwright
SB 457	Add Definition of Biodiesel.	Senator Snow
SB 835	Extend Climate Change Commission.	Senator Albertson

Senator Bob Atwater, Chair

Senate Agriculture/Environment/Natural Resources Committee
Tuesday, March 31, 2009, 11:00 AM
544 LOB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

HB 105	Clarify Interstate Wildlife Violator Compact.	Representative Wainwright
SB 457	Add Definition of Biodiesel.	Senator Snow
SB 835	Extend Climate Change Commission.	Senator Albertson

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE REPORT
Senator Bob Atwater, Chair

Wednesday, April 01, 2009

Senator ATWATER,
submits the following with recommendations as to passage:

FAVORABLE

S.B. **457** Add Definition of Biodiesel.
Sequential Referral: Finance
Recommended Referral: None

H.B. **105** Clarify Interstate Wildlife Violator Compact.
Sequential Referral: None
Recommended Referral: None

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

S.B. **835** Extend Climate Change Commission.
Draft Number: 85187
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

TOTAL REPORTED: 3

Committee Clerk Comments:

SENATE AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE
Tuesday, March 31, 2009 at 11:00 AM
Room 544, Legislative Office Building

MINUTES

The Senate Agriculture/Environment/Natural Resources Committee met at 11:00 AM on March 31, 2009, in Room 544 of the Legislative Office Building. 12 members of the committee were present. Senator Bob Atwater presided.

After Senator Atwater welcomed everyone and introduced the pages, the following bills were discussed:

- **HB 105, Clarify Interstate Wildlife Violator Compact**

In Representative Wainwright's absence, Mr. Jeff Hudson, Staff Counsel, explained the bill. After his brief explanation, **Senator Albertson moved for a favorable report. Motion carried.**

- **SB 457, Add Definition of Biodiesel.**

Senator Snow explained the bill. After his explanation, **Senator Brock moved for a favorable report and sequential referral to the Senate Finance Committee. Motion carried.**

- **SB 835, Extend Climate Change Commission.**

Senator Albertson explained the bill. He told the Committee that there was a PCS for the bill. **Senator Clodfelter moved to adopt the PCS for the purposes of discussion. Motion carried.** After Senator Albertson's explanation of the PCS, Senator Brock asked how much the Commission had cost the State so far. Mr. Hudson replied that he did not know but Financial Services would have that information. Senator Brock then asked where the Commission had met and Mr. Hudson replied they have met in Raleigh and be thought only one time.

Senator Brown then asked what the goal of the Commission was. Senator Albertson replied that the goal was to look at the possible existence of global climate change and if humans were contributing to it. He said he believed that was true. **Senator Clodfelter then moved for an unfavorable report to the original bill and a favorable report for the PCS. Motion carried.**

The meeting was adjourned at 11:15 AM.

Bob Atwater
Senator Bob Atwater, Presiding

Carol Resar
Carol Resar, Committee Clerk

HOUSE BILL 105*

Short Title:	Clarify Interstate Wildlife Violator Compact.	(Public)
Sponsors:	Representatives Wainwright; Harrison, Hill, Justice, Lucas, Pierce, and Stiller.	
Referred to:	Wildlife Resources, if favorable, Marine Resources and Aquaculture. .	

February 11, 2009

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT THE INTERSTATE WILDLIFE VIOLATOR COMPACT INCLUDES VIOLATIONS OF MARINE RESOURCES LAW, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE.

The General Assembly of North Carolina enacts:

SECTION 1. Subdivision (15) of Article II of G.S. 113-300.6 reads as rewritten:

"(15) "Wildlife" means all species of animals, including but not necessarily limited to mammals, birds, fish, reptiles, amphibians, mollusks, and crustaceans, which are defined as "wildlife" and are protected or otherwise regulated by statute, law, regulation, ordinance, or administrative rule in a party state. "Wildlife" includes all species of animals that are protected or regulated by the Wildlife Resources Commission, the Marine Fisheries Commission, or the Division of Marine Fisheries in the Department of Environment and Natural Resources. "Wildlife" also means food fish and shellfish as defined by statute, law, regulation, ordinance, or administrative rule in a party state. Species included in the definition of "wildlife" vary from state to state and determination of whether a species is "wildlife" for the purposes of this compact shall be based on local law."

SECTION 2. G.S. 113-300.7 reads as rewritten:

"**§ 113-300.7. Appointment of Compact Administrator; implementation; rules; amendments.**

(a) The Chair of the Wildlife Resources ~~Commission~~ Commission, in consultation with the Chair of the Marine Fisheries Commission and the Fisheries Director, shall appoint the Compact Administrator for North Carolina. The Compact Administrator shall serve at the pleasure of the Chair of the Wildlife Resources Commission.

(b) The Wildlife Resources ~~Commission~~ Commission, the Secretary of Environment and Natural Resources, and the Division of Marine Fisheries may suspend or revoke the license, privilege, or right of any person to hunt, fish, trap, possess, or transport wildlife in this State to the extent that the license, privilege, or right has been suspended or revoked by another compact member under the provisions of this Article.

(c) The Wildlife Resources ~~Commission~~ Commission and the Marine Fisheries Commission shall adopt rules necessary to carry out the purposes of this Article.

(d) Any proposed amendment to the Compact shall be submitted to the General Assembly as an amendment to G.S. 113-300.6. In order to be endorsed by the State of North Carolina as provided by subsection (b) of Article IX of the Compact, a proposed amendment to the Compact must be enacted into law."

SECTION 3. This act becomes effective October 1, 2009.

HOUSE BILL 105:
Clarify Interstate Wildlife Violator Compact

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	March 31, 2009
Introduced by:	Representative Wainwright	**Prepared by:**	Jennifer Mundt Legislative Analyst
Analysis of:	First Edition		

SUMMARY: ***House Bill 105 clarifies that the Interstate Wildlife Violator Compact includes violations of marine resources law, as recommended by the Joint Legislative Commission on Seafood and Aquaculture.***

[As introduced, this bill was identical to S106, as introduced by Sen. Albertson, which is currently in Senate Agriculture/Environment/Natural Resources.]

CURRENT LAW: North Carolina adopted the Interstate Wildlife Violator Compact in 2008. The purpose of the Compact is to provide a means through which the party states may participate in a reciprocal program to promote compliance with statutes and regulations relating to wildlife resource management in the party states. *(A full summary of the 2008 legislation is attached to this summary.)*

BILL ANALYSIS:

Section 1 of the bill clarifies that the term "wildlife" includes all species of animals that are protected or regulated by the Wildlife Resources Commission, the Marine Fisheries Commission, or the Division of Marine Fisheries in the Department of Environment and Natural Resources.

Section 2 of the bill does the following:

- Provides that the Chair of the Wildlife Resources Commission is to consult with both the Chair of the Marine Fisheries Commission and the Fisheries Director in making the appointment of the Compact Administrator for North Carolina.
- Authorizes the Secretary of Environment and Natural Resources and the Division of Marine Fisheries, in addition to the Wildlife Resources Commission, to suspend or revoke the hunting and fishing license, privilege, or right of any person whose license, privilege, or right has been suspended or revoked by another Compact party state.
- Provides that the Wildlife Resources Commission and the Marine Fisheries Commission must adopt rules to carry out the Compact.

EFFECTIVE DATE: This act becomes effective October 1, 2009.

Susan Sitze, counsel to the House Wildlife Resources Committee, substantially contributed to this summary.

H105-SMTA-5(e1) v1

Interstate Wildlife Violator Compact

S.L. 2008-120 (SB 175) authorizes and directs the Governor to execute the Interstate Wildlife Violator Compact (Compact) on behalf of the State with any state of the United States that has legally joined the Compact. As of June 2008, 28 states have entered into the Compact.

The purpose of the Compact is to provide a means through which the party states may participate in a reciprocal program to promote compliance with statutes and regulations relating to wildlife resource management in the party states.

Under the provisions of the Compact, wildlife officers must issue citations to any person whose primary residence is in a party state in the same manner as if the person were a resident of the home state. The person will not be required to post collateral to secure appearance if the officer receives the person's personal recognizance (an agreement that the person will comply with the terms of the citation). Personal recognizance is acceptable if it is not prohibited by local law or the compact manual and if the violator provides adequate proof of identification to the wildlife officer.

Upon conviction or failure of a person to comply with the terms of a wildlife citation, the appropriate official must report the conviction or failure to comply with the licensing authority of the party state in which the citation was issued. The licensing authority of the issuing state must transmit this information to the licensing authority in the home state of the violator. Upon receipt of a report of failure to comply with the terms of a citation from the licensing authority of the issuing state, the licensing authority of the home state must notify the violator, initiate a suspension action in accordance with the home state's suspension procedures, and suspend the violator's license privileges until satisfactory evidence of compliance with the terms of the citation has been furnished by the issuing state to the home state licensing authority.

Upon receipt of a report of conviction from the licensing authority of the issuing state, the licensing authority of the home state must enter the conviction into record and treat the conviction as though it occurred in the home state. The home state must maintain a record of all actions taken and make reports to issuing states as required in the compact manual.

All party states must recognize the suspension of license privileges of any person by any state as if the violation had occurred in their state and could have been the basis for suspension of license privileges in their state.

The act also authorizes the Chair of the Wildlife Resources Commission to appoint the Compact Administrator for North Carolina. It further provides that the Wildlife Resources Commission (WRC) may suspend or revoke the license, privilege, or right of any person to hunt, fish, trap, possess, or transport wildlife in North Carolina to the extent that the license, privilege, or right has been suspended or revoked by another compact member under the Compact and directs the WRC to adopt rules necessary to carry out the purposes of the Compact. Any proposed amendment to the Compact must be submitted to the General Assembly and enacted into law in order to be endorsed by the State.

The act makes it unlawful for a person whose license, privilege, or right to hunt, fish, trap, possess, or transport wildlife has been suspended or revoked under the Compact to exercise that right to hunt, fish, trap, possess, or transport wildlife within North Carolina. A person in violation of a suspension or revocation under the Compact would be guilty of a Class 1 misdemeanor.

This act becomes effective October 1, 2008. (BR)

SENATE BILL 457

Short Title:	Add Definition of Biodiesel.	(Public)
Sponsors:	Senators Snow; Atwater, Berger of Franklin, Brunstetter, Hoyle, McKissick, and Tillman.	
Referred to:	Agriculture/Environment/Natural Resources.	

March 9, 2009

A BILL TO BE ENTITLED

AN ACT TO ADD THE DEFINITION OF BIODIESEL TO THE ENERGY CREDIT BANKING AND SELLING PROGRAM FOR THE QUALITY AND SAFETY OF MOTORISTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-58.4(a) reads as rewritten:

"(a) ~~As used in this section:~~The following definitions apply in this section:

(1) ~~"AFV" means a~~AFV. – A hybrid electric vehicle that derives its transportation energy from gasoline and electricity. AFV also means an original equipment manufactured vehicle that operates on compressed natural gas, propane, or electricity.

(2) ~~"Alternative fuel" means biodiesel,~~Alternative fuel. – Biodiesel, ethanol, compressed natural gas, propane, and electricity used as a transportation fuel in blends or in a manner as defined by the Energy Policy Act.

(3) ~~"B-20" means a~~B-20. – A blend of twenty percent (20%) by volume biodiesel fuel and eighty percent (80%) by volume petroleum-based diesel fuel.

(3a) Biodiesel. – A fuel comprised of mono-alkyl esters of long fatty acids derived from vegetable oils or animal fats, designated B100 and meeting the requirements of the American Society for Testing and Materials (ASTM) D-6751. The term also includes blends of biodiesel with petroleum-based diesel fuel, designated BXX where XX represents the percentage of volume of fuel in the blend meeting the requirements of ASTM D-6751.

(4) ~~"Department" means the~~Department. – The Department of Administration.

(5) ~~"Energy Policy Act" means the~~Energy Policy Act. – The federal Energy Policy Act of 1992, Pub. L. No. 102-486, 106 Stat. 2782, 42 U.S.C. § 13201, et seq.

(6) ~~"EPAct credit" means a~~EPAct credit. – A credit issued pursuant to the Energy Policy Act.

(7) ~~"E-85" means a~~E-85. – A blend of eighty-five percent (85%) by volume ethanol and fifteen percent (15%) by volume gasoline.

(8) ~~"Incremental fuel cost" means the~~Incremental fuel cost. – The difference in cost between an alternative fuel and conventional petroleum fuel at the time the fuel is purchased.

(9) ~~"Incremental vehicle cost" means the~~Incremental vehicle cost. – The difference in cost between an AFV and conventional vehicle of the same

make and model. For vehicles with no comparable conventional model, incremental vehicle cost means the generally accepted difference in cost between an AFV and a similar conventional model."

SECTION 2. This act becomes effective July 1, 2009.

SENATE BILL 457:
Add Definition of Biodiesel

2009-2010 General Assembly

Committee:	Senate Ref to Agriculture/Environment/Natural Resources. If fav, re-ref to Finance	**Date:**	March 31, 2009
Introduced by:	Senator Snow	**Prepared by:**	Jennifer Mundt Legislative Analyst
Analysis of:	First Edition		

SUMMARY: Senate Bill 457 would add the definition of biodiesel to the energy credit banking and selling program and makes technical corrections.

[As introduced, this bill was identical to H606, as introduced by Rep. Harrison, which is currently in House Energy and Energy Efficiency, if favorable, Finance.]

CURRENT LAW: There is currently no definition for the term biodiesel in G.S. 143-58.4 however: the term is used numerous times in that section of the General Statutes.

BILL ANALYSIS: Senate Bill 457 would define the term biodiesel to mean:

> A fuel comprised of mono-alkyl esters of long fatty acids derived from vegetable oils or animal fats, designated B100 and meeting the requirements of the American Society of Testing and Materials (ASTM) D-6751. The term also includes blends of biodiesel with petroleum-based diesel fuel, designated BXX where XX represents the percentage of volume of fuel in the blend meeting the requirements of ASTM D-6751.

EFFECTIVE DATE: Senate Bill 457 would become effective July 1, 2009.

BACKGROUND: The State Energy Office (SEO) has established a banking and selling program that will use monies generated by the sale of federal Energy Policy Act (EPAct) credits to purchase alternative fuel, develop related refueling infrastructure, and purchase alternative fuel vehicles (AFV). An Alternative Fuel Revolving Fund generated from the sale of EPAct credits has been established by the Department of Administration (Department). The Motor Fleet Management Division in the Department and the Department of Transportation are the principal agencies that participate in the credit program.

State fleets can earn Biodiesel Fuel Use Credits to meet 50% of their annual AFV acquisition requirements by purchasing and using biodiesel. Biodiesel Fuel Use Credits are defined in 01 NCAC 41D .0102 to mean an EPAct credit given by the U.S. Department of Energy for each 450 gallons of pure biodiesel purchased for use in blends of 20% or higher. No credit is given for the petroleum portion of the biodiesel fuel blends.

SENATE BILL 835

Short Title:	Extend Climate Change Commission.	(Public)
Sponsors:	Senators Albertson; and Kinnaird.	
Referred to:	Agriculture/Environment/Natural Resources.	

March 25, 2009

A BILL TO BE ENTITLED

AN ACT TO EXTEND THE LEGISLATIVE COMMISSION ON GLOBAL CLIMATE CHANGE.

Whereas, the Legislative Commission on Global Climate Change was established by S.L. 2005-442 to conduct an in-depth examination of issues related to global climate change; and

Whereas, the Legislative Commission on Global Climate Change has met regularly since its inception in pursuit of its legislative charge; and

Whereas, the Legislative Commission on Global Climate Change needs additional time to carry out its legislative charge; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. Section 11 of S.L. 2005-442, as amended by S.L. 2006-73 and S.L. 2008-81, reads as rewritten:

"**SECTION 11.** Reports. – The Commission may submit interim reports at its discretion. The Commission shall submit a final report, including any findings and recommendations, to the ~~2009~~2010 General Assembly and the Environmental Review Commission on or before ~~1 October 2009~~October 1, 2010, at which time the Commission shall terminate."

SECTION 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S D

SENATE BILL 835
PROPOSED COMMITTEE SUBSTITUTE S835-CSTA-2 [v.1]

3/30/2009 9:59:49 AM

Short Title: Extend Climate Change Commission. (Public)

Sponsors:

Referred to:

March 25, 2009

A BILL TO BE ENTITLED

AN ACT TO EXTEND THE LEGISLATIVE COMMISSION ON GLOBAL CLIMATE CHANGE.

Whereas, the Legislative Commission on Global Climate Change was established by S.L. 2005-442 to conduct an in-depth examination of issues related to global climate change; and

Whereas, the Legislative Commission on Global Climate Change has met regularly since its inception in pursuit of its legislative charge; and

Whereas, the Legislative Commission on Global Climate Change needs additional time to carry out its legislative charge; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. Section 11 of S.L. 2005-442, as amended by S.L. 2006-73 and S.L. 2008-81, reads as rewritten:

"**SECTION 11.** Reports. – The Commission may submit interim reports at its discretion. The Commission shall submit a final report, including any findings and recommendations, to the ~~2009~~ General Assembly and the Environmental Review Commission on or before ~~1 October 2009~~,October 1, 2010, at which time the Commission shall terminate."

SECTION 2. This act is effective when it becomes law.

SENATE BILL 835:
Extend Climate Change Commission

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	March 31, 2009
Introduced by:	Senator Albertson	**Prepared by:**	Jennifer Mundt Legislative Analyst
Analysis of:	PCS to First Edition S835-CSTA-2 [v.1]		

SUMMARY: ***The Proposed Committee Substitute for Senate Bill 835 would extend the Legislative Commission on Global Climate Change by one year from October 1, 2009 to October 1, 2010.***

CURRENT LAW: S.L. 2005-442, as amended by S.L. 2006-73 and S.L. 2008-81, established the Legislative Commission on Global Climate Change (Commission) and directed it to report its findings and recommendations to the General Assembly and the Environmental Review Commission on or before October 1, 2009, at which time the Commission would terminate. Current law also provides that the Commission is authorized to submit interim reports at its discretion.

BILL ANALYSIS: The Proposed Committee Substitute (PCS) for Senate Bill 835 extends the Commission by one year from October 1, 2009 to October 1, 2010 by providing for the submission of a final report, including findings and recommendations to the General Assembly and the Environmental Review Commission on or before October 1, 2010, at which time the Commission would terminate.

EFFECTIVE DATE: The PCS for Senate Bill 835 would become effective when it becomes law.

BACKGROUND: The Commission met three times during the 2008-2009 legislative interim. The Commission consists of 34 members, nine appointed by the President Pro Tempore of the Senate, nine appointed by the Speaker of the House of Representatives, and 16 named members, or their designees that represent a variety of industries, organizations, and academic institutions. S.L. 2005-442, as amended by S.L. 2006-73 and S.L. 2008-81, charged the Commission with conducting an in-depth examination of issues related to global climate change.

S835-SMTA-9(CSTA-2) v1

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — March 31, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Joshua Hartman	NCSU AGI
Brandon Phillips	NCSU AGI
Trey O'Ferrell	NCSU. AGI
Brady Brewer	NCSU AGI
Cory Robbins	NCSU AGI
L. Andrews	NCFB
David McGowan	NC Realtors
Haley West	DOA
Christy Agner	DOA
Margaret Hostetler	Environment North Carolina
Alicia Dunn	MWC

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — March 31, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
John Shaw	WAKEUP WAKE CO.
Jeremy Hardesty	NCPC
Tommy Stevens	NCPC
Bob Brown	NCFA
Levi Senter	NCSU AG Institute
Kristen Baughman	NCUS AGI
William Gillis	NCSU AGI
Kate Tesque	NCSU AGI
Justin Rozier	NCSU AGI
Adam Compton	" "
Thomas Kirkpatrick	NCSU AGI

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — March 31, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Steven Valencsin	NC AGI
Steven Holden	NCSU
Wesley Stellings	NCSU
Weston Williams	NCSU
Dr. John S. Russ	NCSU Agricultural Institute
Travis Cate	NCSU Agricultural Institute
LISA SCHELL	CWMTF
JANINE NICHOLSON	NCDENR
Lauren Daniel	NC DMF
Deatrice Williams	CUCA
Ray Starling	NCDA&CS
Kim Hibbard	NCLM

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — March 31, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Joy Hicks	NCDA: CS
Barbara Kirby	NCSU Ag Institute

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — March 31, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Sarah Clapp	NCWRC
Kenneth Everhart	NCWRC
Nicole Franklin	NC State Agriculture Institute
Angie Whitener	NC Pride
Robert Mont	NC State Agriculture Institute
Dr. Holm	NC Natural Inst / Duke Univ
Tom Beran	NC EDF/NCSEA/NCWF
Mia Bailey	Electricities of NC, Inc
Grady McCallie	NC Conservation Network
Joey Johnson	NC State Agricultural Institute
Ryan C. Cahoon	NC State Agriculture Institute

Principal Clerk ____
Reading Clerk ____

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on **Agriculture/Environment/Natural Resources** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	April 14, 2009	11:00 AM	544 LOB

The following will be considered:

Desalination Presentation

- Freda Porter, Porter Scientific
- Robert King, Concurrent Technologies Corp.

Senator Bob Atwater, Chair

Senate Agriculture/Environment/Natural Resources Committee
Tuesday, April 14, 2009, 11:00 AM
544 LOB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Presentations

Desalination Presentation

- Freda Porter, Porter Scientific
- Robert King, Concurrent Technologies Corp.

Adjournment

SENATE AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE
Tuesday, April 14, 2009 at 11:00 AM
Room 544, Legislative Office Building

MINUTES

The Senate Agriculture/Environment/Natural Resources Committee met at 11:00 AM on April 14, 2009, in Room 544 of the Legislative Office Building. 11 members of the committee were present. Senator Bob Atwater presided.

After Senator Atwater introduced the pages, he asked Senator Weinstein to make opening remarks regarding desalination and to introduce Dr. Freda Porter, President of Porter Scientific.

Next, Dr. Porter made a few brief comments about Porter Scientific and the work it is doing in collaboration with Concurrent Technologies Corporation (CTC) on desalination. She then asked Mr. Robert King with Concurrent Technologies Corporation to present a power point presentation (see Handout #1) on desalination and how to maintain fresh water supplies in the future. Mr. King told the Committee that the emphasis of any study should be reverse osmosis membrane technology which he believes is the most advantageous for North Carolina. Mr. King concluded his presentation by making the following recommendations and a strategy for a proposed study for DENR, Porter Scientific and CTC:

- Study NC water system data.
- Structure a water supplement phased plan.
- Recommend siting and technology for initial phase.
- Assist DENR as needed with technology selection and environmental considerations.

A study would include plant facilities placement and environmental considerations; plant processes with technology and environmental considerations; insertion points of purified water; product transportation; and economic considerations.

Following Mr. King's presentation, the following questions were asked by Committee members:

1) Senator Albertson asked what technology Cuba was using in the 1970s? Mr. King responded he did not know but reverse osmosis was not developed at that time, so it was probably thermal technology.
2) Senator Swindell stated that he was responsible for looking at a possible pipeline project from Lake Gaston to Virginia Beach when he was on US Congressman Tim Valentine's staff in the mid 1980's. He asked if Tidewater, Virginia or the Outer Banks and Dare County area doing anything with desalination? Mr. King responded that there were 3 reverse osmosis plants in the Dare County area and his presentation was to provide data and information on continuing efforts. Mr. King then reviewed North Carolina aquifers slides on pages 6-8 of Handout #1.
3) Senator Swindell then asked about the possibility of using coal slurries. Mr. King replied that part of the study would be to look at sources of water and currently they are looking at brackish water and salt water. Any other sources of water that the quantities would be reliable would also be studied.

4) Senator Bingham asked if there was a small processing plant in existence today that a homeowner could use. Mr. King replied that on the Coast, Conneco uses a salt process to make home water more drinkable but that process very quickly becomes too expensive for a homeowner.
5) Senator Bingham asked if a nanofilter was readily available. Mr. King replied that the most economically process to operate is reverse osmosis which uses a membrane.
6) Senator Bingham asked where the membranes were made. Mr. King responded that Dr. Porter and he were basically consultants and do not sell the hardware. They would help the State or private entity under utility regulation provide the filtering capability. The cost to build a reverse osmosis plant is $.50 to $2.00/gallon/day. A filter could produce 100 gallons per day per square foot of membrane.
7) Senator Weinstein asked if there was any new technology that would be cheaper than membranes for a large scale desalination plant that could bring water to Raleigh? Mr. King replied that reverse osmosis was the current thrust of the technology and as the membranes get better, the costs will go down.
8) Senator Weinstein asked if North Carolina had a seven-year drought, what would be the alternative to desalination. Mr. King replied that there was not one. The only way to add to what nature provides is to do something else. The State would be wise to go to a reverse osmosis solution that would be cheaper to build and cheaper to run.
9) Senator Albertson asked if the State was doing what it needed to do at this point. Mr. King replied no, it was not addressing the water problems and conservation can only do so much.
10) Senator Weinstein asked what Mr. King was asking of the Committee and the Legislature. Mr. King responded that Porter Scientific and CTC would like to conduct a study.
11) Senator Weinstein asked how much of an appropriation would be required. Dr. Porter responded that the study could be conducted for $125,000.

Senator Atwater thanked Dr. Porter and Mr. King for their presentation.

The meeting adjourned at 11:50 AM.

Bob Atwater

Senator Bob Atwater, Presiding

Carol Resar

Carol Resar, Committee Clerk

Handout # 1

Desalination - The Future Fresh Water Supply!

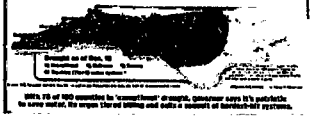
Dr. Freda Porter - Porter Scientific, Inc.
Pembroke

- The Issue
- Technical Details
- Environmental Details
- Recommendations

THE NEWS&OBSERVER

Easley's battle cry: Turn down the taps

WATER CONSERVATION SLIPS AMID WORST DROUGHT IN N.C. HISTORY



Drought Classifications
D0 - Abnormally Dry
D1 - Moderate Drought
D2 - Severe Drought
D3 - Extreme Drought
D4 - Exceptional Drought

Fresh Water

- **Reliable Supplies Critical for North Carolina**
  - Agriculture
  - Industrial Growth
  - Population Growth
  - Increased Military Presence
  - Quality of Life, Wildlife and Recreation
  - Property Values
- **The Planet's Natural Supply of Fresh Water is Unreliable**

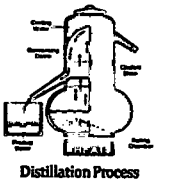
Worldwide Water

- **Earth's Available Water ***
  - Total – 1.4 Billion Cubic Kilometers
  - Salty – 97 Percent
  - Frozen – 2.25 Percent
  - Readily Accessible Ground Water or Fresh Water – 0.75 Percent
    - Almost 99% of fresh water comes from rivers, lakes and reservoirs.
    - The other 1% comes from desalination. Desalination creates 11 Billion gallons of drinkable water per day.
- **Desalination Projects**
  - Capital cost ranges from $0.50 to $12.00 per gallon per day
  - Many viable, proven technologies are available

**Greentechmedia*; Michael Kanellos, November 17, 2008

Desalination – Proven Science

- **Natural Process – The Hydrologic Cycle**
  - Sun evaporates water from lakes, oceans and streams
  - Water vapor cools and re-condenses to form dew or rain
- **Desalination Technology is more rapid than natural processes**
- **Distillation Process**
  - Ancient civilizations used on ships to convert sea water into drinking water
- **Distillation plants still popular throughout the world today:**
  - Convert sea water to drinking water on ships and in arid regions
  - Treat water fouled by natural and unnatural contaminants
- **Distillation is perhaps the one water treatment technology that most reduces the widest range of drinking water contaminants.**



Distillation Process

Sources:
- http://en.wikipedia.org/wiki/Water_purification
- Desalination: The Encyclopedia of Desalination and Water Resources.
- Water Education Foundation and from the Corpus Christi TAMU-CC Public Administration.

Path Forward

- Assess the construction of an initial water desalination plant for North Carolina
- Prepare the infrastructure plan for potable water stability
- Phased implementation

•The Issue
•Technical Details
•Environmental Details
•Recommendations

Currently Feasible Desalination Technologies

- **Thermal (Distillation) Processes**
  - ❖Multi-Stage Flash (MSF)
  - ❖Multi-Effect Distillation (MED)
  - ❖Vapor Compression (VC)
- **Membrane Processes**
  - ❖Reverse Osmosis (RO)
  - ❖Nanofiltration (NF)
- **Electrodialysis Processes**

Pros & Cons

- **Multi-Stage Flash (MSF)**
  - ❖Advantages:
    - Feedwater composition has almost negligible affect on the energy required to produce a volume of product water. Process delivers exceptionally high purity water (less than 25 mg/l TDS)
    - Systems have been successfully operated in very large sizes
  - ❖Disadvantages:
    - High capital costs ($4.00 - $12.00 per gallon a day of installed capacity)
    - Lower performance ratio (PR) than MED with a practical PR limit of 10 (vice 15 for MED)
    - Large heat input needed. The energy requirement for recirculation pumps alone exceeds sea water reverse osmosis process energy

Pros & Cons



- **Multi-Effect Distillation (MED)**
  - ❖Advantages:
    - Feedwater composition has almost negligible affect on the energy required to produce a volume of product water. Process delivers exceptionally high purity water (less than 25 mg/l TDS)
    - Significantly higher performance ratio (PR) than MSF (>15 pounds of water per pound of steam – MSF practical PR limit = 10) - more than one boiling chamber or "effect" is used
  - ❖Disadvantages:
    - Generally, MED capital cost varies from $3.50 - $8.00 per GPD installed capacity – lower than MSF but higher than other technologies

Pros & Cons



- **Vapor Compression**
  - ❖Advantages:
    - Can fit in small areas – useful on ships
    - Less expensive than other thermal
      - less than 1/2¢ per gallon versus 7-8¢ per gallon for multiple-effect and 30-35¢ per gallon for multi-stage flash
  - ❖Disadvantages:
    - Tend to be small plants in isolated locations
    - Three-effect units are built of slightly less than 1 MGD capacity (wouldn't make a dent in NC's needs)
    - The capital cost varies from $6.00 - $12.00 per GPD installed capacity (as much as MSF)

Pros & Cons

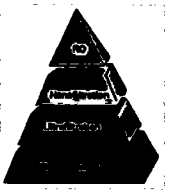


- **Membrane Processes**
  - **Reverse Osmosis & NanoFilter**
    - ❖ Advantages:
      - The most economic process – widely used in the Southeast, Southwest and West
      - Efficiently desalts surface water, ground water and sea water
      - Economies:
        - Energy required proportional to the feed water salinity but less than Thermal Processes
        - Capital cost for RO plants: $0.50 to $2.00 per GPD installed capacity (factors – plant size, pretreatment and feed water salinity)
    - ❖ Disadvantages:
      - None

http://science.howstuffworks.com/reverse-osmosis.htm

Membrane Technology Facts

- Each RO membrane pore is about .001 microns, about 1/100,000 human hair diameter
- Membrane Technologies can provide:
  - A barrier against microbes and pathogens
  - Higher efficiency at lower costs
  - Compliance with increasingly stringent water regulations
- Becoming a cost-effective, viable solution for:
  - Broad range of water qualities – surface, brackish and sea
  - Waters contaminated with arsenic, radium, nitrate, etc.
- During the past ten to twenty years
  - Significant increases in availability, efficiency and reliability
  - Significant declines in capital and operational costs
- Worldwide exponential growth of membrane treatment plants:
  - Potable water applications
  - Waste water recovery and reuse applications
  - Industrial, pharmaceutical, computer and chip manufacturing, power plants, food and beverage, bottling companies, etc.
    - 1970 – 10 plants
    - 2000 – 5,000 plants



Source: http://www.membrane.org/desalting.htm

Recent Commercial Developments

- **Reverse Osmosis**
  - ❖ NanoH2O: Nanoparticle embedded membrane improves efficiency
    - Chemical attraction reduces mechanical-induced pressure requirements
    - Company claims: It can process 70 percent more water with 20 percent less power than conventional reverse osmosis plants
  - ❖ Stonybrook Purification: Thin, Fibrous Scaffold and Membrane Increases Water Flow
    - Material is both hydrophilic and insoluble
  - ❖ Energy Recovery: Ceramic Pressure Exchanger
    - Harvests high pressure brine stream waste created during the process
    - Uses the pressure to drive the process saving about 1 MW per plant

Pros & Cons

- **Electrolysis**
  - ❖ Advantages:
    - No moving parts in the process other than moving feed stocks and product
  - ❖ Disadvantages:
    - High energy user. Since energy use is directly related to salinity, only brackish water units have been built
    - Not offered commercially on a wide basis, so little historical data

Recent Commercial Developments

- **Electrical**
  - ❖ *Quos (Chicago Company)
    - Applied for patents for a system that desalinates and purifies with graphite porous electrodes
    - According to the patent application (#11/724534) the system is:
      - Capable of purifying most water streams requiring purification, including but not limited to industrial waste water, gas and oil field waste water and coal mine waste water and is well-suited for desalination of salt water
      - Compact, energy efficient and cost efficient to produce and operate

*Greentechmedia; Michael Kanellos, November 17, 2008

Salt Water

- Water with significant dissolved salt concentration
- Concentrations:
  - ❖ The amount (by weight) of salt in water, expressed in "parts per million" (ppm)
  - ❖ 10,000 ppm dissolved salt concentration -> 1% of the weight of the water is dissolved salts (10,000 divided by 1,000,000)
- Parameter Ranges for Salt Water:

Freshwater	Less than 1,000 ppm
Slightly saline water	From 1,000 ppm to 3,000 ppm
Moderately saline water	From 3,000 ppm to 10,000 ppm
Highly saline water	From 10,000 ppm to 35,000 ppm

Worldwide Desalination

- About 1,200 Large Desalination Plants in the World
  - ❖ Most are in the Middle East, Europe and Japan
  - ❖ United States:
    - Tampa Bay – 25 MGD, operational 2003
    - At the end of 2001, there were more than 20 membrane-based water reclamation facilities
    - Orange County (CA) shut down one to build another
    - Las Vegas, San Diego, El Paso and Inland Empire Utility Agency (CA) considering building plants
- Technology focus: Reduce the cost of reverse osmosis

Desalination Targets

- December 2001 California Inventory identified about 326 Million gallons per day (MGD) of brackish water desalination:
  - ❖ Brackish Ground Water: 166 MGD
  - ❖ Pure Water (for semiconductor industry): 18 MGD
  - ❖ River Water: 49 MGD
  - ❖ Waste Water: 93 MGD
  - ❖ Total: 326 MGD
- NC Target Volume: Replacement of draught short fall

RO Desalted Water Cost?

- Agricultural Comparisons:
  - ❖ High cost of thermal desalination restricts use
    - Thermal – Over $1,000 per acre-foot
    - Natural Supply source – About $200 per acre-foot
  - ❖ Improved Technology is reducing desalination costs:
    - Tampa Bay, FL – Reverse Osmosis desalinized water - $650 per acre foot (2006 figures)
  - ❖ Expect to see more desalination occurring
    - Increasing demand for fresh water
    - Technology advances reduce cost of entry

Source: http://ga/water/usgs.gov/edu/drinkseawater.html

RO Desalted Water Cost?

Supply (MGD)	Brackish (1,000–10,000 mg/l TDS)	Seawater (33,000 mg/l TDS)
Existing Traditional Supply	$0.90 - $2.50	$8.40 - $30.00
Desalted Water		
Brackish RO (3)	$1.50 - $3.00	$18.00 - $36.00
Seawater RO (4,5)	$3.00 - $8.00	$36.00 - $96.00
Combined Supply (6)		
Traditional-Brackish RO	$1.20 - $2.75	$13.20 - $33.00
Traditional-Seawater RO	$1.10 - $3.05	$13.20 - $36.60

(1) Cost includes all costs to consumers for treatment and delivery.
(2) Cost is based on a family of four using 100 gallons per day per person, for a total monthly use of 12,000 gallons. Cost is based on the average of the "To Consumer" cost shown.
(3) Brackish is moderately salty- 1,000–30,000 mg/l total dissolved solids (TDS)
(4) Seawater contains 30,000–35,000mg/l TDS
(5) Cost is for typical urban coastal community in the USA. Costs for inland communities may be higher.
(6) Combined supply costs are for the traditional supply augmented with 30% of desalted brackish water, or 10% of desalted seawater.

Source: http://www.membranes-emta.org/desalting.html

- The Issue
- Technical Details
- **Environmental Details**
- Recommendations

Desalination Planning Handbook

- Prepared by the California State University, Sacramento, Center for Collaborative Policy
- Provides a planning framework for developing economically and environmentally acceptable desalination facilities in California
- The planning process identifies and addresses issues of:
  - ❖ Siting
  - ❖ Technical
  - ❖ Regulatory
  - ❖ Environmental
  - ❖ Other issues to determine whether and how to proceed
- The North Carolina process would incorporate useful parts of the California Handbook

Environmental Planning

- Key Impacts – Key Issues
  - Water Sources
  - Effluent Return to Source
  - Thermal footprint suppression
  - Marine and terrestrial wildlife protection
- Permitting Requirements
  - State
  - Federal

- The Issue
- Technical Details
- Environmental Details
- **Recommendations**

Action Plan

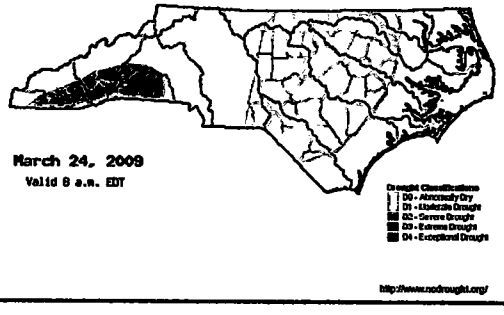
- Study NC Water System data
- Structure a Water Supplement phased plan
- Recommend siting and technology for initial phase
- Assist DENR as needed with technology selection and environmental considerations

Proposed Study Approach for DENR/PSI/CTC

- Plant Facilities
  - Placement
  - Environmental Considerations
- Plant Processes
  - Technology
  - Environmental Considerations
- Insertion point(s) of purified water
- Product Transportation
- Economic Considerations

Questions?

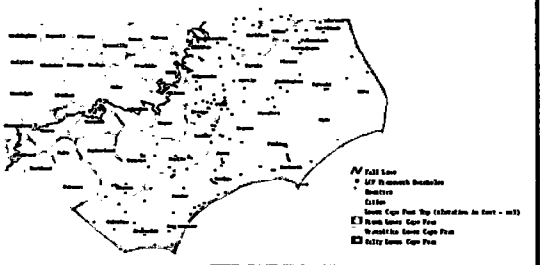
Current Drought Conditions



Back-up Slides
NC Principal Aquifers

Reference: http://www.ncwater.org/Education_and_Technical_Assistance/Ground_Water/AquiferCharacteristics

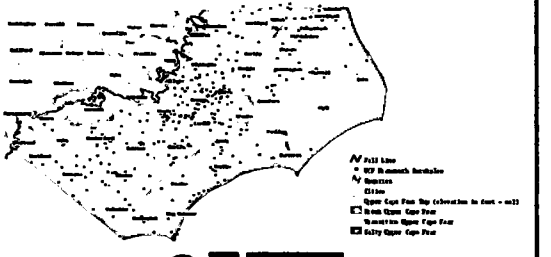
Lower Cape Fear Aquifer



Lower Cape Fear Aquifer

- Northwestern portion of the coastal plain at elevations of -9 to -3,260 feet, averaging -812 feet (referenced to mean sea level)
- Thickness ranges from 1 to 3,081 feet thick and averages 392 feet
- Composed of fine to coarse sands
- Wells typically yield 200 to 400 gallons per minute

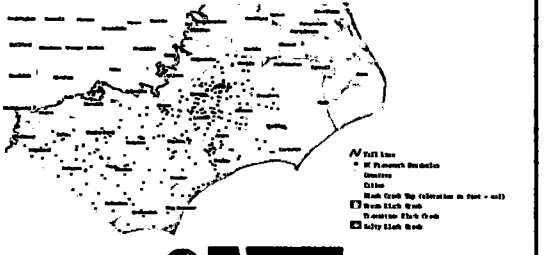
Upper Cape Fear Aquifer



Upper Cape Fear Aquifer

- Western portions of the coastal plain at elevations of 295 to -2,394 feet, averaging -394 feet
- Thickness ranges from 8 to 3,892 feet thick and averages 187 feet
- Composed of very fine to coarse sands and occasional gravels
- Wells typically yield 200 to 400 gallons per minute

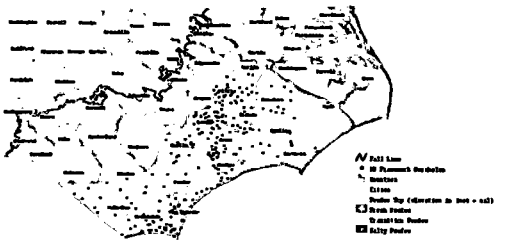
Black Creek Aquifer



Black Creek Aquifer

- Central and Southwestern portions of the coastal plain at elevations of 318 to -1,477 feet, averaging -184 feet
- Thickness ranges from 14 to 556 feet thick and averages 162 feet
- Composed of very fine to fine "salt and pepper" sands
- Wells typically yield 200 to 400 gallons per minute

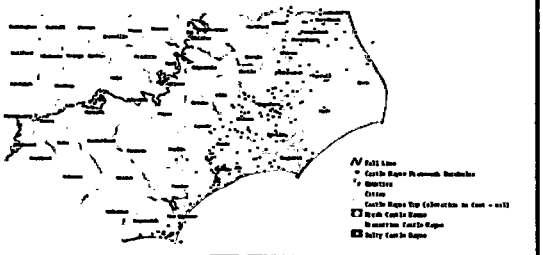
Pee Dee Aquifer



Pee Dee Aquifer

- Central to Southeastern portion of the coastal plain at elevations of 114 to -1,842 feet, averaging -169 feet
- Thickness ranges from 1 to 1,001 feet thick and averages 145 feet
- Composed of fine to medium sand
- Wells typically yield up to 200 gallons per minute

Castle Hayne Aquifer



Castle Hayne Aquifer

- Eastern portions of the coastal plain at elevations of 65 to -1,091 feet, averaging -141 feet
- Thickness ranges from 6 to 1,105 feet thick, averages 155 feet
- Composed of limestone, sandy limestone and sand
- Wells typically yield
  - 200 to 500 gallons per minute, but
  - Can exceed 2,000 gallons per minute
  - The most productive aquifer in North Carolina

Yorktown Aquifer

- Most of the Northern coastal plain at elevations ranging from 97 to -222 feet, averaging -16 feet
- Thickness ranges from 4 to 992 feet thick and averages 135 feet thick. Several localities tap this aquifer and produce high yielding wells for Roanoke Island, Kill Devil Hills and Elizabeth City
- Composed of fine sand, silty and clayey sand , shell beds and coarser sand beds
- Wells typically yield 15 to 90 gallons per minute

Surficial Aquifer

- Used throughout the State for individual home wells. Shallowest; most susceptible to contamination from septic tanks and other pollution sources. Commonly, 3-feet diameter wells drilled up to 60 feet deep.
- Very sensitive to rainfall variation – the first to dry up in a drought. On the Outer Banks shallow wells are subject to rainfall amounts, salt water intrusion, poor quality ground water and ocean over-wash.
- Wells typically yield 25 to 200 gallons per minute

Fractured Bedrock Aquifer

- Widely used for homes in the West, Piedmont, and Blue Ridge Provinces. Usually six inch wells are drilled to intercept water bearing fractures that are more common in valleys or draws.
- Wells typically yield 5 to 35 gallons per minute. Thick sequences of regolith (surficial aquifer) above fractured bedrock can improve yields to 200 gallons per minute or more. Industries and county or municipal wells fields look for these higher yielding bedrock wells.

Tampa Bay Backup Slides

Desalination: Master Water Plan Component

- "1998 Governance Agreements" Create Tampa Bay Water
  - Became a wholesale government water supply utility
    - Created to develop, store and supply water for Hillsborough, Pasco and Pinellas counties and the cities of New Port Richey, St. Petersburg and Tampa.
    - Funded through the sale of water, has no taxing authority
    - Charged with reducing environmental impacts caused by concentrated water withdrawals.
  - Retail governments distribute the water they purchase from Tampa Bay Water to homes, businesses and other cities.
- 1998 Partnership Agreement
  - The agency and its member governments entered into a Partnership Agreement with Southwest Florida Water Marketing District (SWFWMD)
    - Reduce ground water pumping from 11 long-producing regional facilities and replace that water with a variety of alternative water supplies.
    - To help offset the capital cost of replacement supplies, SWFWMD earmarked $283 million in ad valorem taxes for eligible non-ground water projects, including the desalination plant, for which Tampa Bay Water will receive $85 million of the project's eligible capital costs.

Desalination: Master Water Plan Component

- Tampa Bay Water's Master Water Plan
  - Blueprint to meet the region's water needs
    - Develop diverse new water sources such as desalinated sea water, surface water and a regional reservoir to store surface water during wet times for use during dry times.
  - Need to offset major reduction in ground water pumping from long-producing wellfields
  - First configuration approved for construction in October 1998
- Goals
  - Reduce ground water pumping from permitted average of 158 MGD to 121 MGD in 2013 - DONE
  - Further reductions to 90 MGD annual average required by the end of 2008. The Plant will help meet that goal with a drought-proof, environmentally sound water supply.
  - At full capacity, the plant will provide 25 MGD of new drinking water (10% of water supply); can be expanded to 35 MGD
- Tampa Bay Construction/Operation Economic Impact
  - Created approximately 447 jobs; 19 workers directly employed
  - Construction and operation of the facility will:
    - Add $350 million in economic activity statewide and $182 million regionally in the next 30 years
    - Expected to contribute $10 to $24 million annually to Florida's gross regional product
- Independent studies commissioned by Tampa Bay Water and Hillsborough County
  - Both the desalination plant's operation and discharge of concentrated sea water are safe for Tampa Bay, its marine ecology and the region's environment.

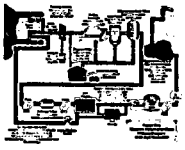
Source: http://www.tampabaywater.org/watersupply/tbdesalinterview.aspx

Tampa Bay Desalination Plant

- Uses reverse osmosis (RO) to produce drinking water from sea water.
  - RO has been successfully used in nearly 200 water and waste water treatment plants throughout Florida
  - Produces some of the highest quality drinking water in the world
- Supply Water
  - Tampa Electric's Big Bend Power Station already withdraws and discharges up to 1.4 billion gallons a day of sea water from Tampa Bay, using it as cooling water for the power plant
  - The Tampa Bay Seawater Desalination plant "catches" approximately 44 million gallons (mgd) of that warm sea water a day, separates it into drinking water and concentrated sea water
- Effluent Handling
  - The effluent concentrated sea water is returned to TECO's cooling water stream, diluted with up to 1.4 billion gallons of water and discharged to the bay

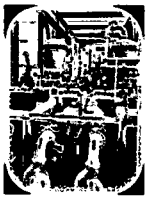
Tampa Bay Desalination Processes

- Pretreatment - Removes sediment, organic matter and other microscopic particles
  - Chemical treatment to allow eventual settling of particles
  - Traveling screen filtration to remove shells and other larger debris
  - Settling in chambers. Particles in the conditioned water clump together and settle out
  - Sand filtration filters smaller particles from the water
  - Diatomaceous earth filters eliminate microscopic materials
  - Cartridge filters, the last barrier before the RO process
- Reverse Osmosis
  - Pretreated water forced through semi-permeable membranes
  - Salt water separates from fresh water, leaving behind a salty solution
- Post-treatment
  - Chemicals are added to stabilize the water
  - The water is pumped to Tampa Bay Water Regional Facilities sites
    - Desalinated sea water blended with treated drinking water from other supply sources
    - Delivered to Tampa Bay Water's member governments



Desalination Plant Status

- The Tampa Bay Sea water Desalination Plant
  - Fully operational
  - Operated by American Water and Acciona Agua, through their joint venture subsidiary American Water-Pridesa
- December 2007
  - Successfully completed and passed performance test
    - Commercial Power Reliability
    - Influent Water Quality
    - Quality of pretreated water, chemical usage, cartridge filter usage, energy usage and membrane operations
    - Finished Water Quality
  - Began Full Operational Status



Source: http://www.tampabaywater.org/waterreports/tbdesal.aspx

Project History

- In 1993, Tampa Bay Water's predecessor, the West Coast Regional Water Supply Authority, approved a Master Water Plan that included sea water desalination as one of several new sources of drinking water for the region. Deciding to take advantage of the private sector's expertise by finding a commercial developer that would design, build, own and operate a desalination facility and sell the Authority its water at a predetermined price, the Authority issued a Request for Proposals (RFP) in 1997.
- The RFP, which included the possible transfer of ownership of the plant to the Authority at a later date, envisioned a desalination facility that could produce 20 to 30 mgd of drinking water. The Authority would blend the desalinated water with drinking water from other sources and supply it to the agency's member governments – Hillsborough, Pasco and Pinellas counties and the cities of New Port Richey, St. Petersburg and Tampa.
- Developers who responded to the RFP were allowed to select their own plant site, facility size and operations and method of sea water desalination. Six developer teams submitted proposals and four finalists were selected with the Authority's Engineering Consultant, PB Water, a division of Parsons Brinckerhoff Quade and Douglas, Inc., analyzing and ranking proposals based on a number of criteria including environmental impact, ability to meet water quality requirements, economic feasibility, permit ability and design.
- In August 1998, as negotiations with prospective developers continued, the Authority became Tampa Bay Water. The developers' Best and Final Offers were submitted in February 1999. PB Water ranked developer teams using an evaluation criteria matrix.

Project History

- In July 1999, Tampa Bay Water's Board of Directors awarded the final water purchase agreement for the construction and operation of a 25-mgd sea water desalination plant that could be expanded to provide 35 mgd, to S & W Water, LLC, a partnership between Stone & Webster and Poseidon Resources Corp. In June 2000, Stone & Webster declared bankruptcy, after which Poseidon acquired 100 percent of S & W Water. Poseidon replaced Stone & Webster with Covanta (formerly Ogden) in 2001 and changed the consortium's name to Tampa Bay Desal.
- In December of 2001, Covanta Energy failed to post a required construction bond for the project. As a consequence, the sale of private bonds to fund the privately owned project was postponed. By March 2002, Tampa Bay Water determined that it was in the region's best interest to accelerate the purchase of the project from Tampa Bay Desal. On March 22, 2002, Tampa Bay Water's Board of Directors authorized the agency to purchase the project in order to secure long-term financing under its own name and excellent credit rating. At this point, the project was fully designed, permitted and construction was 30 percent complete. Tampa Bay Water finalized the purchase of the project from Tampa Bay Desal, a wholly owned subsidiary of Poseidon Resources, Inc. on May 15, 2002.
- This means that the project, which began as a design-build-own-operate-transfer procurement arrangement, then became similar to a design-build-operate procurement where Tampa Bay Water, as owner, contracted with Covanta Tampa Construction to build the plant to a specified performance level and with Covanta Tampa Bay, Inc. to operate the facility.

Tampa Bay Desalination Plant

- The Tampa Bay Sea water Desalination Plant provides a drought-proof, environmentally sound drinking water supply to the region.
- Project Overview
- Tampa Bay Water bought out the private developer and took over operations of the Tampa Bay Sea water Desalination Plant in 2002. In March 2003, the facility began using sea water to provide a sustainable, environmentally friendly, drought-proof supply of drinking water for Tampa Bay Water member governments' utility customers. It is the largest sea water desalination facility in North America. Although the plant produced some water from March 2003 to May 2005, deficiencies in the plant design required Tampa Bay Water to shut down the plant in June 2005 and select a contractor to fix the deficiencies and operate the plant long-term.
- In November 2004, Tampa Bay Water's Board selected American Water-Pridesa to remediate the facility and operate it long-term. The plant went offline in June 2005; remediation construction began in November 2005. American Water-Pridesa completed construction in Spring 2007, after which the plant went through started up, tested and refinement of various processes. Additional work was conducted to improve sand filter and diatmaceous earth filter effectiveness and efficiency.



Tampa Bay Desalination Plant

Environmental Protections, Safeguards and Monitoring ensure no Adverse Effects

Overview

- During initial operations, extensive monitoring showed no changes in the salinity in Tampa Bay related to the plant's operations.
- Studies during 2003 (first year of operations) showed the salinity outside the discharge point was the same whether or not the desalination plant was operating. Those same studies showed no measurable changes in salinity whether the plant was operating at 25 million gallons per day, a fraction of that, or completely off-line.

Permitting

- Construction and operations of the Plant and pipeline required 18 separate permits. The permitting process was lengthy and extensive, particularly the Florida Department of Environmental Protection's (DEP) permitting process. Over an 18-month period, DEP reviewed scientific research and public comments before permitting the facility.
- The plant's permit applications were reviewed by other agencies, organizations and citizens concerned with protecting Tampa Bay, including the Agency on Bay Management, the Hillsborough County Water Team, the Audubon Society, the Tampa Baywatch and Tampa Estuary Program.

Safeguards

- The plant has monitoring and alarm salinity tracking systems for the source water, desalinated drinking water and concentrated sea water discharged back into the bay. Measurements are taken in several areas before, within and after the plant.
- Operators continuously monitor the blending ratio of the sea water being returned to Tampa Bay to ensure compliance with environmental permits.
- The plant's comprehensive alarm system will warn plant operators to check or adjust the system. The monitoring system will also automatically shut down certain affected areas of the facility if monitored levels exceed predetermined parameters.

Tampa Bay Desalination Plant

- Concentrate Return: At full capacity, the RO process will leave about 19 mgd of twice-as-salty sea water behind which will be returned to Big Bend Power Plant's cooling water stream and blended with approximately 1.4 billion gallons of cooling water, which will dilute it 70-to-1. At this point, its salinity will be only 1.0 to 1.5 percent higher, on average, than water from Tampa Bay. Environmental scientists say this slight increase falls within Tampa Bay's normal, seasonal fluctuations in salinity.
- This cooling water mixture then moves through a discharge canal, blending with more sea water, diluting the discharge even further. By the time the discharged water reaches Tampa Bay, its salinity is nearly the same as the bay's. And, the large volume of water that naturally flows in and out of Tampa Bay near Big Bend will dilute it even further, preventing any long-term build-up of salinity in the bay.
- Monitoring during the plant's first year of operations showed no measurable changes in salinity, even when the plant was operating at maximum capacity.
- There are many advantages to locating Tampa Bay Sea water Desalination beside the Big Bend power plant in addition to large volumes of cooling water. Tampa Bay's relatively low salinity and the warm temperature of the power plant's cooling water help optimize the RO process, keeping costs down. Tampa Bay's frequent flushing also helps prevent the build-up of salinity.

Tampa Bay Desalination Plant

Monitoring

- Tampa Bay Water conducts permit-required hydrobiological monitoring programs (HBMPs) for the Tampa Bay Sea water Desalination Plant as well as the Tampa Bypass Canal/Hillsborough River and the Alafia River. These comprehensive monitoring programs were developed to determine if initial predictions of environmental effects of these various water supplies are accurate and provide an early warning of potential changes.
- The HBMPs monitor water quality, vegetation, benthic invertebrates, fish and other parameters in the Lower Hillsborough River, Alafia River, Palm River/Tampa Bypass Canal, McKay Bay and areas in Hillsborough Bay near Apollo Beach and the Big Bend power plant. The HBMPs are coordinated with other agency monitoring programs to maximize use of available data.
- These monitoring programs use recent and historical data to develop a comprehensive baseline report against which post-operational data can be compared to identify any potential changes or trends.
- Costing about $2.2 million annually, thousands of samples are collected, including continuous salinity measures every 15 minutes. The HBMP reports and related documents are provided to regulatory agencies and posted to Tampa Bay Water's web site.

Environmental Studies

- Several predictive modeling studies were conducted prior to the plant being constructed, including:
- Cumulative Impact Analysis for Master Water Plan projects (including desalination at 30 mgd)
- US Geological Survey of the Big Bend Power Station area
- Independent studies were conducted using a pilot plant:
  - Mote Marine Laboratory
  - Danish Hydraulic Institute
  - University of South Florida (USF)
  - Sarasota Laboratory/STL Precision
  - Marbeco Laboratory
  - Hillsborough County
- Each study was approved by the Florida Department of Environmental Protection and conducted in accordance with DEP-approved laboratory. Each study concluded that the desalination plant would produce high-quality drinking water without harm to the bay's water quality or marine life.

Tampa Bay Desalination Plant

Salinity

- Although the plant's discharge is roughly twice as salty as Tampa Bay, it does not increase the bay's salinity because it is diluted in up to 1.4 billion gallons of cooling water per day from Tampa Electric's Big Bend Power Station before being discharged back into the bay. Salinity in the plant's discharge is, on average, only 1.0 to 1.5 percent higher than Tampa Bay's. This slight increase in salinity falls well within the bay's natural, yearly salinity fluctuations, which vary from 16 to 32 parts per thousand, or by up to 100 percent, depending on weather and seasons.
- Mote Marine Laboratory and the Danish Hydraulic Institute performed salinity studies using a pilot desalination plant, smooth the size of the Tampa Bay Seawater Desalination facility. Scientists collected data during the 2000-2001 drought, when very little freshwater entered Tampa Bay. They combined this with a worst-case power plant operations scenario (only two of four of the power plant's condensers working) and operational data from the pilot plant to determine potential long-term salinity changes in the bay. Based on Mote Marine Laboratory's research, the Danish Hydraulic Institute reported that under these extreme conditions, a 2.5 percent increase in salinity is predicted in the area closest to the power plant and desalination plant and this would quickly dissipate.
- The U.S. Geological Survey of the Big Bend Power Station area determined that salinity will not build up in Tampa Bay because it flushes often. "Water Transport in Lower Hillsborough Bay, Florida, 1999-2001," found that each time the tide changes, more than 200 times as much water enters or leaves the bay as circulates through the power plant. The report also found that enough water flows in and out of the bay system near Big Bend to properly dilute and flush the plant's discharges, further preventing any long-term salinity build-up.

Biological

- Marbeco Laboratory of Sarasota tested the toxicity levels of saltwater-sensitive animals such as mysid shrimp and Gulf silverside fish using concentrated seawater from the pilot desalination plant at a dilution ratio of 1:1 (one part seawater concentrate to one part "normal" seawater). Researchers found no long or short-term increase in mortality at the 1:1 dilution level, leading them to conclude the plant would not harm saltwater-sensitive marine life. Under normal operating conditions, the dilution for the seawater concentrate will be 30:1, and at least 18:1 or 36:1 even with two or three of Big Bend's cooling units out of service.

Chemical

- Sarasota Laboratory/STL Precision of Sarasota, Florida, conducted tests to determine if undesirable chemicals already in Tampa Bay, which could harm water quality or marine life at higher levels, would be concentrated in the desalination process and discharged back into the bay. Researchers tested the discharge from the pilot plant for 200 compounds, none of which exceeded the Florida Department of Environmental Protection's water quality standards for Tampa Bay.

Environmental Studies

University of South Florida (USF) Circulation and Dispersion in Tampa Bay Study

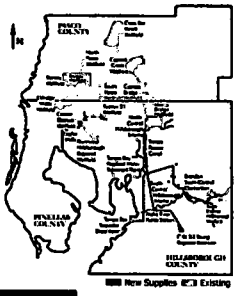
- Studied bay circulation to determine if desalination-related salinity changes could change the currents in Tampa Bay. (Salt water is heavier than fresh water so changes in salinity could affect the bay's currents and the time it takes to flush the bay.) Dr. Mark Luther - principal investigator
- Focusing on the farfield areas (away from the power plant and desalination facility), researchers found that desalination plant-related salinity changes were so slight, that even if all current water projects were to be implemented simultaneously, changes in circulation were not significant, and "There is no reason to suggest that the flushing time of the bay would be altered in a significant way."
- Because the salinity of the bay normally varies widely – from 16 to 32 parts per thousand – depending on the weather and season, any change in its salinity linked to the desalination plant, even if all of the Master Water Plan projects were implemented simultaneously, would fall well within this range of salinity and, therefore, have no effect on the currents, circulation or flushing of the bay.

Hillsborough County 's Independent Study

- Study into the potential environmental impact of the desalination plant concluded, "The marine ecology of the areas of major biological concern will not be affected by the desalination facility operations

Distribution

- Tampa Bay Water delivers an average of 182 million gallons per day (mgd) to the region
- Distribution is through a diverse water supply network that includes a Surface Water Treatment Plant, the three sources that supply it, seven groundwater treatment plants, 13 regional wellfields, and almost 200 miles of pipeline.
- Each of these facilities is part of the Master Water Plan, a blueprint to meet the long-term drinking water needs of the Tampa Bay region.



New Supplies Existing

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — April 14, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jim Lowry	NC Utility Contractors Assoc
Scott Geis	NC Division of Coastal Management
Steve Underwood	NC Division of Coastal Management
Doug Lassiter	NC STA
Erica Peterson	NCAg
Jerry Hobbs	NCPC
L. Andrews	NCFB
Edgar Mills	CTNC
Robin Smith	DENR
Mark Wilson	Nexant

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — April 14, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Amy Pickle	Nicholas Institute
Cornelia McCallin	NC Conservation Network
Mia D. Bailey	Electricities of NC, Inc.
Steven Waters	Living Streets
Kim Hibbard	NCLM
Susan M Stewart	DMV - Medical
Linda Hill	DMV - medical
Merritt Brinkley	WakeMed
Christine Craig	WakeMed
JC McClee	McClees Co

Principal Clerk ____
Reading Clerk ____

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on **Agriculture/Environment/Natural Resources** will meet at the following time:

DAY	DATE	TIME	ROOM
Thursday	April 16, 2009	9:00 AM	544 LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 706	Amend On-Site Wastewater Contractor Laws.	Senator Swindell IV
SB 785	Equine Industry Commission.	Senator Weinstein
SB 833	Delineate River Basins.	Senator Clodfelter

Senator Bob Atwater, Chair

Senate Agriculture/Environment/Natural Resources Committee
Thursday, April 16, 2009, 9:00 AM
544 LOB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

SB 706	Amend On-Site Wastewater Contractor Laws.	Senator Swindell IV
SB 785	Equine Industry Commission.	Senator Weinstein
SB 833	Delineate River Basins.	Senator Clodfelter

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE REPORT
Senator Bob Atwater, Chair

Thursday, April 16, 2009

Senator ATWATER,
submits the following with recommendations as to passage:

FAVORABLE

S.B.	**706**	Amend On-Site Wastewater Contractor Laws.	
		Sequential Referral:	None
		Recommended Referral:	None
S.B.	**785**	Equine Industry Commission.	
		Sequential Referral:	Appropriations/Base Budget
		Recommended Referral:	None
S.B.	**833**	Delineate River Basins.	
		Sequential Referral:	None
		Recommended Referral:	None

TOTAL REPORTED: 3

Committee Clerk Comments:

SENATE AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE
Thursday, April 16, 2009 at 9:00 AM
Room 544, Legislative Office Building

MINUTES

The Senate Agriculture/Environment/Natural Resources Committee met at 9:00 AM on April 16, 2009, in Room 544 of the Legislative Office Building. 12 members of the committee were present. Senator Bob Atwater presided.

After Senator Atwater introduced the pages, the following bills were discussed:

- **SB 785, Equine Industry Commission.**

After Senator Weinstein explained the bill, Senator Brown spoke in favor of it. **Senator Swindell moved for a favorable report for SB 785 with a referral to Senate Appropriations. Motion carried.**

- **SB 706, Amend On-Site Wastewater Contractor Laws.**

After a brief explanation by Mr. Jeff Hudson, Committee Counsel, Senator **Tillman moved for a favorable report for SB 706. Motion carried.**

- **SB 833, Delineate River Basins.**

Senator Atwater asked Mr. Jeff Hudson to explain the bill in the absence of Senator Clodfelter. Mr. Hudson told the Committee that this bill came out of the Water Allocation Study Commission and was needed to enable the Department of Environment and Natural Resources to use the same set of river basin boundaries for all its programs to achieve consistency and accuracy. **Senator Tillman moved for a favorable report for SB 833. Motion carried.**

The meeting adjourned at 9:25 AM.

Bob Atwater
Senator Bob Atwater, Presiding

Carol Resar
Carol Resar, Committee Clerk

SENATE BILL 785*

Short Title:	Equine Industry Commission.	(Public)
Sponsors:	Senators Weinstein; Atwater, Brown, East, and Tillman.	
Referred to:	Appropriations/Base Budget.	

March 25, 2009

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE EQUINE INDUSTRY COMMISSION AND TO APPROPRIATE FUNDS TO SUPPORT THE WORK AND STAFFING OF THE EQUINE INDUSTRY COMMISSION.

Whereas, there are 306,889 head of equine in the State and 53,095 households with equine in the State; and

Whereas, the average equine operation has 39 acres of land associated with its operation; and

Whereas, a total of 2,123,800 acres of land are dedicated to equine operations in the State; and

Whereas, the equine industry provides a total of 19,183 full- and part-time jobs in the State; and

Whereas, total spending on goods and services by equine owners is over $1.4 billion, with 89.7% of these expenditures occurring within the State; and

Whereas, 27% of horse show exhibitors at the three State-operated horse show facilities were nonresidents of North Carolina and these exhibitors spent $66.6 million while attending horse show events in the State; and

Whereas, a total of $196 million in federal, State, and local tax revenue is provided by the North Carolina equine industry; and

Whereas, the total value of the equine industry in North Carolina is estimated at $2.2 billion, and the total additional economic impact of the industry is $1.9 billion; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. Article 9 of Chapter 143B of the General Statutes is amended by adding a new Part to read:

"Part 30. Equine Industry Commission.

"**§ 143B-426.50. Equine Industry Commission established; membership.**

(a) Establish Commission. – The Equine Industry Commission is established. The Commission shall be an independent agency located within the Department of Administration for organizational, budgetary, and administrative purposes.

(b) Purpose. – The purpose of the Equine Industry Commission is to promote and expand the equine industry in North Carolina.

(c) Membership. – The Commission shall consist of 15 members, three of whom shall serve as nonvoting ex officio members. The members of the Commission who are appointed shall be chosen from among individuals who have demonstrated their ability and commitment to promote and fulfill the purposes of the Commission under subsection (b) of this section. The members shall be as follows:

(1) Four members appointed by the Governor.
(2) Four members appointed by the President Pro Tempore of the Senate.
(3) Four members appointed by the Speaker of the House of Representatives.
(4) The Chairman of the North Carolina Horse Council or the Chairman's designee.
(5) The Commissioner of Agriculture or the Commissioner's designee.
(6) The President of the North Carolina Farm Bureau Federation or the President's designee.

(d) Terms. – The members of the Commission, except those members serving in an ex officio capacity, shall be appointed for terms of two years and shall serve until their successors are appointed and qualified. Members who are appointed may be reappointed indefinitely.

(e) Chair. – The Commission shall have one Chair. The Commission shall by a majority of appointed, voting members select the Chair every other year from among those members of the Commission that are not ex officio members.

(f) Vacancies. – Any vacancy on the Commission resulting from the resignation of a member or otherwise shall be filled in the same manner in which the original appointment was made, and the term shall be for the balance of the unexpired term of the member who created the vacancy.

(g) Compensation. – The Commission members shall receive no salary as a result of serving on the Commission but shall receive per diem, subsistence, and travel expenses in accordance with G.S. 120-3.1, 138-5, or 138-6, as applicable. When approved by the Commission, members may be reimbursed for subsistence and travel expenses in excess of these statutory amounts.

(h) Removal.. – Members may be removed in accordance with G.S. 143B-13 as if that section applied to this Part.

(i) Scheduling Meetings. – The Chair shall call the meetings and shall notify the members of each meeting being called at least seven days before the date on which the meeting is to occur. Meetings shall be held as often as the Chair deems necessary, but not less than four times each calendar year.

(j) Quorum. – A quorum of the Commission shall consist of eight members of the Commission for the transaction of business.

(k) Assignment of Property. – Upon request of the Commission, the head of any State agency may assign property, equipment, and personnel of such agency to the Commission to assist the Commission in carrying out its duties under this Part. The Commission shall not compensate or reimburse any agency for any assignment under this subsection. In the event the Commission is terminated by the General Assembly, any property or equipment that remains in the possession of the Commission at the time of its termination shall revert to the agency from which the property was assigned.

(l) Office Space. – The Department of Administration shall provide office space in Raleigh for use as offices by the Commission, and the Department of Administration shall receive no compensation from the Commission for the use of this property.

"**§ 143B-426.51. Equine Industry Commission; duties and authority.**

(a) Duties. – The Equine Industry Commission shall review and evaluate the recommendations as contained in the report to the Joint Legislative Commission on Governmental Operations, which report resulted from the Equine Industry Study conducted by the Rural Economic Development Center, Inc., under Section 13.14A of S.L. 2007-323, and included an assessment of the numbers, composition, and value of the equine industry in North Carolina, an analysis of the direct and indirect impacts of the industry on the State's economy, and the development of a comprehensive plan to maximize the economic opportunities presented by the equine industry.

(b) Additional Duties. – The Commission shall have the following additional duties:

(1) To appoint a director to serve as a legislative liaison for the Commission; to employ other staff as the Commission deems necessary and to fix their compensation; and to manage the affairs of the Commission or to contract with another entity to manage the affairs of the Commission.

(2) To develop bylaws, to be adopted by a majority vote of the Commission.

(3) To adopt guidelines under which the Commission may accept donations of money, property, or personal services, and to determine the value of donations of property or personal services.

(4) To accept and retain in an account with the State Treasurer grants and contributions to be used for the costs of supporting the Commission.

(5) To accept devises, bequests, gifts, and services provided to the Commission for its support.

(6) To develop plans, in cooperation with other State agencies and other entities that represent different aspects of the equine industry, for initiatives, incentives, tax credits, or appropriations that would promote the retention of equine facilities, events, and other equine industry entities in the State.

(7) To develop plans to attract new equine facilities, events, and equine industry entities to the State.

(8) To act as an advocacy group for the enactment or implementation of any recommendations, legislative proposals, or administrative action recommended by the Commission in its report under G.S. 143B-426.52.

(c) Contract Authority. – The Commission may procure supplies, services, and property as appropriate, and may enter into contracts, leases, or other legal agreements to carry out the purposes of this Part. All contracts, leases, or legal agreements entered into by the Commission shall terminate upon the termination of the Commission. Disputes or causes of action of the Commission that arise before the Commission is terminated shall not be affected by the termination of the Commission, and the Department of Administration may prosecute or defend any causes of action arising before the date of termination on behalf of the Commission. All property acquired by the Commission that remains in the possession of the Commission on the date of its termination shall become the property of the Department of Administration.

(d) The Director of the Equine Industry Commission appointed under subdivision (1) of subsection (b) of this section shall be exempt from the State Personnel Act. Any staff of the Commission employed under subdivision (1) of subsection (b) of this section shall be subject to the State Personnel Act.

(e) The salary and employment benefits of the Director of the Equine Industry Commission appointed under subdivision (1) of subsection (b) of this section shall not exceed the salary and employment benefits of a State employee with an assigned pay grade of 72.

"**§ 143-426.52. Equine Industry Commission; reporting requirements.**

No later than October 1 of each year and more often if deemed necessary by the Equine Industry Commission, the Commission shall submit to the General Assembly, the Chairs of the Senate and House of Representatives Appropriations Committees, to the Office of the Governor, the Commissioner of Agriculture, and the Secretary of Commerce a comprehensive report incorporating specific recommendations of the Commission for retaining and expanding the equine industry in the State. This report shall also include any recommendations that result from the Commission's review and evaluation, under subsection (a) of G.S. 143B-426.51, of the recommendations resulting from the Equine Industry Study. The report shall include findings and recommendations, any legislative proposals and proposals for administrative action to promote and develop the equine industry, and an accounting of funds received and expended by the Commission during the previous fiscal year."

SECTION 2. The initial terms of the members of the Equine Industry Commission, created under G.S. 143B-426.50, as enacted by Section 1 of this act, shall commence on July 1,

2009. Notwithstanding the provisions of G.S. 143B-426.50(d), as enacted by Section 1 of this act, the terms for the initial appointments under G.S. 143B-426.50 shall be as follows:

(1) The four members appointed by the Governor shall serve two-year terms.

(2) Two of the four members appointed by the President Pro Tempore of the Senate shall serve two-year terms and two shall serve three-year terms.

(3) Two of the four members appointed by the Speaker of the House of Representatives shall serve two-year terms and two shall serve three-year terms.

SECTION 3. The initial report required under G.S. 143B-426.52, as enacted by Section 1 of this act, shall be submitted no later than October 1, 2010.

SECTION 4. There is appropriated from the General Fund to the Department of Administration the sum of two hundred fifty thousand dollars ($250,000) for the 2009-2010 fiscal year and the sum of two hundred fifty thousand dollars ($250,000) for the 2010-2011 fiscal year to be used for the Equine Industry Commission's work and to implement this act.

SECTION 5. This act becomes effective July 1, 2009.

SENATE BILL 785:
Equine Industry Commission

2009-2010 General Assembly

Committee:	Senate Re-ref to Agriculture/Environment/Natural Resources. If fav, re-ref to Appropriations/Base Budget	**Date:**	April 16, 2009
Introduced by:	Sen. Weinstein	**Prepared by:**	Barbara Riley Committee Counsel
Analysis of:	First Edition		

SUMMARY: ***Senate Bill 785 establishes the Equine Industry Commission for the purpose of promoting and expanding the equine industry in North Carolina.***

BILL ANALYSIS: Senate Bill 785 establishes the Equine Industry Commission for the purposse of promoting and expanding the equine industry in the State. The Commission is to be administratively located in the Department of Administration

The Commission shall consist of 15 members; 4 each appointed by the Governor, President Pro Tem of the Senate and the Speaker of the House. The other 3 members are non voting ex officio members and include the Chair of the NC Horse Council, the Commissioner of Agriculture, and the President of the Farm Bureau, or their designees. Appointed members shall serve 2 year terms and may be reappointed indefinitely. The terms of the members will begin on July 1, 2009 and shall be staggered. Vacancies shall be filled in the manner the original appointment was made. The Chair of the Commission shall be elected every other year from among the appointed members by a majority vote of the appointed members. Commission members shall receive no salary but may receive per diem, subsistence, and travel expenses. When approved by the Commission, members may be reimbursed for subsistence and travel above the statutory amounts.

The Chair shall call the meetings and provide at least 7 days notice to the members. The committee shall meet at least 4 times a year. A quorum of the committee is 8 members.

The Department of Administration shall provide office space in Raleigh for the Commission. The head of any State agency may assign property, equipment and personnel to the Commission to assist the Commission in carrying out its duties. No agency shall receive compensation from the Commission for the provision of property, equipment or personnel. If the General Assembly terminates the Commission, such property and equipment shall revert to the agency who provided it.

The Equine Industry Commission is tasked with the review and evaluation of the recommendations contained in a report on the equine industry that should be forthcoming from the Rural Center. In addition the Commission shall: (1)appoint a director to serve as legislative liaison to the General Assembly, employ staff, and manage the affairs of the Commission or contract with another entity to manage those affairs; (2) develop bylaws; (3) adopt guidelines for the acceptance of donations of money, property or personal services; (4) accept and retain in an account with the State Treasurer, grants and contributions; (5)accept gifts, devises and services provided to the Commission for its support; (6) develop plans for initiative, tax credits, or appropriations to promote the retention of equine facilities, events, and other equine industry entities in the State;(7) develop plans to attract new equine facilities, events and industry entities; (8) act as an advocacy group for the implementation of recommendations and administrative action and the enactment of legislation.

The Commission has the authority to enter into contracts to carry out its purposes. All contracts, leases, or legal agreements terminate with termination of the Commission, however, disputes that arise prior to

its termination shall not be affected the termination. The Director of the Commission shall be exempt from the State Personnel Act and his or her salary shall not exceed that of a State employee at Grade 72.

The Commission shall report no later than October 1 of each year to the General Assembly, the Chairs of the Senate and House Appropriations Committees, the Office of the Governor, the Commissioner of Agriculture, and the Secretary of Commerce on its recommendations for retaining and expanding the equine industry in the State. The first Commission report is due no later than October 1, 2010.

$250,000 is appropriated from the General Fund for fiscal year 2009-2010 and $250,000 for fiscal year 2010-2011 to support the Commission's work.

EFFECTIVE DATE: The act becomes effective July 1, 2009.

S785-SMRF-33(e1) v4

History of the Equine Industry in North Carolina

It is estimated that the first horse arrived in North Carolina in the 1500s. The horse population grew to about 182,000 by 1915. Pulling plows to prepare the land for food production, most horses were crucial to agriculture.

A smaller segment was thoroughbred racing horses. Popular during the colonial period, horse racing expanded after the American Revolution and was the most popular spectator sport in the state until the Civil War. Early on it was a crude sport that became refined as time went on. Horse breeding became big business, jockey clubs sprang up across the state, and races became major social events. The Wilmington Jockey club was established in 1774, and the famous racehorse, Janus, was kept in North Carolina during the 1770s, creating an enviable breed of thoroughbreds.

Mowfield Plantation near Jackson was home to the state's most notable thoroughbred, Sir Archie. "His children would go on to dominate American racing, and their children and their children as well. His bloodline, primarily through his prolific grandson Boston and great-grandson Lexington, would go on to become the Rosetta Stone of thoroughbred breeding on this continent" (Decock, 2008). Horses competing for this year's Kentucky Derby all had Sir Archie somewhere in its pedigree. "This is nothing new. Barbaro, Cigar, Affirmed, Seattle Slew, Secretariat, Seabiscuit, Man O'War -- all of them were among Sir Archie's descendants" (*The News and Observer*, May 3, 2008). The horse was designated as the "Foundation Sire of the American Thoroughbred" (Sumner, 2006). Sir Archie lived at Mowfield Plantation from 1818 until his death in 1833.

When the Civil War ended, so did the plantation system upon which North Carolina horse racing was built. Racing was relegated to state, regional, and county fairs. The introduction of the automobile further fueled the decline of horse ownership in the state. However, horse racing did not totally disappear. Steeplechases became popular in the 1950s in places like Southern Pines and Tryon, both still centers of equestrian activity in North Carolina. Due to recreational interests, the equine population grew to more than 220,000 by 1983.

North Carolina Equine Industry

Equine Households	53,095
Average Number of Equine	5.8
Total Number of Equine	306,889
Total Number of Jobs	19,183
Total Spending on Goods and Services	$ 1.4 Billion
Expenses Within County	72 Percent
Expenditures Within State	90 Percent
Total Economic Impact	$ 1.9 Billion
Federal, State and Local Taxes Paid	$ 196 Million

Top 20 Equine Counties

County	Equine Inventory
Union	11,683
Guilford	10,942
Iredell	9,966
Cumberland	9,791
Mecklenburg	9,504
Rockingham	8,258
Stanly	8,019
Moore	7,921
Wake	7,727
Rowan	7,540
Forsyth	7,425
Cabarrus	7,336
Franklin	6,057
Orange	5,839
Chatham	5,675
Buncombe	5,674
Burke	5,615
Johnston	5,579
Durham	5,492
Wilkes	5,332

Executive Summary

Whether or not you are a horse enthusiast, you should be a fan of what the equine industry means to North Carolina's economy. The industry touches all facets of the economy: tourism, manufacturing, education, recreation, residential development, entertainment, and agriculture. It covers the entire geography of the state from mountain communities to coastal beaches. It attracts people from all walks of life to see and experience one of America's greatest passions. Diversity of industry, people, and geography is just one of this industry's key strengths.

The North Carolina Rural Economic Development Center engaged The Sanford Holshouser Business Development Group (Sanford Holshouser) to make recommendations on public policy changes needed to foster development of the equine industry. This study was done in partnership with the economic impact study conducted by East Carolina University, NC State University, and Western Carolina University. Sanford Holshouser interviewed equine facilities, educational programs, businesses, horse owners, economic development organizations, and state agencies to gather input on how to retain and grow the equine industry. A list of organizations interviewed is listed in Appendix D.

Equine industry leaders across the board were uniform in naming the top priorities to retain and grow the industry in North Carolina. The listing below reflects the top priorities and major categories under which several items fell.

- **Form an Equine Industry Commission to lead implementation of this study and advocate for the industry.** Most states reviewed for this study have an Equine Industry Commission and a separate racing commission that oversees pari-mutuel betting. In Virginia, it is the Virginia Horse Industry Board and the Virginia Racing Commission, and in Kentucky, there is the Kentucky Horse County and the Kentucky Horse Racing Commission. This study recommends that an Equine Industry Commission be created with a cooperative working relationship with the NC Horse Council and remain in close contact with and coordinate its activities with the Department of Agriculture.

- **Upgrade existing equestrian facilities.** Industry leaders, educators, extension agents, economic developers, and equine advocacy groups clearly support investments in equestrian facilities. They were emphatic that not only should the state invest in a mega horse park, such as is in Kentucky, but it should make funding for existing facilities a priority.

- **Feasibility study for a North Carolina mega horse park.** There is a growing trend of developing major horse parks among different states. When study participants discussed a mega horse park, they often cited the Kentucky Horse Park, first in the nation, because of its national and international status. The campus includes two museums, a hall of fame, and facilities for all equestrian events as well as other sporting events.

- **Fund undersized and outdated College of Veterinary Medicine equine health facilities to expand equine health research.** There is a need to allocate more funding to expand equine health research at North Carolina's universities with equine programs. Long-term

growth of the industry in North Carolina is linked to the state's ability to establish itself as a leader in equine health research.

- **Attract more equestrian events to the state.** If North Carolina is going to grow the equine industry, it must recruit more equestrian events. Improving and expanding facilities will allow existing equestrian centers to draw more events. It is recommended that the Equine Industry Commission research the requirements to attract major events and shows and integrate that information into the facilities planning report. Additionally, the board should oversee a recruitment fund established to serve as seed money to recruit major, national horse shows and events to the state.

- **Raise the level of marketing and promotion of the industry.** The horse industry needs a marketing jump-start. The General Assembly should provide increased support for marketing through the Division of Travel and Tourism and the Department of Agriculture. Increased marketing can be funded through a dedicated and sufficient revenue stream, such as a fee or tax per bag of feed, as the N.C. Horse Council now receives but in a larger amount. Industry leaders would like to see signage (similar to the wine industry) and a coordinated events calendar.

- **Implement pari-mutuel betting to fund equine incentive programs.** It is recommended that the Equine Industry Commission establish a separate task force to study the feasibility of re-instituting thoroughbred racing in the state. The majority of horse industry leaders believe that pari-mutuel betting would slow or reverse the decline of horse farms. Breeders' incentives are paid from pari-mutuel revenue. Breeders' incentives are the frontline to bolster the equestrian industry in North Carolina. Breeders' incentives encourage more horses to be bred in this state, which will increase demand for equine supplies, events, shows, and services.

- **Preserve land for equestrian use.** North Carolina is one of the country's top ten fastest growing states. According to the NC Department of Agricultural and Consumer Services, NC leads the nation in the rate of lost farmland. Land availability for riding is not just a concern in rural areas where farmland is giving way to development. Among the top priorities of equine industry leaders is land - open space, conservation, access to public lands, zoning and ordinances that allows for horse ownership, and many other land use issues.

- **Implement industry recommendations for tax and regulatory changes.** Changes or review are needed in the Enhanced Farm Land Preservation Program, property tax laws, the classification of horse.

Given the current economic recession, one might ask how the horse industry has been affected by the national economic slowdown. Read an excerpt from the article "Virginia's horse industry trots through good times and bad." by Heather B. Hayes in *Virginia Business*. "[T]he horse industry has a knack for rolling with the times." Fries, a horse owners and trainer, says that demand for her lessons and summer horse camp is healthy. She's also experiencing another phenomenon: many people stressed out by economic uncertainty are increasingly spending time in her riding ring. "Horses have a soothing effect on people," she says. "We've actually had

people receive prescriptions from their doctors to go ride a horse. It's a healthy way to spend your extra time, and you don't have to own a horse to do it" (Hayes, 2008).

Whether in strong or weak economic times the equine industry is big business in North Carolina. The total direct and indirect economic impact of the industry was found to be about $1.9 billion by the team of East Carolina, NC State, and Western Carolina Universities. The largest contributors of the economy are horse owners, spending about $1.7 billion. There are about 19,000 jobs associated with the equine industry in the state.

The history of the horse industry is strong in North Carolina. The current business base is sound and poised for growth. Public policy changes are needed to allow the business base to rise to the level of competing states. Growing the horse industry in North Carolina is not narrowly focused; rather, it is a strategy to grow tourism, manufacturing, small businesses, recreation, research, educational and training programs, agriculture, and entertainment - businesses that touch all corners of the state.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S 1

SENATE BILL 706*

Short Title:	Amend On-Site Wastewater Contractor Laws.	(Public)
Sponsors:	Senators Swindell; and Jones.	
Referred to:	Agriculture/Environment/Natural Resources.	

March 24, 2009

A BILL TO BE ENTITLED

AN ACT AMENDING THE LAWS PERTAINING TO ON-SITE WASTEWATER CONTRACTORS AND INSPECTORS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 90A-71 reads as rewritten:

"**§ 90A-71. Definitions.**

The following definitions apply in this Article:

(1) "Board" means the North Carolina On-Site Wastewater Contractors and Inspectors Certification Board.

(2) "Contractor" means a person who constructs, installs, or repairs, or offers to construct, install, or repair an on-site wastewater system in the State.

(3) "Conventional wastewater system" has the same meaning as in G.S. 130A-343(a)(3).

(4) "Department" means the Department of Environment and Natural Resources.

(5) "Inspector" means a person who conducts an inspection ~~of an on-site wastewater system at any time after the local health department has issued an operation permit pursuant to G.S. 130A-337.~~in accordance with rules adopted by the Board.

(5a) "Inspection" means an examination of an on-site wastewater system permitted under the provisions of Article 11 of Chapter 130A of the General Statutes, when requested by a lending institution, realtor, prospective homebuyer, or other impacted party as a condition of sale, refinancing, or transfer of title, which examination shall meet the minimum requirements established by the Board.

(6) "On-site wastewater system" means any wastewater system permitted under the provisions of Article 11 of Chapter 130A of the General Statutes that does not discharge to a treatment facility or the surface waters of the State.

(7) "Person" means all persons, including individuals, firms, partnerships, associations, public or private institutions, municipalities, or political subdivisions, governmental agencies, or private or public corporations organized and existing under the laws of this State or any other state or country.

(8) "Wastewater treatment facility" means a mechanical or chemical treatment facility serving a site with multiple wastewater sources."

SECTION 2. G.S. 90A-72 reads as rewritten:

"**§ 90A-72. Certification required; applicability.**

(a) Certification Required. – No person shall construct, install, or repair or offer to construct, install, or repair an on-site wastewater system ~~in the State~~as permitted under Article 11 of Chapter 130A of the General Statutes without being certified as a contractor at the required level of certification for the specified system. No person shall conduct an inspection or offer to conduct an inspection of an on-site wastewater system as permitted under Article 11 of Chapter 130A of the General Statutes without being certified ~~as an inspector at the required level of certification for the specified system.~~in accordance with the provisions of this Article.

(b) Applicability. – This Article does not apply to the following:

(1) A person who is employed ~~by, or performs labor and services for,~~by a certified contractor or inspector in connection with the construction, installation, repair, or inspection of an on-site wastewater system performed under the direct and personal supervision of the certified contractor or ~~inspector.~~inspector in charge.

(2) A person who constructs, installs, or repairs an on-site wastewater system described as a single septic tank with a gravity-fed ~~distribution system~~gravel trench dispersal media when located on land owned by that person and that is intended solely for use by that person and members of that person's immediate ~~family.~~family when residing in the same dwelling.

(3) A person licensed under Article 1 of Chapter 87 of the General Statutes who constructs or installs an on-site wastewater system ancillary to the building being ~~constructed.~~constructed or who provides corrective services and labor for the on-site wastewater system ancillary to the constructed building.

(4) A person who is certified by the Water Pollution Control System Operators Certification Commission and contracted to provide necessary operation and maintenance on the permitted on-site wastewater system.

(5) A person permitted under Article 21 of Chapter 143 of the General Statutes who is constructing a water pollution control facility necessary to comply with the terms and conditions of a National Pollutant Discharge Elimination System (NPDES) permit.

(6) A person licensed under Article 1 of Chapter 87 of the General Statutes as a licensed public utilities contractor who is installing or expanding a wastewater treatment facility, including a collection system, designed by a registered professional engineer.

(7) A plumbing contractor licensed under Article 2 of Chapter 87 of the General Statutes, so long as the plumber is not performing plumbing work that includes the installation or repair of a septic tank or similar depository, or lines or appurtenances downstream from the point where the house or building sewer lines from the plumbing system meet the septic tank or similar depository."

SECTION 3. G.S. 90A-73(a) reads as rewritten:

"(a) Creation and Appointments. – There is created the North Carolina On-Site Wastewater Contractors and Inspectors Certification Board. The Board shall consist of nine members appointed to three-year terms as follows:

(1) One member appointed by the Governor who, at the time of appointment, is engaged in the construction, installation, repair, or inspection of on-site wastewater systems, to a term that expires on 1 July of years that precede by one year those years that are evenly divisible by three.

(2) One member appointed by the Governor who, at the time of appointment, is ~~a certified water treatment facility operator pursuant to Article 2 of Chapter 90A of the General Statutes,~~engaged in the construction, installation, repair,

or inspection of on-site wastewater systems, to a term that expires on 1 July of years evenly divisible by three.

(3) One member appointed by the Governor who is an employee of the Division of Environmental Health of the Department to a term that expires on 1 July of years that follow by one year those years that are evenly divisible by three.

(4) One member appointed by the General Assembly upon recommendation of the President Pro Tempore of the Senate who, at the time of appointment, is engaged in the construction, installation, repair, or inspection of on-site wastewater systems, to a term that expires on 1 July of years that follow by one year those years that are evenly divisible by three.

(5) One member appointed by the General Assembly upon recommendation of the President Pro Tempore of the Senate who, at the time of appointment, is engaged in the business of inspecting on-site wastewater systems, to a term that expires on 1 July of years that precede by one year those years that are evenly divisible by three.

(6) One member appointed by the General Assembly upon recommendation of the President Pro Tempore of the Senate upon the recommendation of the North Carolina Home Builders Association, to a term that expires on 1 July of years evenly divisible by three.

(7) One member appointed by the General Assembly upon recommendation of the Speaker of the House of Representatives who, at the time of appointment, is engaged in the construction, installation, repair, or inspection of on-site wastewater systems, to a term that expires on 1 July of years evenly divisible by three.

(8) One member appointed by the General Assembly upon recommendation of the Speaker of the House of Representatives who, at the time of appointment, is (i) employed as an environmental health specialist, and (ii) engaged primarily in the inspection and permitting of on-site wastewater systems, to a term that expires on 1 July of years that follow by one year those years that are evenly divisible by three.

(9) One member appointed by the General Assembly upon recommendation of the Speaker of the House of Representatives who, at the time of appointment, is ~~(i) employed by the North Carolina Cooperative Extension Service, and (ii) is knowledgeable in the area of on-site wastewater systems,~~a certified water treatment facility operator pursuant to Article 2 of Chapter 90A of the General Statutes, to a term that expires on 1 July of years that precede by one year those years that are evenly divisible by three."

SECTION 4. G.S. 90A-74(4) reads as rewritten:

"The Board shall have the following general powers and duties:

...

(4) To develop and administer examinations for ~~each grade level of certification.~~specific grade levels as approved by the Board. The Board may approve applications by recognized associations for certification of its members after a review of the requirements of the association to ensure that they are equivalent to the requirements of the Board.

...."

SECTION 5. G.S. 90A-76 reads as rewritten:

"**§ 90A-76. On-Site Wastewater Certification Fund.**

The On-Site Wastewater Certification Fund is created as a nonreverting account ~~within the Department.~~established and controlled by the Board. All fees collected pursuant to this Article

shall be credited to the Fund. The Fund shall be used solely for the costs of administering this Article."

SECTION 6. G.S. 90A-77(a) reads as rewritten:

"(a) Certification. – The Board shall issue a certificate of the appropriate grade level to an applicant who satisfies all of the following conditions:

(1) Is at least 18 years of age.

(2) Submits a properly completed application to the Board.

(3) ~~If the applicant has prior experience providing on-site wastewater system services, submits affidavits of three persons not related to the applicant for whom the applicant provided on-site wastewater services.~~Completes the basic on-site wastewater education program approved by the Board for the specified grade levels as determined by the Board.

~~(4) If the applicant has no prior experience, completes the basic on-site wastewater education program approved by the Board.~~

(5) Completes any additional training program designed by the Board specific to the grade level for which the applicant is applying.

(6) Pays the applicable fees set by the Board for the particular application and grade level.

(7) For grade levels ~~greater than conventional systems,~~as determined by the Board, passes a written or oral examination that tests the applicant's proficiency in all of the following areas:

a. Principles of public and environmental health associated with on-site wastewater systems.

b. Principles of construction and safety.

c. Technical and practical knowledge of on-site wastewater systems typical to the specified grade level.

d. Laws and rules related to the installation, construction, repair, or inspection of the specified on-site wastewater system."

SECTION 7. Fees held by the Department of Environment and Natural Resources pursuant to the On-Site Wastewater Certification Fund under G.S. 90A-76 shall be transferred to the North Carolina On-Site Wastewater Contractors and Inspectors Certification Board in accordance with G.S. 90A-76, as enacted in Section 5 of this act, on the effective date of this act.

SECTION 8. This act is effective when it becomes law.

SENATE BILL 706:
Amend On-Site Wastewater Contractor Laws

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	April 16, 2009
Introduced by:	Senator Swindell	**Prepared by:**	Jennifer Mundt Legislative Analyst
Analysis of:	First Edition		

SUMMARY: ***Senate Bill 706 would amend the laws that pertain to on-site wastewater contractors and inspectors.***

[As introduced, this bill was identical to H685, as introduced by Rep. E. Warren, which is currently in House Appropriations.]

CURRENT LAW: Article 5 of Chapter 90A of the General Statutes (On-Site Wastewater Contractors, Inspectors) requires the construction, installation, repair, and inspection of on-site wastewater systems in the State to be conducted by a certified on-site wastewater contractor or inspector. To be certified, an individual must be at least 18 years old, submit a completed application and fee, and meet certain training and experience requirements. The act exempts certain individuals from the certification requirements including: an employee or contractor working under the direct and personal supervision of a certified contractor or inspector; a landowner who constructs, installs, or repairs a single septic system so long as it is intended for use by that person and members of that person's immediate family; a licensed general contractor who constructs or installs an on-site wastewater system ancillary to the building being constructed; and certain other individuals who hold specific licenses or permits.

This Article also established the On-Site Wastewater Contractors and Inspectors Certification Board (Board). The Board consists of nine members, three appointed by the Governor, three by the General Assembly upon recommendation of the President Pro Tempore of the Senate, and three by the General Assembly upon recommendation of the Speaker of the House of Representatives. The Board has administrative and disciplinary powers and may determine eligibility requirements, establish grades of certification, develop and administer exams, and establish fees.

BILL ANALYSIS: Senate Bill 706 makes the following changes to the on-site wastewater contractors and inspectors laws:

Section 1: Adds a definition for the term "inspection" that means an examination of an on-site wastewater system permitted under the provisions of Article 11 of Chapter 130A of the General Statutes (Wastewater Systems), when requested by a lending institution, realtor, prospective homebuyer, or other impacted party as a condition of sale, refinancing, or transfer of title, which examination shall meet the minimum requirements established by the Board.

Adds a definition for the term "wastewater treatment facility" that means a mechanical or chemical treatment facility serving a site with multiple wastewater sources.

Clarifies that the term "inspector" means a person who conducts an inspection in accordance with rules adopted by the Board.

Section 2: Makes the following changes to the applicability of the certification requirements for on-site wastewater contractors and inspectors under Article 5 of Chapter 90A of the General Statutes:

- Clarifies that no person can construct, install, or repair an on-site wastewater system permitted under Article 11 of Chapter 130A of the General Statutes without being certified.
- Clarifies that the certification requirements do not apply to:
  - A person who is employed by and under the direct and personal supervision of a certified contractor or inspector *in charge*.
  - A person who constructs, installs, or repairs an on-site wastewater system comprised of a single septic tank with a gravity-fed *gravel trench dispersal media* on that person's land for use by that person and members of that person's immediate family *who reside in the same dwelling.*
  - General contractors licensed under Article 1 of Chapter 87 of the General Statutes who construct or install an on-site wastewater system ancillary to the building being constructed or *who provide corrective services and labor for the on-site wastewater system ancillary to the constructed building.*

Section 3: Makes the following changes in qualification for member appointments to the Board:

- One member appointed by the Governor who is a certified water treatment facility operator under Article 2 of Chapter 90A of the General Statutes must instead be engaged in the construction, installation, repair, or inspection of on-site wastewater systems.
- One member appointed upon recommendation of the Speaker of the House of Representatives who is employed by the North Carolina Cooperative Extension Service and is knowledgeable in the area of wastewater treatment systems instead must instead be a certified water treatment facility operator under Article 2 of Chapter 90A of the General Statutes.

Section 4: Clarifies that the Board is authorized to develop and administer examinations for specific grade levels of certifications.

Sections 5 and 7: Shifts the control of the On-Site Wastewater Certification Fund from the Department of Environment and Natural Resources to the Board and provides that fees held by the Department shall be transferred to the Board.

Section 6: Amends the applicant certification requirements to require an applicant to complete the basic on-site wastewater education program approved by the Board for the specified grade levels as approved by the Board. This removes the option for an applicant who has experience in provided on-site wastewater system services to become certified by submitting affidavits of three people who are not related to the applicant for whom the applicant provided on-site wastewater services.

EFFECTIVE DATE: Senate Bill 706 would become effective when it becomes law.

S706-SMTA-13(e1) v1

SENATE BILL 833*

Short Title:	Delineate River Basins.	(Public)
Sponsors:	Senator Clodfelter.	
Referred to:	Agriculture/Environment/Natural Resources.	

March 25, 2009

A BILL TO BE ENTITLED

AN ACT TO DELINEATE THE BOUNDARIES OF THE RIVER BASINS OF NORTH CAROLINA FOR THE PURPOSE OF ALIGNING THE RIVER BASIN PLANNING PROGRAMS OF THE DIVISION OF WATER RESOURCES AND THE DIVISION OF WATER QUALITY IN THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, AS RECOMMENDED BY THE 2008 REPORT OF THE WATER ALLOCATION STUDY TO THE ENVIRONMENTAL REVIEW COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-215.22G(1) is repealed.

SECTION 2. G.S. 143-213 is amended by adding a new subdivision to read:

"**§ 143-213. Definitions.**

Unless the context otherwise requires, the following terms as used in this Article and Articles 21A and 21B of this Chapter are defined as follows:

...

(31) "River basin" means the area within North Carolina denoted by the eight-digit cataloging unit or series of eight-digit cataloging units organized by the United States Geologic Survey as follows:

a.	Albemarle Sound:	03010205.
b.	Broad River:	03050105.
c.	Cape Fear River:	03030002, 03030003, 03030004, 03030005, 03030006, and 03030007.
d.	Catawba River:	03050101, 03050102, and 03050103.
e.	Chowan River:	03010201, 03010202, 03010203, and 03010204.
f.	French Broad River:	06010105, 06010106, and 06010108.
g.	Hiwassee River:	06020002 and 06020003.
h.	Little Tennessee River:	06010202, 06010203, and 06010204.
i.	Lumber River:	03040203, 03040204, 03040206, and 03040208.
j.	Neuse River:	03020201, 03020202, 03020203, and 03020204.
k.	New River:	05050001.
l.	Onslow Bay:	03020301 and 03020302.
m.	Roanoke River:	03010102, 03010103, 03010104, 03010106, and 03010107.
n.	Savannah River:	03060101 and 03060102.
o.	Tar-Pamlico River:	03020101, 03020102, 03020103,

			03020104, and 03020105.
	p.	Watauga River:	06010103.
	q.	Yadkin-Pee Dee River:	03040101, 03040102, 03040103, 03040104, 03040105, 03040201, and 03040202."

SECTION 3. G.S. 77-90 reads as rewritten:

"**§ 77-90. Definitions.**

The following definitions apply in this Article:

(1) "Commission" means the Roanoke River Basin Bi-State Commission.

(2) "Roanoke River Basin" or "Basin" means that land area designated as the Roanoke River Basin by the North Carolina Department of Environment and Natural Resources pursuant to ~~G.S. 143-215.8B~~G.S. 143-213 and the Virginia State Water Control Board pursuant to Code of Virginia § 62.1-44.38."

SECTION 4. G.S. 77-110 reads as rewritten:

"**§ 77-110. Definitions.**

The following definitions apply in this Article:

(1) "Commission" or "commissions" means (i) the Catawba/Wateree River Basin Advisory Commission, (ii) the Yadkin/Pee Dee River Basin Advisory Commission, or (iii) both commissions, as required by the context.

(2) "River basin" or "river basins" means (i) that land area designated as the Catawba River Basin pursuant to ~~G.S. 143-215.22G~~G.S. 143-213 and that land area designated as the Catawba/Wateree River Basin by the South Carolina Department of Health and Environmental Control, (ii) that land area designated as the Yadkin (Yadkin-Pee Dee) River Basin pursuant to ~~G.S. 143-215.22G~~ G.S. 143-213 and that land area designated as the Yadkin/Pee Dee River Basin by the South Carolina Department of Health and Environmental Control, or (iii) both river basins, as required by the context."

SECTION 5. G.S. 143-214.14(a)(1) reads as rewritten:

"(1) "Basin" means a river basin as defined in ~~G.S. 143-215.22G~~ G.S. 143-213 or any ~~subbasin or~~ segment thereof."

SECTION 6. G.S. 143-215.8B(a) reads as rewritten:

"(a) The Commission shall develop and implement a basinwide water quality management plan for each of the 17 major river basins in the ~~State.~~State as defined in G.S. 143-213. In developing and implementing each plan, the Commission shall consider the cumulative impacts of all of the following:

(1) All activities across a river basin and all point sources and nonpoint sources of pollutants, including municipal wastewater facilities, industrial wastewater systems, septic tank systems, stormwater management systems, golf courses, farms that use fertilizers and pesticides for crops, public and commercial lawns and gardens, atmospheric deposition, and animal operations.

(2) All transfers into and from a river basin that are required to be registered under G.S. 143-215.22H."

SECTION 7.(a) Water Transfer Certificates. – Interbasin transfer certificates issued by the Environmental Management Commission under G.S. 143-215.22I, 143-215.22L, or 153A-285 prior to July 1, 2009, shall continue in effect. A person who has a certificate issued prior to July 1, 2009, may request a modification of the certification consistent with this act. A modification request shall be subject to the notice and hearing requirements set out in subdivision (3) of subsection (c) of G.S. 143-215.22L.

SECTION 7.(b) Water Classifications Unchanged. – This act shall not be interpreted to change the water quality classification of a water. Any classification that was applied to all waters within a river basin as it was defined prior to July 1, 2009, shall apply only to waters located within the river basin before that date. Reclassification of waters shall require rule making.

SECTION 8. This act becomes effective July 1, 2009.

SENATE BILL 833:
Delineate River Basins

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	April 16, 2009
Introduced by:	Senator Clodfelter	**Prepared by:**	Jennifer Mundt Legislative Analyst
Analysis of:	First Edition		

SUMMARY: Senate Bill 833 would delineate the boundaries of the river basins of the State for the purpose of aligning the river basin planning programs of the Division of Water Resources and the Division of Water Quality in the Department of Environment and Natural Resources as recommended by the 2008 Report of the Water Allocation Study to the Environmental Review Commission.

CURRENT LAW: The term "river basin" is defined in G.S. 143-215.22G(1) to mean:

> "Any of the following river basins designated on the map entitled 'Major River Basins and Sub-basins in North Carolina' and filed in the Office of the Secretary of State on 16 April 1991. The term 'river basin' includes any portion of the river basin that extends into another state. Any area outside North Carolina that is not included in one of the river basins listed in this subdivision comprises a separate river basin.

Broad River	French Broad River	New River
Haw River	Pigeon River	Albemarle Sound
Deep River	Hiwassee River	Ocoee River
Cape Fear River	Little Tennessee River	Roanoke River
South River	Tuskasegee (Tuckasegee) River	Tar River
Northeast Cape Fear River	Savannah River	Fishing Creek
New River	Lumber River	Pamlico River and Sound
Catawba River	Big Shoe Heel Creek	Watauga River
South Fork Catawba River	Waccamaw River	White Oak River
Chowan River	Shallotte River	Yadkin (Yadkin-Pee Dee) River
Meherrin River	Neuse River	South Yadkin River
Nolichucky River	Contentnea Creek	Uwharrie River
	Trent River	Rocky River"

*A map that shows the river basin delineation pursuant to G.S. 143-215.22G(1) is included as **Attachment 1.***

BILL ANALYSIS: Senate Bill 833 would delineate the river basins of North Carolina for the purpose of aligning the river basin planning programs of the Divisions of Water Resources and Water Quality in the Department of Environment and Natural Resources. The bill would define the revised delineation of the State's river basins in G.S. 143-213 and would apply to Chapter 143 of the General Statutes that pertains to Air and Water Resources (Article 21).

Section 1 of the bill repeals the current delineation of river basins and sub-basins under G.S. 143-215.22G(1).

Section 2 of the bill delineates the river basins as the area within North Carolina denoted by the eight-digit cataloging units or series of eight-digit cataloging units organized by the United States Geologic Survey. *Maps that show the river basin delineation pursuant to proposed G.S. 143-213(31) and superimposed maps of existing and proposed river basin delineations on one page are included as* ***Attachments 2 and 3*** *respectively.*

Sections 3, 4, 5, and 6 of the bill make conforming changes to four sections of the General Statutes to amend cross references to G.S. 143-215.22G(1) to G.S. 143-213 as proposed in this bill.

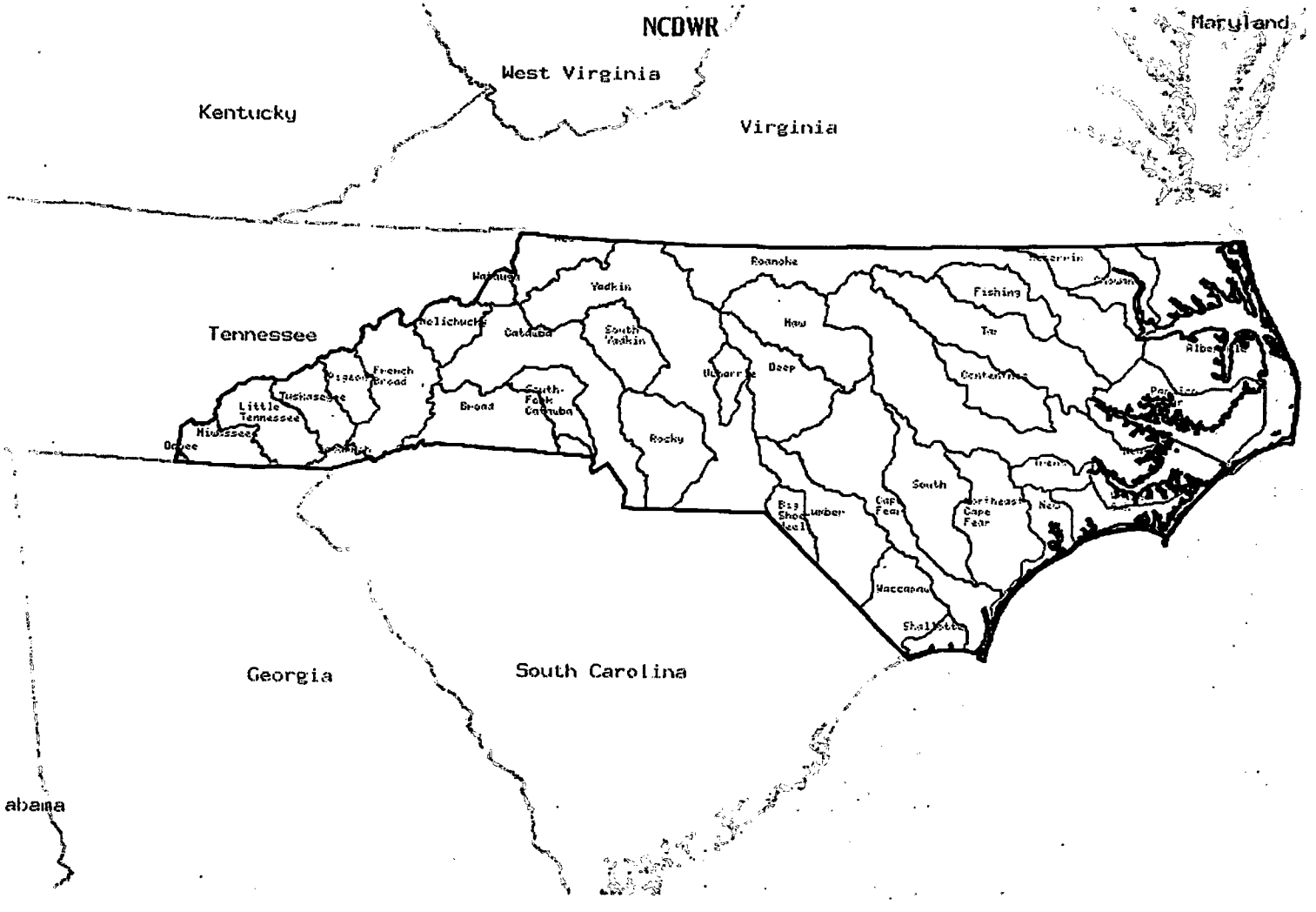
Section 7.(a) provides that interbasin transfer certificates issued by the Environmental Management Commission prior to July 1, 2009 must continue in effect and that a person who has a certificate that was issued prior to July 1, 2009 may request a modification of the certificate that is consistent with the changes made in this bill. Requests for modifications will be subject to the notice and hearing requirements that are set out in the interbasin transfer laws.

Section 7.(b) provides that any water classification that applied to all waters within a river basin as it was defined prior to July 1, 2009 will apply only to those waters located within the river basin before that date. Reclassification of waters will require rulemaking.

EFFECTIVE DATE: Senate Bill 833 would become effective July 1, 2009.

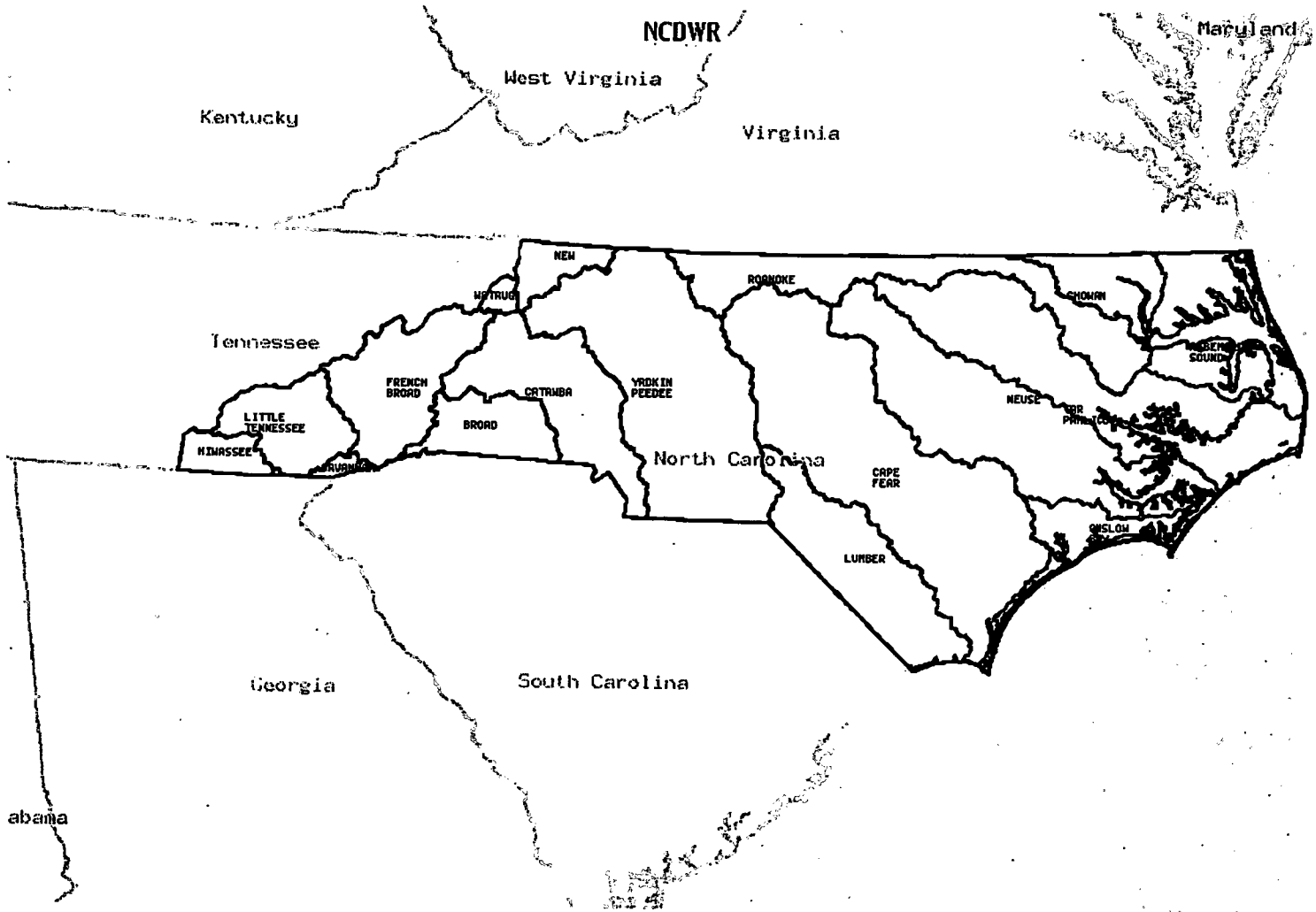
S833-SMTA-14(e1) v1

G.S. 143-215.22G Major River Basins and Sub-Basins



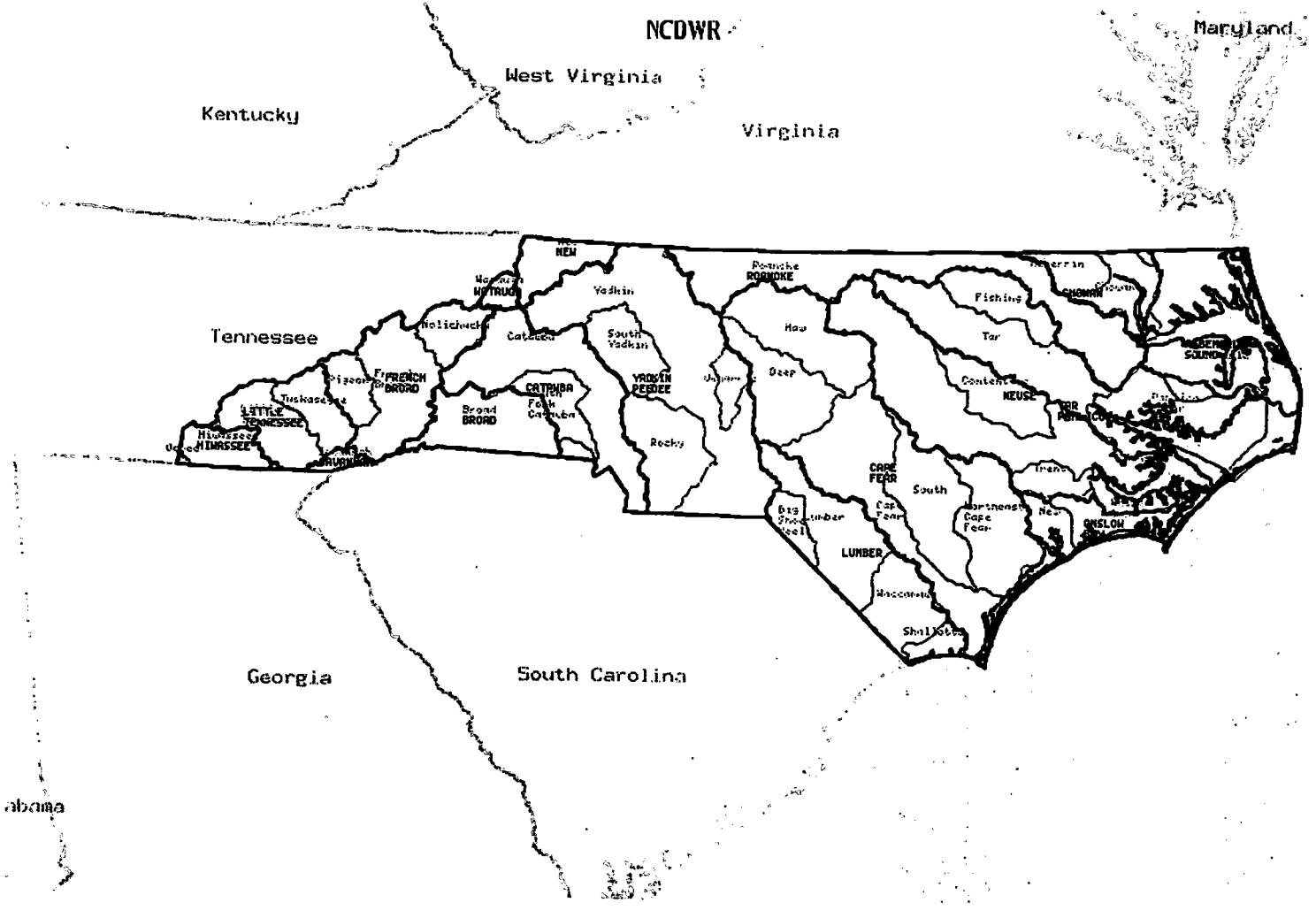
Attachment 1

Senate Bill 833/House Bill 802
Basin Delineation



Attachment 2

G.S. 143-215.22G Major River Basins and Sub-Basins (Red)
Senate Bill 833/House Bill 802 - Basin Delineation (Black)



Attachment 3

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — April 16, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Sarah Clapp	NCWRC
Elizabeth Biser	DENR
Steve Wall	DENR
Brennan Buckley	Carl Daessel & McKee
Kim Hibbard	NCLM
Chris Valauri	NC Equine Advisory Forum

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — April 16, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Tom Fransen	DWR, NCDENR
Tom Reeder	DWR, NCDENR
Lisa Martin	NC Home Builders
R. Paul Wilms	WCR
Tom Bean	NC EDF NCSEA NCWF
Doug Lassiter	NCSTA
Joe McClees	NC Pumpers Group
L. Andrews	NCFB

Principal Clerk ____
Reading Clerk ____

Corrected: Remove SB 1067

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on **Agriculture/Environment/Natural Resources** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	April 21, 2009	11:00 AM	544 LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 636	Grant Funds/Relocate Condemn Water Structure.	Senator Brown

Senator Bob Atwater, Chair

Senate Agriculture/Environment/Natural Resources Committee
Tuesday, April 21, 2009, 11:00 AM
544 LOB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

SB 636	Grant Funds/Relocate Condemn Water Structure.	Senator Brown

Presentations

Other Business

Adjournment

SENATE AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE
Tuesday April 21, 2009 at 11:00 AM
Room 544, Legislative Office Building

MINUTES

The Senate Agriculture/Environment/Natural Resources Committee met at 11:00 AM on April 21, 2009, in Room 544 of the Legislative Office Building. 15 members of the committee were present. Senator Bob Atwater presided.

After Senator Atwater welcomed everyone and introduced the pages, the following bills were discussed:

SB 626, Grant Funds/Relocate Condemn Water Structure.

Senator Atwater asked Senator Brown to explain the bill. After his explanation, he asked Ms. Robin Smith, Assistant Secretary with the Department of Environment and Natural Resources (DENR), to make comments on the bill. Ms. Smith stated that DENR thought the bill needed work and several changes needed to be made, but DENR was willing to work with Senator Brown as the bill moved forward. Several questions were asked by Committee members with responses by Senator Brown, Ms. Smith and Mr. Jeff Hudson, Staff Counsel. Senator Atwater told the Committee that no action would be taken on the bill and asked Senator Brown to try to clear up the Committee members' and DENR's concerns before the next meeting, when the bill would be heard again.

The meeting was adjourned at 11:35 AM.

Bob Atwater
Senator Bob Atwater, Chair

Sarah Murphy
Sarah Murphy, Committee Clerk

SENATE BILL 636

Short Title:	Grant Funds/Relocate Condemn Water Structure.	(Public)
Sponsors:	Senators Brown; and Preston.	
Referred to:	Agriculture/Environment/Natural Resources.	

March 18, 2009

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE WATER RESOURCES DEVELOPMENT PROGRAM MAY AWARD GRANTS TO LOCAL GOVERNMENTS TO RELOCATE IMMINENTLY THREATENED STRUCTURES OR DEMOLISH CONDEMNED STRUCTURES LOCATED IN THE OCEAN OR INLET HAZARD AREAS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-215.71 reads as rewritten:

"**§ 143-215.71. Purposes for which grants may be requested.**

Applications for grants may be made for the nonfederal share of water resources development projects for the following purposes in amounts not to exceed the percentage of the nonfederal costs indicated:

(1) General navigation projects that are sponsored by local governments – eighty percent (80%);

(2) Recreational navigation projects – twenty-five percent (25%);

(3) Construction costs for water management (flood control and drainage) purposes, including utility and road relocations not funded by the State Department of Transportation – sixty-six and two-thirds percent (66 2/3%), but only of that portion of the project specifically allocated for such flood control or drainage purposes;

(4) Stream restoration – sixty-six and two-thirds percent (66 2/3%);

(5) Protection of privately owned beaches where public access is allowed and provided for – seventy-five percent (75%);

(6) Land acquisition and facility development for water-based recreation sites operated by local governments – fifty percent (50%);

(7) Aquatic weed control projects sponsored by local governments – fifty percent ~~(50%).~~(50%); or

(8) Relocation of imminently threatened structures or demolition of condemned structures located in the ocean or inlet hazard areas as delineated by the NC Division of Coastal Management – one hundred percent (100%)."

SECTION 2. This act becomes effective July 1, 2009.

SENATE BILL 636: Grant Funds/Relocate Condemn Water Structure

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	April 21, 2009
Introduced by:	Senator Brown	**Prepared by:**	Jeff Hudson Committee Counsel
Analysis of:	First Edition		

SUMMARY: Senate Bill 636 would add relocation of imminently threatened structures or demolition of condemned structures located in the ocean or inlet hazard areas to the list of eligible projects under the Grants Program for Water Resources Development Projects.

[As introduced, this bill was identical to H736, as introduced by Rep. Spear, which is currently in House Environment and Natural Resources, if favorable, Water Resources and Infrastructure, if favorable, Appropriations.]

CURRENT LAW: The Grants Program for Water Resources Development Projects (Program) authorizes the Secretary of Environment and Natural Resources to accept applications for nonfederal costs relating to water resources development projects sponsored by local governments. Local governments may apply for the following types of projects in amounts that do not exceed the percentage of the nonfederal cost indicated:

- General navigation projects that are sponsored by local governments – (80%)
- Recreational navigation projects – (25%)
- Construction costs for water management (flood control and drainage) purposes, including utility and road relocations not funded by the State Department of Transportation – (66 2/3%), but only of that portion of the project specifically allocated for such flood control or drainage purposes
- Stream restoration – (66 2/3%)
- Protection of privately owned beaches where public access is allowed and provided for – (75%)
- Land acquisition and facility development for water-based recreation sites operated by local governments – (50%)
- Aquatic weed control projects sponsored by local governments – (50%)

In reviewing grant applications, the Secretary must consider the economic, social, and environmental benefits to be provided by the projects; the regional benefits of projects to an area greater than the area under the jurisdiction of the local sponsoring entity; the financial resources of the local sponsoring entity; the environmental impact of the project; and any direct benefit to State owned lands and properties.

BILL ANALYSIS: Senate Bill 636 would add relocation of imminently threatened structures or demolition of condemned structures located in the ocean or inlet hazard areas to the list of eligible projects. The bill would also provide that up to 100% of the nonfederal cost of such projects could be funded by a grant from the Program.

EFFECTIVE DATE: This act would become effective July 1, 2009.

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — April 21, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
	NRS
	NCSTA
Heather Barnett	Hunton & Williams
L. Andrews	NCFB
	NPC
Joe Lanier	SZO Wicker
Meg O'Donnell	CEFS
Kate DeMayo	CPSA
Leslie Arnold	SOG - Daily Bulletin
Kathy Everett-Perry	Durham County
	Durham County

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — April 21, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Wren Crawford	CCNC
Tom Bean	NC EDF
Alicia Davis	MWC
Elizabeth Bias	Duke
John Sutherland	DENR
Anthony Arrow	NCACC
Mike Storey	Coca Cola Bottling Consolidated
Lauren Steele	Coca-Cola Consolidated
Doug Hopkins	The Coca-Cola Company
Henry Huntsdf	N.C.B.A.
Mia Bailey	Electricities of NC, Inc
Kim Hibbard	NCLM

Principal Clerk ____
Reading Clerk ____

Corrected: SB 760 and SB 885 REMOVED

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on **Agriculture/Environment/Natural Resources** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	April 28, 2009	11:00 AM	544 LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 636	Grant Funds/Relocate Condemn Water Structure.	Senator Brown
SB 832	CRC May Permit Terminal Groin.	Senator Boseman
SB 886	Improve Success of FMPs.	Senator Vaughan

Senator Bob Atwater, Chair

Senate Agriculture/Environment/Natural Resources Committee
Tuesday, April 28, 2009, 11:00 AM
544 LOB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

SB 636	Grant Funds/Relocate Condemn Water Structure.	Senator Brown
SB 886	Improve Success of FMPs.	Senator Vaughan
SB 832	CRC May Permit Terminal Groin.	Senator Boseman

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE REPORT
Senator Bob Atwater, Chair

Tuesday, April 28, 2009

Senator ATWATER,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

S.B. **636** Grant Funds/Relocate Condemn Water Structure.

Draft Number:	35299
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 1

Committee Clerk Comments:

SENATE AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE
Tuesday April 28, 2009 at 11:00 AM
Room 544, Legislative Office Building

MINUTES

The Senate Agriculture/Environment/Natural Resources Committee met at 11:00 AM on April 28, 2009, in Room 544 of the Legislative Office Building. Sixteen members of the committee were present. Senator Bob Atwater presided.

After Senator Atwater welcomed everyone and introduced the pages, the following bills were discussed:

- **SB 636, Grant Funds/Relocate Condemn Water Structure.**

Senator Weinstein moved to adopt the PCS for purposes of discussion. Motion carried. Senator Atwater asked Mr. Jeff Hudson, Staff Counsel, to explain the PCS in the absence of the bill sponsor, Senator Brown. After Mr. Hudson's explanation of the PCS, **Senator Tillman moved for an unfavorable report to the original bill and a favorable report for the PCS. Motion carried.**

- **SB 832, CRC May Permit Terminal Groin.**

Senator Queen moved to adopt the PCS for purposes of discussion. Motion carried. The bill sponsor, Senator Boseman, made a few comments on the bill and then asked Mr. Jeff Hudson to explain the PCS.

Next, Senator Atwater asked interested parties to speak on the bill. The following persons spoke in favor of SB 832:

1) The Honorable Debbie Smith, Mayor of Ocean Isle Beach.
2) The Honorable Harry Simmons, Mayor of Caswell Beach.

The following persons spoke against SB 832:

1) Dr. Robert Young, Director of the Program for the Study of Developed Shorelines at Western Carolina University (comments attached).
2) Mr. Chris Canfield, Executive Director & Vice President of Audubon North Carolina (comments attached).
3) Ms. Robin Smith, Assistant Secretary of the Department of Environment and Natural Resources (DENR) stated that DENR opposes the bill in its current form because it does not offer protection for public beaches and adjacent and down drift property owners and may eviscerate the current statute. Also, the bill does not provide standards for approving these structures and may actually interfere with the application of existing rules.

After the speakers, Senator Atwater opened discussion for Committee Members' questions. Senator Weinstein asked who would pay for the structures and Senator Boseman replied that the communities would pay for them. Senator Albertson voiced frustration over this difficult situation. He said that the Legislators, himself included, have allowed people to build where they are now in a position of being washed away and now the Legislators are in a difficult situation.

Senator Kinnaird added that perhaps a long term solution would be to buy out the property owners as was done after the floods of Hurricane Floyd.

Senator Clodfelter then asked a series of questions:

- Is the definition of "temporary erosion control structure" a new definition? Mr. Hudson responded that it is in existing law of subsection (b) in the CRC rules.
- Is the definition of "terminal groin" much broader than the Army Corps of Engineers definition? Ms. Smith with DENR responded that the definition was pretty close to the Army Corps of Engineers Field Manual.
- Based on the definition of "terminal groin" as stated in the bill, could it be placed somewhere other than the end of an island or inlet? Ms. Smith said that it would be possible but she did not believe it would be in the middle of a barrier island.

Senator Bingham then asked why the scientific community was against the structures if other coastal states have approved them and they seem to work. Dr. Young replied that without being flip, it is because North Carolina is just smarter and has a twenty year history of wise coastal management. Other states have had to add more and more structures to offset increased erosion problems.

Senator Rouser asked if there was anything in the bill that mandates CRC to approve the terminal groins or would it be on a case by case basis. Mr. Hudson replied that it is at the discretion of the CRC and it would be on a case by case basis. Senator Rouser then stated that he felt that this debate should occur with the CRC and he moved for a favorable report at the appropriate time.

Senator Allran next stated that he felt there was no questions that if these terminal groins are used, some people would benefit and others would not. The bill states that terminal groins would not interrupt the natural movement of sand along the shoreline, but he would like to have someone from the scientific community respond to his opinion that they are not any different from other non-natural structures and are not innocuous as the language in the bill suggests. Dr. Young responded that it is the unanimous scientific opinion that terminal groins are no different than other hard structures that are design to trap and hold sand and if it is holding sand than it is depriving someplace else of sand.

Senator Brown stated that the State has spent millions of dollars renourishing the beaches and it was time to try something different. The bill states that the community may be required to provide money to remove the structure if it is not working after five years.

Senator Preston added that the CRC was being authorized to look at the situation case by case and make a determination based on its findings. Senator Weinstein added that it was his understanding that if there were enough people in the local community that were against the structures then they would not be built.

No action was taken on the bill, and the meeting was adjourned at 11:55 AM.

Bob Atwater
Senator Bob Atwater, Presiding

Carol Resar
Carol Resar, Committee Clerk

SENATE BILL 636

Short Title:	Grant Funds/Relocate Condemn Water Structure.	(Public)
Sponsors:	Senators Brown; and Preston.	
Referred to:	Agriculture/Environment/Natural Resources.	

March 18, 2009

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE WATER RESOURCES DEVELOPMENT PROGRAM MAY AWARD GRANTS TO LOCAL GOVERNMENTS TO RELOCATE IMMINENTLY THREATENED STRUCTURES OR DEMOLISH CONDEMNED STRUCTURES LOCATED IN THE OCEAN OR INLET HAZARD AREAS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-215.71 reads as rewritten:

"**§ 143-215.71. Purposes for which grants may be requested.**

Applications for grants may be made for the nonfederal share of water resources development projects for the following purposes in amounts not to exceed the percentage of the nonfederal costs indicated:

(1) General navigation projects that are sponsored by local governments – eighty percent (80%);

(2) Recreational navigation projects – twenty-five percent (25%);

(3) Construction costs for water management (flood control and drainage) purposes, including utility and road relocations not funded by the State Department of Transportation – sixty-six and two-thirds percent (66 2/3%), but only of that portion of the project specifically allocated for such flood control or drainage purposes;

(4) Stream restoration – sixty-six and two-thirds percent (66 2/3%);

(5) Protection of privately owned beaches where public access is allowed and provided for – seventy-five percent (75%);

(6) Land acquisition and facility development for water-based recreation sites operated by local governments – fifty percent (50%);

(7) Aquatic weed control projects sponsored by local governments – fifty percent ~~(50%).~~(50%); or

(8) Relocation of imminently threatened structures or demolition of condemned structures located in the ocean or inlet hazard areas as delineated by the NC Division of Coastal Management – one hundred percent (100%)."

SECTION 2. This act becomes effective July 1, 2009.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S D

SENATE BILL 636
PROPOSED COMMITTEE SUBSTITUTE S636-CSSB-14 [v.2]

4/27/2009 2:38:39 PM

Short Title: Reimburse Beach Nuisance Abatement Cost. (Public)

Sponsors:

Referred to:

March 18, 2009

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT FUNDS IN THE WATER RESOURCES DEVELOPMENT PROGRAM MAY BE AWARDED TO A LOCAL GOVERNMENT FOR NUISANCE ABATEMENT COSTS THAT THE LOCAL GOVERNMENT CANNOT RECOVER FROM THE OWNER OF THE NUISANCE STRUCTURE AND TO PROVIDE FOR A STUDY OF MEASURES TO MITIGATE THE IMPACT OF EROSION-THREATENED STRUCTURES ON THE PUBLIC BEACH.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-215.71 reads as rewritten:

"**§ 143-215.71. Purposes for which grants may be requested.**

Applications for grants may be made for the nonfederal share of water resources development projects for the following purposes in amounts not to exceed the percentage of the nonfederal costs indicated:

(1) General navigation projects that are sponsored by local governments – eighty percent (80%);

(2) Recreational navigation projects – twenty-five percent (25%);

(3) Construction costs for water management (flood control and drainage) purposes, including utility and road relocations not funded by the State Department of Transportation – sixty-six and two-thirds percent (66 2/3%), but only of that portion of the project specifically allocated for such flood control or drainage purposes;

(4) Stream restoration – sixty-six and two-thirds percent (66 2/3%);

(5) Protection of privately owned beaches where public access is allowed and provided for – seventy-five percent (75%);

(6) Land acquisition and facility development for water-based recreation sites operated by local governments – fifty percent (50%);

(7) Aquatic weed control projects sponsored by local governments – fifty percent ~~(50%).~~(50%); or

(8) Reimbursement of costs incurred by a local government to abate a nuisance caused by a structure that has been damaged or destroyed in the ocean hazard area of environmental concern as designated by the Coastal Resources Commission pursuant to G.S. 113A-113. – one hundred percent (100%) of the nuisance abatement costs that the local government cannot recover from the owner of the structure."

SECTION 2.a. The Department of Environment and Natural Resources, in consultation with the North Carolina Department of Insurance, the Federal Emergency Management Agency, and local government representatives from municipalities and counties with jurisdiction over ocean and inlet shorelines, shall study measures to mitigate the impact of erosion-threatened structures on the public beach and reduce potential public costs by relocating imminently threatened structures. In conducting the study, the Department of Environment and Natural Resources shall do all of the following:

1. Identify potential sources of funding for relocation of structures, including federal hazard mitigation funds and insurance policies.
2. Review programs in other states that address erosion hazards through relocation of imminently threatened structures.
3. Describe existing State and local government authority to address erosion-threatened structures on ocean and inlet shorelines.
4. Identify potential obstacles to creation of a hazard mitigation program to relocate imminently threatened structures.

SECTION 2.b. The Department of Environment and Natural Resources shall report the results of the study and any recommendations to the Environmental Review Commission no later than September 1, 2010.

SECTION 3. This act becomes effective July 1, 2009.

SENATE BILL 636:
Reimburse Beach Nuisance Abatement Cost.

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	April 28, 2009
Introduced by:	Senator Brown	**Prepared by:**	Jeff Hudson Committee Counsel
Analysis of:	PCS to First Edition S636-CSSB-14 [v.1]		

SUMMARY: ***The Proposed Committee Substitute for Senate Bill 636 would add reimbursement of the nuisance abatement costs of removing a damaged or destroyed structure from the beach to the list of eligible projects under the Grants Program for Water Resources Development Projects.***

[As introduced, this bill was identical to H736, as introduced by Rep. Spear, which is currently in House Environment and Natural Resources.

CURRENT LAW: The Grants Program for Water Resources Development Projects (Program) authorizes the Secretary of Environment and Natural Resources to accept applications for nonfederal costs relating to water resources development projects sponsored by local governments. Local governments may apply for the following types of projects in amounts that do not exceed the percentage of the nonfederal cost indicated:

- General navigation projects that are sponsored by local governments – (80%)
- Recreational navigation projects – (25%)
- Construction costs for water management (flood control and drainage) purposes, including utility and road relocations not funded by the State Department of Transportation – (66 2/3%), but only of that portion of the project specifically allocated for such flood control or drainage purposes
- Stream restoration – (66 2/3%)
- Protection of privately owned beaches where public access is allowed and provided for – (75%)
- Land acquisition and facility development for water-based recreation sites operated by local governments – (50%)
- Aquatic weed control projects sponsored by local governments – (50%)

In reviewing grant applications, the Secretary must consider the economic, social, and environmental benefits to be provided by the projects; the regional benefits of projects to an area greater than the area under the jurisdiction of the local sponsoring entity; the financial resources of the local sponsoring entity; the environmental impact of the project; and any direct benefit to State owned lands and properties.

BILL ANALYSIS: The Proposed Committee Substitute for Senate Bill 636 (PCS) would add reimbursement of costs incurred by a local government to abate a nuisance caused by a structure that has been damaged or destroyed in the ocean hazard area of environmental concern as designated by the Coastal Resources Commission to the list of eligible projects under the Grants Program for Water Resources Development Projects. The local government would be eligible for 100% of the nuisance abatement costs that the local government cannot recover from the owner of the structure.

S636-SMSB-15(CSSB-14) v2

SENATE BILL 832

Short Title:	CRC May Permit Terminal Groin.	(Public)
Sponsors:	Senators Boseman; Brown, Preston, and Soles.	
Referred to:	Agriculture/Environment/Natural Resources.	

March 25, 2009

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE COASTAL RESOURCES COMMISSION MAY AUTHORIZE THE CONSTRUCTION OF A TERMINAL GROIN BY VARIANCE IF CERTAIN CRITERIA ARE MET.

Whereas, the State of North Carolina has 320 miles of coastline and 19 inlets that are both a public trust and a significant economic resource; and

Whereas, shifting inlets have resulted in enormous losses of public beach access, property, business, and infrastructure, costing counties and cities all along North Carolina's coast tens of millions of dollars in reconstruction cost and lost tax revenue; and

Whereas, every coastal state in the U.S. except North Carolina and Oregon allow for some manner of protection from the problem of shifting inlets; and

Whereas, a terminal groin, also known as a terminal structure, is a structure that is built on one side of an inlet shoreline to prevent movement of sand into the inlet or on an isolated segment of shoreline where it will not interrupt the natural movement of sand along the shoreline; and

Whereas, inlets in North Carolina at Fort Macon and Pea Island are already successfully protected by terminal structures; and

Whereas, a terminal structure is unobtrusive and permeable, basically placing a template back where the land and beach was, allowing it to fill again with sand without detrimental consequences to the coastline; and

Whereas, a terminal structure differs both in form and in function from other erosion control structures such as seawalls or jetties; and

Whereas, it is reasonable to allow the Coastal Resources Commission to consider authorizing the construction of a terminal structure by variance or by rule making if the Commission finds that the criteria for issuance of a variance are met or adopts rules allowing construction; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113A-115.1 reads as rewritten:

"**§ 113A-115.1. Limitations on erosion control structures.**

(a) As used in this section:

(1) "Erosion control structure" means a breakwater, bulkhead, groin, jetty, revetment, seawall, or any similar structure.

(1a) "Littoral cell" means any section of coastline that has its own sediment sources and sediment sinks and is isolated from adjacent coastal reaches in terms of sediment movement.

(2) "Ocean shoreline" means the Atlantic Ocean, the oceanfront beaches, and frontal dunes. The term "ocean shoreline" includes an ocean inlet and lands

adjacent to an ocean inlet but does not include that portion of any inlet and lands adjacent to the inlet that exhibits characteristics of estuarine shorelines.

(3) "Temporary erosion control structure" means sandbags placed above mean high water and parallel to the ocean shoreline regardless of time limits imposed on any permit.

(4) "Terminal groin" means a groin that is constructed at the end of a littoral cell or on the side of an inlet to limit or control sediment passage into the inlet channel.

(b) No person shall construct a permanent erosion control structure in an ocean shoreline. The Commission shall not permit the construction of a temporary erosion control structure that consists of anything other than sandbags in an ocean shoreline. This section shall not apply to (i) any permanent erosion control structure that is approved pursuant to an exception set out in a rule adopted by the Commission prior to 1 July 2003 or (ii) any permanent erosion control structure that was originally constructed prior to 1 July 1974 and that has since been in continuous use to protect an inlet that is maintained for navigation. This section shall not be construed to limit the authority of the Commission to adopt rules to designate or protect areas of environmental concern, to govern the use of sandbags, or to govern the use of erosion control structures in estuarine shorelines.

(c) The Commission may renew a permit for an erosion control structure issued pursuant to a variance granted by the Commission prior to 1 July 1995. The Commission may authorize the replacement of a permanent erosion control structure that was permitted by the Commission pursuant to a variance granted by the Commission prior to 1 July 1995 if the Commission finds that: (i) the structure will not be enlarged beyond the dimensions set out in the original permit; (ii) there is no practical alternative to replacing the structure that will provide the same or similar benefits; and (iii) the replacement structure will comply with all applicable laws and with all rules, other than the rule or rules with respect to which the Commission granted the variance, that are in effect at the time the structure is replaced.

(d) In addition to the exceptions set out in subsection (b) of this section, the Commission may approve a permit for construction of a terminal groin as a sediment management device pursuant to a variance under G.S. 113A-120.1 or through rule making. A permit may be issued under this section notwithstanding Commission rules or policies that would otherwise prohibit such construction. Every application for a permit to construct a terminal groin under this section shall be accompanied by an environmental impact statement that meets the requirements of G.S. 113A-4. A permit issued for a terminal groin pursuant to this section may require any permittee other than a State agency, federal agency, or unit of local government to provide financial assurance, in the form of a bond, insurance policy, escrow account, or other financial instrument, that is adequate to cover the cost of removal of the terminal groin if the Commission determines through monitoring results that the terminal groin project has an adverse impact on the environment or on other properties that cannot be sufficiently mitigated. The Commission may require the permittee to maintain financial assurance provided under this subsection for no more than five years after construction of the terminal groin."

SECTION 2. This act is effective when it becomes law and expires July 1, 2013.

SENATE BILL 832:
CRC May Permit Terminal Groin

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	April 28, 2009
Introduced by:	Senator Boseman	**Prepared by:**	Jeff Hudson Committee Counsel
Analysis of:	First Edition		

SUMMARY: ***Senate Bill 832 would authorize the Coastal Resources Commission to permit the construction of terminal groins along the ocean shoreline.***

CURRENT LAW:

Generally, current law prohibits the construction of permanent erosion control structures such as groins along the ocean shoreline. Exceptions to this prohibition exist for any permanent erosion control structure approved by the Coastal Resources Commission (Commission) prior to July 1, 2003 or any permanent erosion control structure that was originally constructed prior to July 1, 1974 that has been in continuous use to protect an inlet maintained for navigation. The Commission may renew a permit for an erosion control structure issued pursuant to a variance granted by the Commission prior to July 1, 1995. In addition, the Commission may authorize the replacement of a permanent erosion control structure that was permitted by the Commission pursuant to a variance granted by the Commission if certain conditions are met.

BILL ANALYSIS:

Senate Bill 832 would authorize the Coastal Resources Commission to permit the construction of terminal groins along the ocean shoreline. An application for a terminal groin must include an environmental impact statement under the State Environmental Policy Act. A permit for a terminal groin may require the permittee to provide financial assurance that is adequate to cover the cost of removal of the terminal groin if the Commission determines that the terminal groin has an adverse impact on the environment or on other properties that cannot be sufficiently mitigated. Financial assurance may not be required for more than five years after the construction of the terminal groin.

Senate Bill 832 defines a "terminal groin" as a groin that is constructed at the end of a littoral cell or on the side of an inlet to limit or control sediment passage into the inlet channel. A "littoral cell" is a section of coastline that has its own sediment sources and sediment sinks and is isolated from adjacent coastal reaches in terms of sediment movement.

According to the Coastal Area Management Act Handbook for Development in Coastal North Carolina, a groin is an erosion-control structure built perpendicular to the shoreline. Often used on a small scale along the shores of North Carolina's sounds and tidal rivers to protect individual properties, wooden and riprap groins offer protection from gradual erosion by slowing wave action and trapping sand.

EFFECTIVE DATE: This act would become effective when it becomes law and expire July 1, 2013.

Jennifer Mundt, Legislative Analyst to the Senate Committee on Agriculture, Environment, and Natural Resources, substantially contributed to this summary.

S832-SMSB-10(e1) v2

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S D

SENATE BILL 832
PROPOSED COMMITTEE SUBSTITUTE S832-CSSB-9 [v.1]

4/8/2009 3:37:15 PM

Short Title: CRC May Permit Terminal Groin. (Public)

Sponsors:

Referred to:

March 25, 2009

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE COASTAL RESOURCES COMMISSION MAY AUTHORIZE THE CONSTRUCTION OF A TERMINAL GROIN BY VARIANCE IF CERTAIN CRITERIA ARE MET.

Whereas, the State of North Carolina has 320 miles of coastline and 19 inlets that are both a public trust and a significant economic resource; and

Whereas, shifting inlets have resulted in enormous losses of public beach access, property, business, and infrastructure, costing counties and cities all along North Carolina's coast tens of millions of dollars in reconstruction cost and lost tax revenue; and

Whereas, every coastal state in the U.S. except North Carolina and Oregon allow for some manner of protection from the problem of shifting inlets; and

Whereas, a terminal groin, also known as a terminal structure, is a structure that is built on one side of an inlet shoreline to prevent movement of sand into the inlet or on an isolated segment of shoreline where it will not interrupt the natural movement of sand along the shoreline; and

Whereas, inlets in North Carolina at Fort Macon and Pea Island are already successfully protected by terminal structures; and

Whereas, a terminal structure is unobtrusive and permeable, basically placing a template back where the land and beach was, allowing it to fill again with sand without detrimental consequences to the coastline; and

Whereas, a terminal structure differs both in form and in function from other erosion control structures such as seawalls or jetties; and

Whereas, it is reasonable to allow the Coastal Resources Commission to consider authorizing the construction of a terminal structure by variance or by rule making if the Commission finds that the criteria for issuance of a variance are met or adopts rules allowing construction; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113A-115.1 reads as rewritten:

"**§ 113A-115.1. Limitations on erosion control structures.**

(a) As used in this section:

(1) "Erosion control structure" means a breakwater, bulkhead, groin, jetty, revetment, seawall, or any similar structure.

(1a) "Littoral cell" means any section of coastline that has its own sediment sources and sediment sinks and is isolated from adjacent coastal reaches in terms of sediment movement.

(2) "Ocean shoreline" means the Atlantic Ocean, the oceanfront beaches, and frontal dunes. The term "ocean shoreline" includes an ocean inlet and lands adjacent to an ocean inlet but does not include that portion of any inlet and lands adjacent to the inlet that exhibits characteristics of estuarine shorelines.

(3) "Temporary erosion control structure" means sandbags placed above mean high water and parallel to the ocean shoreline regardless of time limits imposed on any permit.

(4) "Terminal groin" means a groin that is constructed at the end of a littoral cell or on the side of an inlet to limit or control sediment passage into the inlet channel.

(b) No person shall construct a permanent erosion control structure in an ocean shoreline. The Commission shall not permit the construction of a temporary erosion control structure that consists of anything other than sandbags in an ocean shoreline. This section shall not apply to (i) any permanent erosion control structure that is approved pursuant to an exception set out in a rule adopted by the Commission prior to 1 July 2003 or (ii) any permanent erosion control structure that was originally constructed prior to 1 July 1974 and that has since been in continuous use to protect an inlet that is maintained for navigation. This section shall not be construed to limit the authority of the Commission to adopt rules to designate or protect areas of environmental concern, to govern the use of sandbags, or to govern the use of erosion control structures in estuarine shorelines.

(c) The Commission may renew a permit for an erosion control structure issued pursuant to a variance granted by the Commission prior to 1 July 1995. The Commission may authorize the replacement of a permanent erosion control structure that was permitted by the Commission pursuant to a variance granted by the Commission prior to 1 July 1995 if the Commission finds that: (i) the structure will not be enlarged beyond the dimensions set out in the original permit; (ii) there is no practical alternative to replacing the structure that will provide the same or similar benefits; and (iii) the replacement structure will comply with all applicable laws and with all rules, other than the rule or rules with respect to which the Commission granted the variance, that are in effect at the time the structure is replaced.

(d) In addition to the exceptions set out in subsection (b) of this section, the Commission may approve a permit for construction of a terminal groin as a sediment management device pursuant to a variance under G.S. 113A-120.1 or through rule making. A permit may be issued under this section notwithstanding Commission rules or policies that would otherwise prohibit such construction. Every application for a permit to construct a terminal groin under this section shall be accompanied by an environmental impact statement that meets the requirements of G.S. 113A-4. A permit issued for a terminal groin pursuant to this section may require any permittee other than a State agency, federal agency, or unit of local government to provide financial assurance, in the form of a bond, insurance policy, escrow account, or other financial instrument, that is adequate to cover the cost of removal of the terminal groin if the Commission determines through monitoring results that the terminal groin project has an adverse impact on the environment or on other properties that cannot be sufficiently mitigated. The Commission may require the permittee to maintain financial assurance provided under this subsection for no more than five years after construction of the terminal groin."

SECTION 2. This act is effective when it becomes law.

North Carolina Coastal Scientists Statement Regarding Senate Bill 832:

The following statement represents the opinions of the vast majority of this state's coastal geologists: Dr. Rob Young (WCU), Dr Len Pietrafesa (NCSU), Dr Stan Riggs (ECU), Dr. J.P. Walsh (ECU), Dr. Steve Culver (ECU), Dr. Dave Mallinson (ECU), Dr. Pete Peterson (UNC-CH), Dr. Tony Rodriguez (UNC-CH), Dr. Matt Stutz (Meredith), Dr. Duncan Heron (Duke). We are not anti-development. Nor are we an environmental lobby. We are simply electing to play our role in helping the state develop sound, science-based policy. These opinions do not represent the actual, or implied positions of our host institutions.

1) In 2003, the North Carolina Legislature voted unanimously to ban the construction of new, permanent erosion control structures from North Carolina's ocean shorelines (including inlets) Session Law 2003-427. There were no dissenting votes in either chamber! This unanimity results from the recognition that the CRCs ban on coastal hard structures enacted in 1985 had served the state well. It was, and is, sound fiscal, environmental, and management policy. Overturning or weakening this ban would be a mistake.

2) S832 would permit the construction of "terminal groins". As proposed, these structures could/would be constructed at inlets or "on an isolated segment of shoreline where it will not interrupt the natural movement of sand." In other words not just at inlets.

The following comments argue against permitting this exception to our state's long-standing, hard structure ban from a scientific perspective:

1) Any coastal structure designed to trap or hold sand in one location will, without question, deprive another area of that sand. In simple terms, any structure (including terminal groins) that traps sand will cause erosion elsewhere. Permitting the construction of terminal groins will harm the coast and place downdrift property at risk.

2) An open letter signed by 43 of the country's top coastal scientists reports: "There is no debate: A structure placed at the terminus of a barrier island, near an inlet, will interrupt the natural sand bypass system, deprive the ebb and flood tide deltas of sand and cause negative impacts to adjacent islands."

3) Proponents of S832 point to the terminal groins at Beaufort Inlet and Oregon Inlet as success stories. These structures have also been referred to as jetties in the past, but we will use the terminology in S832. Our data indicate that beaches in the vicinity of both structures have required huge volumes of beach nourishment for decades (at least 20 million cubic yards of sand at a cost $43 million, without an adjustment for inflation). Therefore, these two structures have at best, had no impact on the stability of the island adjacent to the structure, and at worst, have caused downdrift erosion necessitating massive renourishment. Dr. Stan Riggs has published detailed analyses indicating that the structure at Oregon Inlet has impacted the stability of Highway 12 on the Outer Banks and required its constant maintenance.

4) The structures proposed in places like Figure 8 Island and Ocean Isle are on the

downdrift side of the neighboring inlet. A shore-perpendicular structure, placed at the downdrift side of an inlet, will block the natural flow of sand onto the island where the structure is located. This will cause an increase in shoreline erosion in front of oceanfront homes downdrift of the structure. Protecting homes at the inlet will be at the expense of a larger number of homes down the beach.

5) The unfettered flow of sand through natural inlets is an important mechanism maintaining barrier island health. Blocking this flow of sand will inhibit the ability of the barrier island to respond to rising sea level and storms.

6) Project proponents indicate that the structures will be made "leaky" or permeable so that sand will move to downdrift beaches. This is a classic example of "having your cake and eating it too." The principle of conservation of mass indicates that one cannot build a structure that will both trap sand and still allow the constant flow of the original budget of sand down-drift.

7) Groins can impact nearshore circulation by directing currents offshore, especially during storms. Groins can be particularly destructive following storms if a significant portion of the nourishment project is transported offshore, leaving the groin uncovered. During this period, the groin will block all longshore transport until the cell is filled in again.

Additional considerations:

1) One of the many benefits of the hard structure ban to North Carolina coastal communities is the general lack of lawsuits related to erosion control structures. In contrast, the state of Florida which permits coastal hard structures is awash in constant lawsuits (property owner versus property owner, community versus community). This leaves many coastal management decisions up to the courts. This poor method of public beach management is one that we have largely avoided in North Carolina. If terminal groins are built along the North Carolina coast, rest assured that there will be lawsuits and legal battles related to those structures and the erosion that they may, or may not have caused.

2) Because the S832 does not define the size or specific design of a terminal structure, the bill leaves the door open to building structures that go well beyond a simple groin. The design floated for Figure 8 Island is not a terminal groins as much as it is an inlet shoreline seawall. Structures like these would destroy the natural function of the adjacent inlets.

3) In short, we believe that the science overwhelmingly supports maintaining the state's ban on hard structures. Terminal groins are not new technology. They will harm downdrift property owners.



WESTERN CAROLINA UNIVERSITY PROGRAM FOR THE STUDY OF DEVELOPED SHORELINES

North Carolina law (G.S 113A-115.1) prohibits the use of groins – steel, rock or wood walls built perpendicular to the beach in order to trap shifting sand - and other permanent erosion control structures along ocean shorelines. This ban is based on: 1) extensive studies and technical data documenting the detrimental impacts of erosion control structures and 2) 150 years of documentation of the negative impacts of shoreline stabilization on the barrier islands in New Jersey.

The negative impact of groins and jetties on downdrift shorelines is well understood. When they work as intended, sand moving along the beach in the so-called downdrift direction is trapped on the updrift side, causing a sand deficit and increasing erosion rates on the downdrift side. This well-documented and unquestioned impact is widely cited in the engineering and geologic literature.

The United States Army Corps of Engineers' Coastal Engineering Manual describes groins as: "...probably the most misused and improperly designed of all coastal structures...Over the course of some time interval, accretion causes a positive increase in beach width updrift of the groin. Conservation of sand mass therefore produces erosion and a decrease in beach width on the downdrift side of the groin" (USACE, 2002).

In his textbook (used by most coastal engineering programs to introduce beach processes) Paul Komar, professor emeritus in the College of Oceanographic and Atmospheric Sciences at Oregon State University, states, "Groins and jetties have the same effect in damming the longshore sediment transport, the shoreline builds out on the updrift side and erodes in the downdrift direction" (Komar, 1998).

There is no debate: A structure placed at the terminus of a barrier island, near an inlet, will interrupt the natural sand bypass system, deprive the ebb and flood tide deltas of sand and cause negative impacts to adjacent Islands.

In a complex coastal system, the precise location, onset and scale of these impacts are very difficult to pinpoint. As with all erosion control structures, it may take years for groin impacts to become apparent. This is why promises to monitor such projects ring hollow, and why disputes over groin impacts often end up in court where judges, rather than scientific experts, end up making critical coastal management decisions.

Using groins in conjunction with beach nourishment projects is of dubious value as well. When big storms occur, groins direct strong currents that carry large amounts of sand seaward, in an offshore direction parallel to the groins. After Hurricane Hugo, for example, sidescan sonar studies showed gullies excavated on the continental shelf adjacent to each of the groins on Pawleys Island in South Carolina. Because much sand loss is offshore during storms, groins will have little impact on holding sand in place (and may even accelerate loss).

There is nothing experimental about groins, terminal or otherwise, and the insinuation that a terminal groin will be removed or altered if it doesn't work is nothing more than lip service. Experience on many other American shorelines indicates that removal of a structure, once put in place, is a rare event - no matter what promises were made beforehand.

The localized and temporary updrift benefits afforded by groins and jetties rarely, if ever, justify the downdrift damage caused by increased erosion – regardless of whether it is to developed or undeveloped shorelines, inlets and islands.

We urge you to maintain the State of North Carolina's high standards for coastal management by preventing any change to the current ban on coastal hard structures. Doing so is the surest way to protect the state's beaches for future generations.

Thank you for your time and consideration.

Sincerely,

1. Rob Young, PhD, P.G., Professor of Geosciences, Western Carolina University
2. Orrin Pilkey, PhD, James B. Duke Professor Emeritus of Geology, Duke University
3. Duncan Heron, PhD, Professor Emeritus of Geology, Duke University
4. Stan Riggs, PhD, Professor Emeritus of Geology, East Carolina University
5. David Mallinson, PhD, Assistant Professor of Marine Geology, East Carolina University
6. David Bush, PhD, P.G., Professor of Modern Sedimentology, University of West Georgia
7. Len Pietrafesa, PhD, Director of External Affairs for the College of Physical and Mathematical Sciences, North Carolina State University
8. Art Trembanis, PhD, Assistant Professor, Department of Geology, University of Delaware
9. Michael Fenster, PhD, Director of Environmental Studies, Randolph-Macon College
10. James F. Fox, PhD, Director of Operations, National Environmental Modeling and Analysis Center, UNC Asheville
11. Charles Fletcher, PhD, Professor and Chair, Department of Geology, University of Hawaii
12. Paul T Gayes, PhD, Director, Center for Marine and Wetlands Studies, Coastal Carolina University
13. Andrew Coburn, MEM, Research/Graduate Faculty & Associate Director, WCU Program for the Study of Developed Shorelines
14. David Levinson, Physical Scientist, Climate Monitoring
15. Dorothea Ames, P.G., Assistant Scientist, East Carolina University
16. Laura J. Moore, PhD, Assistant Professor, Department of Geology, Oberlin College
17. Nicholas Coch, PhD, Professor of Earth & Earth Science, Queens College, CUNY
18. H. Allen Curran, PhD, Kenan Professor of Geology, Smith College
19. Jon C Boothroyd, PhD, Professor of Quaternary Geology, University of Rhode Island
20. Joe Kelley, PhD, Chair, Dept of Earth Sciences, University of Maine
21. Hal Wanless, PhD, Chair, Department of Geology, University of Miami
22. Andrew Cooper, PhD, Professor of Coastal Studies, University of Ulster
23. Donald Barber, PhD, Director of Environmental Studies, Bryn Mawr College
24. Michael Katuna, PhD, Professor of Geology, College of Charleston
25. Stephen B. Benton, MS, Coastal Geologist, NC Division of Coastal Management Coastal Hazards Coordinator – Retired

26. Owen Mason, PhD, Institute of Arctic and Alpine Research, University of Colorado, Boulder and Geoarch Alaska, Anchorage, AK
27. Tracy Rice, PhD, Adjunct Professor, Albright College
28. Joseph F. Donoghue, PhD, Associate Professor, Dept. Geological Sciences, Florida State University
29. Maurice Schwartz, PhD, Geology Professor Emeritus & former Dean, Western Washington University Graduate School, Editor of The Encyclopedia of Coastal Science
30. Paul Pinet, Professor of Geology and Environmental Studies, Department of Geology, Colgate University
31. Daniel F. Belknap, PhD, Professor of Earth Sciences and Marine Geology, University of Maine
32. Jeffrey P. Donnelly, PhD, Associate Scientist, Coastal Systems Group & Geology and Geophysics Department, Woods Hole Oceanographic Institution
33. William J. Neal, Ph.D., Emeritus Professor of Geology, Grand Valley State University
34. Julian Orford, Head, School of Geography, Archaeology and Palaeoecology (GAP) Queen's University, Belfast, Ireland
35. John F. Wehmiller, PhD, Professor of Geological Sciences, University of Delaware
36. Andrew D Short, PhD, Professor, School of Geosciences, University of Sydney, Australia
37. Denise J. Reed, PhD, Professor, Department of Earth and Environmental Science, University of New Orleans
38. Stewart Farrell, PhD, Director, Coastal Research Center, Richard Stockton College
39. Harry H. Roberts, PhD, Boyd Professor Emeritus, Coastal Studies Institute and Department of Oceanography and Coastal Sciences, Louisiana State University
40. Norbert P. Psuty, PhD, Director & Professor Emeritus, Department of Marine and Coastal Sciences, Department of Geography and Department of Geological Sciences, Rutgers - The State University of New Jersey
41. Miles Hayes, PhD, Research Planning, Inc & Recipient of Shepard Medal in Marine Geology
42. H. Jesse Walker, PhD, Boyd Professor Emeritus, Louisiana State University
43. Helena Granja, PhD, Professor, Earth Sciences Department, University of Minho, Portugal

To: Honorable Members of the Senate
From: Chris Canfield, Audubon North Carolina
Todd Miller, Coastal Federation
Dan Crawford, Conservation Council of North Carolina
Gerry Bartlett, Down East Tomorrow
Jane Preyer, Environmental Defense Fund
Larry Baldwin, Neuse River Foundation
Betty Sanders-Seavey, New River Foundation
Brian Buzby, North Carolina Conservation Network
Molly Diggins, North Carolina Sierra Club MD
Tim Gestwicki, North Carolina Wildlife Federation
David Emmerling, Pamlico-Tar River Foundation
James Milne, Pender Watch and Conservancy
Derb Carter, Southern Environmental Law Center
Julie Mayfield, Western NC Alliance
Tess Sanders, White Oak New River Keeper Alliance
Dean Naujoks, Yadkin Riverkeeper
Date: April 28, 2009
Re: **SB 832, CRC May Permit Terminal Groin**

The natural beauty and economic value of North Carolina's public beaches and inlets exists today in large measure because our state leaders long ago adopted a conservative management policy that bans the use of hardened structures—seawalls, jetties and groins of any kind—from our coast.

North Carolina's beaches are a public treasure. The ban on hardened structures protects our beaches for the future. It is the cornerstone of North Carolina's coastal policy and a model for the rest of the nation.

S. 832 creates an exception to state law by allowing terminal groins to be permitted at inlets in order to protect beachfront property. But like other types of hardened structures, terminal groins will accelerate erosion of the public's beaches elsewhere. As testified to in a 2007 letter from 43 coastal geologists, North Carolina's restriction on hardened structures is based on science and an acknowledgement of the dynamic realities of a barrier island.

We agree there needs to be a plan for property threatened by coastal erosion --but this is not it. S. 832 bails out individual property owners in the short run at the ultimate cost to the taxpayer of millions of dollars to offset the loss of beaches caused by terminal groins.

S 832 also encourages new development in high hazard areas on our fragile barrier islands. We should not be intentionally putting additional houses in harm's way with no plan for removal down the road. The cost for such short-sightedness will also ultimately fall to the public.

Please keep North Carolina's beaches public and natural by opposing SB 832.

Audubon North Carolina • Conservation Council of North Carolina
Environmental Defense Fund • North Carolina Coastal Federation
North Carolina Conservation Network • North Carolina Wildlife Federation
Sierra Club – NC Chapter • Southern Environmental Law Center

SB 832 QUESTIONS AND ANSWERS

1. What's wrong with terminal groins?

Jetties, seawalls, terminal groins all share the same fundamental problem: they only work at all if they impede sand from reaching the beach downdrift.

Groins beget more groins in a domino effect in order to stem the loss of sand caused by the last hardened structure put into place. This is in addition to the public expense of an increased need for beach renourishment.

Hardened structures like terminal groins provide limited and isolated relief from beach erosion by causing the loss of public beaches and private property elsewhere. In the process they disturb the natural processes that restore islands as they move.

2. But haven't terminal groins worked elsewhere?

North Carolina law recognizes limited exceptions to the hardened structures rule may be needed to stabilize commercial navigational channels of regional significance (Beaufort Inlet, Cape Fear Inlet and Oregon Inlet); erosion-threatened bridges (Bonner Bridge); and historic sites of national significance (Fort Fisher and Fort Macon). And such exceptions can only be granted after non-structural measures, such as renourishment and realignment of inlets, have been tried or determined infeasible.

But even where such structures have been allowed, they have required extensive beach renourishment to downdrift sections. At least 20 million cubic yards of sand at a cost $43 million over the past two decades has been needed to mitigate erosion at Pea Island National Wildlife Refuge and Fort Macon State Park/Atlantic Beach.

Those who point to the use of structures elsewhere, such as in Florida, fail to take into account the unique dynamics of the North Carolina coast.

3. How is this bill different from last year's beach hardening bill?

This bill is much broader, allowing potentially an unlimited number of so-called terminal groins. In fact, under this bill, towns could apply for a "terminal" groin in the middle of the island.

Worse, this bill encourages new development in high hazard areas. Investment in property near inlets is like an investment in hedge funds—inherently risky. We should be working to decrease

the risk to taxpayers and the environment on the coast, not increase them. We should not be bailing them out at the public's expense.

Finally, last year's measure would have been self-financed by the owners of Figure 8. This year's bill assumes taxpayers and/or coastal property owners will pick up the tab.

4. We can't continue to ignore the problem of property threatened by erosion. What should be done?

First, a number of important studies are underway that will help us better understanding the challenges. We should not preempt their findings by reversing current policy now.

- The Science Panel on Coastal Hazards of the Coastal Resource Commission is examining inlet management, specifically to revise inlet hazard areas and building setbacks along inlet shorelines. This is a 2 year process, and results may be available later this year. [dcm2.enr.state.nc.us/hazards/scipanel.htm]
- The Beach and Inlet Management Plan or BIMP is being prepared by Moffat and Nichol for the Division of Water Resources and the Division of Coastal Management and is expected by June. This process was mandated by General Assembly. [dcm2.enr.state.nc.us/bimp.htm]
- The North Carolina Sea Level Rise Risk Management Study, authorized by Congress and coordinated with FEMA is a $5 million assessment that will look at the impacts of climate change on coastal erosion and flooding in North Carolina. Our state will be a model for other states in the country. The study duration will be approximately 3 years, completed by the end of 2011. The study is being coordinated by the NC Division of Emergency Management (Office of Geospatial and Technology Management). [www.ncsealevelrise.com]

Second, **we need a comprehensive plan**. We cannot deal with the new challenges facing our coast in a piecemeal, chaotic fashion. We need the results of the studies already underway and to consider the long-term impacts of our actions on property, insurance, transportation, the environment and other issues.

If we open the floodgates to terminal groins, we limit our options for a more comprehensive plan that can be a model for the country.

Facts about SB 832



The natural beauty of North Carolina's public beaches and inlets exists today because our state leaders adopted a conservative management policy that bans the use of hardened structures—seawalls, jetties and groins of any kind—from our ocean beaches.

The nearly 24-year old policy, codified into law in 2003, has ensured a legacy of publicly-owned beaches and vibrant coastal communities that every North Carolinian can take great pride in.

Legislation currently before the General Assembly, SB 832, CRC May Permit Terminal Groin, is being promoted as a modest change in state law to help coastal communities facing erosion difficulties.

It is not.

It is the latest attempt to undermine North Carolina's proven and tested ban on hardened structures, the cornerstone of our state's coastal policies and a model for the rest of the nation and indeed the world.

The restriction on hardened structures is based on science and history, and reflects the natural processes that shape our coast—wind, waves, tides and erosion.

Jetties and groins intentionally trap sand on one side. And there's the rub. In doing so, they cause a sand deficit and increased erosion rates on the other. In opposing SB 599, more than 40 prominent coastal scientists concurred with what science and history has taught us:

"A structure placed at the terminus of a barrier island, near an inlet will interrupt the natural sand bypass system ... and cause negative impacts to adjacent islands."

Importantly, the law recognizes **limited exceptions** may be needed to stabilize commercial navigational channels of regional significance (Beaufort Inlet, Cape Fear Inlet and Oregon Inlet); erosion-threatened bridges (Bonner Bridge); and historic sites of national significance (Fort Fisher and Fort Macon). Before even these limited exceptions can be approved, non-structural measures such as beach replenishment, relocation of structures, or realignment of channels within inlets must be tried or be determined to be infeasible.

The use of hardened structures does not decrease the need for beach renourishment

Groins and jetties significantly increase the need for costly renourishment at public expense further down the beach.

The terminal groin at Oregon Inlet has resulted in almost 8 million cubic yards of sand to be placed on or near Pea Island National Wildlife Refuge to mitigate the increased erosion. At Beaufort Inlet, sand is regularly being pumped onto the beach at Fort Macon and Atlantic Beach to mitigate erosion caused by the channel and terminal groin.

Additionally, groins and jetties beget additional groins and jetties. Once built, houses on the downdrift beach from groins and jetties experience accelerated erosion. To mitigate the erosion, additional jetties, groins or sandbags must be emplaced.

Time Out to Plan for the Future

Terminal groins are a band-aid approach to coastal management with significant negative consequences. SB 832 bails out individual property owners at the ultimate cost to the state and federal taxpayer of many millions of dollars to offset the loss of beaches caused by the terminal groins.

North Carolina needs a proactive plan for how to manage our public beaches—but this is not it. Another bill, SB 998, Beach Management Study Commission, takes a holistic approach to best develop and implement a comprehensive, long-term beach management strategy that recognizes and protects the environmental, recreational, and economic value of the beaches of the State and that ensures that the beaches remain open and accessible to the public.

The ban on hardened structures recognizes the economic and environmental value of North Carolina's beaches.

Keep North Carolina's Beaches Public and Natural:
Oppose SB 832.

Prepared by:

Audubon North Carolina
Conservation Council of North Carolina
Environmental Defense Fund
North Carolina Coastal Federation
North Carolina Conservation Network
North Carolina Wildlife Federation
Sierra Club—NC Chapter
Southern Environmental Law Center

THE CHARLOTTE OBSERVER

Sunday, Apr. 19, 2009

How should coastline look?

Jack Betts

RALEIGH Change comes fast in North Carolina. We were still a relatively poor state in the 1950s, when it could take all day to get from my hometown of Greensboro out to the Outer Banks, longer still to take the ferry across Oregon Inlet and across Hatteras Inlet to Ocracoke.

But you knew what you'd see: Modest wooden cottages with broad porches, fishing boats tied up in tidal creeks, mom-and-pop restaurants that thrived in the summer and closed for the year after Labor Day. Working folks still could buy a beachfront lot and put up a little house. Fishers and shrimpers could afford to live near the oceanfronts where they made their living.

Those days are long gone as prosperity has remade the state from one end to the other. Now oceanfront mansions have reshaped the skyline on many N.C. beaches. Watermen and their families live well inland now, trailering their boats to the sounds and coastal rivers to seek their daily catches.

Holding back the sea

And private property owners and local governments alike spend enormous sums trying to hold back the encroaching seas. They did so because the normal processes of the beachfronts and barrier islands had changed so dramatically. Before oceanside development began, beaches moved with nature's aims, eroding on the ocean side but building up on the sound side. Inlets would open and close as storms directed. No one worried much about beaches washing away. They'd be back in time. Wise Outer Bankers lived on the sound side, away from the ocean's appetite.

With prosperity came development, better roads and a tourism industry that lured happy vacationers and beach house buyers who loved spending time at the coast. They built ever-larger homes and hotels and restaurants, developed a year-round economy and wrung their hands when nor'easters and hurricanes gobbled up beaches and cut new inlets. Coastal communities began spending millions, sometimes in taxpayer money, to replenish beach sand; others explored building groins out into the ocean to trap sand and, they hoped, reduce erosion. But those groins almost always had the effect of building up sand on one side and allowing the ocean to scour away the beach front on the other – protecting some property while damaging property down the beach.

It is folly to try to stabilize barrier islands because they must be allowed to grow and shrink with natural processes, says coastal geologist Stan Riggs. With hardened structures that impede that process, he says, "You end up signing a death warrant for the barrier islands."

A ban on hardened structures

When the Coastal Resources Commission was created in the 1970s to bring some sense of order to topsy-turvy coastal growth, one of its wisest policies was to sharply limit the use of hardened structures such as groins and jetties. That policy has allowed North Carolina's coastline to escape the nightmarish stair-step effect that groin fields have produced along part of New Jersey's coast. It has also limited the height of buildings and governed how close to the beach houses can be built – or rebuilt – after storms.

But property owners concerned about losing beachfront homes and familiar shorelines have pressed the General Assembly to alter state law and allow the use of groins to stabilize inlets, slow down beach erosion and build up beach fronts. While coastal geologists say it won't work, coastal engineers argue that stabilization ought to be given another chance.

A bill to allow the Coastal Resources Commission to permit groins goes before a Senate committee Tuesday. It has a fair chance of passage; a bill to study such groins passed the Senate two years ago. It went nowhere in the House.

Now state Sen. Clark Jenkins, D-Edgecombe, has come up with a proposal aimed at a rethinking of how North Carolina manages its coast.

It's a good idea. The coast now faces more than just erosion due to tides and storms. Rising sea levels, experts say, could reshape the barrier islands, immerse low-lying areas and ultimately turn a coastal gem into a ragged string of pearls, Riggs says.

Jenkins' bill would temporarily halt the commission from requiring removal of temporary erosion control sandbags. That would allow time for a study to examine how the state can best develop "a long term beach management strategy that recognizes and protects the environmental, recreational and economic value" of the beaches to make sure they remain open and accessible.

Time for an overhaul

The idea is to examine land use policies, financing, relocation of threatened structures and other ways to cope with rising seas and development pressures.

"I don't know what the answer is," says Jenkins. "I think beach nourishment is probably better than hardened structures, and this gives them time to look at what their alternatives are."

There hasn't been a major overhaul in the way the coast is managed since the creation of the Coastal Area Management Act more than three decades ago. There has been plenty of tinkering, and there surely will be more.

But at least Jenkins' bill offers an opportunity, as N.C. Coastal Federation director Todd Miller recently put it in another context, to develop "a vision for the future that promotes sustainable development on barrier islands."

It's high time.

Jack Betts is an Observer associate editor: jbetts@charlotteobserver.com.

Spencer Rogers, the Coastal Construction and Erosion Specialist at **North Carolina Sea Grant**, based in Wilmington, has had his general comments on how terminal groins work published, as quoted below:

"Groins are sand traps. As such, they function to reduce or reverse erosion in one area at the cost of increased erosion elsewhere. In the middle of a long shoreline, increasing someone else's erosion is usually an unacceptable tradeoff and a practice not unreasonable to restrict or prohibit by rational coastal management. **What makes terminal groins unique is that their engineering design and function turn the usual harmful effects into a benefit.** [Emphasis added]

"North Carolina's unstabilized inlets have historically been migrating at an average rate of more than 75 feet per year. With proper design, adjacent to a few NC inlets, a terminal groin could be used to trap sand on the ocean beach before reaching the inlet where it would otherwise contribute to the deposition causing the inlet to migrate. The adjacent impact is then a slower migration rate, **potentially a coastal management benefit** as the other shoreline of the inlet erodes more slowly, benefiting the adjacent owner. **Therefore, the usual adverse impact on the neighbors becomes a benefit.** [Emphasis added]

"Terminal groins are presently prohibited by state law. As such, the Coastal Resources Commission cannot consider the particular local site conditions through the variance process."

Spencer Rogers is the Coastal Construction and Erosion Specialist for North Carolina Sea Grant. He joined Sea Grant in 1978. Rogers serves on the faculty at UNC-Wilmington's Center for Marine Science, and as adjunct faculty in the department of engineering at North Carolina State University. His research has been published in various scholarly journals. Rogers has served on the NC Coastal Resources Advisory Council since 1993. He holds a master's in coastal & oceanographic engineering from University of Florida and a bachelor's in engineering from University of Virginia. Direct telephone: **910-962-2491** Email: **rogerssp@uncw.edu**

Reprinted from the original publication by Save Our Sand: The Inlet Solution

Spencer Rogers, the Coastal Construction and Erosion Specialist at **North Carolina Sea Grant**, based in Wilmington, has had his general comments on how terminal groins work published, as quoted below:

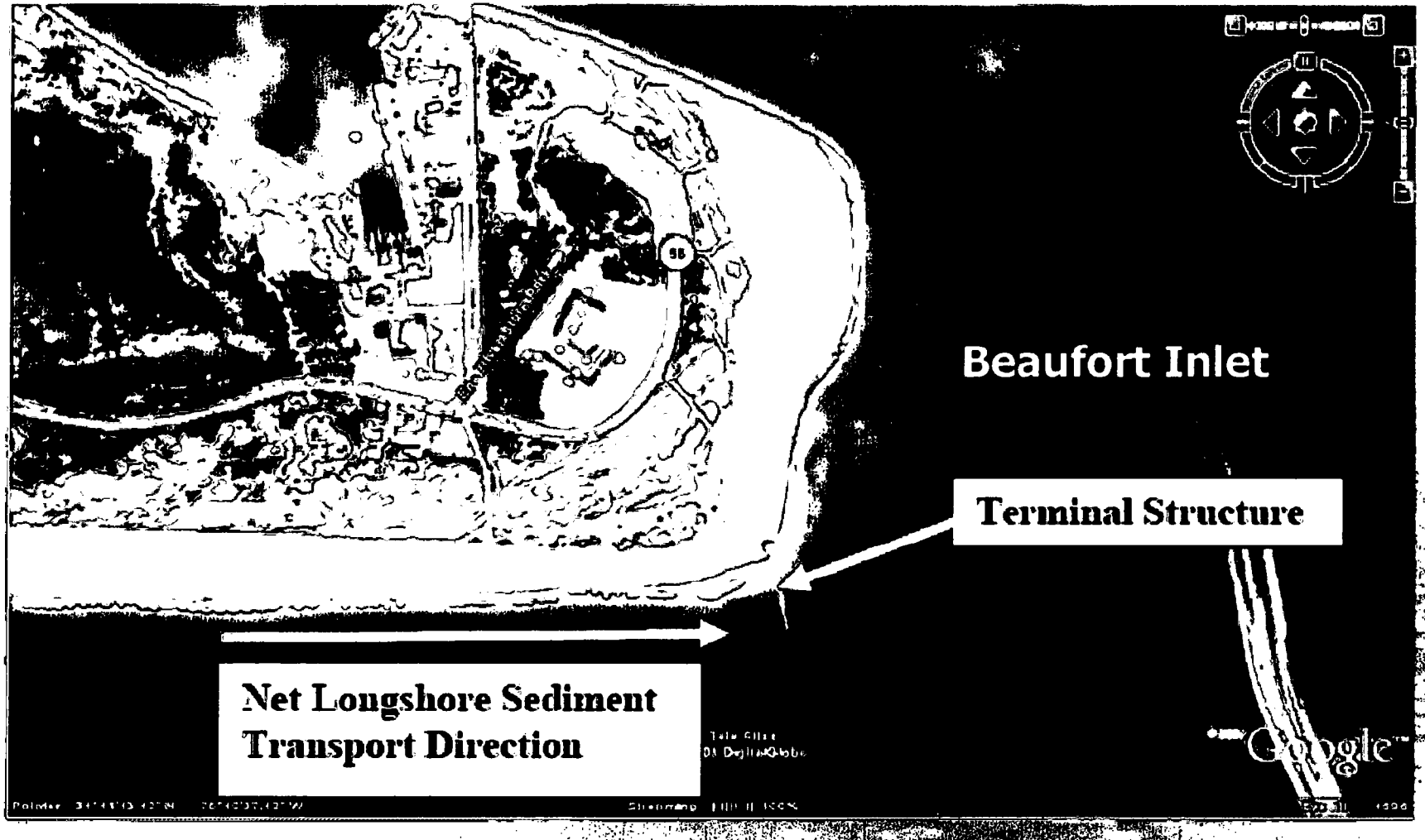
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"Terminal groins are presently prohibited by state law. As such, the Coastal Resources Commission cannot consider the particular local site conditions through the variance process."

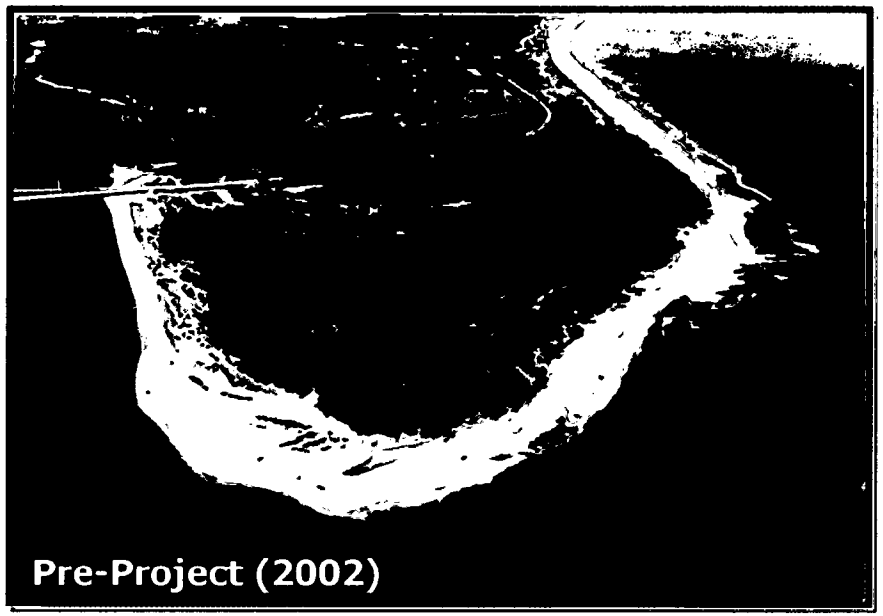
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Fort Macon, NC

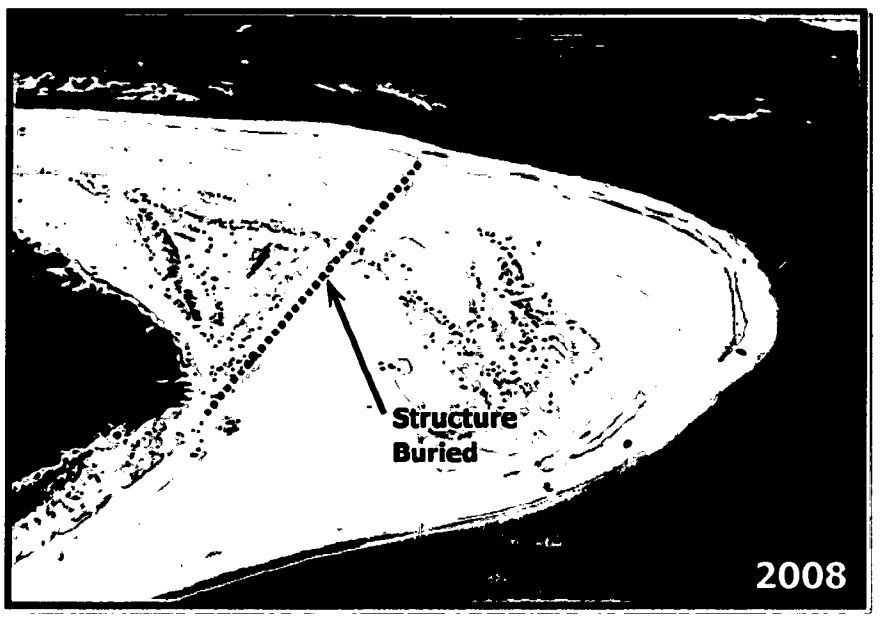


SOUTH AMELIA ISLAND, NASSAU COUNTY, FLORIDA

1,600 FT TERMINAL GROIN







Project Sponsors: Florida Park Service (FDEP) and South Amelia Island Shore Stabilization Association (SAISSA)

Project Cost: $2,000,000 (2005)

olsen associates inc.

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — April 28, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Debbie J Smith	Mayor Ocean Isle Beach 3 W. Third St, Ocean Isle Beach NC 28469
Erica Peterson	NCAg
Scott Gardner	Duke Energy
Andrew Cagle	DLC + Assoc.
Preston Howard	NCIC
Alicia Dark	MWC
Wendy Kelly	SZDWicker
[illegible]	K&L Gates
George Everett	Duke Energy
Angie Whitener	NC Pork
Lee Nielsen	NCAHTCF

4 of 7

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — April 28, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Linda Andrews	NCFB
Howard Twiggs	Bald Head Island
JOHN SHAW	SELF
Dick Hamilton	—
John W. Byrne	Bald Head Island
DAISY LOSKEN	OCEAN ISLE BEACH
WOLFGANG LOSKEN	OCEAN ISLE GROINS
Zach Pritchett	CHA
DAVID Kellam	—
Richard Bird	—
JON LAZZERI	—

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — April 28, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Raymond Sturza	Mayor, Kill Devil Hills, NC P.O. Box 1719, Kill Devil Hills, NC 27948
Tom Allen	613 Harascrabble Hillsborough NC 27278
Larry Jones	750 Angelica Circle, Cary 27518
Gene Douglas	P.O. Box 3189 Bald Head Island, NC. 28461
Frank Turner	3516 Williamsborough Ct Raleigh, NC 27609
Mary Kate Moody	422 East 2nd Street Ocean Isle Beach, NC
Mike Moody	" "
Larry Lammers Mayor Bald Head Is.	21 Laughing Gull Trail Bald Head Is NC 28461
Steven Waters	8 Living Streets
Harry Simmons	Town of Caswell Beach 1100 Caswell Beach Cp Caswell Beach 28465
Lori Ann Harris	LACBA

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — April 28, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Bruce Tucker	none
T Reeder	NC DWR
J. Sutherland	NC DWR
Robert Young	Western Carolina Uni
CHRIS CANFIELD	DIR, AUDUBON NC
Dan Crawford	CCNC
John Barido	Western Carolina University
Kara Craig	Sierra Club NC Chapter
AVRA STACKPOLE	NC Conservation Network

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — April 28, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
[signature]	SELC
Amy Simes	DENR
Leanna Madre	Duke Univ.
Amy Pickle	Nicholas Inst / Duke University
Dennis Hanat	NH County Gov.
Tom Cors	TNC
Lisa Schell	CWMTF
Michele Walker	Div of Coastal Mgmt.
Robert Swantek	North Topsail Beach (A Resident)
Larry Hardison	North Topsail Beach Mayor Pro-Tem
Elizabeth Bise	DENR

Principal Clerk ____
Reading Clerk ____

Corrected: TIME and ROOM

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on **Agriculture/Environment/Natural Resources** will meet at the following time:

DAY	DATE	TIME	ROOM
Wednesday	April 29, 2009	9:00 AM	1027 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 832	CRC May Permit Terminal Groin.	Senator Boseman
SB 760	Per Diem Erosion Control Penalties.	Senator McKissick

Senator Bob Atwater, Chair

Senate Agriculture/Environment/Natural Resources Committee
Wednesday, April 29, 2009, 9:00 AM
1027 LB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

SB 832	CRC May Permit Terminal Groin.	Senator Boseman
SB 760	Per Diem Erosion Control Penalties.	Senator McKissick

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE REPORT
Senator Bob Atwater, Chair

Wednesday, April 29, 2009

Senator ATWATER,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

S.B. **832** CRC May Permit Terminal Groin.

Draft Number:	55346
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 1

Committee Clerk Comments:

SENATE AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE
Tuesday April 29, 2009 at 9:00 AM
Room 1027, Legislative Building

MINUTES

The Senate Agriculture/Environment/Natural Resources Committee met at 9:00 AM on April 29, 2009, in Room 1027 of the Legislative Building. Twelve members of the committee were present. Senator Bob Atwater presided.

After Senator Atwater welcomed everyone and introduced the pages, the following bill was discussed:

SB 832, CRC May Permit Terminal Groin.

Senator Atwater reminded the Committee that there was a PCS for this bill approved for purposes of discussion at the April 28, 2009 Committee meeting. He then asked Mr. Chris Canfield, Executive Director and Vice President of the Audubon North Carolina to speak on the bill. Mr. Canfield spoke against SB 832 and reiterated the points he made during the April 28 meeting. Then the bill sponsor, Senator Boseman, spoke in favor of the bill. Senator Tillman said he believed that the CRC should make the decision regarding terminal groins. **He then moved for an unfavorable report to the original bill and a favorable report for the PCS. Motion carried.**

The meeting was adjourned at 9:10 AM.

Bob Atwater
Senator Bob Atwater, Presiding

Carol Resar
Carol Resar, Committee Clerk

SENATE BILL 832:
CRC May Permit Terminal Groin

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	April 28, 2009
Introduced by:	Senator Boseman	**Prepared by:**	Jeff Hudson Committee Counsel
Analysis of:	First Edition		

SUMMARY: ***Senate Bill 832 would authorize the Coastal Resources Commission to permit the construction of terminal groins along the ocean shoreline.***

CURRENT LAW:

Generally, current law prohibits the construction of permanent erosion control structures such as groins along the ocean shoreline. Exceptions to this prohibition exist for any permanent erosion control structure approved by the Coastal Resources Commission (Commission) prior to July 1, 2003 or any permanent erosion control structure that was originally constructed prior to July 1, 1974 that has been in continuous use to protect an inlet maintained for navigation. The Commission may renew a permit for an erosion control structure issued pursuant to a variance granted by the Commission prior to July 1, 1995. In addition, the Commission may authorize the replacement of a permanent erosion control structure that was permitted by the Commission pursuant to a variance granted by the Commission if certain conditions are met.

BILL ANALYSIS:

Senate Bill 832 would authorize the Coastal Resources Commission to permit the construction of terminal groins along the ocean shoreline. An application for a terminal groin must include an environmental impact statement under the State Environmental Policy Act. A permit for a terminal groin may require the permittee to provide financial assurance that is adequate to cover the cost of removal of the terminal groin if the Commission determines that the terminal groin has an adverse impact on the environment or on other properties that cannot be sufficiently mitigated. Financial assurance may not be required for more than five years after the construction of the terminal groin.

Senate Bill 832 defines a "terminal groin" as a groin that is constructed at the end of a littoral cell or on the side of an inlet to limit or control sediment passage into the inlet channel. A "littoral cell" is a section of coastline that has its own sediment sources and sediment sinks and is isolated from adjacent coastal reaches in terms of sediment movement.

According to the Coastal Area Management Act Handbook for Development in Coastal North Carolina, a groin is an erosion-control structure built perpendicular to the shoreline. Often used on a small scale along the shores of North Carolina's sounds and tidal rivers to protect individual properties, wooden and riprap groins offer protection from gradual erosion by slowing wave action and trapping sand.

EFFECTIVE DATE: This act would become effective when it becomes law and expire July 1, 2013.

Jennifer Mundt, Legislative Analyst to the Senate Committee on Agriculture, Environment, and Natural Resources, substantially contributed to this summary.

S832-SMSB-10(e1) v2

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S D

SENATE BILL 832
PROPOSED COMMITTEE SUBSTITUTE S832-CSSB-9 [v.1]

4/8/2009 3:37:15 PM

Short Title: CRC May Permit Terminal Groin. (Public)

Sponsors:

Referred to:

March 25, 2009

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE COASTAL RESOURCES COMMISSION MAY AUTHORIZE THE CONSTRUCTION OF A TERMINAL GROIN BY VARIANCE IF CERTAIN CRITERIA ARE MET.

Whereas, the State of North Carolina has 320 miles of coastline and 19 inlets that are both a public trust and a significant economic resource; and

Whereas, shifting inlets have resulted in enormous losses of public beach access, property, business, and infrastructure, costing counties and cities all along North Carolina's coast tens of millions of dollars in reconstruction cost and lost tax revenue; and

Whereas, every coastal state in the U.S. except North Carolina and Oregon allow for some manner of protection from the problem of shifting inlets; and

Whereas, a terminal groin, also known as a terminal structure, is a structure that is built on one side of an inlet shoreline to prevent movement of sand into the inlet or on an isolated segment of shoreline where it will not interrupt the natural movement of sand along the shoreline; and

Whereas, inlets in North Carolina at Fort Macon and Pea Island are already successfully protected by terminal structures; and

Whereas, a terminal structure is unobtrusive and permeable, basically placing a template back where the land and beach was, allowing it to fill again with sand without detrimental consequences to the coastline; and

Whereas, a terminal structure differs both in form and in function from other erosion control structures such as seawalls or jetties; and

Whereas, it is reasonable to allow the Coastal Resources Commission to consider authorizing the construction of a terminal structure by variance or by rule making if the Commission finds that the criteria for issuance of a variance are met or adopts rules allowing construction; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113A-115.1 reads as rewritten:

"**§ 113A-115.1. Limitations on erosion control structures.**

(a) As used in this section:

(1) "Erosion control structure" means a breakwater, bulkhead, groin, jetty, revetment, seawall, or any similar structure.

(1a) "Littoral cell" means any section of coastline that has its own sediment sources and sediment sinks and is isolated from adjacent coastal reaches in terms of sediment movement.

(2) "Ocean shoreline" means the Atlantic Ocean, the oceanfront beaches, and frontal dunes. The term "ocean shoreline" includes an ocean inlet and lands adjacent to an ocean inlet but does not include that portion of any inlet and lands adjacent to the inlet that exhibits characteristics of estuarine shorelines.

(3) "Temporary erosion control structure" means sandbags placed above mean high water and parallel to the ocean shoreline regardless of time limits imposed on any permit.

(4) "Terminal groin" means a groin that is constructed at the end of a littoral cell or on the side of an inlet to limit or control sediment passage into the inlet channel.

(b) No person shall construct a permanent erosion control structure in an ocean shoreline. The Commission shall not permit the construction of a temporary erosion control structure that consists of anything other than sandbags in an ocean shoreline. This section shall not apply to (i) any permanent erosion control structure that is approved pursuant to an exception set out in a rule adopted by the Commission prior to 1 July 2003 or (ii) any permanent erosion control structure that was originally constructed prior to 1 July 1974 and that has since been in continuous use to protect an inlet that is maintained for navigation. This section shall not be construed to limit the authority of the Commission to adopt rules to designate or protect areas of environmental concern, to govern the use of sandbags, or to govern the use of erosion control structures in estuarine shorelines.

(c) The Commission may renew a permit for an erosion control structure issued pursuant to a variance granted by the Commission prior to 1 July 1995. The Commission may authorize the replacement of a permanent erosion control structure that was permitted by the Commission pursuant to a variance granted by the Commission prior to 1 July 1995 if the Commission finds that: (i) the structure will not be enlarged beyond the dimensions set out in the original permit; (ii) there is no practical alternative to replacing the structure that will provide the same or similar benefits; and (iii) the replacement structure will comply with all applicable laws and with all rules, other than the rule or rules with respect to which the Commission granted the variance, that are in effect at the time the structure is replaced.

(d) In addition to the exceptions set out in subsection (b) of this section, the Commission may approve a permit for construction of a terminal groin as a sediment management device pursuant to a variance under G.S. 113A-120.1 or through rule making. A permit may be issued under this section notwithstanding Commission rules or policies that would otherwise prohibit such construction. Every application for a permit to construct a terminal groin under this section shall be accompanied by an environmental impact statement that meets the requirements of G.S. 113A-4. A permit issued for a terminal groin pursuant to this section may require any permittee other than a State agency, federal agency, or unit of local government to provide financial assurance, in the form of a bond, insurance policy, escrow account, or other financial instrument, that is adequate to cover the cost of removal of the terminal groin if the Commission determines through monitoring results that the terminal groin project has an adverse impact on the environment or on other properties that cannot be sufficiently mitigated. The Commission may require the permittee to maintain financial assurance provided under this subsection for no more than five years after construction of the terminal groin."

SECTION 2. This act is effective when it becomes law.

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — April 29, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Joanne Stevens	Stevens
Nancy Thompson	Weyerhaeuser
David Kellam	—
Todd Anibar	SCO Wicker
Hoot Paul	Boxer
Beth Warren	AG's Office
Terry Hardesty	NCPC
Scott Gordon	Duke Energy
Bill Bloyer	self
Teresa Kopec	CAN
Lou Ann Harris	AT&T
Tom Beam	NC EDF, NC WE

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — April 29, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
James Simons	NCDENR - Land Resources

Principal Clerk ____
Reading Clerk ____

PLEASE NOTE TIME OF MEETING

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on **Agriculture/Environment/Natural Resources** will meet at the following time:

DAY	DATE	TIME	ROOM
Thursday	April 30, 2009	9:00 AM	544 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 760	Per Diem Erosion Control Penalties.	Senator McKissick
HB 97	Active Duty Hunting/Fishing License Exemption.	Representative Sager Representative McElraft Representative Killian Representative Guice
SB 778	Eliminate Overlap Between CAMA and SEPA.	Senator Soles, Jr.
SB 881	AgRELIEF Act/Cost Share Program.	Senator Atwater
SB 998	Beach Management Study Commission.	Senator Jenkins

Senator Bob Atwater, Chair

Senate Agriculture/Environment/Natural Resources Committee
Thursday, April 30, 2009, 9:00 AM
544 LOB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

SB 760	Per Diem Erosion Control Penalties.	Senator McKissick
HB 97	Active Duty Hunting/Fishing License Exemption.	Representative Sager Representative McElraft Representative Killian Representative Guice
SB 778	Eliminate Overlap Between CAMA and SEPA.	Senator Soles, Jr.
SB 881	AgRELIEF Act/Cost Share Program.	Senator Atwater
SB 998	Beach Management Study Commission.	Senator Jenkins

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE REPORT
Senator Bob Atwater, Chair

Thursday, April 30, 2009

Senator ATWATER,
submits the following with recommendations as to passage:

FAVORABLE

H.B. **97** Active Duty Hunting/Fishing License Exemption.
Sequential Referral: None
Recommended Referral: None

TOTAL REPORTED: 1

Committee Clerk Comments:

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE REPORT
Senator Bob Atwater, Chair

Monday, May 4, 2009

Senator ATWATER,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

S.B. **760** Per Diem Erosion Control Penalties.

Draft Number:	75243
Sequential Referral:	Finance
Recommended Referral:	None
Long Title Amended:	No

S.B. **778** Eliminate Overlap Between CAMA and SEPA.

Draft Number:	75241
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

S.B. **881** AgRELIEF Act/Cost Share Program.

Draft Number:	75244
Sequential Referral:	Appropriations/Base Budget
Recommended Referral:	None
Long Title Amended:	No

S.B. **998** Beach Management Study Commission.

Draft Number:	75242
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 4

Committee Clerk Comments:

SENATE AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE
Thursday, April 30, 2009 at 9:00 AM
Room 544, Legislative Office Building

MINUTES

The Senate Agriculture/Environment/Natural Resources Committee met at 9:00 AM on April 30, 2009, in Room 544 of the Legislative Office Building. 14 members of the committee were present. Senator Bob Atwater presided.

After Senator Atwater introduced the pages, the following bills were discussed:

- **SB 998, Beach Management Study Commission.**

Senator Weinstein moved to adopt the PCS for SB 998 for purposes for discussion. Motion carried. After Senator Jenkins made a few brief comments on the bill, **Senator Brown moved for an unfavorable report as to original bill and a favorable report for the PCS for SB 998. Motion carried.**

- **HB 97, Active Duty Hunting/Fishing License Exemption.**

After Representative Killian explained the bill, **Senator Brock moved for a favorable report. Motion carried.**

- **SB 760, Per Diem Erosion Control Penalties.**

Senator Weinstein moved to adopt the PCS for SB 998 for purposes for discussion. Motion carried. After Senator McKissick explained the PCS for SB 760, Mr. Chuck Kitchen, Durham, NC City Attorney, spoke in favor of the bill. Mr. Paul Wilms, NC Home Builders Association, then spoke in opposition to the bill.

A short discussion followed with some concern being expressed by Senator Brock and Senator Allran. **Senator Swindell then moved for an unfavorable report to original bill and favorable report for the PCS for SB 760 with a referral to Senate Finance. Motion carried.**

- **SB 881, AgRELIEF Act/Cost Share Program.**

Senator Weinstein assumed the Chair so Senator Atwater could present the bill. **Senator Atwater moved to adopt the PCS for SB 881 for purposes of discussion. Motion carried.** Senator Atwater then explained the PCS and asked that the letters of support be placed in the Committee record. Mr. Peter Daniel, Assistant to the President of the NC Farm Bureau, then spoke against the bill. Mr. Pender Sharpe, former President of the Agribusiness Council, spoke in favor of the bill. After a few questions from the Committee members and response from Staff Counsel Ms. Barbara Riley, **Senator Tillman moved for an unfavorable report as to original bill and a favorable report for the PCS for SB 881 with a referral to the Senate Appropriations/Base Budget Committee. Motion carried.**

Senator Atwater resumed the Chair.

- **SB 778, Eliminate Overlap Between CAMA and SEPA.**

Senator Weinstein moved to adopt a PCS for SB 778 for purposes of discussion. Motion carried. Senator Weinstein then explained the PCS in the absence of Senator Soles. After the bill explanation, Mr. Jim Stephenson, North Carolina Coastal Federation, spoke in opposition of the bill. **Senator Hartsell then moved for an unfavorable report as to original bill and favorable report to the PCS for SB 778. Motion carried.**

The meeting adjourned at 9:50 AM.

Bob Atwater
Senator Bob Atwater, Presiding

Carol Resar
Carol Resar, Committee Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 998

Short Title:	Beach Management Study Commission.	(Public)
Sponsors:	Senator Jenkins.	
Referred to:	Agriculture/Environment/Natural Resources.	

March 26, 2009

A BILL TO BE ENTITLED

AN ACT TO IMPOSE A MORATORIUM ON CERTAIN ACTIONS OF THE COASTAL RESOURCES COMMISSION RELATED TO TEMPORARY EROSION CONTROL STRUCTURES AND TO ESTABLISH THE LEGISLATIVE STUDY COMMISSION ON BEACH MANAGEMENT ISSUES.

The General Assembly of North Carolina enacts:

SECTION 1.1. Definitions and Concepts. – The following definitions and concepts apply to this act and its implementation:

(1) "Temporary erosion control structure" means a sandbag placed above mean high water and parallel to the shore.

(2) A community is considered to be actively pursuing a beach nourishment or inlet relocation project under any of the following circumstances:

a. The community has a current and valid Coastal Area Management Act permit for the project.

b. The community has been identified by a U.S. Army Corps of Engineers' Beach Nourishment Reconnaissance Study, General Reevaluation Report, Coastal Storm Damage Reduction Study, or an ongoing feasibility study by the U.S. Army Corps of Engineers.

c. The community has received a favorable economic evaluation report on a federal project or is in the planning stages of a project that (i) has been designed by the U.S. Army Corps of Engineers or persons meeting applicable State occupational licensing requirements and (ii) has been initiated by a local government or community working toward the identification and adoption of a mechanism to provide the necessary local or State funds to construct the project.

SECTION 1.2. Moratorium Established. – Notwithstanding Article 7 of Chapter 113A of the General Statutes and rules adopted pursuant to Article 7, there is hereby established a moratorium on certain actions of the Coastal Resources Commission related to temporary erosion control structures. The Commission shall not order the removal of a temporary erosion control structure located in a community that is actively pursuing a beach nourishment project or an inlet relocation project on or before the effective date of this act.

SECTION 1.3. Exceptions. – The moratorium on certain actions by the Coastal Resources Commission related to temporary erosion control structures shall not prohibit the Commission from granting permit modifications for the repair and maintenance of temporary erosion control structures.

SECTION 2.1. Study Commission Established. – There is hereby established the Legislative Study Commission on Beach Management Issues.

SECTION 2.2. Study. – The Commission shall study existing law and policies related to beach management and determine how the State can best develop and implement a comprehensive, long-term beach management strategy that recognizes and protects the environmental, recreational, and economic value of the beaches of the State and that ensures that the beaches remain open and accessible to the public. The Commission shall specifically consider the following issues:

(1) How local governments and private property owners might more effectively protect public and private resources in a manner that is consistent with public trust rights, but that minimizes the loss of public and private property.

(2) New beach management tools, including publicly funded financial assistance programs, to enable the State and local governments to address long-term shoreline erosion loss and that could involve the rebuilding, realignment, or removal of imminently threatened structures and infrastructure.

(3) The effectiveness and feasibility of new and innovative financing mechanisms, land use policies, incentives for the relocation of imminently threatened structures, and hazard mitigation programs that will further the objective of North Carolina's long-term comprehensive beach management strategy. These approaches may include, but are not limited to, the authorization of special trust funds and the formation of revolving funds to fund, in part, beach nourishment and inlet relocation projects, erosion insurance mechanisms, density restrictions on new oceanfront structures; building setback standards; erosion response measures using innovative technology and design; and State policy mechanisms for helping to direct federal programs and funds to reinforce North Carolina's comprehensive, long-term beach management strategy.

(4) Any other issues related to protecting the environmental, recreational, and economic value of the beaches of the State and ensuring that the beaches remain open and accessible to the public.

SECTION 2.3. Membership. – The Commission shall be composed of 17 members as follows:

(1) Six members of the Senate, appointed by the President Pro Tempore of the Senate.

(2) Six members of the House of Representatives, appointed by the Speaker of the House of Representatives.

(3) The Executive Director of the North Carolina Beach, Inlet and Waterway Association or the Executive Director's designee.

(4) The Executive Director of the North Carolina Coastal Federation or the Executive Director's designee.

(5) The Chair of the North Carolina Coastal Resources Commission or the Chair's designee.

(6) The Chair of the Marine Fisheries Commission or the Chair's designee.

(7) The Chair of the Environmental Management Commission or the Chair's designee.

SECTION 2.4. Cochairs; Vacancies. – The President Pro Tempore of the Senate shall designate a cochair from among the President Pro Tempore's appointees. The Speaker of the House of Representatives shall designate a cochair from among the Speaker's appointees. Vacancies on the Commission shall be filled by the appointing authority.

SECTION 2.5. Quorum. – A quorum of the Commission shall consist of nine members of the Commission.

SECTION 2.6. Other Powers. –

(a) The Commission, while in the discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The Commission may meet at anytime upon the joint call of the cochairs. The Commission may meet in the Legislative Building or the Legislative Office Building.

(b) With approval of the Legislative Services Commission, the Legislative Services Officer shall assign professional staff to assist the Commission in its work. The House of Representatives' and the Senate's Directors of Legislative Assistants shall assign clerical staff to the Commission, and the expenses relating to the clerical employees shall be borne by the Commission. The Commission may contract for professional, clerical, or consultant services as provided by G.S. 120-32.02. If the Commission hires a consultant, the consultant shall not be a State employee or a person currently under contract with the State to provide services.

(c) Members of the Commission shall receive subsistence and travel expenses at the rates set forth in G.S. 120-3.1, 138-5, or 138-6, as appropriate.

(d) All State departments and agencies and local governments and their subdivisions shall furnish the Commission with any information in their possession or available to them.

SECTION 2.7. Report. – No later than April 1, 2010, the Commission shall report its findings, including any recommended legislation, to the Environmental Review Commission. The Commission shall terminate upon filing its report or upon the convening of the 2010 Regular Session of the 2009 General Assembly, whichever is earlier.

SECTION 3. This act is effective when it becomes law. Section 1 of this act expires September 1, 2010.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 998
PROPOSED COMMITTEE SUBSTITUTE S998-CSSB-10 [v.1]

4/17/2009 11:28:41 AM

Short Title: Moratorium on Certain Sandbag Removals. (Public)

Sponsors:

Referred to:

March 26, 2009

A BILL TO BE ENTITLED

AN ACT TO IMPOSE A MORATORIUM ON CERTAIN ACTIONS OF THE COASTAL RESOURCES COMMISSION RELATED TO TEMPORARY EROSION CONTROL STRUCTURES AND TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY EXISTING LAWS AND POLICIES RELATED TO THE USE OF TEMPORARY EROSION CONTROL STRUCTURES TO PROTECT IMMINENTLY THREATENED ROADS AND BUILDINGS.

The General Assembly of North Carolina enacts:

SECTION 1.1. Definitions and Concepts. – The following definitions and concepts apply to this act and its implementation:

(1) "Temporary erosion control structure" means a sandbag placed above mean high water and parallel to the shore.

(2) A community is considered to be actively pursuing a beach nourishment or inlet relocation project under any of the following circumstances:

a. The community has a current and valid Coastal Area Management Act permit for the project.

b. The community has been identified by a U.S. Army Corps of Engineers' Beach Nourishment Reconnaissance Study, General Reevaluation Report, Coastal Storm Damage Reduction Study, or an ongoing feasibility study by the U.S. Army Corps of Engineers.

c. The community has received a favorable economic evaluation report on a federal project or is in the planning stages of a project that (i) has been designed by the U.S. Army Corps of Engineers or persons meeting applicable State occupational licensing requirements and (ii) has been initiated by a local government or community working toward the identification and adoption of a mechanism to provide the necessary local or State funds to construct the project.

SECTION 1.2. Moratorium Established. – Notwithstanding Article 7 of Chapter 113A of the General Statutes and rules adopted pursuant to Article 7, there is hereby established a moratorium on certain actions of the Coastal Resources Commission related to temporary erosion control structures. The Commission shall not order the removal of a temporary erosion control structure that has been permitted under Article 7 of Chapter 113A of the General Statutes in a community that is actively pursuing a beach nourishment project or an inlet relocation project on or before the effective date of this act.

SECTION 1.3. Exceptions. – The moratorium on certain actions by the Coastal Resources Commission related to temporary erosion control structures shall not prohibit the Commission from undertaking any of the following actions:

(1) Granting permit modifications to allow the replacement, within the originally permitted dimensions, of temporary erosion control structures that have been damaged or destroyed.

(2) Requiring the removal of temporary erosion control structures installed in violation of Article 7 of Chapter 113A of the General Statutes and rules adopted pursuant to Article 7.

(3) Requiring that a temporary erosion control structure that has been modified in violation of Article 7 of Chapter 113A of the General Statutes and rules adopted pursuant to Article 7 be brought back into compliance with permit conditions.

(4) Requiring the removal of a temporary erosion control structure that no longer protects an imminently threatened road and associated right of way or an imminently threatened building and associated septic system.

SECTION 2.1. Study. – The Department of Environment and Natural Resources, in consultation with the Coastal Resources Commission, shall study existing laws and policies related to the use of temporary erosion control structures for purposes of protecting imminently threatened roads and buildings and shall determine whether changes should be made in law or policy to better manage eroding shorelines in a manner consistent with protection of the environmental, recreational, and economic value of the beaches and unobstructed public access to the beach. The study shall give special consideration to use of temporary erosion control structures on inlet shorelines and in communities actively pursuing a beach nourishment project.

SECTION 2.2. Report. – No later than April 1, 2010, the Department of Environment and Natural Resources shall report its findings, including any recommended legislation, to the Environmental Review Commission. No later than June 1, 2010, the Department shall report to the Environmental Review Commission on progress toward completion of the Beach and Inlet Management Plan required by S.L. 2000-67.

SECTION 3. This act is effective when it becomes law. Section 1 of this act expires September 1, 2010.

SENATE BILL 998:
Beach Management Study Commission

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	April 30, 2009
Introduced by:	Senator Jenkins	**Prepared by:**	Jeff Hudson Committee Counsel
Analysis of:	PCS to First Edition S998-CSSB-10 [v.1]		

SUMMARY: The Proposed Committee Substitute for Senate Bill 998 would establish a temporary moratorium on the removal of sandbags by the Coastal Resources Commission and direct the Department of Environment and Natural Resources to study existing laws and policies related to the use of sandbags to protect imminently threatened roads and buildings.

CURRENT LAW AND BACKGROUND:

Sandbags provide temporary protection to imminently threatened structures, including residences, septic systems, and road right-of-way, while permanent solutions, such as beach nourishment or relocation of the structure, are sought. A Coastal Area Management Act (CAMA) general permit issued by the Coastal Resources Commission (CRC) is required for the installation of a sandbag and the fee for a sandbag permit is $250.

Sandbag walls may remain in place for up to two years if the protected structure is 5,000 square feet or less, or for up to five years if the structure is larger than 5,000 square feet. Sandbags may also remain in place for up to five years, regardless of the size of the structure, if the community in which the structure is located is taking part in a beach nourishment project. Sandbags may remain in place indefinitely if they have become covered with sand and stable natural vegetation.

Sandbags that become damaged may be repaired within their original permitted dimensions, but repairs will not extend the amount of time that sandbags may remain in place. *(Background information excerpted from the website of the Division of Coastal Management in the Department of Environment and Natural Resources at: http://dcm2.enr.state.nc.us/Hazards/protect.htm)*

BILL ANALYSIS:

The Proposed Committee Substitute for Senate Bill 998 (PCS) would prohibit the Coastal Resources Commission (CRC) from ordering the removal of a permitted sandbag in a community that is actively pursuing a beach nourishment project or an inlet relocation project on or before the date on which this act becomes effective. This moratorium would not prohibit the CRC from:

- Granting permit modifications to allow the replacement, within the originally permitted dimensions, of sandbags that have been damaged or destroyed.
- Requiring the removal of sandbags installed in violation of coastal resources laws.
- Requiring that a sandbag that has been modified in violation of coastal resources laws be brought back into compliance with permit conditions.
- Requiring the removal of a sandbag that no longer protects an imminently threatened road and associated right of way or an imminently threatened building and associated septic system.

The PCS would also direct the Department of Environment and Natural Resources (DENR), in consultation with the CRC, to study existing laws and policies related to the use of sandbags for purposes of protecting imminently threatened roads and buildings and to determine whether changes should be made in law or policy to better manage eroding shorelines in a manner consistent with protection of the environmental, recreational, and economic value of the beaches and unobstructed public access to the beach. DENR would report its findings, including any recommended legislation, to the Environmental Review Commission (ERC) no later than April 1, 2010. DENR would also report to the ERC on progress toward completion of the Beach and Inlet Management Plan no later than June 1, 2010.

EFFECTIVE DATE: The act would become effective when it becomes law. The moratorium would expire September 1, 2010.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S 1

SENATE BILL 97

Short Title:	Critical Infrastructure Assm't Parks & Rec.	(Public)
Sponsors:	Senator Hartsell.	
Referred to:	Finance.	

February 11, 2009

A BILL TO BE ENTITLED

AN ACT TO ALLOW PARKS AND RECREATION AS AUTHORIZED PURPOSES FOR SPECIAL ASSESSMENTS FOR CRITICAL INFRASTRUCTURE NEEDS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-210.2(a) reads as rewritten:

"(a) Projects. – The board of commissioners of a county may make special assessments as provided in this Article against benefited property within the county for the purpose of financing the capital costs of projects for which bonds may be issued under any of the following:

(1) G.S. 159-48(b)(17), sanitary sewer systems.
(2) G.S. 159-48(b)(19), storm sewers and flood control facilities.
(3) G.S. 159-48(b)(21), water systems.
(4) G.S. 159-48(b)(23), public transportation facilities.
(5) G.S. 159-48(c)(4), school facilities.
(6) G.S. 159-48(d)(5), streets and sidewalks.
(7) G.S. 159-48(b)(13), parks and recreation facilities."

SECTION 2. G.S. 160A-239.2(a) reads as rewritten:

"(a) Projects. – The council of a city may make special assessments as provided in this Article against benefited property within the city for the purpose of financing the capital costs of projects for which bonds may be issued under any of the following:

(1) G.S. 159-48(b)(17), sanitary sewer systems.
(2) G.S. 159-48(b)(19), storm sewers and flood control facilities.
(3) G.S. 159-48(b)(21), water systems.
(4) G.S. 159-48(b)(23), public transportation facilities.
(5) G.S. 159-48(c)(4), school facilities.
(6) G.S. 159-48(d)(5), streets and sidewalks.
(7) G.S. 159-48(b)(13), parks and recreation facilities."

SECTION 3. This act is effective when it becomes law.

HOUSE BILL 97:
Active Duty Hunting/Fishing License Exemption

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	April 30, 2009
Introduced by:	Reps. Killian, Sager, McElraft, Guice	**Prepared by:**	Mariah Matheson Research Assistant
Analysis of:	First Edition		

SUMMARY: ***House Bill 97 allows residents of North Carolina who are serving on full-time active military duty outside the State in the Armed Forces of the United States or a Reserve component of the Armed Forces of the United States to hunt or fish while on leave in North Carolina without obtaining a license. House Bill 97 exempts those individuals from having to pay the applicable license fees.***

CURRENT LAW: House Bill 97 would allow a resident of North Carolina who is a member of the Armed Forces of the United States serving outside the State, or who is on full-time active military duty outside the State in a reserve component of the Armed Forces of the United States to be exempt from certain hunting and fishing license requirements while the person is on leave in North Carolina for 30 days or less.

The exemptions are for the following licenses:

- License required to hunt, fish, or trap [G.S. 113-270.1B] ..... $10-$40[1]
- Resident Big Game Hunting License [G.S. 113-270.3(b)(1)] $10.00
- Game Land License [G.S. 113-270.3(b)(3)] $15
- Migratory Waterfowl Hunting License [G.S. 113-270.3(b)(5)] $10
- Hook-and-line licenses in inland and joint fishing waters [G.S. 113-271] ..... $5-$20[2]
- Special trout license [G.S. 113-272] $10
- Resident Noncommercial Special Device License [G.S. 113-272.2(c)(1)] $10
- Coastal Recreational Fishing License [G.S. 113-174.2] ..... $5-$15

In order to qualify for the exemption, the person must have on his or her person at all times during the hunting or fishing activity the person's military identification card and a copy of the official document issued by the person's service unit confirming that the person is on authorized leave from a duty station outside North Carolina.

Any person exempted from licensing requirements under this bill remains responsible for:

- Any reporting requirements prescribed by rule of the Wildlife Resources Commission.
- Complying with the hunter safety requirements of G.S. 113-270.1A.

[1] The cost varies based on the specific type of license, and the fees listed here do not include "lifetime" license fees. A Resident County Hunting License is $10.00, a Resident State Hunting License is $15, a Resident Annual Combination Hunting and Inland Fishing License is $20, and an Annual Sportsman License is $40.00.

[2] The cost for this license varies depending on the length of time that the license is valid and the location in which it is valid. A short-term inland fishing license, which is valid only for 10 days, is $5.00, whereas an annual comprehensive inland fishing license costs $20.00. A license that is valid only in the licensee's county of residence is $10.00.

- Purchasing any federal migratory waterfowl stamps as a result of waterfowl hunting activity.
- Complying with any other requirements that the holder of a North Carolina license is subject to.

EFFECTIVE DATE: This act becomes effective July 1, 2009.

Susan Sitze, Committee Counsel to the House Wildlife Resources Committee and Trina Griffin, Committee Counsel to the House Finance Committee, substantially contributed to this summary.

H97-SMTF-5(e1) v1

SENATE BILL 760

Short Title:	Per Diem Erosion Control Penalties.	(Public)
Sponsors:	Senators McKissick; Atwater, Berger of Franklin, Clary, Davis, Foriest, Jones, Kinnaird, Snow, and Vaughan.	
Referred to:	Agriculture/Environment/Natural Resources.	

March 24, 2009

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE ASSESSMENT OF A CIVIL PENALTY PRIOR TO THE RESTORATION OF THE LAND FOR CONTINUING VIOLATIONS UNDER THE SEDIMENTATION POLLUTION CONTROL ACT OF 1973 AND, FOR VIOLATORS WHO FAIL TO CONTEST THE AMOUNT OF THE PENALTY FOR CONTINUING VIOLATIONS WITHIN THIRTY DAYS AFTER THE PENALTY IS DUE, TO BAR SUBSEQUENT CHALLENGES OF THE AMOUNT OF THE PENALTY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113A-64(a)(2) reads as rewritten:

"(2) The Secretary or a local government that administers an erosion and sedimentation control program approved under G.S. 113A-60 shall determine the amount of the civil penalty and shall notify the person who is assessed the civil penalty ~~of the amount of the penalty and~~ the reason for assessing the ~~penalty.~~penalty and:

a. If the violation has ceased, the total amount of the penalty.

b. If the violation is a continuing violation, the per diem amount of the penalty.

(2a) The notice of assessment under subdivision (2) of this subsection shall be served by any means authorized under G.S. 1A-1, Rule 4, and shall direct the violator to either pay the assessment or contest the assessment within 30 days by filing a petition for a contested case under Article 3 of Chapter 150B of the General Statutes. If a violator does not pay a civil penalty assessed by the Secretary within 30 days after it is due, the Department shall request the Attorney General to institute a civil action to recover the amount of the assessment. If a violator does not pay a civil penalty assessed by a local government within 30 days after it is due, the local government may institute a civil action to recover the amount of the assessment. The civil action may be brought in the superior court of any county where the violation occurred or the violator's residence or principal place of business is located. A civil action must be filed within three years of the date the assessment was due. An assessment that is not contested is due when the violator is served with a notice of assessment. An assessment that is contested is due at the conclusion of the administrative and judicial review of the assessment. This subdivision is subject to subdivision (2b) of this subsection.

(2b) If a violator receives a notice of assessment for a continuing violation under subdivision (2) of this subsection and fails to contest the amount of the

penalty within 30 days after it is due, the violator is barred from subsequently challenging the amount of the penalty under subdivision (2a) of this subsection."

SECTION 2. This act becomes effective October 1, 2009, and applies to violations that occur on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 760
PROPOSED COMMITTEE SUBSTITUTE S760-CSLD-5 [v.1]

4/21/2009 4:11:22 PM

Short Title: Per Diem Erosion Control Penalties. (Public)

Sponsors:

Referred to:

March 24, 2009

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE ASSESSMENT OF A CIVIL PENALTY PRIOR TO THE RESTORATION OF THE LAND FOR CONTINUING VIOLATIONS UNDER THE SEDIMENTATION POLLUTION CONTROL ACT OF 1973 AND, FOR VIOLATORS WHO FAIL TO CONTEST THE AMOUNT OF THE PENALTY FOR CONTINUING VIOLATIONS WITHIN THIRTY DAYS AFTER THE PENALTY IS DUE, TO BAR SUBSEQUENT CHALLENGES OF THE AMOUNT OF THE PENALTY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113A-64(a)(2) reads as rewritten:

"(2) The Secretary or a local government that administers an erosion and sedimentation control program approved under G.S. 113A-60 shall determine the amount of the civil penalty and shall notify the person who is assessed the civil penalty ~~of the amount of the penalty and~~ the reason for assessing the ~~penalty.~~penalty and either of the following:

a. The amount of the penalty that has accrued.

b. The daily amount of the penalty.

(2a) The notice of assessment under subdivision (2) of this subsection shall be served by any means authorized under G.S. 1A-1, Rule 4, and shall direct the violator to either pay the assessment or contest the assessment within 30 days by filing a petition for a contested case under Article 3 of Chapter 150B of the General Statutes. If a violator does not pay a civil penalty assessed by the Secretary within 30 days after it is due, the Department shall request the Attorney General to institute a civil action to recover the amount of the assessment. If a violator does not pay a civil penalty assessed by a local government within 30 days after it is due, the local government may institute a civil action to recover the amount of the assessment. The civil action may be brought in the superior court of any county where the violation occurred or the violator's residence or principal place of business is located. A civil action must be filed within three years of the date the assessment was due. An assessment that is not contested is due when the violator is served with a notice of assessment. An assessment that is contested is due at the conclusion of the administrative and judicial review of the assessment. This subdivision is subject to subdivision (2b) of this subsection.

(2b) If a violator receives a notice of assessment for a violation under subdivision (2)b. of this subsection and fails to contest the daily amount of the penalty within 30 days after service of the notice of the daily amount of the penalty, the violator is barred from subsequently challenging the daily amount of the penalty under subdivision (2a) of this subsection."

SECTION 2. This act becomes effective October 1, 2009, and applies to violations that occur on or after that date.

SENATE BILL 760:
Per Diem Erosion Control Penalties

2009-2010 General Assembly

Committee:	Senate Ref to Agriculture/Environment/Natural Resources. If fav, re-ref to Finance	**Date:**	April 29, 2009
Introduced by:	Senator McKissick	**Prepared by:**	Jennifer Mundt Legislative Analyst
Analysis of:	PCS to First Edition S760-CSLD-5 [v.1]		

SUMMARY: ***Senate Bill 760 would require the Secretary or a local government administering an erosion and sedimentation control program to notify persons who are assessed civil penalties of either the amount of the penalty that has accrued or the daily amount of the penalty and, for violators who fail to contest the amount of the penalty for continuing violations within 30 days after the penalty is due, to bar subsequent challenges to the amount of the penalty.***

[As introduced, this bill was identical to H1066, as introduced by Reps. Hall, Luebke, Michaux, Wilkins, which is currently in House Environment and Natural Resources, if favorable, Judiciary I.]

CURRENT LAW: G.S. 113A-64(a) provides that any person who violates any of the provisions of the Sedimentation Pollution Control Act of 1973 (Act), or any ordinance, rule, or order adopted or issued pursuant to the Act, or continues a land-disturbing activity that is out of compliance with the terms, conditions, and provisions of an approved erosion and sediment control plan is subject to a civil penalty. The maximum penalty for a violation is $5,000 and each day of a continuing violation constitutes a separate violation. The Secretary of Environment and Natural Resources (Secretary) or a local government that administers an erosion and sedimentation control program must determine the amount of the civil penalty and notify the person who is assessed the civil penalty of the amount of the penalty and the reason for the penalty. Notice of the assessed penalty must direct the violator to either pay the assessment or contest the assessment within 30 days by filing a petition for a contested case.

BILL ANALYSIS: The Proposed Committee Substitute for Senate Bill 760 (PCS) would require the Secretary or a local government administering an erosion and sedimentation control program to notify persons who are assessed civil penalties of either the amount of the penalty that has accrued or the daily amount of the penalty.

The PCS would also provide that if a violator receives a notice of assessment for a violation for a daily penalty and fails to contest the daily amount of the penalty within 30 days after the notice has been served, the violator is barred from further challenging the daily amount of the penalty.

EFFECTIVE DATE: The PCS would become effective October 1, 2009, and apply to violations that occur on or after that date.

SENATE BILL 881*

Short Title:	AgRELIEF Act/Cost Share Program.	(Public)
Sponsors:	Senator Atwater.	
Referred to:	Agriculture/Environment/Natural Resources.	

March 26, 2009

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE TEMPORARY AGRICULTURAL LABOR COST SHARE PROGRAM TO PROVIDE REIMBURSEMENT OF EXPENSES FOR THE LEGAL INTERIM EMPLOYMENT OF FARMWORKERS.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 106 of the General Statutes is amended by adding a new article to read:

"Article 70.

"AgRELIEF Act; Temporary Agricultural Labor Cost Share Program.

"**§ 106-840. Title.**

This may be referred to as the Agricultural Reimbursement of Expenses for Legal Interim Employment of Farmworkers Act (AgRELIEF Act).

"**§ 106-841. Temporary Agricultural Labor Cost Share Program established.**

(a) The Temporary Agricultural Labor Cost Share Program is established. The Program shall provide cost share funds to assist North Carolina farmers who use the federal H2-A visa program, under INA sec. 101(a)(15)(H)(ii)(a), in North Carolina to legally fulfill their need for temporary agricultural labor to perform agricultural labor or services of a temporary or seasonal nature on North Carolina farms. The Temporary Agricultural Labor Cost Share Program shall, subject to the requirements and limitations under G.S. 106-842, assist North Carolina farmers with only the following costs that are paid exclusively by the North Carolina farmer and that are associated with using the federal H2-A visa program:

(1) All round-trip transportation and subsistence costs for an H2-A worker, to and from the worker's country of origin, if paid by the North Carolina farmer, but which shall be limited to a total reimbursable expense that does not exceed three hundred dollars ($300.00) for each round trip for each H2-A worker; and

(2) All processing charges and administrative fees and dues, including but not limited to, advertising and recruitment costs, charged by an agricultural trade association with IRS nonprofit 501(c) classification, to a North Carolina farmer, if paid by the North Carolina farmer, but which shall be limited to a total reimbursable expense that does not exceed three hundred twenty-five dollars ($325.00) for each H2-A worker; and

(3) Any United States State Department Visa fees and Border Patrol Crossing fees for each H2-A worker, if paid by the North Carolina farmer; and

(4) Any United States Consulate application and appointment fees for each H2-A worker, if paid by the North Carolina farmer.

"**§ 106-842. Temporary Agricultural Labor Cost Share Program; administration; requirements and limitations.**

(a) The Temporary Agricultural Labor Cost Share Program shall be developed and administered by the Temporary Agricultural Labor Cost Share Advisory Committee established under G.S. 106-845.

(b) Program Functions. – Under the Temporary Agricultural Labor Cost Share Program, the Advisory Committee shall:

(1) Within funds available to this program, provide cost share funds to applicants, subject to all of the following limitations and requirements:

a. Reimbursements shall be limited to:

1. Fifty percent (50%) of the costs as provided in subsection (b) of this section for each H2-A worker per year with the applicant providing fifty percent (50%) of these costs.

2. A maximum of fifty thousand dollars ($50,000) per applicant per year.

b. Applicants shall be limited to farmers who have an adjusted gross income in each of the previous two years that is at or below two hundred fifty thousand dollars ($250,000), unless at least seventy-five percent (75%) of this adjusted gross income is derived directly from farming, ranching, or forestry operations.

c. To be eligible for cost share funds under this section, an applicant shall produce documentation for review that substantiates the applicant's compliance with all of the following requirements:

1. The applicant has obtained federal certification to employ a H2-A visa worker and complies with all federal requirements for ensuring that no legally authorized United States worker is available, able, and willing to meet the temporary agricultural labor job requirements.

2. The applicant provides housing for the H2-A workers that have been registered, inspected, and certified by North Carolina Department of Labor ASH for occupancy by workers during their time period of employment. Housing does not have to be owned by the applicant in order to meet this requirement.

3. The applicant provides each H2-A worker with workers' compensation insurance.

4. The applicant provides insurance mandated for vehicles transporting any H2-A worker.

5. The applicant provides training under EPA mandated pesticide worker protection standards for any H2-A worker.

6. The applicant inspects documentation to ensure that all H2-A visa documentation is valid and each worker is legally authorized to work on the applicant's farm during the time period of employment.

d. An applicant requesting cost share funds for fees and costs incurred by the applicant and eligible for reimbursement under G.S. 106-841 shall provide, to the satisfaction of the Advisory Committee, documentation to substantiate proof of payment by the North Carolina farmer of these costs, not to exceed number of H2-A workers employed by the applicant during the applicable year. Documentation under this sub-subdivision shall not exceed standards

beyond what a majority of applicants can reasonably obtain and submit as proof of payment.

e. Nothing in this Article shall be construed to preclude an applicant from submitting an application each year and being eligible each year to receive cost share funding under this program. Further, an application that includes costs for an H2-A worker who returns in subsequent years shall also be eligible to apply for the cost share funding during the subsequent years.

(2) Develop a process for soliciting and reviewing applications and for selecting farmers to participate in the Temporary Agricultural Labor Cost Share Program based on the eligibility requirements and limitations under G.S. 106-841 and this section. Approved applications shall be processed based on the date of submission of the completed application until and as long as funding is available for this program.

(3) Receive public and private donations, appropriations, grants, and revenues to be credited to the Temporary Agricultural Labor Cost Share Program Fund under G.S. 106-844.

(4) Limit the eligibility for submission of an application for Temporary Agricultural Labor Cost Share Program funds to only the applicant who was listed as the employer on the H2-A visa application, except individual and group applications submitted by an agricultural trade association with IRS nonprofit 501(c) classification shall be eligible, provided such group is also listed on all of the applicable H2-A visa applications as a joint employer.

"**§ 106-843. Temporary Agricultural Labor Cost Share Program; report.**

No later than March 31 of each year, the Advisory Committee shall prepare a comprehensive report on the implementation of the Temporary Agricultural Labor Cost Share Program for the previous calendar year and submit the report to the House of Representatives and the Senate Appropriations Subcommittees on Natural and Economic Resources.

"**§ 106-844. Temporary Agricultural Labor Cost Share Program Fund.**

The Temporary Agricultural Labor Cost Share Program Fund is established as a nonreverting special fund in the Office of the State Treasurer and shall consist of all funds and monies received from any federal, State, or local agency or institution, and from any other source, whether as a grant, appropriation, gift, contribution, or bequest; provided these funds are designated for the Temporary Agricultural Labor Cost Share Program Fund. Notwithstanding any provisions of law which might prohibit a transfer or donation, the Temporary Agricultural Labor Cost Share Program Fund also may receive funds from public and private sources. Funds in the Temporary Agricultural Labor Cost Share Program Fund shall be used for only the reimbursement to North Carolina farmers for fees and costs in accordance with G.S. 106-841 and G.S. 106-842. Any funds received in the Temporary Agricultural Labor Cost Share Program Fund shall be held separate and apart from all other moneys, funds, and accounts in an interest-bearing account and shall carry forward any balance remaining in the Fund at the end of any fiscal year for the next succeeding fiscal year."

SECTION 2. This act becomes effective July 1, 2009.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S D

SENATE BILL 881*
PROPOSED COMMITTEE SUBSTITUTE S881-CSRF-38 [v.3]

4/29/2009 8:29:07 PM

Short Title: AgRELIEF Act/Cost Share Program. (Public)

Sponsors:

Referred to:

March 26, 2009

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE TEMPORARY AGRICULTURAL LABOR COST SHARE PROGRAM TO PROVIDE REIMBURSEMENT OF EXPENSES FOR THE LEGAL INTERIM EMPLOYMENT OF FARMWORKERS.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 106 of the General Statutes is amended by adding a new article to read:

"Article 70.

"AgRELIEF Act; Temporary Agricultural Labor Cost Share Program.

"**§ 106-840. Title.**

This may be referred to as the Agricultural Reimbursement of Expenses for Legal Interim Employment of Farmworkers Act (AgRELIEF Act).

"**§ 106-841. Temporary Agricultural Labor Cost Share Program established.**

The Temporary Agricultural Labor Cost Share Program is established. The Program shall provide cost share funds to assist North Carolina farmers who use the federal H-2A visa program under the federal Immigration and Nationality Act, Section 8 USC 1324(a)(1)(A)(iv)(b)(iii), in North Carolina to legally fulfill their need for temporary agricultural labor to perform agricultural labor or services of a temporary or seasonal nature on North Carolina farms. The Temporary Agricultural Labor Cost Share Program shall, subject to the requirements and limitations under G.S. 106-842, assist North Carolina farmers with only the following costs that are paid exclusively by the North Carolina farmer and that are associated with using the federal H-2A visa program:

(1) All round-trip transportation and subsistence costs for an H-2A worker, to and from the worker's country of origin, if paid by the North Carolina farmer, but which shall be limited to a total reimbursable expense that does not exceed three hundred dollars ($300.00) for each round trip for each H-2A worker; and

(2) All processing charges and administrative fees and dues, including but not limited to advertising and recruitment costs, charged by an agricultural trade association that is exempt from taxation under Section 501(c) of the Internal Revenue Code, to a North Carolina farmer, if paid by the North Carolina farmer, but which shall be limited to a total reimbursable expense that does not exceed three hundred twenty-five dollars ($325.00) for each H-2A worker; and

(3) Any United States State Department Visa fees and Border Patrol Crossing fees for each H-2A worker, if paid by the North Carolina farmer; and

(4) Any United States Consulate application and appointment fees for each H-2A worker, if paid by the North Carolina farmer.

"**§ 106-842. Temporary Agricultural Labor Cost Share Advisory Committee; administration of Program; requirements and limitations.**

(a) The Temporary Agricultural Labor Cost Share Advisory Committee is established. The Advisory Commission shall be administratively located in the Department of Agriculture and Consumer Services, but shall exercise its statutory powers and duties independent of the Department. The Advisory Committee shall consist of seven members as follows:

(1) The Commissioner of Agriculture, or the Commissioner's designee.

(2) The President of the North Carolina Rural Economic Development Center, Inc., or the President's designee.

(3) The Commissioner of Labor, or the Commissioner's designee.

(4) The Chairman of the Employment Security Commission, or the Chairman's designee.

(5) The Executive Vice President of the North Carolina Agribusiness Council, or the Executive Vice President's designee.

(6) The President of the North Carolina State Grange, or the President's designee.

(7) The President of the North Carolina Farm Bureau Federation, Inc., or the President's designee.

The Commissioner of Agriculture, or the Commissioner's designee, shall serve as the Chair of the Advisory Committee. A majority of the members of the Advisory Council shall constitute a quorum for the transaction of business.

(b) The Advisory Committee shall develop and administer the Temporary Agricultural Labor Cost Share Program and shall have the following powers and duties:

(1) Within funds available to this program, provide cost share funds to applicants, subject to all of the following limitations and requirements:

a. Reimbursements shall be limited to:

1. Fifty percent (50%) of the costs as provided in G.S. 106-841 for each H2-A worker per year with the applicant providing fifty percent (50%) of these costs.

2. A maximum of fifty thousand dollars ($50,000) per applicant per year.

b. Applicants shall be limited to farmers who have an adjusted gross income in each of the previous two years that is at or below two hundred fifty thousand dollars ($250,000), unless at least seventy-five percent (75%) of this adjusted gross income is derived directly from farming, ranching, or forestry operations.

c. To be eligible for cost share funds under this section, an applicant shall produce documentation for review that substantiates the applicant's compliance with all of the following requirements:

1. The applicant has obtained federal certification to employ a H-2A visa worker and complies with all federal requirements for ensuring that no legally authorized United States worker is available, able, and willing to meet the temporary agricultural labor job requirements.

2. The applicant provides housing for the H-2A workers that have been registered, inspected, and certified by Agricultural Safety and Health Bureau of the North Carolina Department

of Labor for occupancy by workers during their time period of employment. Housing does not have to be owned by the applicant in order to meet this requirement.

3. The applicant provides each H-2A worker with workers' compensation insurance.

4. The applicant provides insurance mandated for vehicles transporting any H-2A worker.

5. The applicant provides training pursuant to pesticide worker protection standards mandated by the Environmental Protection Agency for any H-2A worker.

6. The applicant inspects documentation to ensure that all H-2A visa documentation is valid and each worker is legally authorized to work on the applicant's farm during the time period of employment.

d. An applicant requesting cost share funds for fees and costs incurred by the applicant and eligible for reimbursement under G.S. 106-841 shall provide, to the satisfaction of the Advisory Committee, documentation to substantiate payment by the North Carolina farmer of these costs, not to exceed number of H-2A workers employed by the applicant during the applicable year. Documentation required under this sub-subdivision shall not exceed standards beyond what a majority of applicants can reasonably obtain and submit as proof of payment.

e. Nothing in this Article shall be construed to preclude an applicant from submitting an application each year and being eligible each year to receive cost share funding under this program. An application that includes costs for an H-2A worker who returns in subsequent years shall also be eligible to apply for the cost share funding during the subsequent years.

(2) Develop a process for soliciting and reviewing applications and for selecting farmers to participate in the Temporary Agricultural Labor Cost Share Program based on the eligibility requirements and limitations under G.S. 106-841 and this section. Approved applications shall be processed based on the date of submission of the completed application until and as long as funding is available for this program.

(3) Receive public and private donations, appropriations, grants, and revenues to be credited to the Temporary Agricultural Labor Cost Share Program Fund under G.S. 106-844.

(4) Limit the eligibility for submission of an application for Temporary Agricultural Labor Cost Share Program funds to only the applicant who was listed as the employer on the H-2A visa application, except individual and group applications submitted by an agricultural trade association that is exempt from taxation under Section 501(c) of the Internal Revenue Code, shall be eligible, provided such group is also listed on all of the applicable H-2A visa applications as a joint employer.

"**§ 106-843. Temporary Agricultural Labor Cost Share Program; report.**

No later than March 31 of each year, the Advisory Committee shall prepare a comprehensive report on the implementation of the Temporary Agricultural Labor Cost Share Program for the previous calendar year and submit the report to the House of Representatives and the Senate Appropriations Subcommittees on Natural and Economic Resources.

"**§ 106-844. Temporary Agricultural Labor Cost Share Program Fund.**

There is established a "Temporary Agricultural Labor Cost Share Program Fund" to be administered by the Commissioner of Agriculture. The Fund shall consist of all funds and monies received from any source, whether as a grant, appropriation, gift, contribution, or bequest; provided these funds are designated for the Temporary Agricultural Labor Cost Share Program Fund. Notwithstanding any provisions of law which might prohibit a transfer or donation, the Temporary Agricultural Labor Cost Share Program Fund also may receive funds from public and private sources. Funds in the Temporary Agricultural Labor Cost Share Program Fund shall be used for only the reimbursement to North Carolina farmers for fees and costs in accordance with G.S. 106-841 and G.S. 106-842. Any funds received in the Temporary Agricultural Labor Cost Share Program Fund shall be held separate and apart from all other moneys, funds, and accounts in an interest-bearing account and shall carry forward any balance remaining in the Fund at the end of any fiscal year for the next succeeding fiscal year."

SECTION 2. This act becomes effective July 1, 2009.

SENATE BILL 881:
AgRELIEF Act/Cost Share Program

2009-2010 General Assembly

Committee:	Senate Ref to Agriculture/Environment/Natural Resources. If fav, re-ref to Appropriations/Base Budget	**Date:**	April 29, 2009
Introduced by:	Sen. Atwater	**Prepared by:**	Barbara Riley Committee Counsel
Analysis of:	PCS to First Edition S881-CSRF-38		

SUMMARY: ***Senate Bill 881 establishes the Temporary Agricultural Labor Cost Share Program. The program will provide cost share funds to assist farmers who use H-2A workers to meet their need for temporary agricultural labor. The Program will be administered by the Temporary Agricultural Labor Cost Share Advisory Committee. The Committee will be located administratively in the Department of Agriculture and Consumer Services. The Advisory Committee will consist of 7 members, chaired by the Commissioner of Agriculture or his designee. The Advisory Committee will distribute available funds to qualified farmers who submit the appropriate documentation.***

A Temporary Agricultural Labor Cost Share Program Fund is also established. The Fund will be administered by the Commissioner of Agriculture and shall consist of funds from any sources, including grants, appropriations, gifts, contributions or bequests. The bill does not appropriate money from the State to fund the Program Fund.

[As introduced, this bill was identical to H1364, as introduced by Reps. Bell, Howard, Randleman, Brown, which is currently in House Agriculture, if favorable, Appropriations.]

CURRENT LAW: The federal H-2A temporary agricultural program provides a means for farmers to hire immigrant workers when the farmers anticipate a shortage of domestic workers to harvest their crops and perform other services on the farm. The statutes and regulations implementing the H-2A program establish many requirements for the farmer/employer and provide numerous worker protections. Some of these include a pay rate that is equal to that paid US workers, housing that meets OSHA standards, meals or kitchen facilities, workers compensation insurance, and others.

In 2002, the 11th Circuit Court of Appeals, in the case of *Arriaga v. Florida Pacific Farms, LLC,*[1] found that transportation and visa costs incurred by temporary workers coming into the US under the H-2A visa program were primarily for the benefit of the employer and therefore were reimbursable under the Fair Labor Standards Act. The result of the Arriaga case has been a significant increase in the cost of hiring workers under the H-2A program.

BILL ANALYSIS: Senate Bill 881 establishes Article 70 in Chapter 106 of the General Statutes to be known as the AgRelief Act: Temporary Agricultural Labor Cost Share Program. The purpose of the program is to provide financial assistance to North Carolina farmers who use the federal H-2A program to fill their need for farm laborers.

Under G.S. 106-841, the only costs for which assistance may be provided are those that are (1) paid by the farmer and (2) that are associated with the H-2A program, as follows:

- All round trip and subsistence costs to and from the workers country of origin, limited to $300 per round trip per H-2A worker.
- All processing charges and administrative fees and dues including advertising and recruitment costs charged by a agricultural trade association that is a 501(c) nonprofit, to a farmer, limited to $325 per H-2A worker.

[1] 305 F. 3rd 1228 (11th Cir. 2002)

- Any US State Department Visa Fees and Border Patrol Crossing Fees, for each H-2A worker.
- Any US Consulate application and appointment fees for each H-2A worker.

G.S. 106-842, creates the Temporary Agricultural Labor Cost Share Advisory Committee. The Advisory Committee shall be located administratively in the Department of Agriculture and Consumer Services and shall consist of 7 members as follows:

- The Commissioner of Agriculture, or the Commissioner's designee.
- The President of the NC Rural Economic Development Center, or his designee.
- The Commissioner of Labor or the Commissioner's designee
- The Chairman of the Employment Security Commission or the Chairman's designee
- The Executive Vice President of the NC Agribusiness Council, or the Executive Vice President's designee
- The President of the State Grange, or the President's designee.
- The President of the Farm Bureau, or the President's designee.

The Commissioner of Agriculture shall be the Chair of the Advisory Committee. The Advisory Committee shall:

(1) Provide cost share funds to applicants, when funds are available subject to the following limitations and requirements:

- Reimbursement shall be limited to 50% of the costs provided in G.S. 106-841 with a maximum of $50,000 per applicant per year.
- Applicants shall be limited to farmers with an AGI in each of the 2 previous years of $250,000 or less, unless at least 75% of the AGI is derived directly from farming.
- Applicants shall provide documentation for review that substantiates compliance with the requirements of the H-2A program.
- Applicants shall provide documentation to show proof of payment by the farmer of the costs for which assistance is requested
- Applicants are not precluded from submitting an application each year
-

(2) Develop a process for soliciting and reviewing applications and selecting farmers to participate in the program.

(3) Receive public and private donations, appropriation, and grants to be credited to the Temporary Agricultural Labor Cost Share Program Fund.

(4) Limit eligibility for application for assistance to the applicant who was listed as the employer on the H-2A visa application, except individual and group applications submitted by an agricultural trade association, if the trade association is listed on the visa applications as a joint employer.

G.S. 106-843 requires the Advisory Committee to file a report with the House and Senate Subcommittees on Natural and Economic Resources by March 31 of each year.

G.S. 106-844 establishes the Temporary Agricultural Labor Cost Share Program Fund. The Fund is to be administered by the Commissioner or Agriculture and shall consist of all money received from any source including grants, appropriations, gifts, contributions, or bequests. Money in the Fund may be used only for reimbursement to farmers for fees and costs set forth in G.S. 106-481 and 482.

EFFECTIVE DATE: The act becomes effective July 1, 2009.

S881-SMRF-68(CSRF-38) v1

STEVE TROXLER
COMMISSIONER

State of North Carolina
Department of Agriculture and Consumer Services
Raleigh

April 16, 2009

To Whom It May Concern:

I am writing to express my support for the Agriculture Reimbursement of Expenses for Legal Immigrant Employees in Farming legislation introduced in both the North Carolina House and Senate, also referred to as the AgRELIEF Act (H1364 and S881).

Despite the downturn in the economy, farmers across North Carolina continue to struggle with securing the workers they need to maintain their farming operations. The success of much of our agricultural industry, and therefore the success of our state's economy, is largely dependent upon our farmers' ability to contract with a reliable, qualified workforce. According to the National Agricultural Statistics Service (NASS), North Carolina farmers spent over $830 million on agricultural labor in 2007, a figure representing 122% of the cost they invested in that same expenditure in 2006. (See "Farm Production Expenditures, 2007 Summary," August 2008.) In light of rising labor and other input costs, all of our farmers need all the advantages they can get to compete in a global economy.

Notably, the AgRELIEF Act helps off-set costs imposed by the federal government which actually discourage farmers' use of the H-2A program. In other words, without reimbursement or some cost-share, farmers who use the H-2A program are, because of the costs imposed by the federal government, at a competitive disadvantage when compared to employers who use illegal workers. The AgRELIEF Act addresses that disparity.

The AgRELIEF Act is a signal that our legislators are willing to encourage and assist our farmers, as opposed to stringing up more red tape that ultimately hampers their effectiveness and efficiency.

Sincerely,

Steven W. Troxler
Commissioner

1001 Mail Service Center, Raleigh, North Carolina, 27699-1001
(919) 733-7125 ● Fax (919) 733-1141 ● Email: Steve.Troxler@ncmail.net
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Cherie K. Berry
Commissioner

April 27, 2009

To All Interested Parties,

As Commissioner of Labor, one of my responsibilities is overseeing the inspection of migrant housing. I hear firsthand the stories shared by our farmers. Stories about the difficulty of finding good labor and the skyrocketing cost of labor. Here's a chance to support our farming community.

There is pending legislation at the North Carolina General Assembly that attempts to address this situation. It's called the Agriculture Reimbursement of Expenses for Legal Immigrant Employees in Farming or AgRELIEF Act/Cost Share Program (H1364 and S881).

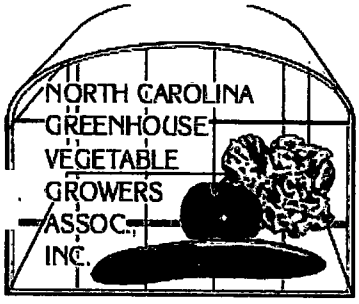
This legislation is a step in the right direction. I hope all farmers have access to this labor cost share program in order to help them survive these tough economic conditions. This legislation reaffirms that farming is still recognized as a vital part of the economic livelihood and agrarian heritage of our great state.

Sincerely,

Cherie Berry

Cherie K. Berry
Commissioner

1101 Mail Service Center• Raleigh, North Carolina 27699-1101



North Carolina Greenhouse Vegetable Growers Association
PO Box 58220, Raleigh, NC 27658
Ph: 919-334-0099 Fax: 919-877-0940

April 27, 2009

To Whom It May Concern:

North Carolina produces over 10 acres of greenhouse tomatoes which supplies 5% of the US market. Greenhouse vegetables are high quality products and are growing at a rate of 40-50% per year in the US. Greenhouse tomato acres are forecast to double in the next 3 years. Other greenhouse grown vegetables are: cucumbers, lettuce, peppers, herbs and melons.

To meet the supply demand for our products, NC greenhouse growers must have a reliable workforce.

The NC Greenhouse Growers Association expresses their support for the Agriculture Reimbursement of Expenses for Legal Immigrant Employees in Farming legislation introduced in both the North Carolina House and Senate, Also referred to as the AGRELIEF Act (H1364 and S881).

Even in the economic downturn, greenhouse growers are finding it difficult to find workers they need to maintain their farming operations. Because of the shortage of US agricultural workers, many of our growers employ workers through the H2A program.

If H1364 and S881 were to pass this would level the playing field and may Encourage more farmers to use the legal H2A program.

NCGVGA is supportive of this cost-share program and commends State Government for this pro-active step to encourage and assist farmers with hiring legal farm workers.

Cordially,

Faylene Whitaker
President

Christmas Tree Association

NORTH CAROLINA FRASER FIR
The Perfect Christmas Tree

NORTH CAROLINA CHRISTMAS TREE ASSOCIATION 50 Keeping Christmas Real Since 1959 NCCTA

PO Box 1937 Boone, NC 28607
828-262-5826 FAX: 828-265-1558
www.ncchristmastrees.com
info@ncchristmastrees.com

April 16, 2009

Dear Members of the NC General Assembly:

The NC Christmas Tree Association (NCCTA) supports the Agriculture Reimbursement of Expenses for Legal Immigrant Employees in Farming act (AgRELIEF). NCCTA is supportive of this cost-share program that is a pro-active step for State government to encourage and assist farmers with hiring legal farm workers.

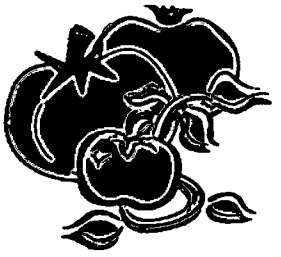
North Carolina is the 2nd largest farm-grown Christmas tree producing state in the United States. Approximately 5 million trees are harvested and sold yearly and more than $124 million is generated for the economy in North Carolina. That represents over 1500 farms and many workers who plant, fertilize, shear, maintain, and harvest those trees from mid-March through November.

NCCTA strongly urges the General Assembly to enact the AgRELIEF legislation.

Sincerely,

Charles Fowler

Charles Fowler
President



North Carolina Tomato Growers Association

April 20, 2009

Erica Peterson
Executive Vice President/CEO
NC Agribusiness Council, Inc.
2500 Regency Parkway
Cary, NC 27518

Dear Ms. Peterson:

The North Carolina Tomato Growers Association would like to send this letter of support for the AgRELIEF Act [**Ag** (Agriculture) **R**eimbursement of **E**xpenses for **L**egal **I**mmigrant **E**mployees in **F**arming], which includes H. 1364 and S. 881.

We understand that H.1364 and S.881 are companion bills and that they are identical and following are some of the facts:

- The AgRELIEF act is enabling legislation to establish a cost-share program to assist farmers with the upfront expenses required in order to use the H-2a program.
- The AgRELIEF act is a "First in the Nation" pilot program and represents a positive, pro-active step for State government to encourage and assist farmers with hiring legal farm workers.
- The AgRELIEF cost-share fund will be "housed" with the State Treasury Department (Secretary Janet Cowell), who has the highest fiduciary responsibility and credibility in the state.
- The AgRELIEF cost-share fund will be funded through private donations and grants. There are **NO plans** for state funding.
- The AgRELIEF act will cover up to 50% (with a cap of $50,000) of the "up-front" expenses paid by farmers for each worker including up to $300 for all round-trip transportation and subsistence costs for workers; up to $325 for all processing charges and administrative fees and dues; any state department visa fees and border patrol crossing fees; any US consulate application and appointment fees.
- The AgRELIEF act requires farmers to provide documentation for approved housing, workers' compensation insurance for workers, proof of insurance for vehicles transporting

2491 St. Paul's Road, Hendersonville, NC 28792
(828) 685-3989, ellen_moss@yahoo.com, www.nctomatoes.com

workers, pesticide training, compliance with all federal requirements to ensure no legally authorized US worker is available, able and willing, valid H-2a visa.

- The AgRELIEF act provides for an advisory committee to be established to solicit and review applications and process application based on date of submission as long as funding is available; and to submit a report to NC House and Senate Joint NER appropriations subcommittee.
- The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farm workers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense to re-examine the program

Please contact me at 828-526-3989 if you should have any questions concerning this matter and thanks for your consideration of our request.

Sincerely,

Melinda James / els

Melinda James, President
North Carolina Tomato Growers Association

MJ/els

2491 St. Paul's Road, Hendersonville, NC 28792
(828) 685-3989, ellen_moss@yahoo.com, www.nctomatoes.com

NORTH CAROLINA STATE GRANGE

March 31, 2009

To: Members of the Agriculture/Environment/Natural Resources Committee

From: Allison Fowler, Legislative Director, North Carolina State Grange

Jimmy Gentry, President, North Carolina State Grange

Re: SB 881 – AgRELIEF Act/Cost Share Program

Dear Senators:

The North Carolina State Grange has been a long-time advocate for farmers and an important part of our work has been on securing reliable, affordable and legal temporary labor. SB 881 which would establish the Temporary Agricultural Labor Cost Share Program will alleviate much of the burden that is currently on the backs of farmers whose intention is to provide the state and nation with an abundant food supply while following the law and hiring legal temporary farm workers.

The cost of following the law and hiring farm workers through the H2A program is extraordinary. About 10,000 H2A workers are hired each year by North Carolina's tobacco, cucumber and strawberry farmers. The AgRELIEF Act will assist farmers with paying for round-trip transportation and subsistence costs for an H2A worker to travel to and from their country of origin, the processing charges and administrative fees and dues, US State Department Visa fees and Border Patrol Crossing fees for each H2A worker and/or US Consulate application and appointment fees for each H2A worker. Farmers would only be allowed to participate in this Cost Share program if they are in federal compliance (providing housing, workers' compensation insurance, auto insurance and pesticide worker protection training)

Please support North Carolina's farmers and support SB 881 which will provide reimbursement of expenses for the legal interim employment of farmworkers.

Sincerely,

Allison Fowler Jimmy Gentry

Allison Fowler Jimmy Gentry

Legislative Director President

WWW.NCGRANGE.COM 1734 WILKESBORO HWY, STATESVILLE, NC 28625 704-878-000 800-432-4857 FAX 704-878-9460



PO Box 58220
Raleigh, NC 27658
P. 919-334-0099 F. 919-877-0940
www.ncvga.org

April 24, 2009

To Whom It May Concern:

NC produces 21 major fruit and vegetable crops and countless specialty crops throughout the state.

North Carolina offers quality, proximity, and consistent supply. Our fertile soils and climate are conducive to premium quality. We are located within 24 hours of 65% of the United States population. Buyers may traverse North Carolina production areas from the eastern coastal plain westward to the mountains for a consistent six month supply of many vegetable commodities.

The North Carolina fruit and vegetable industries have many suppliers who can meet various needs. In order to meet these needs NC growers must have a reliable workforce.

The North Carolina Vegetable Growers Association (NCVGA) expresses their support for the Agriculture Reimbursement of Expenses for Legal Immigrant Employees in Farming legislation introduced in both the North Carolina House and Senate, also referred to as the AgRELIEF Act (H1364 and S881).

Even in the economic downturn, vegetable growers are finding it difficult to find the workers they need to maintain their farming operations. Because of the shortage of U.S. agricultural workers, many of our growers employ workers through the H2A program.

If H1364 and S881 were to pass this would level the playing field and may encourage more farmers to use the legal H2A program.

NCVGA is supportive of this cost-share program and commends State government for this pro-active step to encourage and assist farmers with hiring legal farm workers.

Sincerely,

Kendall Hill
President



April 24, 2009

To Whom It May Concern:

North Carolina produces about 8,800 acres of watermelon valued at over $7.7 million. North Carolina ranks about 7th in the nation, producing over 11 million pounds.

The North Carolina Watermelon Association (NCWA) expresses their support for the Agriculture Reimbursement of Expenses for Legal Immigrant Employees in Farming legislation introduced in both the North Carolina House and Senate, also referred to as the AgRELIEF Act (H1364 and S881).

Even in the economic downturn, watermelon growers are finding it difficult to find the workers they need to maintain their farming operations. Because of the shortage of U.S. agricultural workers, many of our growers employ workers through the H2A program.

If H1364 and S881 were to pass this would level the playing field and may encourage more farmers to use the legal H2A program.

NCWA is supportive of this cost-share program and commends State government for this pro-active step to encourage and assist farmers with hiring legal farm workers.

Sincerely,

Brent Jackson
NCWA Executive Council

PO Box 58220, Raleigh, NC 27609
Phone: (919) 790-7099 Fax: (919) 877-0940
www.ncmelons.com



NORTH CAROLINA
Meat Processors Association
INCORPORATED

April 29, 2009

To All Members of the NC General Assembly

The NC Meat Processors Association strongly supports the **AgRELIEF Act** - House Bill 1364 and Senate Bill 881 and encourages members of the NC General Assembly to also support the **AgRELIEF Act**.

The **AgRELIEF Act** is enabling legislation to establish a cost-share program to assist farmers with the upfront expenses required in order to use the H-2a program. It is a "First in the Nation" pilot program and represents a positive, pro-active step for State government to encourage and assist farmers with hiring legal farmworkers. The cost-share fund will be funded through private donations and grants - there are NO plans for state funding – and will cover up to 50% (with a cap of $50,000) of the "up-front" expenses paid by farmers for each worker including up to $300 for all round-trip transportation and subsistence costs for workers; up to $325 for all processing charges and administrative fees; any state department visa fees and border patrol crossing fees; any US consulate application and appointment fees.

The **AgRELIEF Act** is very important legislation that will help encourage and financially assist NC farmers with costs associated with hiring legal workers on their farms and at their processing facilities. **The AgRELIEF Act does <u>not</u> cost the state anything since all funding will come from private donations or grants.**

The **AgRELIEFAct** requires farmers to provide documentation for approved housing, workers' compensation insurance for workers, proof of insurance for vehicles transporting workers, pesticide training, compliance with all federal requirements to ensure no legally authorized US worker is available, able and willing, valid H-2a visa. The cost share program provides for an advisory committee to be established to solicit and review applications and process application based on date of submission as long as funding is available; and to submit a report to NC House and Senate Joint NER appropriations subcommittee.

The **AgRELIEF Act** will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense to re-examine the program. In fact, the cost-share program will help off-set costs imposed by the federal government that actually discourage farmers' use of the H-2A program.

Cordially,

Candace Cansler

Candace Cansler
Executive Director
North Carolina Meat Processors Association, Inc.

Post Office Box 1176, Conover, North Carolina 28613
Phone and FAX 828-465-4900
Email: candacecansler@bellsouth.net

NCGA NORTH CAROLINA GROWERS ASSOCIATION INC.

April 27, 2009

To All Senate and House of Representative Members of the North Carolina General Assembly:

The North Carolina Growers Association strongly supports the AgRELIEF Act – House Bill 1364 and Senate Bill 881 and encourages all members of the North Carolina General Assembly to support the AgRELIEF Act as well.

The North Carolina Growers Association ("NCGA") is a non-profit (501c) growers' cooperative that consists of 750 growers from across the state of North Carolina who grow a diverse portfolio of labor intensive agricultural commodities, including watermelons, vegetables, Christmas Trees, commercial flowers, tobacco, pickle cucumbers, sweetpotatoes, apples, etc. NCGA members are unique because of their participation in the federal H-2A farm worker program, their progressive labor management practices, and their high level of compliance with labor, immigration, housing, and worker protection laws and regulations.

NCGA and its 750 members strongly support the AgRELIEF Act because we know, first hand, how expensive it is to comply with the myriad of state and federal laws and regulations that govern the employment of agricultural workers. Modern farming is a high capital, high risk enterprise and unfortunately all North Carolina farmers do not strive to comply with the law with the same high level of commitment as NCGA growers. However, in an era when government seems to prefer the punitive approach of offering only "sticks" to the regulated community, the AgRELIEF Act acknowledges excellence by offering the support of "carrots" for growers who strive to meet the regulatory and statutory obligations imposed on farmers

The AgRELIEF Act, a "first in the Nation" pilot program, is a positive and pro-active measure that recognizes and encourages farmers who grow our nation's food – and who make significant contribution to our local economies - do so in a socially responsible way. Without seeking any funding from state tax payers, the AgRELIEF Act creates enabling legislation that will be used as a vehicle to seek non-state revenue (ie. grants and private donations) that will assist in keeping NC farmers who utilize the H-2A program viable and sustainable. To participate in the program growers are required to submit tangible evidence that they provide inspected and approved housing, workers' compensation

PO Box 399 • Vass, North Carolina 28394 • General@ncgrowers.org • (910) 245-2969 • Fax (910) 245-3891

insurance, minimum levels of vehicle insurance, compliance with pesticide worker protection requirements and US worker hiring preferences, among other things.

Labor costs are consistently among the top two costs of production in labor intensive crops and on most farms it is the number one cost. At a time when labor inputs continue to increase, the 50% reimbursement for up-front costs associated with participating in the federal H-2A program provided for by the AgRELIEF Act will allow many growers to continue with their high levels of compliance and encourage others to consider the program in the future.

It is no secret that the majority of North Carolina farm operations continue to be small family operated businesses. These families are the backbone of agricultural production in our state and they are job creators. For every seasonal/temporary farm worker employed in North Carolina, farmers help create 3-4 additional US worker jobs in the broader economy.

The AgRELIEF Act is precedent setting legislation – demonstrating once again North Carolina's leadership in the nation in terms of labor intensive agricultural production. Further, NCGA believes the AgRELIEF Act symbolizes our states political leaders' commitment to the sustainability of our state's number one industry - Agribusiness.

Thank you for your support of the AgRELIEF Act.

Stan Eury, Executive Director

April 27, 2009

To Whom It May Concern:

On behalf of the board of directors and as the executive director of the North Carolina SweetPotato Commission I am writing to express my support for the AgRELIEF Act known as House Bill 1364 and Senate Bill 881. This bill is very important to our growers for a number of reasons.

This act would cover up to 50% of the up-front expenses paid by farmers for each worker including up to $300 for all transportation and subsistence costs for workers; up to $325 for all processing charges and administrative fees and dues; any state department visa fees and border patrol crossing fees; and any US consulate application and appointment fees.

The AgRELIEF act would require farmers to provide documentation for approved housing, workers' compensation insurance for workers, proof of insurance for vehicles transporting workers, pesticide training, compliance with all federal requirements to ensure no legally authorized US worker is available, able and willing, and valid H-2a visa.

Finally, the AgRELIEF act will assist farmers who are already bearing the high expense to use legal farm workers; and hopefully will encourage farmers who have been resistant to using the program due to the high up-front expense to re-examine the program.

The North Carolina Sweet Potato Commission believes that the AgRELIEF Act, known as House Bill 1364 and Senate Bill 881 would serve as an important piece of legislation in protecting workers and providing assistance to already struggling North Carolina farmers.

Sincerely,

Sue Johnson-Langdon

Sue Johnson-Langdon
Executive Director
NC SweetPotato Commission

NORTH CAROLINA SWEETPOTATO COMMISSION, INC.
700 E PARRISH DRIVE SUITE C - BENSON, NC 27504
919.894.1067 PHONE 919.894.7018 FAX NCSWEETSUE@AOL.COM WWW.NCSWEETPOTATOES.COM

NC Agribusiness Council, Inc.

The Unified Voice of NC Agribusiness

April 29, 2009

To All Members of the NC General Assembly

The NC Agribusiness Council strongly supports the **AgRELIEF Act** - House Bill 1364 and Senate Bill 881 and encourages members of the NC General Assembly to also support the **AgRELIEF Act**.

The **AgRELIEF Act** is enabling legislation to establish a cost-share program to assist farmers with the upfront expenses required in order to use the H-2a program. It is a "First in the Nation" pilot program and represents a positive, pro-active step for State government to encourage and assist farmers with hiring legal farmworkers. The cost-share fund will be funded through private donations and grants - there are NO plans for state funding – and will cover up to 50% (with a cap of $50,000) of the "up-front" expenses paid by farmers for each worker including up to $300 for all round-trip transportation and subsistence costs for workers; up to $325 for all processing charges and administrative fees; any state department visa fees and border patrol crossing fees; any US consulate application and appointment fees.

The **AgRELIEF Act** is very important legislation that will help encourage and financially assist NC farmers with costs associated with hiring legal workers on their farms and at their processing facilities. **The AgRELIEF Act does not cost the state anything since all funding will come from private donations or grants.**

The **AgRELIEFAct** requires farmers to provide documentation for approved housing, workers' compensation insurance for workers, proof of insurance for vehicles transporting workers, pesticide training, compliance with all federal requirements to ensure no legally authorized US worker is available, able and willing, valid H-2a visa. The cost share program provides for an advisory committee to be established to solicit and review applications and process application based on date of submission as long as funding is available; and to submit a report to NC House and Senate Joint NER appropriations subcommittee.

2500 Regency Parkway Cary, NC 27518 office: 919-782-4063 fax: 919-654-6737 www.ncagribusiness.com

The **AgRELIEF Act** will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense to re-examine the program. In fact, the cost-share program will help off-set costs imposed by the federal government that actually discourage farmers' use of the H-2A program.

Respectfully yours,

Erica Peterson

Erica Peterson
Executive Vice President/CEO
North Carolina Agribusiness Council

North Carolina Strawberry Association

April 22, 2009

To Whom It May Concern:

The North Carolina Strawberry Association supports the Agriculture Reimbursement of Expenses for Legal Immigrant Employees in Farming legislation which has been introduced in both the North Carolina House and Senate (the AgRELIEF Act, or H1364 and S881).

Strawberry growers require a reliable workforce, especially during harvest season, for their crop. Because of the shortage of U.S. agricultural workers, many of our growers employ workers through the H2A program. This allows growers to make sure that these workers are legally in the country and provides many safeguards as well for the wellbeing of these workers. It is an expensive program for growers.

This legislation provides, at no expense to the state, some financial relief to those farmers who have already made the choice to use legal immigrant workers, and should provide incentive and support to encourage other growers to take this same path.

Sincerely,

Deborah S. Wechsler

Executive Secretary, NC Strawberry Association

1138 Rock Rest Road, Pittsboro, NC 27312
Phone: 919-542-4037 | Fax: 866-511-6660 | info@ncstrawberry.com | www.ncstrawberry.com

NORTH CAROLINA COMMERCIAL FLOWER GROWERS ASSOCIATION

April 25, 2009

To Whom It May Concern:

NC green industry is comprised of all the various companies and organizations that provide products, services, education, and resources to help keep North Carolina green and beautiful.

Adding $8.6 Billion and 151,982 Jobs to the State of North Carolina

The North Carolina Commercial Flower Growers Association (NCCFGA) expresses their support for the Agriculture Reimbursement of Expenses for Legal Immigrant Employees in Farming legislation introduced in both the North Carolina House and Senate, also referred to as the AgRELIEF Act (H1364 and S881).

Even in the economic downturn, flower growers are finding it difficult to find the workers they need to maintain their farming operations. Because of the shortage of U.S. agricultural workers, many of our growers employ workers through the H2A program.

If H1364 and S881 were to pass this would level the playing field and may encourage more farmers to use the legal H2A program.

NCCFGA is supportive of this cost-share program and commends State government for this proactive step to encourage and assist farmers with hiring legal farm workers.

Sincerely

Bryan Foushee
President

PO Box 58220, Raleigh, NC 27658 p (919) 334-0093 f (919) 877-0940
www.nccfga.org

ENJOY N.C. APPLES

April 24, 2009

To Whom it May Concern:

I am writing to express The North Carolina Apple Growers Association, Inc. Support for the Agriculture Reimbursement of Expenses for Legal Immigrant Employees in farming legislation introduced in both the North Carolina House and Senate also known as the AgRELIEF Act (H1364 and S881)

The AgRELIEF Act proposed would make the H-2A program affordable to many farmers who would never be able to afford the H-2A workers. This sounds like a good program and will benefit many North Carolina farmers.

Sincerely,

Don Justus

Don Justus
President, N, C. Apple Growers Association, Inc.

North Carolina Apple Growers Association Inc.
P.O. BOX 58, EDNEYVILLE, NORTH CAROLINA 28727

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Wake County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Hay, Straw, Tobacco. Here at BARHAM FARMS, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 20 workers each year. Although I use the H-2A program at BARHAM FARMS, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Hay, Straw, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Wake County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully, Bennie T. Barham

Bennie Barham - BARHAM FARMS - WAKE FOREST, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Vernon Malone, Representative Marilyn Avila

please support this bill to help me continue to be able to use my program to acquire farm workers

Wester Farms, LLC
TOBACCO
798 WHITE LEVEL RD. LOUISBURG, NC 27549
PHONE (919) 853-3123

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Franklin County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Cucumbers, Hay, Peppers, Tobacco. Here at WESTER FARMS, LLC., we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 60 workers each year. Although I use the H-2A program at WESTER FARMS, LLC., it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Cucumbers, Hay, Peppers, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Franklin County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Leonard Wester

Leonard Wester - WESTER FARMS, LLC. - LOUISBURG, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Doug Berger, Representative Lucy Allen

P.S. We have used H2A Labor For the past 18 years. We have spent well over a million dollars just Paying the required Fees such as approved housing, transportation, workmans Comp, and so on. fees that we Continue to pay to hire legal labor. Farmers who employ illegal labor pay none of this. Please help the farmers who are trying to hire legal workers, not reward the ones who hire illegal workers.



Gross Farms

1606 Pickett Road
Sanford, North Carolina 27332

(919) 498-6727
www.grossfarms.com

John & Tina Gross
Fax: (919) 498-6731
Email: jtgross@alltel.net

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Lee County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Hay, Straw, Strawberries, Tobacco. Here at JOHN GROSS FARMS, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 7 workers each year. Although I use the H-2A program at JOHN GROSS FARMS, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Hay, Straw, Strawberries, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Lee County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully, John Gross Tina Gross

John Gross - JOHN GROSS FARMS - SANFORD, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Bob Atwater, Representative Jimmy Love

P.S. The AgRELIEF act is legislation that helps farmers who are doing things right – hiring legal workers, providing 100% compliant housing, providing workers compensation insurance, providing transportation that is insured and inspected

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Guilford County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Beans, Corn, Hay, Soybeans, Straw, Wheat, Tobacco. Here at my farm, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 6 workers each year. Although I use the H-2A program at my farm, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Beans, Corn, Hay, Soybeans, Straw, Wheat, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Guilford County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

James Greeson

James Greeson - - GIBSONVILLE, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Phil Berger, Representative Alma Adams

P.S. Each year I spend approximately $1,000 per worker to pay up the front expense to hire Legal farmworkers. If I used illegal workers instead, I would spend $0 per worker - The AgRELIEF act would create a cost share program that

helps level the playing field for farmers like me who hire legal workers.

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Sampson County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Cabbage, Potatoes, Sweet Potatoes, Tobacco. Here at DEREK J GODWIN FARMS, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 18 workers each year. Although I use the H-2A program at DEREK J GODWIN FARMS, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Cabbage, Potatoes, Sweet Potatoes, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Sampson County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Derek Godwin - Derek J Godwin Farms

Derek Godwin - DEREK J GODWIN FARMS - DUNN, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Harris Blake, Representative David Lewis

P.S. The Ag Relief act is legislation that helps farmers who are doing things right – hiring legal workers, providing 100% compliant housing, workers comp insurance, transporation that is insured and inspected. The government expects us to play by the rules - and I do - but I pay a hefty price of nearly 1000.00 per worker upfront fees & expenses that I wouldn't [illegible] illegal workers. → over

The AgRelief acts helps WC farmers do things right! The AgRelief act would create a cost share program that helps level the playing field for farmers like me who hire legal workers and jump through all the hoops and play by all the rules.

Thank you

Derek Hall Farms

Freddy Murphy
3074 Hwy 258 North
Snow Hill, NC 28580
Phone: 252-939-5310

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Greene County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Cotton, Hay, Straw, Tobacco. Here at my farm, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 11 workers each year. Although I use the H-2A program at my farm, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Cotton, Hay, Straw, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Greene County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Freddy Murphy

Freddy Murphy - - SNOW HILL, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Don Davis, Representative Van Braxton

P.S. The AgRELIEF act is legislation that helps farmers who are doing things right - hiring legal workers, providing 100% compliant housing, providing workers compensation, insurance, providing transportation that is insured and inspected.

Freddy Murphy

Hugh Davis Farms

225 Darrell Davis Rd Burlington, NC 27217

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Alamance County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Hay, Straw, Tobacco. Here at DAVIS FARM, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 12 workers each year. Although I use the H-2A program at DAVIS FARM, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Hay, Straw, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Alamance County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Hugh Davis - DAVIS FARM - BURLINGTON, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Tony Foriest, Representative Cary Allred

P.S. Any help we as farmers can get would be greatly appreciated.

Respectfully,
Hugh Davis

phone #
336-229-0077
cell 336-213-1121

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Alamance County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Hay, Straw, Tobacco. Here at STANLEY FARMS, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 4 workers each year. Although I use the H-2A program at STANLEY FARMS, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Hay, Straw, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Alamance County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Todd Stanley

Todd Stanley - STANLEY FARMS - BURLINGTON, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Tony Foriest, Representative Cary Allred

The Hill Of Berrys

705 BERRYHILL ROAD

ROXBORO, NORTH CAROLINA 27574

336-597-2584

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Person County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Burley, Hay, Straw, Tobacco. Here at THE HILL OF BERRYS, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 23 workers each year. Although I use the H-2A program at THE HILL OF BERRYS, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Burley, Hay, Straw, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Person County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Eugene C. Berryhill

Eugene Berryhill - THE HILL OF BERRYS - ROXBORO, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Ellie Kinnard, Representative Winkie Wilkins

PS We need the H-2A program but it is too expensive. Anything that you can do to bring us some relief would be appreciated.

Thanks
Cal Berryhill

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Franklin County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Hay, Straw, Tobacco. Here at JIMMY D. NELMS FARM, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 10 workers each year. Although I use the H-2A program at JIMMY D. NELMS FARM, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Hay, Straw, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Franklin County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,
Jimmy D Nelms

Jimmy Nelms - JIMMY D. NELMS FARM - LOUISBURG, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Doug Berger, Representative Lucy Allen

P.S. Each year I spend approximately $1000.00 per worker to pay up the front expenses to hire legal farmworkers. If I used illegal workers instead, I would spend $0 per worker. The Ag Relief Act would create a cost share program that helps level the playing field for farmers like me who hire legal workers. Jimmy D. N

Bruce Currin Farms
5567 Dorsey Road
Oxford, NC 27565

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Granville County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Hay, Straw, Tobacco. Here at my farm, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 6 workers each year. Although I use the H-2A program at my farm, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Hay, Straw, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Granville County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Bruce Currin - - OXFORD, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Doug Berger, Representative Jim Crawford

P.S. Each year I spend about $1000.00 per worker to pay up front the expenses to hire Legal farm workers. If I used illegal workers instead, I would pay nothing. Please support the Ag Relief Act.

N & N Farms, Inc.

269 Bern Wilder Rd Louisburg NC 27549

Phone 919-496-2359

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Franklin County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Cucumbers, Hay, Tobacco. Here at N & N FARMS, INC., we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 18 workers each year. Although I use the H-2A program at N & N FARMS, INC., it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Cucumbers, Hay, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Franklin County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Steven Nelms

Steven Nelms - N & N FARMS, INC. - LOUISBURG, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Doug Berger, Representative Lucy Allen

(The farm is where it all begins)

P.S. Each year I spend about $1,000.00 per worker to pay up front expenses to hire "legal" farmworkers. If I used illegal workers instead, I would spend $0 per worker. We try to do the right thing. The AGRELI would create a cost share program that helps level it for farmers like me who hire "legal" workers

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Granville County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Beans, Peppers, Soybeans, Wheat, Tobacco. Here at FULLER FARMS, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 25 workers each year. Although I use the H-2A program at FULLER FARMS, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Beans, Peppers, Soybeans, Wheat, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Granville County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Gary Fuller

Gary Fuller - FULLER FARMS - OXFORD, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Doug Berger, Representative Jim Crawford

P.S. The AgRELIEF act is legislation that helps farmers who are doing things right– hiring legal workers. We provide 100% compliance in housing, workers compensation insurance, providing transportation that is insured and inspected.

Byrd Farms

2599 Crawford Road
Dunn, North Carolina
28334

Phone: 919.820.5272
jbyrdfarms@gmail.com

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Harnett County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Beans, Cattle, Cotton, Hay, Soybeans, Tobacco. Here at BYRD FARM, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 5 workers each year. Although I use the H-2A program at BYRD FARM, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Beans, Cattle, Cotton, Hay, Soybeans, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Harnett County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Jackie L. Byrd

Jackie Byrd - BYRD FARM - DUNN, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Harris Blake, Representative David Lewis

P.S.

The government expects me to play by the rules – and I do but I pay a hefty price for that compliance, nearly $1,000 per worker in upfront fees and expenses that I wouldn't have to pay if I hired illegal workers. The Ag Relief act helps N.C. Farmers do things right.

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Harnett County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Beans, Cotton, Soybeans, Tobacco. Here at my farm, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 8 workers each year. Although I use the H-2A program at my farm, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Beans, Cotton, Soybeans, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Harnett County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

John Britt

John Britt - - ANGIER, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Harris Blake, Representative David Lewis

P.S. The AgRelief act will help NC farmers because it would cover up to 50% of the "up-front" expenses paid by farmers for each legal worker we hire including all round-trip transportation and subsistence costs for workers; all processing charges and administrative fees and clerical; any state department visa fees and border patrol crossing fees; any US Consulate application and appointment fees.

STAINBACK FARMS

P.O. BOX 41
MIDDLEBURG, N.C. 27556

RONALD E. STAINBACK
OWNER

TELEPHONE: (252) 431-1308
FAX: (252) 431-1109

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Vance County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Beans, Rye, Soybeans, Straw, Wheat, Tobacco. Here at STAINBACK FARMS, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 25 workers each year. Although I use the H-2A program at STAINBACK FARMS, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Beans, Rye, Soybeans, Straw, Wheat, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

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As a farmer from Vance County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Ronald Stainback - STAINBACK FARMS - MIDDLEBURG, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Doug Berger, Representative Jim Crawford

PS The Ag Relief act is legislation that helps farmers who are doing things right - hiring legal workers providing 100% Compliant housing, Provided workers Compensation insurance, providing transportation that is insured and inspected.

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Alamance County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow TOBACCO, HAY, STRAW. Here at GWYNN FARM, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 5 workers each year. Although I use the H-2A program at GWYNN FARM, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow TOBACCO, HAY, STRAW and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Alamance County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Robert E. Gwynn

ROBERT E. GWYNN - GWYNN FARM - ELON, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Tony Foriest, Representative Cary Allred

The AgRelief act is legislation that helps farmers who are doing things right – hiring legal workers, providing 100% compliant housing, workers comp insurance, transportation that is insured & inspected.

No farms – No food!

SMITH FARMS
P. O. Box 244
Boonville, N. C. 27011

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Yadkin County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Corn, Hay, Pumpkins, Tobacco. Here at SMITH FARMS INC, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 28 workers each year. Although I use the H-2A program at SMITH FARMS INC, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Corn, Hay, Pumpkins, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Yadkin County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Jeffrey Smith - SMITH FARMS INC - BOONVILLE, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Don East, Representative Darrell McCormick

PS. Each year I spend approximately $1,000 per worker to pay up the front expenses to hire LEGAL farm workers. If I used illegal workers instead, I would spend $0 per worker. The Ag Relief Act would create a cost share program that helps level the playing field for farmers like me who hire legal workers.

Jeffrey Smith

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Surry County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Grapes, Hay, Straw, Tobacco. Here at HUTTON VINEYARD, LLC., we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 5 workers each year. Although I use the H-2A program at HUTTON VINEYARD, LLC., it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Grapes, Hay, Straw, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Surry County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Malcolm HUTTON / HUTTON VINEYARD, LLC. - DOBSON, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Don East, Representative Sarah Stevens

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Lee County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Hay, Straw, Tobacco. Here at my farm, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 3 workers each year. Although I use the H-2A program at my farm, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Hay, Straw, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Lee County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Mike Gaster

Mike Gaster - - SANFORD, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Bob Atwater, Representative Jimmy Love

PS: I think that for the most part people and especially those in government tend to forget how much monetary means it takes the farmer to get food and fiber from the farm to the table and to the backs of the consumer. This bill, in my opion could help the farmers that don't have the means to get legal workers here, therefore use illegal ones, get on board with the use of the H2A worker program and help the State with some of the immigration problems. This bill would be a win-win situation for both the State and the farmers. Please consider all comments for this bill and hopefully support it fully. Mike Gaster

EVERETT FARMS
2112 FRED EVERETT ROAD
KINSTON, NC 28501

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Lenoir County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Beans, Cotton, Soybeans, Wheat, Tobacco. Here at EVERETT FARMS, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 10 workers each year. Although I use the H-2A program at EVERETT FARMS, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Beans, Cotton, Soybeans, Wheat, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Lenoir County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Lynwood Everett

Lynwood Everett - EVERETT FARMS - KINSTON, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Charlie Albertson, Representative Van Braxton

P.S. The government expects me to play by the rules - and I do - but I pay a hefty price for that compliance nearly $1000.00 per worker in upfront fees and expenses that I wouldn't have to pay if I hired illegal workers. The AgRelief act helps NC Farmers do things right.

K C FARMS
Blythe H. Casey – B. H. Casey, Jr.
2878 Paul's Path Road
Kinston, North Carolina 28504

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Lenoir County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Beans, Corn, Cotton, Soybeans, Tobacco. Here at KC FARMS, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 7 workers each year. Although I use the H-2A program at KC FARMS, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Beans, Corn, Cotton, Soybeans, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Lenoir County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Blythe Casey

Blythe Casey - KC FARMS - KINSTON, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Charlie Albertson, Representative Van Braxton

P.S. The government expects me to follow their rules, and I do but it is extremely expensive - to the tune of almost $1000/worker up front. Then there is the approved housing, workmen's comp., electricity, water bills, local transportation, etc. I would never hire illegal workers, but I would go out of business if I could not get the H2A workers.
We need all the assistance we can get.

Tull Hill Farms, Inc.

2264 Hugo Road
Kinston, North Carolina 28501
Phone (252) 523-4406

Grower
Packer of Quality Sweet Potatoes
Shipper

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Lenoir County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Cabbage, Cotton, Peppers, Potatoes, Sweet Potatoes, Tobacco. Here at Tull Hill Farms, Inc, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 110 workers each year. Although I use the H-2A program at Tull Hill Farms, Inc, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Cabbage, Cotton, Peppers, Potatoes, Sweet Potatoes, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Lenoir County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

James Hill Jr.

James Hill - Tull Hill Farms, Inc - KINSTON, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Charlie Albertson, Representative Van Braxton

Governor Perdue,
We would be most grateful for your support of the Ag Relief act. We simply could not farm if we had to depend on local labor and it is against our policy to hire illegal workers. As well as the benefits mentioned above, this act would be a model for other states to follow in order to reduce illegal immigration in our country.
Thanks for your support. Jimmy Hill

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Lenoir County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Beans, Corn, Tobacco. Here at my farm, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 11 workers each year. Although I use the H-2A program at my farm, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Beans, Corn, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Lenoir County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Johnnie Tyndall - - DEEP RUN, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Charlie Albertson, Representative Van Braxton

P.S. The Gov't expects me to play by the rules – AND – I DO, but I pay a hefty price for that compliance, nearly 1K per worker in UPFRONT fees + expenses it wouldn't have to pay if I hired illegal workers. The AgRelief Act gets things right!

Wiggins Farms, Inc
5918 Little-Wiggins Rd.
LaGrange, NC 28551
(252) 566-4171

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Lenoir County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Hay, Straw, Tobacco. Here at WIGGINS FARMS, INC., we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 16 workers each year. Although I use the H-2A program at WIGGINS FARMS, INC., it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Hay, Straw, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Lenoir County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Brent Wiggins

Brent Wiggins - WIGGINS FARMS, INC. - LA GRANGE, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Charlie Albertson, Representative Van Braxton.

P.S. Every year I spend approx. 1,000.00 per worker to pay up front expenses to hire legal farmworkers. I could cut that expense to -0- if I used illegal workers. The Ag Relief Act would create a cost share program that helps level the playing field for farmers like me who hire legal workers.

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Lenoir County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Beans, Corn, Soybeans, Tobacco. Here at my farm, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 10 workers each year. Although I use the H-2A program at my farm, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Beans, Corn, Soybeans, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Lenoir County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Jerry Tyndall

Jerry Tyndall - - DEEP RUN, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Charlie Albertson, Representative Van Braxton

P.S. The AgRELIEF act is legislation that helps farmers who are doing things right— hiring legal workers, providing 100% compliant housing, providing workers compensation insurance and providing transportation that is insured and inspected

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Craven County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Corn, Hay, Potatoes, Sweet Potatoes, Tobacco. Here at my farm, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 14 workers each year. Although I use the H-2A program at my farm, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Corn, Hay, Potatoes, Sweet Potatoes, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Craven County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

David Parker - - NEW BERN, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Jean Preston, Representative William Wainwright

P.S. AgRelief will help me to continue to do the right thing and hire legal workers. Workers that are legal and accounted for and kept track of and returned to their home when the work is completed.

ARBA FARMS, INC.
252-747-2748
1877 JESSE HILL RD.
SNOW HILL NC 28580

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Greene County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Beans, Corn, Cotton, Soybeans, Tobacco. Here at ARBA FARMS INC., we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 10 workers each year. Although I use the H-2A program at ARBA FARMS INC., it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Beans, Corn, Cotton, Soybeans, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Greene County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Gregory Harrison - Arba Farms Inc

Gregory Harrison - ARBA FARMS INC. - SNOW HILL, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Don Davis, Representative Van Braxton

P.S. The Ag Relief act would be a great help to N.C. farmers who are doing things the legal way to get workers.

Brent Riggs Farms
4731 White Oak River Rd
Maysville NC 28555
PHONE: (910) 743-9046

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Onslow County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Beans, Corn, Cotton, Soybeans, Wheat, Tobacco. Here at BRENT RIGGS FARMS, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 6 workers each year. Although I use the H-2A program at BRENT RIGGS FARMS, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Beans, Corn, Cotton, Soybeans, Wheat, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Onslow County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Brent Riggs - BRENT RIGGS FARMS - MAYSVILLE, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Harry Brown, Representative George Cleveland

P.S. Each year I spend approximately $ 1,000 per worker to pay up front expenses to hire legal farmworkers. If I used illegal worker instead, I wouldn't spend anything up front for workers. The AgRELIEF Act would create a cost share program that helps level the playing field for farmers like me who hire legal workers. Thank you

Brent Riggs

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Greene County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Beans, Corn, Soybeans, Tobacco. Here at BRUCE HARDISON II FARMS, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 2 workers each year. Although I use the H-2A program at BRUCE HARDISON II FARMS, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Beans, Corn, Soybeans, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Greene County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Bruce Hardison

Bruce Hardison - BRUCE HARDISON II FARMS - SNOW HILL, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Don Davis, Representative Van Braxton

P.S. I spend approximately $1,000.00 per worker each year to pay up the front expenses to hire Legal farmworkers. If I used illegal workers instead, I would spend $0 per worker. The AgRelief Act would create a cost share program that helps level the playing field for farmers like me who hire Legal workers - Thank you.

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Lenoir County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Beans, Potatoes, Soybeans, Sweet Potatoes, Wheat, Tobacco. Here at REID WHITE FARMS, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 7 workers each year. Although I use the H-2A program at REID WHITE FARMS, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Beans, Potatoes, Soybeans, Sweet Potatoes, Wheat, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Lenoir County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Reid White

Reid White - REID WHITE FARMS - KINSTON, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Charlie Albertson, Representative Van Braxton

P.S. The government expects me to play by the rules - and I do - but I pay a hefty price for that compliance, nearly $1,000 per worker in upfront fees and expenses that I wouldn't have to pay if I hired illegal workers. The Ag Relief act helps NC farmers do things right!!

Pope & Son, Inc.
Growers • Packers • Shippers

April 27, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT THE AgRELIEF Act and hope you will join the NC farmers like me by Standing Up, Support and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF ACT!

I am a farmer in Sampson County, North Carolina and I use the H2A program in order to have LEGAL farm labor – which I need so that I can grow beans, corn, vegetables, and tobacco. Here at Pope & Son, Inc., we depend on the H2A program for our temporary agricultural labor – and I typically hire around 65 workers each year. Although I use the H2A program at Pope & Son, Inc., it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-$16 per hour.

Many factors go into my decision as to whether or not to grow beans, corn, vegetables, and tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use the H2A but instead used illegal workers – Farmers do not like government interference on the farm and we do not like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF Act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Sampson County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 billion) in North Carolina – and the farm is where it all begins.

Respectfully,

William T. Pope

William T. Pope
Pope & Son, Inc.
Clinton, North Carolina

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Charlie Albertson, Representative Joe Langdon

AGRIBUSINESS INC.
1435 STOKES ELEMENTARY SCHOOL RD.
STOKES, NC 27884

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills **HB** 1364 and SB 881 - AgRELIEF Act!

I am a farmer in Pitt County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Beans, Corn, Soybeans, Tobacco. Here at my farm, we depend on the H-2A program for our temporary agricultural labor - and I typically hire around 6 workers each year. Although I use the H-2A program at my farm, it is not a decision that I make lightly because it is a VERY expensive program - approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Beans, Corn, Soybeans, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Pitt County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina - and the farm is where it all begins.

Respectfully,

Henry Bunn – of Agribusiness Inc. - STOKES, NC

This is important. I want to play by the rules. However, I feel it is important that the rules don't punish the ones who follow them.

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Clark Jenkins, Representative Edith Warren

BARNHILL FARMS of NORTH CAROLINA, INC.

4125 NC 30
Post Office Box 10
Stokes, NC 27884

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Pitt County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Cucumbers, Straw, Tobacco. Here at my farm, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 8 workers each year. Although I use the H-2A program at my farm, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Cucumbers, Straw, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Pitt County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Taylor Barnhill - - STOKES, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Clark Jenkins, Representative Edith Warren

Taylor Barnhill

Shingleton Farms, Incorporated
Post Office Box 357
Stantonsburg, North Carolina 27883

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Wilson County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Cabbage, Cucumbers, Melons, Straw, Strawberries, Tobacco. Here at SHINGLETON FARMS, INC., we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 30 workers each year. Although I use the H-2A program at SHINGLETON FARMS, INC., it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Cabbage, Cucumbers, Melons, Straw, Strawberries, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Wilson County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Tommy Shingleton

Tommy Shingleton - SHINGLETON FARMS, INC. - STANTONSBURG, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator A.B. Swindell, Representative Joe Tolson

P.S. The AgRELIEF Act will help to keep safe food grown in the USA available for our citizens. It helps keep a legal labor force in the USA, and it provides standards through the H2A program for the workers' benefit - a win-win combination.

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Halifax County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Cucumbers, Peppers, Tobacco. Here at my farm, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 12 workers each year. Although I use the H-2A program at my farm, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Cucumbers, Peppers, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Halifax County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Cabot L Crawley

Cabot Crawley - - LITTLETON, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Ed Jones, Representative Angela Bryant

P.S. Each year I spent approximately 1,000.00 per worker to pay up the front expenses to hire legal farmworkers. If I used illegal workers instead, I would spend $0 per worker. The Ag Relief Act would create a cost share program that helps level the playing field for farmers like me who hire legal workers

Cabot L Crawley

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Rowan County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Beans, Cantalopes, Cucumbers, Green Beans, Peppers, Squash, Straw, Tomatoes. Here at EAGLE & SON PRODUCE, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 8 workers each year. Although I use the H-2A program at EAGLE & SON PRODUCE, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Beans, Cantalopes, Cucumbers, Green Beans, Peppers, Squash, Straw, Tomatoes and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Rowan County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Steve Eagle - EAGLE & SON PRODUCE - SALISBURY, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Andrew Brock, Representative Lorene Coates

P.S. Each year I spend approximately $1,000 per worker to pay up the front expenses to hire Legal farm workers. If I used illegal workers instead, I would spend $0 per worker. The AgRELIEF Act would create a cost share program that helps level the playing field for those who hire legal workers.

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Guilford County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Straw, Strawberries, Wheat, Tobacco. Here at APPLE FARMS, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 3 workers each year. Although I use the H-2A program at APPLE FARMS, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Straw, Strawberries, Wheat, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Guilford County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Harold Apple

Harold Apple - APPLE FARMS - GIBSONVILLE, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Phil Berger, Representative Alma Adams

P.S.
Each year I spend a lot of money to Hire legal workers. IF I used "Illegals" I would spend $0. Pass the Ag RELIEF ACT to help Farmers Like me who complies with the Law.

Kallam Farms/Tim Kallam
900 Lauren Rd
Stokesdale, NC 27357

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Rockingham County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Beans, Soybeans, Wheat, Tobacco. Here at my farm, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 15 workers each year. Although I use the H-2A program at my farm, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Beans, Soybeans, Wheat, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Rockingham County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Tim Kallam

Tim Kallam - - STOKESDALE, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Phil Berger, Representative Bryan Holloway

P.S. The AgRELIEF Cost-Share fund will be funded through private donations and grants. There are NO plans for state funding. The AgRELIEF Costs the state nothing and would mean so much to NC farmers who are doing things right and paying hiring costs to hire legal workers.

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Forsyth County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Hay, Straw, Tobacco. Here at my farm, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 8 workers each year. Although I use the H-2A program at my farm, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Hay, Straw, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Forsyth County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Richard V. Linville

Richard Linville - - KERNERSVILLE, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Peter Brunstetter, Representative Larry Brown

P.S. Each year I spend approximately $1,000 per worker to pay up the front expenses to hire Legal farmworkers. If I used illegal workers instead, I would spend $0 per worker. The AgRelief Act would create a cost share program that helps level the playing field for farmers like me who hire legal workers.

856 Cox Maddox Rd
Sanford NC 27332

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Lee County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Corn, Hay, Straw, Tobacco. Here at my farm, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 4 workers each year. Although I use the H-2A program at my farm, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Corn, Hay, Straw, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Lee County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Edward Thomas

Edward Thomas - - SANFORD, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Bob Atwater, Representative Jimmy Love

PS, The AgRelief act is legislation that helps farmers who are doing things right! Hiring legal workers, providing code compliant housing, providing workers comp insurance, providing transportation that is insured & inspected

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Martin County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Beans, Corn, Cotton, Peanuts, Soybeans, Tobacco. Here at MATTHEWS FARM, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 7 workers each year. Although I use the H-2A program at MATTHEWS FARM, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Beans, Corn, Cotton, Peanuts, Soybeans, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Martin County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

C. Warren Matthews

C. Matthews - MATTHEWS FARM - ROBERSONVILLE, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Clark Jenkins, Representative Edith Warren

P.S. Each year I spend approximately $1,000.00 per worker to pay the front expenses to hire Legal farmworkers. If I used illegal workers instead, I would spend $0 per worker. The AgRelief Act would create a cost share program that helps level the playing field for farmers like me who hire legal workers

Rickie Grimes Farms



Williamston, NC

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Martin County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Hay, Straw, Tobacco. Here at RICKY GRIMES FARMS, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 6 workers each year. Although I use the H-2A program at RICKY GRIMES FARMS, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Hay, Straw, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Martin County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

RICKIE GRIMES - RICKY GRIMES FARMS - WILLIAMSTON, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Clark Jenkins, Representative Edith Warren

P.S. The AgRELIEF cost-share fund will be funded through private donations and grants. There are no plans for state funding. This programs costs the state nothing and would mean so much the NC farmers who are doing the right thing and paying hiring costs to hire legal workers

Rickie Grimes

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Martin County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Beans, Corn, Cotton, Peanuts, Soybeans, Tobacco. Here at MATTHEWS FARMS, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 7 workers each year. Although I use the H-2A program at MATTHEWS FARMS, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Beans, Corn, Cotton, Peanuts, Soybeans, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Martin County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Lydia Matthews

Lydia Matthews - MATTHEWS FARMS - WILLIAMSTON, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Clark Jenkins, Representative Edith Warren

P.S. The government expects me to play by the rules - and I do - but I pay a hefty price for that compliance; nearly $1,000 per worker in upfront fees and expenses that I wouldn't have to pay if I hired illegal workers. The AgRelief act helps NC Farmers do things right

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Davidson County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Hay, Straw, Tobacco. Here at NOR-MAC-TOD FARMS, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 10 workers each year. Although I use the H-2A program at NOR-MAC-TOD FARMS, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Hay, Straw, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Davidson County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Mack Shoaf

MACK SHOAF - NOR-MAC-TOD FARMS - WINSTON SALEM, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Stan Bingham, Representative Larry Brown

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Davidson County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Hay, Straw, Tobacco. Here at MIKE HEGE FARMS, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 6 workers each year. Although I use the H-2A program at MIKE HEGE FARMS, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Hay, Straw, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Davidson County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Mike Hege

Mike Hege - MIKE HEGE FARMS - CLEMMONS, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Stan Bingham, Representative Jerry Dockham

P.S. The AgRelief act requires farmers to provide documentation to prove that they have approved housing, workers compensation insurance for workers, proof of insurance for vehicles transporting workers, pesticide training, not to mention compliance with all federal requirements to ensure legally authorized US workers are hired if available, able, and willing.

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Davidson County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Tobacco. Here at MOCKWOOD FARMS, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 3 workers each year. Although I use the H-2A program at MOCKWOOD FARMS, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Davidson County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,
Randy Mock (Mockwood FARMS)
Randy Mock - MOCKWOOD FARMS - LEXINGTON, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Stan Bingham, Representative Jerry Dockham

PS: The agRelief act is legislation that helps farmers who are doing things right. We hire legal workers, providing 100% compliant housing, providing Workers Comp. Insurance and providing transportation that is always insured and inspected.

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Randolph County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Beans, Burley, Corn, Soybeans, Wheat, Tobacco. Here at CANOY AND SONS FARMS, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 10 workers each year. Although I use the H-2A program at CANOY AND SONS FARMS, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Beans, Burley, Corn, Soybeans, Wheat, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Randolph County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully, Richard E Canoy Sr.

Richard Canoy - CANOY AND SONS FARMS - RAMSEUR, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Jerry Tillman, Representative Pat Hurley

P.S. I have used H.2.A laborers plus any local ones available for many years. H.2.A labor is very expensive but we get a very reliable labor force that we can't do without. We at Canoy & Son's Farms need your support for these workers Thanks Richard E Canoy Sr

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Pitt County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Beans, Corn, Cotton, Peanuts, Tobacco. Here at FRANK D. DAIL FARMS, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 35 workers each year. Although I use the H-2A program at FRANK D. DAIL FARMS, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Beans, Corn, Cotton, Peanuts, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Pitt County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,
Frank Dail

Frank Dail - FRANK D. DAIL FARMS - FARMVILLE, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Don Davis, Representative Edith Warren

P.S. The government expects me to play by the rules - and I do - but I pay a hefty price for that compliance, nearly $1,000 per worker in upfront fees and expenses that I wouldn't have to pay if I hired illegal workers. The AgRelief act helps NC Farmers do things right.

P.S.S. I think politicians + government should stay out of this

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Nash County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Hay, Potatoes, Sweet Potatoes, Tobacco. Here at J .B. ROSE & SONS, INC., we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 85 workers each year. Although I use the H-2A program at J .B. ROSE & SONS, INC., it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Hay, Potatoes, Sweet Potatoes, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Nash County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

David Rose

David Rose - J .B. ROSE & SONS, INC. - NASHVILLE, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator A.B. Swindell, Representative Randy Stewart

P.S. The AgRELIEF act is legislation that helps farmers who are doing things right - hiring legal workers, providing 100% compliant housing, providing workers compensation insurance, providing transportation that is insured and inspected.

ERIC JACKSON FARMS, INC.
Brent Jackson – Owner
511 West Main Street / Mount Olive / NC / 28365
919/738/0309 -- 919/299/3251 -- 910/237/0446

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Sampson County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Corn, Hay, Soy, Sweet Potatoes, Tobacco, Wheat. Here at ERIC JACKSON FARMS, INC., we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 20 workers each year. Although I use the H-2A program at ERIC JACKSON FARMS, INC., it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Corn, Hay, Soy, Sweet Potatoes, Tobacco, Wheat and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Sampson County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

BRENT JACKSON - ERIC JACKSON FARMS, INC. - MOUNT OLIVE, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Charlie Albertson, Representative Larry Bell

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Cumberland County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Beans, Corn, Soybeans, Wheat, Tobacco. Here at my farm, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 16 workers each year. Although I use the H-2A program at my farm, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Beans, Corn, Soybeans, Wheat, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Cumberland County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Duane Smith - - FAYETTEVILLE, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Tony Rand, Representative William Brisson

P.S. The Federal & State Govt has gone after Tobacco Again. Labor Cost must become more affordable for us tobacco farmers to stay in bussiness so that the Excise taxes can go up

R. D. LEE FARMS, INC.
10 BLACKBERRY ROAD
ERWIN, N. C. 28339
OFFICE: 910-893-5797
FAX: 910-893-6854

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

April 22, 2009

RE: SUPPORT AgRELIEF Act (H.1364 & S 881

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELEIF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Harnett County North Carolina and I use the H2A program in order to have LEGAL farm labor – which I need so that I can grow Hay, Straw, Tobacco. Here at RD LEE FARMS INC., we depend on the H-2A program for our temporary agricultural labor- and typically hire around 32 workers each year. Although I use the H_2A program at RD LEE FARMS INC., it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Hay, Straw, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers – Farmers don't like government interference on the farm and we don't like politics rhat get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers: and hopefully encourage farmers who have been resistant to using the program due to high "up-front" expense (nearly $1,000 per worker in federal mandated fees) to re-examine the program.

As a farmer from Harnett, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Denny Lee

Denny Lee – RD LEE FARMS INC. – ERWIN. NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senator Agriculture and Environment Committee Chairman Bob Atwater, House Agricultural Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Harris Blake, Representative David Lewis.

P.S. Each year I spend approximately $1,000 per worker to pay up front expenses to hire Legal farmworkers. If I used illegal workers instead, I would spend $0 per worker. The AgRELIEF Act would create a cost share program that helps level the playing field for farmers like me who hire legal workers.

Hatley Family Farm
PAUL AND BARBARA HATLEY

888 John Rogers Rd.
Hurdle Mills, NC 27541

Phone:
336-364-2235

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Person County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Hay, Straw, Tobacco. Here at HATLEY FAMILY FARM, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 10 workers each year. Although I use the H-2A program at HATLEY FAMILY FARM, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Hay, Straw, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Person County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Paul Hatley - HATLEY FAMILY FARM - HURDLE MILLS, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Ellie Kinnard, Representative Winkie Wilkins

P.S. For those of us who are trying hard to obey the laws, it is becoming increasingly harder to show a profit. It now cost us approximately $1000 per worker, whereas we are faced with those that are illegals and pay nothing. The Ag Relief cost share fund would be a great help to share these expenses. Please consider doing all you can to help the Struggling American farmer!

Paul S. Hatley

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Rockingham County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Hay, Straw, Tobacco. Here at PYRON FARMS, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 6 workers each year. Although I use the H-2A program at PYRON FARMS, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Hay, Straw, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Rockingham County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Ernest P Pyron Jr.

Ernest Pyron - PYRON FARMS - RUFFIN, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Phil Berger, Representative Nelson Cole

P.S. Please help pass the Ag Relief bill, as A N.C. Farmer I'm Not asking for state funds to help offset the high cost of using Legal H2A workers With Grants and donations this would help my Farming operation be a little more profitable

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Rockingham County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Hay, Straw, Tobacco. Here at ELLINGTON FARM, INC, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 2 workers each year. Although I use the H-2A program at ELLINGTON FARM, INC, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Hay, Straw, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Rockingham County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,
Jack Ellington

Jack Ellington - ELLINGTON FARM, INC - RUFFIN, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Phil Berger, Representative Nelson Cole

P.S. The Ag Relief act is legislation that helps farmers who are doing things right - hiring legal workers providing 100% compliant housing workers comp/auto insurance transportation that is insured and inspected

Michael A. Herbin
8025 Trotter Mill Rd.
Gibsonville, NC 27249
ph - 336/538-0608

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Guilford County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Beans, Corn, Hay, Soybeans, Straw, Wheat, Tobacco. Here at my farm, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 9 workers each year. Although I use the H-2A program at my farm, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Beans, Corn, Hay, Soybeans, Straw, Wheat, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Guilford County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Michael Herbin - - GIBSONVILLE, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Phil Berger, Representative Maggie Jeffus

Dear Governor Perdue,

Each year I spend approximately $1000.00 per worker to pay my front expenses to hire legal farmworkers, If I used illegal workers instead, I would spend $0 per worke. The AgRELIEF Act would create a cost share program that helps level the playing field for farmers like me who hire legal workers.

I believe in doing things right, it is moral and legal. The government expects me to play by the rules - and I do - but I pay a hefty price for that compliance, nearly $1000 per worker in upfront fees and expenses that I would not pay if I hired illegal workers. The Ag RELIEF Act helps me and other NC farmers do things right.

I hope that you will support and sign the Ag RELIEF Act if it is passed by the NC House and Senate. Thank you for your help.

Richard S. Fisher

BRYAN WAGONER TREE FARM, L.L.C.

9948 Kerr Chapel Road
Gibsonville, N.C. 27249
336-585-0052 • Fax: 336-585-0039



April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Caswell County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Nursery Stock, Trees. Here at BRYAN WAGONER TREE FARM LLC, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 20 workers each year. Although I use the H-2A program at BRYAN WAGONER TREE FARM LLC, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Nursery Stock, Trees and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Caswell County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Bryan Wag

Bryan Wagoner - BRYAN WAGONER TREE FARM LLC - GIBSONVILLE, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Tony Foriest, Representative Bill Faison

P.S. The AgRelief act is legislation that helps farmers who are doing things right – hiring legal workers, providing 100% compliant housing, providing workers compensation insurance, providing transportation that is insured + inspected.

4-25-09

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Baleigh NC 27699-0301

As a farmer here in Yadkin County, North Carolina, I work about 12 workers each year and depend on the H-2A program to work legal labor. But each year as the expenses get bigger I wonder if I should keep farming or give it up. The Ag Relief program and its help and support would be a big encouragement and a positive outlook to keep farming. The farmers here in Yadkin County North Carolina need to stick together but we also need help with the expense of farming to keep North Carolina alive and growing.

Sincerely,
Roger Grace
GRACE FARMS
HAMPTONVILLE NC

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Davidson County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Corn, Wheat, Tobacco. Here at ESSICK S & T FARMS, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 2 workers each year. Although I use the H-2A program at ESSICK S & T FARMS, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Corn, Wheat, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Davidson County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Larry Essick

Larry Essick - ESSICK S & T FARMS - KERNERSVILLE, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Stan Bingham, Representative Larry Brown

P.S Every year I spend around 1000 per worker. I do not use illegal workers. I support the ag Relief program. Please help the farmers

Randy K. Thomas
2910 McNeill Rd.
Sanford, NC 27332

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Harnett County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow TOBACCO, HAY, STRAW. Here at KRUSE FARMS, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 5 workers each year. Although I use the H-2A program at KRUSE FARMS, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow TOBACCO, HAY, STRAW and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Harnett County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Randy Kruse Thomas

RANDY KRUSE THOMAS - KRUSE FARMS - SANFORD, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Harris Blake, Representative Jimmy Love

P.S. Every year I spend approximately $1,000. per worker up front expenses to hire Legal farmworkers. If I used illegal workers, I'd spend 0 upfront costs. The AgRelief Act would create a cost share program that would help farmers like me.

GARY & BETSY KELLY FARMS

♦♦♦

1596 DIXIE FARM ROAD ♦ SANFORD, NC 27332
Phone cell 919-499-3124 or 919-499-3906 ♦ Home Phone 919-258-3890

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Lee County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Hay, Potatoes, Sweet Potatoes, Tobacco. Here at GARY KELLY FARMS, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 8 workers each year. Although I use the H-2A program at GARY KELLY FARMS, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Hay, Potatoes, Sweet Potatoes, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Lee County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Gary Kelly

Gary Kelly - GARY KELLY FARMS - SANFORD, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Bob Atwater, Representative Jimmy Love

The AgRELIEF act is legislation that helps farmers who are doing things right by hiring legal workers, providing compliant housing, providing Workers compensation insurance, providing transportation that is insured and inspected

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Caswell County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Hay, Tobacco. Here at HAMLETT FARMS, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 10 workers each year. Although I use the H-2A program at HAMLETT FARMS, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Hay, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

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As a farmer from Caswell County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully, Claude Hamlett

CLAUDE HAMLETT - HAMLETT FARMS - LEASBURG, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Tony Foriest, Representative Bill Faison

P.S. The AgRelief act is legislation that helps farmers who are doing things right - hiring legal workers, providing 100% compliant housing, providing workers compensation insurance, providing transportation that is insured and inspected. Claude Hamlett

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Alamance County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Beans, Corn, Cucumbers, Hay, Potatoes, Soybeans, Straw, Sweet Potatoes, Tobacco. Here at my farm, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 6 workers each year. Although I use the H-2A program at my farm, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Beans, Corn, Cucumbers, Hay, Potatoes, Soybeans, Straw, Sweet Potatoes, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Alamance County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Edgar Pritchett

Edgar Pritchett - - ELON COLLEGE, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Tony Foriest, Representative Cary Allred

P.S. Each year I spend approximately $1100.00 per worker to pay up front expenses to hire legal farm workers. If I used illegal workers instead, the cost would be $0 per worker. The AgRelief Act would create a cost share program ~~that~~ helps level the playing field for farmers like me who hire legal workers.

Moye Farms, Inc.

3060 Ormondsville Rd.
Ayden, NC 28513

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Pitt County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Beans, Cotton, Cucumbers, Hay, Soybeans, Tobacco. Here at MOYE FARMS, INC., we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 30 workers each year. Although I use the H-2A program at MOYE FARMS, INC., it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Beans, Cotton, Cucumbers, Hay, Soybeans, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Pitt County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

David Moye

David Moye - MOYE FARMS, INC. - AYDEN, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Don Davis, Representative Marian McLawhorn

P.S. The government expects me to play by the rules - and I do - but I pay a hefty price for that compliance, nearly $1,000 per worker in upfront fees and expenses that I wouldn't have to pay if I hired illegal workers. The AgRelief act helps NC farmers do things right.

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Greene County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Cucumbers, Potatoes, Sweet Potatoes, Tobacco. Here at my farm, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 8 workers each year. Although I use the H-2A program at my farm, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Cucumbers, Potatoes, Sweet Potatoes, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Greene County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Randy Allen

Randy Allen - - MAURY, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Don Davis, Representative Van Braxton

P.S. Each year I spend approximately $1,000 per worker to pay up the front expenses to hire Legal farm workers. If I used illegal workers instead, I would spend $0 per worker. The AgRELIEF Act would create a cost share program that helps level the playing field for farmers like me who use legal

Sloan Farm

1430 South NC 111 Chinquapin, NC 28521
(910)298.4636 or (910)290.0440

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Duplin County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Beans, Corn, Cucumbers, Potatoes, Tobacco. Here at SLOAN FARMS, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 20 workers each year. Although I use the H-2A program at SLOAN FARMS, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Beans, Corn, Cucumbers, Potatoes, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Duplin County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Warren Sloan

Warren Sloan - SLOAN FARMS - CHINQUAPIN, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill. Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Charlie Albertson, Representative Russell Tucker

IPOCK FARMS

550 IPOCK LANE
NEW BERN, NC 28562

Phone: 252-633-6789
Email: IPOCKDR@YAHOO.COM

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Craven County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Beans, Corn, Hay, Peanuts, Soybeans, Tobacco. Here at my farm, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 6 workers each year. Although I use the H-2A program at my farm, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Beans, Corn, Hay, Peanuts, Soybeans, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Craven County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Glen Ipock

Glen Ipock - - NEW BERN, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Jean Preston, Representative William Wainwright

Alphin Farms
Carlton and Lisa Alphin, Owners

3209 Jim Sutton Road
La Grange, NC 28551

Mobile: 252-939-6141
Fax: 252-566-9047

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Lenoir County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Beans, Cotton, Soybeans, Wheat, Tobacco. Here at ALPHIN FARMS, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 6 workers each year. Although I use the H-2A program at ALPHIN FARMS, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Beans, Cotton, Soybeans, Wheat, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Lenoir County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Carlton Alphin

Carlton Alphin - ALPHIN FARMS - LA GRANGE, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Charlie Albertson, Representative Van Braxton

P.S. It is important to me as a North Carolina farmer to do things right in my farming operation. The AgRELIEF act is legislation that would help farmers do things the right way: hire legal workers, to be 100% compliant with housing, provide workers compensation insurance, and provided transportation that is insured

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Greene County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Cucumbers, Hay, Tobacco. Here at my farm, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 15 workers each year. Although I use the H-2A program at my farm, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Cucumbers, Hay, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Greene County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Jerry Jones

Jerry Jones - - SNOW HILL, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Don Davis, Representative Van Braxton

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Greene County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Hay, Straw, Tobacco. Here at my farm, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 6 workers each year. Although I use the H-2A program at my farm, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Hay, Straw, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Greene County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Al Murray

Al Murray - - SNOW HILL, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Don Davis, Representative Van Braxton

P.S. Each year I spend approximately $1,000 per worker to pay up the front expenses to hire legal farmworkers. If I used illegal worker instead I would pay $0 per worker. The AgRelief Act would create a cost share program that helps level the playing field for farmers like me who hire legal workers

Al Murray

MACK L. GRADY FARM
128 JERUSALEM RD.
SEVEN SPRINGS, NC 28578

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Wayne County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Hay, Straw, Tobacco. Here at GRADY FARMS, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 12 workers each year. Although I use the H-2A program at GRADY FARMS, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Hay, Straw, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Wayne County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Mack L Grady

Mack Grady - GRADY FARMS - SEVEN SPRINGS, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Don Davis, Representative Larry Bell

PS I spend approximately $1,000.00 per worker per year for upfront expenses to hire legal farmworkers. If I used illegal workers instead there would be no costs to me. The Ag Relief Act would create a cost share program that would help farmers like me hire legal workers.

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Greene County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Beans, Corn, Wheat, Tobacco. Here at my farm, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 3 workers each year. Although I use the H-2A program at my farm, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Beans, Corn, Wheat, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Greene County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Ricky Joe Moore

Ricky Moore - - SNOW HILL, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Don Davis; Representative Van Braxton

P.S. Each year I spend approximately $1,000 per worker to pay up front expenses to hire legal farmworkers. If I used illegal workers instead, I would spend $0 per worker. The Ag Relief Act would create a cost share program that helps level the playing field for farmers like me who hire legal workers

Harris Farms
3269 Highway 91
Snow Hill, N.C. 28580
252-714- 5335

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Greene County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Corn, Soy, Tobacco, Watermelons, Wheat. Here at HARRIS FARMS, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 1 workers each year. Although I use the H-2A program at HARRIS FARMS, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Corn, Soy, Tobacco, Watermelons, Wheat and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Greene County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Pat HARRIS - HARRIS FARMS - SNOW HILL, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Don Davis, Representative Van Braxton

P.S. THE GOVERMENT expects me to play by the rules - and I do - but I PAY a hefty price for compliance, nearly $1000.00 per worker IN upfront Fees and exspenses that I wouldn't have to pay if I hired a illegal work force. THE AgRELIEF act helps NC. Farmers Do the right thing

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Stokes County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Hay, Straw, Tobacco. Here at S & S FARMS, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 6 workers each year. Although I use the H-2A program at S & S FARMS, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Hay, Straw, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Stokes County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully, Manley K Stovall

Manley Stovall - S & S FARMS - SANDY RIDGE, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Don East, Representative Bryan Holloway

PS I think that it would be very Important for the AgRelief Act to Pass.

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Craven County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Beans, Corn, Soybeans, Tobacco. Here at EBORN FARMS, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 10 workers each year. Although I use the H-2A program at EBORN FARMS, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Beans, Corn, Soybeans, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

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Respectfully,

Thomas Dale Eborn

Thomas Eborn - EBORN FARMS - NEW BERN, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Jean Preston, Representative William Wainwright

P.S. Please support the AgRELIEF Act and help farmers who are doing things the legal way. We understand it will cost the state nothing and will help us so much.

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Robeson County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Beans, Corn, Soybeans, Wheat, Tobacco. Here at HAYES BROS FARM, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 12 workers each year. Although I use the H-2A program at HAYES BROS FARM, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Beans, Corn, Soybeans, Wheat, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Robeson County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Martin Hayes

Martin Hayes - HAYES BROS FARM - LUMBERTON, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator David Weinstein, Representative Doug Yongue

P.S. Each year I spend approximately $1,000.00 per worker to pay up front expenses for legal farmworkers - I provide approved housing, workers compensation insurance, transportation, electricity and L.P. gas and county water - The government expects me to play by the rules, and I do, but I pay a huge price. If I used illegal workers I would spend $0 per worker. The Ag Relief Act is legislation that helps farmer who are doing the right thing - hiring legal workers -

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Robeson County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Beans, Corn, Cucumbers, Soybeans, Tobacco. Here at BILLY W. ROUSE FARMS, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 12 workers each year. Although I use the H-2A program at BILLY W. ROUSE FARMS, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Beans, Corn, Cucumbers, Soybeans, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Robeson County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Billy W Rouse

Billy Rouse - BILLY W. ROUSE FARMS - ORRUM, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator David Weinstein, Representative Garland Pierce

PS The AgRelief Act would create a cost share program that helps level the playing field for farmers like me who hire legal H2A workers.

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Columbus County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Beans, Corn, Potatoes, Soybeans, Sweet Potatoes, Tobacco. Here at JAMES H. HAYES FARM, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 8 workers each year. Although I use the H-2A program at JAMES H. HAYES FARM, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Beans, Corn, Potatoes, Soybeans, Sweet Potatoes, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Columbus County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully, James H Hayes

James Hayes - JAMES H. HAYES FARM - CERRO GORDO, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator R.C. Soles, Representative Dewey Hill

P.S. Each year it costs me approximately $1000 per worker to pay up front expenses to hire legal farmworkers. If I used illegal workers, it would cost me $0 per worker. The AgRelief Act would create a cost share program that helps level the playing field for farmers like me who hire legal worse. I am a third generation farmer

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Columbus County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Beans, Corn, Potatoes, Soybeans, Sweet Potatoes, Tobacco. Here at my farm, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 12 workers each year. Although I use the H-2A program at my farm, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Beans, Corn, Potatoes, Soybeans, Sweet Potatoes, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Columbus County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully, Jason Hayes

Jason Hayes - - CERRO GORDO, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator R.C. Soles, Representative Dewey Hill We are counting on both of you for support

P.S. Private donations and grants will fund the AgRelief cost sharing fund. No plans have been made for state funding. The AgRelief costs the state nothing and would mean so much to young NC Farmers who are trying to do things legal and paying higher costs to hire legal workers. $1000. per worker is a hefty fee – not including all other housing, insurance for workers compensation, transportation fees. Please help us to have a better future + Keep farming alive in N.C.

Craig Benton
Benton Farms
703 Airport Road
Pikeville, NC 27863
919-734-7764

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Wayne County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Beans, Cotton, Soybeans, Straw, Wheat, Tobacco. Here at BENTON FARMS, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 9 workers each year. Although I use the H-2A program at BENTON FARMS, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Beans, Cotton, Soybeans, Straw, Wheat, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Wayne County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Craig Benton

Craig Benton - BENTON FARMS - PIKEVILLE, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator David Rouzer, Representative Efton Sager

P.S. Each year I spend approximately $1000 per worker to pay up front expenses to hire Legal farm workers. There are farmers in my area using illigal workers giving themselve an advantage (ie. pushing up land prices) rent beyond what I can afford to make.). Please guard farmers who play by

Robert W. James & Sons
3061 Flat Swamp Rd.
Robersonville, NC 27871

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Martin County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Hay, Straw, Tobacco. Here at ROBERT W. JAMES & SONS, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 12 workers each year. Although I use the H-2A program at ROBERT W. JAMES & SONS, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Hay, Straw, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Martin County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Robert James - ROBERT W. JAMES & SONS - ROBERSONVILLE, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Clark Jenkins, Representative Edith Warren

P.S. A common sense solution for 2 situations. 1) EXPENSIVE legal labor
2) EXPENSIVE "cheap" illegal labor when the total costs of illegality are considered.

PENDER SHARP
SHARP FARMS, INC.
5161 NC 581 HWY.
SIMS, NORTH CAROLINA 27880
PHONE (252) 235-4106
FAX (252) 235-4611

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Wilson County North Carolina and I use the H2A program in order to have LEGAL farm labor – which I need so that I can grow Hay, Sweet Potatoes, and Tobacco. Here at Sharp Farms Inc., we depend on the H2A program for our temporary agricultural labor – and I typically hire around 38 workers each year. Although I use the H2A program at Sharp Farms Inc., it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per day.

Many factors go into my decision as to whether or not to grow Hay, Sweet Potatoes, and Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farm workers.

I've always understood why many farmers in America did not use H2A but instead used illegal workers – Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farm workers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Wilson County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

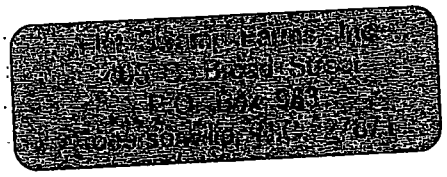
Respectfully,

Pender Sharp

Pender Sharp - Sharp Farms Inc. – Sims, NC

Cc: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator A.B. Swindell, Representative Joe Tolson

P.S. The government expects me to play by the Rules – and I do – but I pay a hefty price for that compliance, nearly $1,000 per worker in upfront fees and expenses that I wouldn't have to pay if I hired illegal workers. The AgRELIEF act helps NC farmers do things Right.



April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Martin County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Cotton, Peanuts, Soy, Tobacco. Here at FLAT SWAMP FARMS, INC., we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 8 workers each year. Although I use the H-2A program at FLAT SWAMP FARMS, INC., it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Cotton, Peanuts, Soy, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Martin County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully, Charles I. James

CHARLES I. JAMES - FLAT SWAMP FARMS, INC. - ROBERSONVILLE, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Clark Jenkins, Representative Edith Warren

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Alamance County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Hay, Wheat, Tobacco. Here at my farm, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 4 workers each year. Although I use the H-2A program at my farm, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Hay, Wheat, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Alamance County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Randall Page

Randall Page - - BURLINGTON, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Tony Foriest, Representative Cary Allred

P.S. - THIS LEGISLATION COULD HELP WITH THE COSTS OF HIRING LEGAL WORKERS, WHICH WOULD HELP THE BOTTOM LINE OF THE FARMERS WHO USE THEM. PLEASE HELP THE FARMERS, MAINTAIN A RELIABLE AND LEGAL SOURCE FOR FARM LABOR WHICH IN TURN HELPS THE IMMEDIATE ECONOMY LOCALLY AND STATEWIDE.

THANK YOU

Randall Page

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Stokes County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Hay, Wheat, Tobacco. Here at my farm, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 4 workers each year. Although I use the H-2A program at my farm, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Hay, Wheat, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Stokes County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully, Marvin Glenn Martin

Marvin Martin - - SANDY RIDGE, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Don East, Representative Bryan Holloway

P.S. I am a small farmer in N.C. trying to abide by the rules + laws. The AgRELIEF act is legislation that helps farmers who are trying to comply by doing things right, such as hiring only legal workers, providing 100% compliant housing for these workers, having workers Comp. insurance for injuries, accidents, etc that are job related also providing automobiles for transportation that is insured & inspected for all the safety issues. With the economy as it is today. We need AgRELIEF Act to help farmers in all the

Robertson
1304 Falkenberry Road
King, NC 27021

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Stokes County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Hay, Straw, Tobacco. Here at ROBERTSON FARM, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 2 workers each year. Although I use the H-2A program at ROBERTSON FARM, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Hay, Straw, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Stokes County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,
Steven Robertson
Steven Robertson - ROBERTSON FARM - KING, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Don East, Representative Bryan Holloway

P.S. The government expects me to play by the rules – and I do – BUT I pay a hefty price for following the rules when I could just use illegals. The AgRelief Act helps farmers like me who do the right thing.

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Rockingham County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Corn, Wheat, Tobacco. Here at my farm, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 10 workers each year. Although I use the H-2A program at my farm, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Corn, Wheat, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Rockingham County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

William K Strader

William Strader - - REIDSVILLE, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Phil Berger, Representative Nelson Cole

P.S. We need the AgRelief. It cost me approximately $1,000 per worker to pay up front expenses to hire Legal Workers. If I used illegal workers instead it would cost $0 per worker

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Davie County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Beans, Corn, Soybeans, Wheat, Tobacco. Here at my farm, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 4 workers each year. Although I use the H-2A program at my farm, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Beans, Corn, Soybeans, Wheat, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Davie County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Charlie Barnes - .- ADVANCE, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Andrew Brock, Representative Julia Howard

P.S. The Agrelief act is legislation that helps farmers who are doing things right hiring legal workers providing 100% Compliant housing Providing workers Comp. Ins. Providing transp that is insured and inspected.

P.S. Each I Spend about $1,000 Per worker To pay up front Expenses to hire legal Farmworkers if I used illegal workers instead I would Spend 0 Per worker The agrelief act would create a cost Share Program would help me like me who have legal

Thanks

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Randolph County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Straw, Wheat, Tobacco. Here at EDMONDS FARMS, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 5 workers each year. Although I use the H-2A program at EDMONDS FARMS, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Straw, Wheat, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Randolph County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Thomas D Edmonds

Thomas Edmonds - EDMONDS FARMS - RANDLEMAN, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Jerry Tillman, Representative Pat Hurley

P.S. I spent approximately $1000.00 per worker each year to pay up front expenses to hire Legal workers. Illegal workers Cost $0. The AgRelief Act would Create a cost Share program to help me to hire

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Rockingham County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Hay, Straw, Tobacco. Here at DDMK ENTERPRISES LLC, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 10 workers each year. Although I use the H-2A program at DDMK ENTERPRISES LLC, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Hay, Straw, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Rockingham County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Maynard Southern - DDMK ENTERPRISES LLC - STOKESDALE, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Phil Berger, Representative Bryan Holloway

P.S. The government expects me to play by the Rules— and I do- but I pay a hefty price for that compliance, nearly $1,000 per worker in up front fees and expenses that I wouldn't have to pay if I hired illegal workers. The Agrelief Act helps NC Farmers do things Right.

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Surry County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Beans, Corn, Hay, Straw, Tobacco. Here at my farm, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 4 workers each year. Although I use the H-2A program at my farm, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Beans, Corn, Hay, Straw, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Surry County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Jay Hill - - PILOT MOUNTAIN, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Don East, Representative Darrell McCormick

P.S. The Ag Relief act is legislation that helps farmers who are doing the Right thing hiring legal worker whether 1 or 50 and Provides transportation & housing And cash to be Refund for up front expenses wither 1 or 50

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Davidson County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Burley, Hay, Straw, Tobacco. Here at SINK'S HAPPY HILL FARM, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 6 workers each year. Although I use the H-2A program at SINK'S HAPPY HILL FARM, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Burley, Hay, Straw, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Davidson County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Henry Sink

Henry Sink - SINK'S HAPPY HILL FARM - LEXINGTON, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Stan Bingham, Representative Jerry Dockham

P.S.
The AgRELIEF cost/share fund will be funded through private donations and grants. There are no plans for state funding. This will cost the state nothing and, in turn would mean a great deal to NC farmers, like myself, who pay the up front fees and expenses to hire legal workers. I [illegible] passage of this Act would be a positive move

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Surry County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Burley, Hay, Straw, Tobacco. Here at BULLINGTON FARMS, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 10 workers each year. Although I use the H-2A program at BULLINGTON FARMS, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Burley, Hay, Straw, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Surry County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Chad Bullington - BULLINGTON FARMS - PINNACLE, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Don East, Representative Darrell McCormick

We would greatly appreciate any help in reducing our enormous expense in H2A labor Thankyou!



BAKER FARMS

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Surry County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Beans, Soybeans, Wheat, Tobacco. Here at BAKER FARMS, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 6 workers each year. Although I use the H-2A program at BAKER FARMS, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Beans, Soybeans, Wheat, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Surry County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Gary Baker

Gary Baker - BAKER FARMS - PINNACLE, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Don East, Representative Darrell McCormick

P.S. The Agrelief act will help NC FARMers because it would cover up to 50% of the "up-front" expenses paid by farmers for each legal worker we hire including All Round-trip transportation and subsistence costs for workers; all processing charges and administrative fees and dues.
I play by the governments rule by hiring legal workers but pay a hefty price of almost $1000.00 per worker in up front fees and expenses that I wouldn't have to pay if I hired illegal workers. The AgRelief helps us do

mc Donald Farms
John L. mcDonald
528 ashley Loop
Elon, n.c 27288

April 26-2009

RE: Support agRelief act (1364 + 5881)

Dear Governor Perdue,

I Strongly Support the agRelief act and hope you will join n.c. farmers like me by Standing up, Supporting and working To pass Companion Bills 1364 and S 5881 - AgRelief act!

I am a farmer in Rockingham county north Calolina and I use the H2A Program in order To have Legal farm labor - which I need so that I can grow Hay, Straw, Tobacco. Here at my farm, me depend on the H2-A program at my farm, it is not a decision that I take lightly because it is a very expensive program - approximately 1,800 per worker plus a wage - and benefit package of approximately $13-14 per hour and typically hire around 16 workers each year.

many factors go into my decision as to whether or not to grow Hay, Straw Tobacco and in these tough economic times I need any assistance I can get. The agRelief act is a "first in the nation" pilot program and represents

(2)

a positive pro-active step that north carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H2-A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRelief act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up front" expenses (nearly $1000 per worker in federally mandated fees) to re-examine the program.

as a farmer from Rockingham County, north Carolina, I strongly encourage you and the members of the N.C. General Assembly to help the people who put food on the kitchen table of every home in america and tax revenue in the coffers of the state. agribusiness is the #1 industry (over $70 in north carolina - and the farm is where it all begins.

Respectfully,

John L. McDonald

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Yadkin County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Grapes, Wheat, Tobacco. Here at my farm, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 9 workers each year. Although I use the H-2A program at my farm, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Grapes, Wheat, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Yadkin County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Derek Smith - - BOONVILLE, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Don East, Representative Darrell McCormick

The AgReliefact would greatly help with the expenses of hiring legal H2A workers. Any help on the Farm would be great.

Derek L. Smith

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Stokes County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Beans, Soybeans, Wheat, Tobacco. Here at my farm, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 3 workers each year. Although I use the H-2A program at my farm, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Beans, Soybeans, Wheat, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Stokes County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Wilbur Marion

Wilbur Marion - - PINNACLE, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Don East, Representative Bryan Holloway

The AgRelief act is legislation that helps Farmers who are doing things right, hiring legal Workers, Providing 100% Compliant housing, Providing Worken Compensation Insurance, Providing transportation that is insured and inspected We are Payers very high prices for each of these workers in order to stay Legal, So we need this bill passed.

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Person County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Hay, Straw, Tobacco, Tomato. Here at my farm, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 2 workers each year. Although I use the H-2A program at my farm, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Hay, Straw, Tobacco, Tomato and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Person County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully, Vernon Roy Moore

VERNON RAY MOORE - - HURDLE MILLS, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Ellie Kinnard, Representative Winkie Wilkins

P.S. The AgRelief act is legislation that helps farmers who are doing things right - hiring legal workers, providing 100% compliant housing, providing workers compensation insurance, providing transportion that is insured and inspected. The AgRelief cost the state nothing and would mean so much to NC farmers who are doing things right and saving hiring costs to hire legal workers.

Dickerson Farms
Rodney N. Dickerson
Hicksboro Road, Oxford, NC
Owner and Operator

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Vance County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Hay, Straw, Tobacco. Here at RODNEY NEIL DICKERSON, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 3 workers each year. Although I use the H-2A program at RODNEY NEIL DICKERSON, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Hay, Straw, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Vance County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

RODNEY NEIL DICKERSON - RODNEY NEIL DICKERSON - OXFORD, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Doug Berger, Representative Jim Crawford

PS The AgRELIEF cost-share fund will be funded through private donations and grants. There are NO plans for state funding. The AgRELIEF costs the state nothing and would mean so much to NC Farmers who are doing things right and paying hiring costs to hire legal workers.

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

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Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Lee County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Corn, Straw, Strawberries, Tobacco. Here at DOUGLAS FARMS, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 3 workers each year. Although I use the H-2A program at DOUGLAS FARMS, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Corn, Straw, Strawberries, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Lee County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Grover Douglas - DOUGLAS FARMS - SANFORD, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Bob Atwater, Representative Jimmy Love

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Rockingham County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Beans, Hay, Soybeans, Wheat, Tobacco. Here at BAKER FARM, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 9 workers each year. Although I use the H-2A program at BAKER FARM, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Beans, Hay, Soybeans, Wheat, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Rockingham County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully, Bob Baker

Bobby Baker - BAKER FARM - MADISON, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Phil Berger, Representative Bryan Holloway

P.S. Every year I pay almost $1000.00 per worker for legal workers. AgRelief Act would give a cost share program that would help me and all farmers who hire <u>legal</u> workers. Illegal workers cost $0. Help us by getting this legislation passed!

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Stokes County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Potatoes, Sweet Potatoes, Wheat, Tobacco. Here at HUNTER FARM, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 8 workers each year. Although I use the H-2A program at HUNTER FARM, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Potatoes, Sweet Potatoes, Wheat, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Stokes County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Michael Hunter

Michael Hunter - HUNTER FARM - KING, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Don East, Representative Bryan Holloway

P.S. Each year I spend approximately $1000.00 per worker to pay up the front expenses to hire Legal farmworkers. If I used illegal workers instead, I would spend $0 per worker. The AgRELIEF Act would create a cost share program that helps level the playing field for farmers like me who hire legal workers.

MYERS BROTHERS
7062 NC Highway 62 N
Blanch, NC 27212

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Caswell County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Hay, Straw, Tobacco. Here at MYERS BROTHERS, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 15 workers each year. Although I use the H-2A program at MYERS BROTHERS, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Hay, Straw, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Caswell County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

George Myers

George Myers - MYERS BROTHERS - BLANCH, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Tony Foriest, Representative Bill Faison

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Davidson County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Hay, Straw, Tobacco. Here at CRAVEN'S FARM, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 6 workers each year. Although I use the H-2A program at CRAVEN'S FARM, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Hay, Straw, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Davidson County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Jimmy Craven

Jimmy Craven - CRAVEN'S FARM - THOMASVILLE, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Stan Bingham, Representative Larry Brown

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Randolph County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Hay, Straw, Tobacco. Here at BURGESS FARM, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 2 workers each year. Although I use the H-2A program at BURGESS FARM, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Hay, Straw, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Randolph County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Grover Burgess - BURGESS FARM - RAMSEUR, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Jerry Tillman, Representative Pat Hurley

P S The agrelief act is legislation that he
farmers who are doing things right. - hiring
workers, providing 100% compliant housing. provid
workers comp. ins. providing transportation
is insured & inspected.
I am supporting this bill. Sincerely
G.L.B Burgess fa

Fowlkes Farm
2808 Highway 62N
Blanch, NC 27212

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Caswell County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Hay, Straw, Tobacco. Here at FOWLKES FARMS, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 9 workers each year. Although I use the H-2A program at FOWLKES FARMS, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Hay, Straw, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Caswell County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Frank Fowlkes

Frank Fowlkes - FOWLKES FARMS - BLANCH, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Tony Foriest, Representative Bill Faison

P.S. The government expects me to play by the rules and I do - but I pay a hefty price for that compliance, nearly $1000 per worker in up front fees and expenses that I wouldn't have to pay if I hired illegal workers. The AgRelief act helps N.C. farmers do things right.

287 Lovelys Rd
April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Rockingham County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Hay, Straw, Tobacco. Here at ELLINGTON FARMS, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 8 workers each year. Although I use the H-2A program at ELLINGTON FARMS, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Hay, Straw, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Rockingham County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Wayne Ellington

Wayne Ellington - ELLINGTON FARMS - REIDSVILLE, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Phil Berger, Representative Bryan Holloway

Flippin Farm on the Dan
Wayne Flippin, Owner
1040 Elastic Plant Road
Westfield, NC 27053
336-351-2360

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Stokes County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Hay, Potatoes, Squash, Sweet Potatoes, Tobacco. Here at my farm, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 5 workers each year. Although I use the H-2A program at my farm, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Hay, Potatoes, Squash, Sweet Potatoes, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Stokes County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Thomas Wayne Flippin

Thomas Flippin - - WESTFIELD, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Don East, Representative Bryan Holloway

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Rockingham County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Hay, Straw, Tobacco. Here at CORUM FARM, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 10 workers each year. Although I use the H-2A program at CORUM FARM, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Hay, Straw, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Rockingham County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Curtis S. Corum

Curtis Corum - CORUM FARM - RUFFIN, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Phil Berger, Representative Nelson Cole

P.S. Each year I spend approximately $1,000 per worker to pay up front expense to hire Legal farmworkers. If I used Illegal workers Instead, I would spend $0 per worker. The AgRELIEF Act would create a cost share program that helps level the playing field for farmers like me who hire legal workers.

One other thing please do not put a tax on tobacco products. It will put us out of business. The thieves, smugglers, and other Illegal people will have a field day.

Curtis S. Corum

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Caswell County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Beans, Corn, Produce, Soybeans, Wheat, Tobacco. Here at STILWELL FARM, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 5 workers each year. Although I use the H-2A program at STILWELL FARM, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Beans, Corn, Produce, Soybeans, Wheat, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

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Respectfully,

Joseph Stilwell - STILWELL FARM - YANCEYVILLE, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Tony Foriest, Representative Bill Faison

I have used H2A for 10 years and have tried to do the correct thing by the laws. We are about to quit because there is no profit in tobacco.

Wetmore Farms, LLC
175 Farm Drive
Woodleaf, N.C. 27054

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Rowan County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Cucumbers, Melons, Squash, Straw, Strawberries, Tomatoes. Here at WETMORE FARMS, LLC, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 11 workers each year. Although I use the H-2A program at WETMORE FARMS, LLC, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Cucumbers, Melons, Squash, Straw, Strawberries, Tomatoes and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Rowan County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,
Joseph Watson
Joseph Watson - WETMORE FARMS, LLC - WOODLEAF, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Andrew Brock, Representative Lorene Coates

P.S. - The AgRELIEF acts helps NC Farmer do things right. The gourmet expects me to play by the rules, which I do; but I pay a large price to do so. I pay nearly $1,000.00 per worker in upfront fees and expenses that I wouldn't have to pay if I hired illegal workers. Please pass this bill and help us do things right!

Thank you

Terrell & Johnny Williams
2866 Maxwell Rd.
Autryville, N.C. 28318

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Sampson County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Hay, Potatoes, Sweet Potatoes, Tobacco. Here at Herschel Williams, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 25 workers each year. Although I use the H-2A program at Herschel Williams, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Hay, Potatoes, Sweet Potatoes, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Sampson County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Terrell Williams - Herschel Williams - AUTRYVILLE, NC
Johnny Williams

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Charlie Albertson, Representative James Langdon

I would like to applaud all the people who have introduced and eventually support the Agrelief Act. It is crucial for this to happen so that a lot of farmers can continue to stay in business and operate in a legal manner that is in effect as we now know, as I understand this new act it is funded through private donations and grants so it will not cost the State or Federal and will let us stay in business

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Sampson County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Cucumbers, Potatoes, Sweet Potatoes, Tobacco. Here at MICHAEL GODWIN FARMS, INC., we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 40 workers each year. Although I use the H-2A program at MICHAEL GODWIN FARMS, INC., it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Cucumbers, Potatoes, Sweet Potatoes, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Sampson County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Michael Godwin

Michael Godwin - MICHAEL GODWIN FARMS, INC. - DUNN, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Harris Blake, Representative David Lewis

P.S. The government expects me to play by the rules - and I do – but I pay a hefty price for that compliance nearly $1,000 per worker in upfront fees and expenses that I wouldn't have to pay if I hired illegal workers. The Ag. RELIEF act helps NC Farmers do things right

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Harnett County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Cotton, Hay, Potatoes, Sweet Potatoes, Tobacco. Here at DAVID G GODWIN FARMS, INC., we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 15 workers each year. Although I use the H-2A program at DAVID G GODWIN FARMS, INC., it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Cotton, Hay, Potatoes, Sweet Potatoes, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Harnett County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state..Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

David Godwin

David Godwin - DAVID G GODWIN FARMS, INC. - DUNN, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Harris Blake, Representative David Lewis

P.S The government expects me to play by the rules - and I do - but I pay a hefty price for that compliance, nearly $1,000. per worker in upfront fees and expenses that I wouldn't have to pay if I hired illegal workers. The AgRelief act helps N.C. Farmers do things right.

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Cumberland County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Cotton, Hay, Tobacco. Here at L AND P FARMS, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 22 workers each year. Although I use the H-2A program at L AND P FARMS, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Cotton, Hay, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Cumberland County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Larry R. Eason

Respectfully,

Larry Eason - L AND P FARMS - WADE, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Tony Rand, Representative Rick Glazier

P.S. Each year I spend approximately $1,000.00 per worker to pay up the front expense + hire legal farmworkers. If I used illegal workers instead I would spend $0 per worker. The AgRELIEF Act could create a cost share program that helps level the playing field for farmers like me who hire legal workers.

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Sampson County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Hay, Straw, Tobacco. Here at HOPE FARMING COMPANY, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 10 workers each year. Although I use the H-2A program at HOPE FARMING COMPANY, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Hay, Straw, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Sampson County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

LOIS HOPE - HOPE FARMING COMPANY - CLINTON, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Charlie Albertson, Representative Larry Bell

4.24.09
Re: Governor Perdue:
We need help with some of the expense on bringing in these H2-A workers. So we strongly support the AgRelief Act. We raise tobacco and the labor cost have gotten very expensive. Sincerely,
Hope Farming Co, Inc
By: Lois D. Hope



8136 US 401 South
Bunnlevel, NC 28323

April 27, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

Re: Support AgRELIEF Act (H. 1364 and S. 881)

Dear Governor Perdue:

I strongly support the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting, and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Harnett County, NC and I use the H2A program in order to have LEGAL farm labor – which I need so that I can grow cotton, hay, soybeans, wheat, and tobacco. Here at Byrd Farms, we depend on the H2A program for our temporary agricultural labor. I typically hire six (6) workers each year. Although I use the H2A program at Byrd Farms, it is not a decision that I make lightly because it is a VERY expensive program. I spend approximately $1, 000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow cotton, hay, soybeans, wheat, and tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina elected officials can take to encourage and assist farmers with hiring legal farm workers.

I've always understood why many farmers in America did not use H2A but instead used illegal workers. Farmers don't like government interference on the farm and we don't like the politics that gets played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF Act will assist farmers who are already bearing the high expense to use legal farm workers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Harnett County, NC, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home

in American and tax revenue in the coffers of the state. Agribusiness is the # 1 industry (over $ 70 billion) in North Carolina – and the farm is where it all begins.

Respectfully,

R.H. Byrd, Jr.
Byrd Farms
Bunnlevel, NC

Cc:
Joe Hackney, Speaker of the House
Marc Basnight, President Pro Tempore
Dewey Hill, House Agriculture Committee chairman
Bob Atwater, Senate Agriculture and Environment Committee Chairman
Larry Bell, House Agriculture Committee Vice Chairman
House Agriculture Committee members
Senate Agriculture and Environment Committee members
Harris Blake, Senator
David Lewis, Representative

P.S. The Ag Relief act is legislation that helps farmers who are doing things Right – hiring legal workers, Providing 100% Compliant housing, Providing Workers Compensation insurance, and Providing transportation that is insured and inspected.

Thanks. R.H. Byrd

Lewis J Alphin
519 Bethel Church Rd
Mount Olive, NC 28365

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Duplin County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Hay, Wheat, Tobacco. Here at Alphin Farm, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 8 workers each year. Although I use the H-2A program at Alphin Farm, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Hay, Wheat, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Duplin County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Lewis J Alphin

Lewis Alphin - Alphin Farm - MOUNT OLIVE, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Charlie Albertson, Representative Russell Tucker

P.S. The government expects me to play by the rules - and I do - but I pay a huge price for that compliance, of nearly $1000.00/worker upfront fees and expenses that I would not pay if I hired illegal workers. The AgRELIEF act helps Farmers do Right.

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Harnett County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Hay, Straw, Tobacco. Here at A & A FARMS, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 16 workers each year. Although I use the H-2A program at A & A FARMS, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Hay, Straw, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Harnett County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Jeffery Autry - A & A FARMS - BUNNLEVEL, NC Jeffrey A Autry

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Harris Blake, Representative David Lewis

P.S. This is an issue critical to farmers as these costs have spiraled out of control. We should not be penalized for living honest, willing, and legal workers.

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Harnett County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Cotton, Hay, Peanuts, Straw, Tobacco. Here at A PLUS FARMS, INC., we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 15 workers each year. Although I use the H-2A program at A PLUS FARMS, INC., it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Cotton, Hay, Peanuts, Straw, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

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Respectfully,

Jimmy Autry - A PLUS FARMS, INC. - BUNNLEVEL, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Harris Blake, Representative David Lewis

P.S. I try to play by all the rules the State & Fed goverment have. It cost me a lot of money to do it. I used to hire illegal workers, no workers comp, no housing inspection. It was a lot less expensive. So I think a program that costs the state nothing and helps me is a no brainer. It helps me compete with the people doing things wrong

Jimmy A Autry - Aplus Farms

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Robeson County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Beans, Corn, Soybeans, Wheat, Tobacco. Here at NICK EVANS FARMS, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 21 workers each year. Although I use the H-2A program at NICK EVANS FARMS, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Beans, Corn, Soybeans, Wheat, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Robeson County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Nick Evans - NICK EVANS FARMS - FAIRMONT, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator David Weinstein, Representative Garland Pierce

Organization

Waller Farms, Inc.

Primary Business Address
879 Waller Road
Mount Olive, NC 28365

Phone:919-658-5631
Fax: 919-635-3791
Email: cath@nc.rr.com

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Wayne County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Hay, Straw, Tobacco. Here at WALLER FARMS, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 10 workers each year. Although I use the H-2A program at WALLER FARMS, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Hay, Straw, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Wayne County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Dennis R. Waller

Dennis Waller - WALLER FARMS - MT. OLIVE, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator David Rouzer, Representative Larry Bell

P.S.

As a farmer I try to do things right and follow the rules. Hiring legal farm workers and providing approved housing, workers compensation insurance and other care is important to Waller Farms. I could hire illegal workers much cheaper to do. Dennis Waller

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Duplin County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Corn, Cucumbers, Melons, Potatoes, Produce, Straw, Strawberries, Sweet Potatoes. Here at WISE FARMS, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 3 workers each year. Although I use the H-2A program at WISE FARMS, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Corn, Cucumbers, Melons, Potatoes, Produce, Straw, Strawberries, Sweet Potatoes and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Duplin County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Gary Wise - WISE FARMS - MT. OLIVE, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Charlie Albertson, Representative Russell Tucker

P.S. This bill will reward me for playing by the rules & hiring legal farmworkers.

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Pitt County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Beans, Cotton, Peanuts, Soybeans, Wheat, Tobacco. Here at FARMER BROS. FARMS, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 14 workers each year. Although I use the H-2A program at FARMER BROS. FARMS, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Beans, Cotton, Peanuts, Soybeans, Wheat, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Pitt County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Douglas Farmer

Douglas Farmer - FARMER BROS. FARMS - GREENVILLE, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Don Davis, Representative Marian McLawhorn

Robin Hardy Farms LLC
777 Hugo Road
Kinston, NC 29501
252-523-0005

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 - AgRELIEF Act!

I am a farmer in Lenoir County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Cotton and Tobacco. Here at ROBIN HARDY FARMS, we depend on the H-2A program for our temporary agricultural labor - and I typically hire around 5 workers each year. Although I use the H-2A program at ROBIN HARDY FARMS, it is not a decision that I make lightly because it is a VERY expensive program - approximately $1,000 per worker plus a wage and benefit package of approximately $13-!6 per hour.

Many factors go into my decision as to whether or not to grow Cotton and Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use the H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF Act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front"expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Lenoir County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina - and the farm is where it all begins.

Respectfully,
Robin Hardy

Robin Hardy - ROBIN HARDY FARMS, LLC - KINSTON, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Charlie Albertson, Representative Van Braxton

P. S. The Agriculture act is legislation that helps farmers who are doing things right bring legal workers. Each year I spend approximately $1,000 per worker to pay up the front expenses to bring H 2 A workers

SPRING BRANCH FARMS
535 STREET FIELD RD
NEW BERN, NC 28562

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Craven County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Cotton, Hay, Straw, Tobacco. Here at Spring Branch Turf, Inc, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 10 workers each year. Although I use the H-2A program at Spring Branch Turf, Inc, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Cotton, Hay, Straw, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Craven County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Robert Tyndall - Spring Branch Turf, Inc - NEW BERN, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Jean Preston, Representative William Wainwright

The AgRelief helps & provides farmers who hire workers the legal way

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Lenoir County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Beans, Corn, Cotton, Wheat, Tobacco. Here at WOOTEN FARMS, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 18 workers each year. Although I use the H-2A program at WOOTEN FARMS, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Beans, Corn, Cotton, Wheat, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Lenoir County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully, Wooten Farms
Robert Wooten

Robert Wooten - WOOTEN FARMS - HOOKERTON, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Charlie Albertson, Representative Van Braxton

Dixie Place Farming Corp.
PO Box 518
Nashville, NC 27856

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Nash County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Hay, Straw, Sweet Potatoes, Tobacco. Here at DIXIE PLACE FARMING CORP., we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 18 workers each year. Although I use the H-2A program at DIXIE PLACE FARMING CORP., it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Hay, Straw, Sweet Potatoes, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Nash County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

RICHARD TYSON - DIXIE PLACE FARMING CORP. - NASHVILLE, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator A.B. Swindell, Representative Randy Stewart

PS The government expects me to play by the rules – and I do – but I pay a hefty price for that compliance, nearly $1,000 for each worker in upfront fees and expenses that I wouldn't have to pay if I hired illegal workers. The AgRELIEF act helps NC Farmers do things right.

Phone 252-459-3047 Fax 252-459-8905

Sandy Loam Farming Corp.
PO Box 501
Nashville, NC 27856

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Nash County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Hay, Straw, Sweet Potatoes, Tobacco. Here at SANDY LOAM FARMING CORPORATION, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 25 workers each year. Although I use the H-2A program at SANDY LOAM FARMING CORPORATION, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Hay, Straw, Sweet Potatoes, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Nash County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Kathryn Tyson

Kathryn Tyson – Sandy Loam Farming Corp.

P.S. The AgRELIEF act requires farmers to provide documentation to prove they have approved housing, workers' compensation insurance for workers, proof of insurance for vehicles transporting workers, pesticide training, not to mention compliance with all federal requirements to ensure legally authorized US workers are hired if available, able and willing.

Phone 252-459-3047 Fax 252-459-8905

Oakland Grove Farming Corp.
511 E. Washington Street
Nashville, NC 27856

April 27, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: Support AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I strongly support the AgRELIEF Act and hope you will join NC farmers like me by standing up, supporting and working to pass Companion Bills HB 1364 and SB 881 – the AgRELIEF Act.

I am a farmer in Nash Co., North Carolina and I use the H2A program in order to have legal farm labor, which I need so that I can grow sweet potatoes and tobacco. Here at Oakland Grove Farming Corp., we depend on the H2A program for our temporary agricultural labor. I typically hire around 48 workers each year. Although I use H2A workers, it is not a decision that I make lightly because it is a very expensive program, approximately $1,000 for **each** worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow sweet potatoes and tobacco in these tough economic times. Therefore, I need any assistance I can get. I understand that the AgRELIEF Act is a pilot program that represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farm labor.

I have been farming for most of my life, and I can attest that it is much easier and less expensive to hire illegal workers. However, the AgRELIEF Act will assist farmers who already use H2A workers, and hopefully will encourage farmers who have been resistant to using the H2A program due to the high upfront expense (nearly $1,000 for each worker in federally mandated fees) to re-examine the program.

As a farmer from Nash County, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Scott Tyson
President
Oakland Grove Farming Corp.

P.S. As a taxpayer, I can tell you that illegal workers cost the state of North Carolina millions of dollars in government assistance, such as food stamps, health care, child assistance programs, etc. which the H2A workers do not use.

Phone 252-459-3047 Fax 252-459-8905

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Halifax County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Cotton, Cucumbers, Peanuts, Peppers, Potatoes, Sweet Potatoes, Tobacco. Here at PIKE BROS. FARM, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 18 workers each year. Although I use the H-2A program at PIKE BROS. FARM, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Cotton, Cucumbers, Peanuts, Peppers, Potatoes, Sweet Potatoes, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Halifax County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Edward Pike

Edward Pike - PIKE BROS. FARM - LITTLETON, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Ed Jones, Representative Angela Bryant

P.S. I have always played by the Government's Rules and I take great pride in the fact that I am 100% legal with H2A workers. It is so expensive that I wonder how much longer I can play by the Rules. AgRELIEF will help with the up front cost and remove Please Help me Eddie Pike

Russell G. Horton
7238 Hurdle Mills Rd
Hurdle Mills, N.C. 27541

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Person County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Grain, Hay, Tobacco. Here at HORTON FARM, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 6 workers each year. Although I use the H-2A program at HORTON FARM, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Grain, Hay, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Person County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Russell Horton

Russell Horton - HORTON FARM - HURDLE MILLS, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Ellie Kinnard, Representative Winkie Wilkins

P.S. The government expects me to play by the rules – and I do - but I pay a hefty price for that compliance. nearly $1,000 per worker in upfront fees and expenses that I wouldn't have to pay if I hired illegal workers. The AgRELIEF act helps N.C. farmers do things right.

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Person County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Hay, Wheat, Tobacco. Here at my farm, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 6 workers each year. Although I use the H-2A program at my farm, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Hay, Wheat, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Person County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Jessie Denny

Jessie Denny - - ROXBORO, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Ellie Kinnard, Representative Winkie Wilkins

P.S. Please help me to keep doing the legal way. With the economy situation like it is I have all ready been approached by numerous free roaming "illegal" immigrants. Help me keep "illegals" off my farm.

Thanks JBD

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Wake County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Hay, Straw, Tobacco. Here at BUFFALOE BROTHERS FARMS, LLC, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 10 workers each year. Although I use the H-2A program at BUFFALOE BROTHERS FARMS, LLC, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Hay, Straw, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Wake County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Michael Buffaloe

Michael Buffaloe - BUFFALOE BROTHERS FARMS, LLC - ZEBULON, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Vernon Malone, Representative Darren Jackson

P.S. Each year I spend approximately $1,000 per worker to pay the up front expenses to hire Legal farmworkers. If I used illegal workers instead, I would spend $0 per worker. The AgRELIEF Act would create a cost share program that helps level the playing field for farmers like me who hire legal workers.

JEFFREYS' FARM

69 Berry Lane
Bunn, NC 27508

Food on the table!

April 23, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!!!!!!!!

I am a farmer in Franklin County North Carolina and I use the H2A program in order to have LEGAL farm labor – which I need so that I can grow Hay, Straw, Wheat , Tobacco and Soy Beans, and Cucumbers. Here at JEFFREYS FARM, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 16 workers each year. Although I use the H2A program at JEFFREYS' FARM, it is not a decision that I make lightly because it is a VERY EXPENSIVE PROGRAM – approximately $1,000 per worker plus a wage and benefit package of approximately $13 - $16 per hour.

Many factors go into my decision as to whether or not to grow Hay, Straw, Wheat, Cucumbers, Tobacco, Soy Beans and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H2A but instead used illegal workers – Farmers don't like governmnet interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops . The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Franklin County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,
Rachel Jeffreys
Rachel Jeffreys (wife and mother of Franklin County Farmers)

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Doug Berer, Representative Lucy Allen

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Franklin County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Hay, Straw, Tobacco. Here at my farm, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 6 workers each year. Although I use the H-2A program at my farm, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Hay, Straw, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Franklin County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Jerry Stegall - - HENDERSON, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Doug Berger, Representative Lucy Allen

P.S, The government Expects me to play by The Rules - And I do – but I pay a hefty price for that compliance, nearly $1000 per worker in upfront fees and Expenses that I wouldn't have if I hired illegal workers. AgRELIEF Act helps NC

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Vance County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Hay, Straw, Tobacco. Here at WHITE ROCK FARMS, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 12 workers each year. Although I use the H-2A program at WHITE ROCK FARMS, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Hay, Straw, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Vance County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Bill Stevenson - WHITE ROCK FARMS - HENDERSON, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Doug Berger, Representative Jim Crawford

P.S. The AgRELIEF cost share fund will be funded through private donations and grants. There are no plans for state funding. The AgRELIEF would mean so much to NC farmers who are doing things right and paying costs to hire legal workers. The AgRELIEF act requires farmers to provide documentation that they've had approved housing, workers' compensation for workers, insurance for vehicles for transporting workers, pesticide training and in compliance with federal requirements to ensure legally authorized US →

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Harnett County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Beans, Soybeans, Wheat, Tobacco. Here at TRENT NEWTON FARMS, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 8 workers each year. Although I use the H-2A program at TRENT NEWTON FARMS, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Beans, Soybeans, Wheat, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Harnett County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Trent Newton

Trent Newton - TRENT NEWTON FARMS - ANGIER, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Harris Blake, Representative David Lewis

P.S. The Ag Relief Act would create a cost share program that helps level the playing field for farmer like me who hire legal worker.

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Johnston County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Beans, Hay, Soybeans, Straw, Tobacco. Here at my farm, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 7 workers each year. Although I use the H-2A program at my farm, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Beans, Hay, Soybeans, Straw, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Johnston County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Gary Denning

Gary Denning - - ANGIER, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator David Rouzer, Representative James Langdon

P.S. Each year I spend around $1,000 per worker up front to hire legal workers. If I used illegal workers instead, I would pay $0 per worker. The AgRELIEF act would create a cost share program that helps level the playing field for farmers like

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Harnett County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Hay, Potatoes, Sweet Potatoes, Tobacco. Here at BENSON FARMS, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 16 workers each year. Although I use the H-2A program at BENSON FARMS, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Hay, Potatoes, Sweet Potatoes, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Harnett County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Randal Benson

Randal Benson - BENSON FARMS - ANGIER, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Harris Blake, Representative David Lewis

P.S. The AgRELIEF cost-share fund will be funded through Private donations and grants. There are no plans for state funding. The AgRELIEF costs the State nothing and would mean so much to NC Farmers who are doing things right and paying hiring costs to hire legal workers.

HOME PLACE FARMS, INC.
504 WALNUT GROVE ROAD
OXFORD, NC 27565
919-690-8022

April 27, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue:

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Granville County, North Carolina and I use the H-2A program in order to have LEGAL farm labor – which I need so that I can grow Burley, Corn, Wheat and Tobacco. Here at HOME PLACE FARMS, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 13 workers each year. Although I use the H-2A program at HOME PLACE FARMS, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16/hour.

Many factors go into my decision as to whether or not to grow Burley, Corn, Wheat and Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers – Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Granville County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Billy R. Adcock Jr. VA

Billy R. Adcock, Jr
HOME PLACE FARMS, INC. – Oxford, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Doug Berger, Representative Jim Crawford

PS The AgRELIEF cost-share fund will be funded through private donations and grants. There are NO plans for state funding. The AgRELIEF costs the state nothing and would mean so much to NC farmers who are doing things right and paying hiring costs to hire legal workers.

JEFFREYS' FARM
4143 NC 39 Hwy South
Louisburg, NC 27549

I am 33 years old and I would love to be able to continue to afford to farm with dependable H2A Labor!

April 23, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!!!!!!!!

I am a farmer in Franklin County North Carolina and I use the H2A program in order to have LEGAL farm labor – which I need so that I can grow Hay, Straw, Wheat , Tobacco and Soy Beans, and Cucumbers. Here at JEFFREYS FARM, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 16 workers each year. Although I use the H2A program at JEFFREYS' FARM, it is not a decision that I make lightly because it is a VERY EXPENSIVE PROGRAM – approximately $1,000 per worker plus a wage and benefit package of approximately $13 - $16 per hour.

Many factors go into my decision as to whether or not to grow Hay, Straw, Wheat, Cucumbers, Tobacco, Soy Beans and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H2A but instead used illegal workers – Farmers don't like governmnet interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops . The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Franklin County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully, Donovan Jeffreys

Donovan B. Jeffreys – Franklin County Farmer – Louisburg, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Doug Berer, Representative Lucy Allen

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Person County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Burley, Hay, Straw, Tobacco,. Here at my farm, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 6 workers each year. Although I use the H-2A program at my farm, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Burley, Hay, Straw, Tobacco, and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Person County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

James Wilkins - - ROXBORO, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Ellie Kinnard, Representative Winkie Wilkins

Barham Siding Farm, Inc
John A. Barham, President
7109 Mallard Crossing Way
Wake Forest, NC 27587
919.369.8980
northfallsproperties@hotmail.com

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Wake County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Cucumbers, Hay, Straw, Tobacco, Wheat. Here at BARHAM SIDING FARM, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 10 workers each year. Although I use the H-2A program at BARHAM SIDING FARM, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Cucumbers, Hay, Straw, Tobacco, Wheat and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Wake County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

JOHN BARHAM - BARHAM SIDING FARM - WAKE FOREST, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Vernon Malone, Representative Marilyn Avila

April 23, 2009

Briarpatch Farms
Danny Williams
2631 Hwy 158 W
Oxford, NC 27565

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh,NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB881 - AgRELIEF Act!

I am a farmer in Granville County, North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow hay, straw, and tobacco. Here at Briarpatch Farms, we depend on the H-2A program for our temporary agricultural labor and I typically hire around 8 workers each year. Although I use the H-2A program at our farm, it is not a decision that I make lightly because it is a VERY expensive program - approximately $1,000 per worker plus a wage and benefit package of approximately $13 - $16 per hour.

Many factors go into my decision as to whether or not to grow hay, straw, tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farm workers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF Act will assist farmers who are already bearing the high expense to use legal farm workers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Granville County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina - and the farm is where it all begins.

Respectfully,

Danny Williams - Briarpatch Farms - Oxford, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Doug Berger, Representative Jim Crawford

P.S. I try to do what is right by hiring H-2A workers instead of illegal workers; It would help tremendously to have this bill passed as it would cover up to 50% of housing and fees.

JEFFREYS' FARM
4143 NC 39 Hwy South
Louisburg, NC 27549

April 23, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!!!!!!!!

I am a farmer in Franklin County North Carolina and I use the H2A program in order to have LEGAL farm labor – which I need so that I can grow Hay, Straw, Wheat , Tobacco and Soy Beans, and Cucumbers. Here at JEFFREYS FARM, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 16 workers each year. Although I use the H2A program at JEFFREYS' FARM, it is not a decision that I make lightly because it is a VERY EXPENSIVE PROGRAM – approximately $1,000 per worker plus a wage and benefit package of approximately $13 - $16 per hour.

Many factors go into my decision as to whether or not to grow Hay, Straw, Wheat, Cucumbers, Tobacco, Soy Beans and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H2A but instead used illegal workers – Farmers don't like governmnet interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops . The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Franklin County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Joannie Y. Jeffreys – Franklin County Farmers Wife – Louisburg, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Doug Berer, Representative Lucy Allen

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Franklin County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Hay, Straw, Tobacco. Here at LAMM AND LAMM FARMS, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 11 workers each year. Although I use the H-2A program at LAMM AND LAMM FARMS, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Hay, Straw, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Franklin County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Stephen Lamm

Stephen Lamm - LAMM AND LAMM FARMS - LOUISBURG, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Doug Berger, Representative Lucy Allen

P.S. I hire H2A's at a great cost--but it's the legal way. The AgRELIEF Act will cost the State nothing but will help us.

RE: SUPPORT AgRELIEF ACT (H.1364 & S881)

Dear Governor Perdue,

I Strongly Support the Ag Relief Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB1364 and SB881 - AgRELIEF ACT!

I am a farmer in Franklin County North Carolina and I use the H-2A program in order to have LEGAL farm labor - which I need so that I can grow Hay, Straw, Tobacco. Here at Hayes Farm, we depend on the H2A program for our temporary agricultural labor - and I typically hire around 8 workers each year. Although I use the H-2A program at Hayes Farm, it is not a decision that I make lightly because it is a VERY expensive program - approximately $1000 per worker plus a wage and benefit package of approximately $13 - $16 per hour

Many factors go into my decision as to whether or not to grow Hay, Straw, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF ACT is a "FIRST IN the Nation" pilot program and represents a positive pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farm-workers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - farmers don't like government interference on the farm and we don't like the politics that get played with programs that effect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1000 per worker in federally mandated fees) to re-examine the program.

Continued ⟶

As a farmer in Franklin County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 (over $70 Billion) in North Carolina - and the farm is where it all begins.

Respectfully,

Michael T. Hayes
Hayes Farm
Henderson N.C.

CC: SPEAKER JOE HACKNEY, PRESIDENT PRO TEMPORE MARC BASNIGHT, HOUSE COMMITTEE CHAIRMAN DEWEY HILL, SENATE AGRICULTURE ENVIRONMENT COMMITTEE CHAIRMAN BOB ATWATER, HOUSE AGRICULTURE VICE CHAIRMAN CARL BELL, HOUSE AGRICULTURE COMMITTEE MEMBERS, SENATE AGRICULTURE AND ENVIRONMENT MEMBERS, SENATOR DOUG BERGER, REPRESENTATIVE LUCY ALLEN

P.S.

Each year I spend approximately $1000 per worker to pay up front expenses for my Legal farmworkers. If I used <u>illegal</u> workers I would spend <u>$0</u> per worker. The AgRELIEF ACT would create a cost share program that would help level the playing field for farmers like me who hire legal workers and do things the right way.

Michael T. Hayes

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Franklin County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Hay, Straw, Tobacco. Here at PHILIP SMITH FARM, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 4 workers each year. Although I use the H-2A program at PHILIP SMITH FARM, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Hay, Straw, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Franklin County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Philip Smith

Philip Smith - PHILIP SMITH FARM - LOUISBURG, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Doug Berger, Representative Lucy Allen

P.S. The AgRelief act is legislation that helps farmers who are doing things right - hiring legal workers, providing 100% compliant housing, providing worker's compensation insurance, and providing transportation that is insured + inspected

JEFFREYS' STRAWBERRY PATCH

(OUT OF BUSINESS AFTER 22 YEARS)

69 Berry Lane
Bunn, NC 27508

April 23, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!!!!!!!!

I am a farmer in Franklin County North Carolina and I use the H2A program in order to have LEGAL farm labor – which I need so that I can grow Hay, Straw, Wheat , Tobacco and Soy Beans, and Cucumbers. Here at JEFFREYS FARM, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 16 workers each year. Although I use the H2A program at JEFFREYS' FARM, it is not a decision that I make lightly because it is a VERY EXPENSIVE PROGRAM – approximately $1,000 per worker plus a wage and benefit package of approximately $13 - $16 per hour.

Many factors go into my decision as to whether or not to grow Hay, Straw, Wheat, Cucumbers, Tobacco, Soy Beans and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H2A but instead used illegal workers – Farmers don't like governmnet interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops . The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Franklin County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully, Rachel Jeffreys

Rachel Jeffreys – JEFFREYS STRAWBERRY PATCH (past) – Bunn, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Doug Berer, Representative Lucy Allen

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Johnston County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Beans, Corn, Grain, Hay, Soybeans, Tobacco. Here at KEITH PARRISH FARMS, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 9 workers each year. Although I use the H-2A program at KEITH PARRISH FARMS, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Beans, Corn, Grain, Hay, Soybeans, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Johnston County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

D. Keith Parrish

Dennie Parrish - KEITH PARRISH FARMS - BENSON, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator David Rouzer, Representative James Langdon

P.S. Finally; there is legislation that will help these of us who have followed the rules.

JEFFREYS' FARM
69 Berry Lane
Bunn, NC 27508

April 23, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!!!!!!!!

I am a farmer in Franklin County North Carolina and I use the H2A program in order to have LEGAL farm labor – which I need so that I can grow Hay, Straw, Wheat , Tobacco and Soy Beans, and Cucumbers. Here at JEFFREYS FARM, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 16 workers each year. Although I use the H2A program at JEFFREYS' FARM, it is not a decision that I make lightly because it is a VERY EXPENSIVE PROGRAM – approximately $1,000 per worker plus a wage and benefit package of approximately $13 - $16 per hour.

Many factors go into my decision as to whether or not to grow Hay, Straw, Wheat, Cucumbers, Tobacco, Soy Beans and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H2A but instead used illegal workers – Farmers don't like governmnet interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops . The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Franklin County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully, Donald Jeffreys

Donald Jeffreys – Franklin County Farmer – Bunn NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Doug Berer, Representative Lucy Allen

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Warren County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Hay, Straw, Tobacco. Here at GARRETT FARMS, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 4 workers each year. Although I use the H-2A program at GARRETT FARMS, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Hay, Straw, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Warren County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Andy Garrett - GARRETT FARMS - NORLINA, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Doug Berger, Representative Michael Wray

This Act could be a blessing for the few farm family's left. It's not as if we are asking for a bail out! Please pass this Act!

April 27, 2009

Governor Beverly Purdue

Reference: Support Ag Relief (H1364 + S881)

Dear Governor Purdue,

I am a farmer in Harnett Co. N.C. and I use H2A workers in order to have legal farm workers. I hire about 10 workers each year. Without these legal workers I would not be able to harvest my tobacco crop which accounts for the majority of my income. I would sure hope that you and the members of the N.C. General Assembly would support the Ag Relief Act.

Respectfully, Neil W. Stephenson Jr.

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Johnston County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Hay, Straw, Tobacco. Here at EDDIE LEE FARMS, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 8 workers each year. Although I use the H-2A program at EDDIE LEE FARMS, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Hay, Straw, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Johnston County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully, Eddie Lee

Eddie Lee - EDDIE LEE FARMS - FOUR OAKS, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator David Rouzer, Representative James Langdon

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Rockingham County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Beans, Hay, Soybeans, Wheat, Tobacco. Here at ELLINGTON FARM, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 4 workers each year. Although I use the H-2A program at ELLINGTON FARM, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Beans, Hay, Soybeans, Wheat, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Rockingham County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Bruce Ellington

Bruce Ellington - ELLINGTON FARM - EDEN, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Phil Berger, Representative Nelson Cole

P.S. If growers using illegal workers become legal, then their housing would be inspected, workers would receive better training and compensation. This bill might encourage these growers to become legal. Because H2A requires Workman's Comp. and adequate medical insurance, taxpayers, hospitals, and the state would save money in the long run.

PATTERSON FARM, INC.

QUALITY PLANTS AND PRODUCE SINCE 1919

3060 MILLBRIDGE ROAD
CHINA GROVE, NC 28023

Bus. (704) 857-5242 FAX (704) 855-1522

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Rowan County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow TOMATOES, STRAWBERRIES, PUMPKINS, CORN, CANTALOPES,. Here at Patterson Farm, Inc., we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 148 workers each year. Although I use the H-2A program at Patterson Farm, Inc., it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow TOMATOES, STRAWBERRIES, PUMPKINS, CORN, CANTALOPES, and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Rowan County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Randall Patterson

Randall Patterson - Patterson Farm, Inc. - China Grove, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Andrew Brock, Representative Lorene Coates

April 22, 2009

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: SUPPORT AgRELIEF Act (H.1364 & S 881)

Dear Governor Perdue,

I STRONGLY SUPPORT the AgRELIEF Act and hope you will join NC farmers like me by Standing Up, Supporting and Working to Pass Companion Bills HB 1364 and SB 881 – AgRELIEF Act!

I am a farmer in Craven County North Carolina and I use the H2A program in order to have LEGAL farm labor - which I need so that I can grow Beans, Corn, Soybeans, Tobacco. Here at EBORN FARMS, we depend on the H-2A program for our temporary agricultural labor – and I typically hire around 14 workers each year. Although I use the H-2A program at EBORN FARMS, it is not a decision that I make lightly because it is a VERY expensive program – approximately $1,000 per worker plus a wage and benefit package of approximately $13-16 per hour.

Many factors go into my decision as to whether or not to grow Beans, Corn, Soybeans, Tobacco and in these tough economic times, I need any assistance I can get. The AgRELIEF Act is a "First in the Nation" pilot program and represents a positive, pro-active step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.

I've always understood why many farmers in America did not use H-2A but instead used illegal workers - Farmers don't like government interference on the farm and we don't like the politics that get played with programs that affect our ability to grow crops and raise livestock. The AgRELIEF act will assist farmers who are already bearing the high expense to use legal farmworkers; and hopefully will encourage farmers who have been resistant to using the program due to the high "up-front" expense (nearly $1,000 per worker in federally mandated fees) to re-examine the program.

As a farmer from Craven County, North Carolina, I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state. Agribusiness is the #1 industry (over $70 Billion) in North Carolina – and the farm is where it all begins.

Respectfully,

Thomas A Eborn Jr.

Thomas Eborn - EBORN FARMS - NEW BERN, NC

CC: Speaker Joe Hackney, President Pro Tempore Marc Basnight, House Agriculture Committee Chairman Dewey Hill, Senate Agriculture and Environment Committee Chairman Bob Atwater, House Agriculture Committee Vice Chairman Larry Bell, House Agriculture Committee Members, Senate Agriculture and Environment Committee Members, Senator Jean Preston, Representative William Wainwright

PS The AgRelief act will help farmers who are doing things the right way, but it is also the expensive way. We provide compliant housing, workers comp insurance, and provide transportation that is insured and inspected. Your help will be greatly appreciated.

Governor Beverly Perdue
Office of the Governor
20301 Mail Service Center.
Raleigh, N.C. 27699-0301

RE. Suport Ag-Relief Act. (H-1364 & S881)

Dear Governor Perdue,
I strongly support the Ag Relief act
and hope you will join N.C farmers lik
me by standing up, supporting and worki
to ~~pass~~ pass Companion bills HB 1364 and S
881 - Ag Relief Act!
I am a farmer in Harnett County North Car
And I use the H2A program in order to
Legal farm labor ~~which~~ which I need so
I can grow Hay, Straw, Tobacco. Here at
farm, we depend on the H2A program at
farm, it is not a decision that I m
lightly because it is a very expensiv
Approximately $1,000 per worker plus a
and benefit package of approximately $
per hour.
many factors go into my decision
whether or not to grow Hay, Straw, toba
in these tough economic times, I
assistance I can get.

The Ag relief Act is a 'first in the Nation' pilot program and represents a positive pro-step that North Carolina Elected Officials can take to encourage and assist farmers with hiring legal farmworkers.
We always understood why many farmers in America did not use H2A but instead used illegal workers - farmers don't like Government interference on the farm and we don't like the politics that ~~get~~ get played with programs that affect our ability to grow crops and raise livestock. The Ag Relief will assist farmers who are already bearing the high expense to use legal farmworkers and hopefully will encourage farmers who have resistant to using the program due to the high "up front" expense (nearly $1,000 per worker in federally mandated fees) to re-enter the program.
As a farmer from Harnett County, North Carolina I strongly encourage you and the members of the NC General Assembly to help the people who put food on the kitchen table of every home in America and tax revenue in the coffers of the state.

Agribusiness is the #1 industry (over $70 Billion) in North Carolina - and the farm is where it all begins.

Respectfully,

A.C. Morrison - Lillington N.C

P.S The Ag Relief act is legislation that helps farmers who are doing things right hiring legal workers, providing 100% ~~Compliant Compliant~~ Compliant housing, providing Workers Compensation insurance, providing transportation that is insured and inspected.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S 1

SENATE BILL 778

Short Title:	Eliminate Overlap Between CAMA and SEPA.	(Public)
Sponsors:	Senator Soles.	
Referred to:	Agriculture/Environment/Natural Resources.	

March 25, 2009

A BILL TO BE ENTITLED

AN ACT TO AMEND THE GENERAL STATUTES TO PROVIDE THAT MAJOR DEVELOPMENTS SUBJECT TO PERMITTING UNDER THE COASTAL AREA MANAGEMENT ACT ARE EXEMPT FROM THE ENVIRONMENTAL POLICY ACT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113A-12 reads as rewritten:

"**§ 113A-12. Environmental document not required in certain cases.**

No environmental document shall be required in connection with:

(1) The construction, maintenance, or removal of an electric power line, water line, sewage line, stormwater drainage line, telephone line, telegraph line, cable television line, data transmission line, or natural gas line within or across the right-of-way of any street or highway.

(2) An action approved under a general permit issued under G.S. 113A-118.1, 143-215.1(b)(3), or 143-215.108(c)(8).

(3) A lease or easement granted by a State agency for:

a. The use of an existing building or facility.

b. Placement of a wastewater line on or under submerged lands pursuant to a permit granted under G.S. 143-215.1.

c. A shellfish cultivation lease granted under G.S. 113-202.

(4) The construction of a driveway connection to a public roadway.

(5) A major development as defined in G.S. 113A-118(c) that receives a permit issued under Article 7 of Chapter 113A of the General Statutes."

SECTION 2. This act is effective when it becomes law and applies to any major development for which a permit application is received by the Department of Environment and Natural Resources on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S D

SENATE BILL 778
PROPOSED COMMITTEE SUBSTITUTE S778-CSRI-12 [v.2]

4/29/2009 11:26:54 AM

Short Title: Eliminate Overlap Between CAMA and SEPA. (Public)

Sponsors:

Referred to:

March 25, 2009

A BILL TO BE ENTITLED

AN ACT TO AMEND THE GENERAL STATUTES TO PROVIDE THAT MAJOR DEVELOPMENTS SUBJECT TO PERMITTING UNDER THE COASTAL AREA MANAGEMENT ACT ARE EXEMPT FROM THE ENVIRONMENTAL POLICY ACT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113A-12 reads as rewritten:

"**§ 113A-12. Environmental document not required in certain cases.**

No environmental document shall be required in connection with:

(1) The construction, maintenance, or removal of an electric power line, water line, sewage line, stormwater drainage line, telephone line, telegraph line, cable television line, data transmission line, or natural gas line within or across the right-of-way of any street or highway.

(2) An action approved under a general permit issued under G.S. 113A-118.1, 143-215.1(b)(3), or 143-215.108(c)(8).

(3) A lease or easement granted by a State agency for:

a. The use of an existing building or facility.

b. Placement of a wastewater line on or under submerged lands pursuant to a permit granted under G.S. 143-215.1.

c. A shellfish cultivation lease granted under G.S. 113-202.

(4) The construction of a driveway connection to a public roadway.

(5) A major development as defined in G.S. 113A-118(d) that receives a permit review pursuant to Article 7 of Chapter 113A of the General Statutes, as that review is the functional equivalent of an environmental document prepared under this Article."

SECTION 2. This act is effective when it becomes law and applies to any major development for which a permit application is received by the Department of Environment and Natural Resources on or after that date.

SENATE BILL 778:
Eliminate Overlap Between CAMA and SEPA

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	April 30, 2009
Introduced by:	Sen. Soles	**Prepared by:**	Jennifer McGinnis Committee Counsel
Analysis of:	PCS to First Edition S778-CSRI-12		

SUMMARY: The Proposed Committee Substitute (PCS) to Senate Bill 778 would exempt major developments subject to permitting under the Coastal Area Management Act (CAMA) from the State Environmental Policy Act (SEPA).

CURRENT LAW: SEPA requires preparation of an environmental document for every action involving expenditure of public moneys or use of public land for projects significantly affecting the quality of the environment in this State. The environmental document prepared must include:

- The environmental impact of the proposed action;
- Any significant adverse environmental effects which cannot be avoided should the proposal be implemented;
- Mitigation measures proposed to minimize the impact;
- Alternatives to the proposed action;
- The relationship between the short-term uses of the environment involved in the proposed action and the maintenance and enhancement of long-term productivity; and
- Any irreversible and irretrievable environmental changes which would be involved in the proposed action should it be implemented.

The statutes provide that preparation of an environmental document is not required for certain projects including:

- The construction, maintenance, or removal of an electric power line, water line, sewage line, stormwater drainage line, telephone line, telegraph line, cable television line, data transmission line, or natural gas line within or across the right-of-way of any street or highway.
- An action approved under a general permit issued under CAMA, and pursuant to certain statutes governing water and air pollution control.
- A lease or easement granted by a State agency for:
  - The use of an existing building or facility.
  - Placement of a wastewater line on or under submerged lands pursuant to a permit.
  - A shellfish cultivation lease.
- The construction of a driveway connection to a public roadway

BILL ANALYSIS: The PCS would exempt a major development subject to permitting under CAMA from the required review under SEPA. The exemption in the PCS indicates that the permit review under CAMA is the functional equivalent of an environmental document prepared under SEPA. As defined under CAMA, "major development" is any development which requires permission, licensing, approval, certification or authorization in any form from the Environmental Management Commission, the Department of Environment and Natural Resources (DENR), the Department of Administration, the Mining Commission, the Pesticides Board, the Sedimentation Control Board, or any federal agency or authority; or which occupies a land or water area in excess of 20 acres; or which contemplates drilling

for or excavating natural resources on land or under water; or which occupies on a single parcel a structure or structures in excess of a ground area of 60,000 square feet.

EFFECTIVE DATE: This PCS would become effective when it becomes law, and apply to any major development for which a permit application is received by DENR on or after that date.

S778-SMRI-26(CSRI-12) v2

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — April 30, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
SUE GRAY	NCHC
Jonay Zies	Office Suites PLUS Cary
GORDON MYERS	NCWRC
Michael Hutson	MWC
Peter Daniel	NCFB
L. Andrews	NCFB
John Monaghan	Piedmont Natural Gas
Sam Crews	Agri-Business Council
Lee Wicker	NCGA
Erica Peterson	NC Ag
Pender Sharp	NC Ag

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — April 30, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Billy Ayscue	NC Ag
Robert Broadway	NC Ag
Linda Harris	NC Ag
Kendall Hill	N.C. Ag

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — April 30, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
A.C. Tillman	Dearborn Co.
Penny Hufton	School of Gov.
John Sutherland	NC Dept. of Env. + Nat. Resources
Ray Starling	NCDA & CS
James Simons	NCDENR - Land Resources
Elizabeth Biser	DENR
Graham McCallie	NC Conservation Network
Dan Courtard	CCNC
Tom ALLEN	Durham, NC
Charlotte Mitchell	Raleigh - KLeaders
Amy Simes	DRNR

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — April 30, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Molly Diggins	Sierra Club
George Everett	Duke Energy
Bob Stoever	NCEA
Amy Fahilder	MWC
Doug Austin	NCSTA

Bill	Introducer	Short Title		Latest Action	In Date	Out Date
H0097	Killian	ACTIVE DUTY HUNTING/ FISHING LICENSE EXEMPTION.	SR	Ch. SL 2009-25	04-07-09	04-30-09
H0105=	Wainwright	CLARIFY INTERSTATE WILDLIFE VIOLATOR COMPACT.	SR	Ch. SL 2009-15	03-25-09	04-01-09
H0239=	Allen	RESTORE WATER QUALITY IN JORDAN RESERVOIR.	*SR	Ch. SL 2009-216	05-14-09	06-09-09
H0461	Hill	EXTEND ANIMAL WASTE OPERATION INSPECTION PGM.	SR	Ch. SL 2009-84	04-27-09	05-28-09
H0569	Gibson	DWQ/BRIDGE CULVERT STANDARDS.	*SR	Ch. SL 2009-478	05-19-09	06-30-09
H0588	Owens	ADOPT OFFICIAL NC POTATO FESTIVAL.	*SR	Ch. SL 2009-24	04-21-09	05-07-09
H0684=	Harrison	NC FARMLAND PRESERVATION TRUST FUND.	*SR	Ch. SL 2009-303	05-19-09	06-30-09
H0709=	Allen	ADDRESS EROSION CONTROL ISSUES.	*SR	Ch. SL 2009-479	05-19-09	08-06-09
H0759	Gibson	ABC RECYCLING STAY EXTENSION.	SR	Ch. SL 2009-105	04-16-09	06-02-09
H0760	Gibson	DISPOSAL OF PESTICIDE CONTAINERS.	*SR	Ch. SL 2009-499	05-04-09	06-02-09
H0760	Gibson	DISPOSAL OF PESTICIDE CONTAINERS.	*SR	Ch. SL 2009-499	06-03-09	08-04-09
H0857	Lucas	BALLISTICS STANDARDS/ TAKING BIG GAME.	*SF	Failed 2nd Reading	05-19-09	06-17-09
H0972	Tarleton	BOONE WATER INTAKE EASEMENT.	S	Ref To Com On Agriculture/ Environment/ Natural Resources	05-19-09	
H1083	Hill	EXTEND STATE VET'S ANIMAL DISEASE AUTHORITY.	SR	Ch. SL 2009-103	05-20-09	06-02-09
H1099	Allen	AMEND ENVIRONMENTAL LAWS 2009.	*S	Conf Com Appointed	05-19-09	08-04-09
H1100	Allen	STORMWATER CONTROLS FOR COMPOST.	*SR	Ch. SL 2009-322	05-19-09	07-07-09
H1103	Hill	UPDATE SEED LAW/ INCREASE SEED LICENSE FEES.	*SR	Ch. SL 2009-455	05-28-09	06-16-09
H1104	Hill	UPDATE NC MEAT INSPECTION ACT.	SR	Ch. SL 2009-102	05-20-09	06-02-09
H1108	Hill	CLARIFY LICENSE REQ/ OUT OF STATE WEIGHMASTERS.	SR	Ch. SL 2009-87	05-19-09	05-28-09
H1118	Haire	STANDARDIZE WILD BOAR SEASONS/SWINE STUDY.	*SR	Ch. SL 2009-89	05-05-09	05-28-09
H1175	Hill	UPDATE NPDES PERMITTING FOR CAFOS.	SR	Ch. SL 2009-92	05-14-09	05-28-09
H1196	England	STATE NAT. & HIST. PRES. ADDNS. & DEL.	*SR	Ch. SL 2009-503	05-19-09	06-23-09
H1236	Gibson	PROMOTE WATER USE EFFICIENCY.	*SR	Ch. SL 2009-480	05-20-09	08-04-09
H1335	Gibson	MORATORIUM ON EMC	*S	Ref To Com On	05-20-09	07-21-09

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Bill	Introducer	Short Title		Latest Action	In Date	Out Date
		RULE MAKING.		Rules, Calendar, and Operations of the House		
H1378	McComas	CLEAN MARINAS/PUMPOUT STATIONS.	*SR	Ch. SL 2009-345	05-14-09	07-07-09
H1388	Fisher	BROWNFIELDS PROPERTY NOTIFICATIONS.	*SR	Ch. SL 2009-181	05-20-09	06-16-09
H1399	Braxton	CAPACITY USE AREAS ENFORCEMENT.	*SR	Ch. SL 2009-134	05-20-09	06-02-09
H1419	Cleveland	BAT PROTECTION ACT.	*SR	Ch. SL 2009-219	05-14-09	06-23-09
S0089=	Joe Sam Queen	AUTHORIZE GRANDFATHER MTN. AS STATE PARK.	*SR	Ch. SL 2009-12	02-26-09	03-05-09
S0101	Fletcher L. Hart	INTERCONNECTION OF PUBLIC WATER SYSTEMS.	S	Ref To Com On Agriculture/ Environment/ Natural Resources	02-11-09	
S0105=	Charles W. Alber	SUSPENSION AND REVOCATION OF FISHING LICENSES.	*S	Re-ref Com On Finance	02-11-09	05-07-09
S0106=	Charles W. Alber	MORATORIUM ON EMC RULE MAKING.	*S	Re-ref Com On Finance	02-11-09	07-14-09
S0107=	Charles W. Alber	IMPLEMENT SHELLFISH FMP RECOMMENDATIONS.	*SR	Ch. SL 2009-433	02-11-09	05-07-09
S0108=	Charles W. Alber	MANAGEMENT OF THE STRIPED BASS FISHERY.	S	Re-ref Com On Ways & Means	02-11-09	02-26-09
S0126	Philip E. Berger	AMEND DRINKING WATER TESTING/PRIVATE WELLS.	S	Ref To Com On Agriculture/ Environment/ Natural Resources	02-12-09	
S0141=	John Snow	LIMIT WELL WATER TESTING FOR VOC'S.	*SR	Ch. SL 2009-124	02-12-09	02-19-09
S0166=	Tony Foriest	DISAPPROVE JORDAN LAKE RULES.	S	Re-ref Com On Rules and Operations of the Senate	02-16-09	02-17-09
S0457=	John Snow	ADD DEFINITION OF BIODIESEL.	*SR	Ch. SL 2009-237	03-09-09	04-01-09
S0467=	Floyd B. McKissi	RECOVER PETS/RELIEVE OVERCROWDING AT SHELTERS.	*SR	Ch. SL 2009-304	03-09-09	05-07-09
S0473=	David F. Weinste	CERTIFIED TECHNICIANS FOR ANIMAL EUTHANASIA.	S	Ref To Com On Agriculture/ Environment/ Natural Resources	03-10-09	
S0515=	Neal Hunt	PROHIBIT PENNING OF WILDLIFE.	S	Ref To Com On Agriculture/ Environment/ Natural Resources	03-11-09	
S0524=	Julia Boseman	DISAPPROVE COASTAL SETBACK RULE.	S	Ref To Com On Agriculture/ Environment/ Natural Resources	03-11-09	
S0600=	Daniel G. Clodfe	CONDEMNATION OF CONSERVATION EASEMENTS.	*SR	Ch. SL 2009-439	03-16-09	05-05-09
S0636=	Harry Brown	REIMBURSE BEACH	*S	Re-ref Com On	03-18-09	04-28-09

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Bill	Introducer	Short Title		Latest Action	In Date	Out Date
		NUISANCE ABATEMENT COST.		Appropriations		
S0699=	Julia Boseman	CEMENT PLANT MORATORIUM AND STUDY.	S	Re-ref Com On Appropriations/ Base Budget	03-19-09	05-13-09
S0706=	A. B Swindell	AMEND ON-SITE WASTEWATER CONTRACTOR LAWS.	S	Re-ref Com On Appropriations/ Base Budget	03-24-09	04-16-09
S0719	Daniel G. Clodfe	AMEND ENVIRONMENTAL LAWS 2009.	*S	Re-ref Com On Finance	03-24-09	05-07-09
S0739=	Vernon Malone	PROHIBIT PENNING OF WILDLIFE.	S	Ref To Com On Agriculture/ Environment/ Natural Resources	03-24-09	
$ S0753	**Daniel G. Clodfe**	**WATER INFRASTRUCTURE COMMN/COORDINATE FUNDS.**	**S**	**Ref To Com On Agriculture/ Environment/ Natural Resources**	**03-24-09**	
S0755	Daniel G. Clodfe	PROMOTE MITIGATION BANKS.	*SR	Ch. SL 2009-337	03-24-09	05-05-09
S0757	Daniel G. Clodfe	STATEWIDE WATER PLAN/ PROG. EVAL. RECOMMEND.	S	Ref To Com On Agriculture/ Environment/ Natural Resources	03-24-09	
S0760=	Floyd B. McKissi	PER DIEM EROSION CONTROL PENALTIES.	*S	Re-ref Com On Finance	03-24-09	05-04-09
S0778	R. C. Soles, Jr.	ELIMINATE OVERLAP BETWEEN CAMA AND SEPA.	*S	Ref to the Com on Environment and Natural Resources, if favorable, Judiciary I	03-25-09	05-04-09
$ S0785	**David F. Weinste**	**EQUINE INDUSTRY COMMISSION.**	**S**	**Re-ref Com On Appropriations/ Base Budget**	**04-01-09**	**04-16-09**
S0792	Fletcher L. Hart	WATER INFRASTRUCTURE AUTHORITY/WATER GRANTS.	S	Ref to Agriculture/ Environment/ Natural Resources. If fav, re-ref to Appropriations/ Base Budget	03-25-09	
S0832	Julia Boseman	CRC MAY PERMIT TERMINAL GROIN.	*S	Ref to the Com on Environment and Natural Resources, if favorable, State Government/State Personnel, if favorable, Rules, Calendar, and Operations of the House	03-25-09	04-29-09
S0833	Daniel G. Clodfe	DELINEATE RIVER BASINS.	S	Held by Senate	03-25-09	04-16-09

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Bill	Introducer	Short Title		Latest Action	In Date	Out Date
S0835	Charles W. Alber	EXTEND CLIMATE CHANGE COMMISSION.	*SR	Ch. SL 2009-306	03-25-09	04-01-09
S0836=	Charles W. Alber	RECYCLE PRODUCTS CONTAINING MERCURY.	*S	Re-ref Com On Environment and Natural Resources	03-25-09	05-07-09
S0838=	Charles W. Alber	AMENDMENTS TO ENVIRONMENTAL LAWS 2009.	*SR	Ch. SL 2009-484	03-25-09	05-07-09
S0865	David W. Hoyle	NO STATE REGULATION OF TOXIC TITLE V SOURCES.	S	Ref To Com On Agriculture/ Environment/ Natural Resources	03-26-09	
S0866=	David W. Hoyle	APA RULES: INCREASING COSTS PROHIBITION.	S	Ref to the Com on Rules, Calendar, and Operations of the House, if favorable, Environment and Natural Resources, if favorable, Judiciary I	03-26-09	05-12-09
S0876	Daniel G. Clodfe	STUDY CONSOLIDATED ENVIRONMENTAL COMMISSION.	S	Ref To Com On Agriculture/ Environment/ Natural Resources	03-26-09	
S0881=	Bob Atwater	AGRELIEF ACT/COST SHARE PROGRAM.	*S	Re-ref Com On Finance	03-26-09	05-04-09
S0881=	Bob Atwater	AGRELIEF ACT/COST SHARE PROGRAM.	*S	Re-ref Com On Finance	05-13-09	05-13-09
S0885	Don Vaughan	PROTECT OYSTER SANCTUARIES.	S	Ref To Com On Agriculture/ Environment/ Natural Resources	03-26-09	
S0886=	Don Vaughan	IMPROVE SUCCESS OF FMPS.	*S	Ref to the Com on Marine Resources and Aquaculture, if favorable, Environment and Natural Resources	03-26-09	05-07-09
S0896	Fletcher L. Hart	ANALYSIS OF AGRICULTURAL RESEARCH STATIONS.	S	Ref To Com On Agriculture/ Environment/ Natural Resources	03-26-09	
S0907=	Daniel G. Clodfe	WATER RESOURCE POLICY ACT OF 2009.	S	Ref To Com On Agriculture/ Environment/ Natural Resources	03-26-09	
S0919	Stan Bingham	STUDY INTERBASIN TRANSFER NETTING.	S	Ref To Com On Agriculture/ Environment/ Natural Resources	03-26-09	
S0992	Don Davis	AUTHORIZE MAYORS TO SOLEMNIZE MARRIAGE.	S	Ref to the Com on State Government/ State Personnel, if favorable,	05-14-09	05-14-09

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Bill	Introducer	Short Title		Latest Action	In Date	Out Date
				Judiciary I		
S0998	Clark Jenkins	MORATORIUM ON CERTAIN SANDBAG REMOVALS.	*S	Ref to the Com on Environment and Natural Resources, if favorable, Rules, Calendar, and Operations of the House	03-26-09	05-04-09
S1010	A. B Swindell	MIGRATORY GAME BIRD SEASON AUTHORITY.	*SR	Ch. SL 2009-221	03-26-09	05-05-09
S1011	A. B Swindell	AMEND TRAP SIZES.	*SR	Ch. SL 2009-120	03-26-09	05-05-09
S1018=	Josh Stein	BAN CERTAIN SINGLE-USE BAGS.	*SR	Ch. SL 2009-163	03-26-09	05-04-09
S1020	Josh Stein	IMPROVE UPPER NEUSE BASIN WATER QUALITY.	*SR	Ch. SL 2009-486	03-26-09	05-12-09
S1035	Andrew C. Brock	GOV/GA/COS PAY REDUCTION.	S	Ref To Com On Agriculture/ Environment/ Natural Resources	03-31-09	
S1067	Charles W. Alber	SUSTAINABLE LOCAL FOOD POLICY COUNCIL/ GOAL.	*SR	Ch. SL 2009-530	03-31-09	05-12-09
S1068=	Charles W. Alber	PERMITTING OF WIND ENERGY FACILITIES.	*S	Ref to the Com on Energy and Energy Efficiency, if favorable, Finance	03-31-09	07-07-09
S1068=	Charles W. Alber	PERMITTING OF WIND ENERGY FACILITIES.	*S	Ref to the Com on Energy and Energy Efficiency, if favorable, Finance	07-15-09	08-05-09
S1080	John Snow	MINING PERMIT APPLICATION REVIEW BY LOCALS.	S	Ref To Com On Agriculture/ Environment/ Natural Resources	03-31-09	
S1105	Bob Atwater	BOARD OF AGRICULTURE CONFIRMATION.	S	Adopted	07-01-09	07-07-09

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SENATE AGRICULTURE COMMITTEE - 2009 SESSION

MEMBER	LOCATION	PHONE	LEGISLATIVE ASST.
Atwater, Bob, **Chair**	312-LOB	5-3036	Carol Resar
Allran, Austin, **Vice Chair**	516-LOB	3-5876	Carole Walker
Davis, Don, **Vice Chair**	525-LOB	3-5621	Sylvia Sears
Kinnaird, Ellie, **Vice Chair**	2115-LB	3-5804	Kathie Young
Weinstein, David, **Vice Chair**	2108-LB	3-5651	Vickie Spears
Albertson, Charles W.	525-LOB	3-5705	Cindy Brooks Davis
Bingham, Stan	2117-LB	3-5665	Judy Chriscoe
Brock, Andrew	1101-LB	5-0690	Janet Black
Brown, Harry	521-LOB	5-3034	Suzanne Gunter
Clodfelter, Dan	408-LOB	5-8331	Wanda Joyner
Hartsell, Fletcher	518-LOB	3-7223	Gerry Johnson
Preston, Jean	313-LOB	3-6275	Suzanne Castleberry
Queen, Joe Sam	1121-LB	3-3460	Sarah Wilson
Rouzer, David	520-LOB	3-5748	Judy Edwards
Snow, John	517-LOB	3-5875	Rebecca Butler
Swindell, AB,	629-LOB	5-3030	Mo Hudson
Tillman, Jerry	628-LOB	3-5870	Yvonne Hall

Committee Counsel

Jeffrey Hudson	**LOB-545**	**3-2578**
Jennifer Mundt	**LOB-545**	**3-2578**
Jennifer L. McGinnis	**LOB-545**	**3-2578**
Mariah Matheson	**LOB-545**	**3-2578**
Lanier McRee	**LOB-619**	**3-4910**

Principal Clerk ____
Reading Clerk ____

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on **Agriculture/Environment/Natural Resources** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	May 5, 2009	11:00 AM	544 LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 600	Condemnation of Conservation Easements.	Senator Clodfelter
SB 719	Amend Environmental Laws 2009.	Senator Clodfelter
SB 755	Promote Private Mitigation Banks.	Senator Clodfelter
SB 1010	Migratory Game Bird Season Authority.	Senator Swindell IV
SB 1011	Amend Trap Sizes.	Senator Swindell IV
HB 588	Adopt Official NC Potato Festival.	Representative Owens, Jr.

Senator Bob Atwater, Chair

Senate Agriculture/Environment/Natural Resources Committee
Tuesday, May 5, 2009, 11:00 AM
544 LOB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

SB 600	Condemnation of Conservation Easements.	Senator Clodfelter
SB 719	Amend Environmental Laws 2009.	Senator Clodfelter
SB 755	Promote Private Mitigation Banks.	Senator Clodfelter
SB 1010	Migratory Game Bird Season Authority.	Senator Swindell IV
SB 1011	Amend Trap Sizes.	Senator Swindell IV
HB 588	Adopt Official NC Potato Festival.	Representative Owens, Jr.

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE REPORT
Senator Bob Atwater, Chair

Tuesday, May 05, 2009

Senator ATWATER,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

S.B. **600** Condemnation of Conservation Easements.

Draft Number:	55356
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

S.B. **1011** Amend Trap Sizes.

Draft Number:	75250
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 2

Committee Clerk Comments:

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE REPORT
Senator Bob Atwater, Chair.

Tuesday, May 05, 2009

Senator ATWATER,
submits the following with recommendations as to passage:

FAVORABLE

S.B. **1010** Migratory Game Bird Season Authority.

Sequential Referral:	None
Recommended Referral:	None

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

S.B. **755** Promote Private Mitigation Banks.

Draft Number:	35304
Sequential Referral:	Finance
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 2

Committee Clerk Comments:

SENATE AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE
Tuesday, May 5, 2009 at 11:00 AM
Room 544, Legislative Office Building

MINUTES

The Senate Agriculture/Environment/Natural Resources Committee met at 11:00 AM on May 5, 2009, in Room 544 of the Legislative Office Building. 15 members of the committee were present. Senator Bob Atwater presided.

After Senator Atwater introduced the pages, the following bills were discussed:

- **SB 600, Condemnation of Conservation Easements.**

Senator Albertson moved to adopt the PCS for SB 600 for purposes of discussion. Motion carried. Senator Clodfelter then explained the PCS for SB 600. After his explanation, **Senator Allran moved for an unfavorable report as to the original bill and a favorable report for the PCS for SB 600. Motion carried.**

- **SB 755, Promote Private Mitigation Banks.**

Senator Albertson moved to adopt the PCS for SB 755 for purposes of discussion. Motion carried. Senator Clodfelter then explained the PCS for SB 755. After his explanation, the following people from the public spoke in support of the PCS: Mr. Michael O'Rourke, President of the North Carolina Environmental Restoration Association; Mr. Steve Levitas .

Those persons who spoke in opposition of the PCS were: Mr. David Knight, Assistant Secretary of the Department of Environment and Natural Resources; Mr. Paul Meyer, North Carolina League of Municipalities; Ms. Patrise Roesler, North Carolina Association of County Commissioners.

A brief discussion by the Committee members followed public comments. **Senator Brock then moved for an unfavorable report as to the original bill and a favorable report for the PCS for SB 755 with a referral to Senate Finance. Motion carried.**

- **SB 1010, migratory Game Bird Season Authority.**

After Senator Swindell gave a brief explanation of the bill, **Senator Clodfelter moved for a favorable report. Motion carried.**

- **SB 1011, Amend Trap Sizes.**

Senator Davis moved to adopt the PCS for SB 1011 for purposes of discussion. Motion carried. After Senator Swindell's brief explanation of the bill, **Senator Brown moved for a favorable report for SB 1011. Motion carried.**

The meeting adjourned at 11:50 AM.

Senator Bob Atwater, Presiding

Carol Resar, Committee Clerk

SENATE BILL 600

Short Title:	Condemnation of Conservation Easements.	(Public)
Sponsors:	Senator Clodfelter.	
Referred to:	Agriculture/Environment/Natural Resources.	

March 16, 2009

A BILL TO BE ENTITLED

AN ACT TO REQUIRE A DEMONSTRATION OF LACK OF PRUDENT AND FEASIBLE ALTERNATIVE IN ORDER FOR PUBLIC CONDEMNORS TO CONDEMN PROPERTY ENCUMBERED BY A CONSERVATION EASEMENT AND TO REQUIRE ADDITIONAL COMPENSATION TO HOLDERS OF CONDEMNED CONSERVATION EASEMENTS.

Whereas, North Carolina is losing natural areas, historic sites, and agricultural and forestry lands at a rate of over 100,000 acres per year;

Whereas, concurrent with this rapid pace of development within the State, the public is investing substantial resources in conservation easements;

Whereas, conservation easements are frequently used by land trusts and government agencies to restrict the development and use of land in order to preserve the land's natural, open, scenic, historic, or ecological features;

Whereas, North Carolina's waters, open lands, and historic properties are critical to our State's economic future and quality of life;

Whereas, as stated in Section 5 of Article XIV of the Constitution of North Carolina, it is the policy of this State to conserve and protect its lands and waters for the benefit of all its citizenry;

Whereas, G.S. 113A-241(a) provides, "The State of North Carolina shall encourage, facilitate, plan, coordinate, and support appropriate federal, State, local, and private land protection efforts so that an additional one million acres of farmland, open space, and conservation lands in the State are permanently protected by December 31, 2009."; and

Whereas, federal and State tax policies encourage grants of conservation easements;

Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 40A of the General Statutes is amended by adding a new Article to read as follows:

"Article 6.

"Condemnation of Property Encumbered by a Conservation Easement.

"**§ 40A-80. Applicability of Article.**

The provisions of this Article shall only apply to condemnation actions initiated by public condemnors.

"**§ 40A-81. Demonstration of no prudent and feasible alternative required.**

Any public entity that is authorized to exercise the power of eminent domain under the General Statutes shall not exercise the power of eminent domain on property encumbered by a conservation easement unless the entity first demonstrates that there is no prudent and feasible alternative to the action.

"**§ 40A-82. Additional information required in petition or complaint filed.**

Any public entity that acts to exercise the power of eminent domain on property encumbered by a conservation easement shall initiate the action as required by Chapter 40 of the General Statutes or Chapter 136 of the General Statutes as applicable. The complaint or declaration of taking filed as required by those Chapters shall also include a statement that describes in detail and with information sufficient to demonstrate that there is no prudent and feasible alternative to condemnation of the property encumbered by the conservation easement.

"**§ 40A-83. Judicial determination as to prudent and feasible alternative; reimbursement costs.**

A judge of the superior court in the district where the cause is pending shall hear and determine whether or not a prudent and feasible alternative exists to condemnation of the property encumbered by a conservation easement. If the court determines that a prudent and feasible alternative exists to condemnation of the property, the court shall, in addition to any costs that may be awarded by law, award to the holder of the conservation easement as part of the judgment, after appropriate findings of fact, reasonable attorneys' fees and costs, including, without limitation, reasonable surveying, engineering, and appraisal costs.

"**§ 40A-84. Compensation for condemnation.**

(a) In any action to condemn property encumbered by a conservation easement, the conservation easement shall be treated as a separately compensable property interest. The owner of the property encumbered by the easement shall be compensated for the fair market value of the property as encumbered by the conservation easement; the holder of the conservation easement shall be compensated for the fair market value of the easement. The judge shall hear and determine the issue of fair market value based upon evidence to include at least one appraisal performed by an appraiser with experience in valuation of conservation easements. The court may assess costs and the parties shall have a right of appeal as provided in G.S. 40A-13.

(b) In condemnation actions commenced in which the condemnor seeks less than fee simple interest in the entire property, including condemnations for rights-of-way, or seeks to condemn less than the entire property, the court shall determine to what extent, if any, the partial taking of the property will impair the conservation value of the conservation easement for purposes of determining appropriate compensation to the holder of the easement.

(c) In addition to the compensation due to the holder of the conservation easement pursuant to subsection (a) or (b) of this section, the condemnor shall be required to pay the holder of the easement an additional amount equal to twenty-five percent (25%) of the value of the conservation easement in order to reimburse costs incurred by the holder of the conservation easement in locating and acquiring a substantially similar conservation easement or otherwise using the proceeds in a manner consistent with the purposes of the conservation easement."

SECTION 2. This act becomes effective July 1, 2009, and applies to condemnation proceedings initiated on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S D

SENATE BILL 600
PROPOSED COMMITTEE SUBSTITUTE S600-CSRIx-10 [v.2]

5/4/2009 6:19:46 PM

Short Title: Condemnation of Conservation Easements. (Public)

Sponsors:

Referred to:

March 16, 2009

A BILL TO BE ENTITLED

AN ACT TO REQUIRE A DEMONSTRATION OF LACK OF PRUDENT AND FEASIBLE ALTERNATIVE IN ORDER FOR PUBLIC CONDEMNORS TO CONDEMN PROPERTY ENCUMBERED BY A CONSERVATION EASEMENT.

Whereas, North Carolina is losing natural areas, historic sites, and agricultural and forestry lands at a rate of over 100,000 acres per year;

Whereas, concurrent with this rapid pace of development within the State, the public is investing substantial resources in conservation easements;

Whereas, conservation easements are frequently used by land trusts and government agencies to restrict the development and use of land in order to preserve the land's natural, open, scenic, historic, or ecological features;

Whereas, North Carolina's waters, open lands, and historic properties are critical to our State's economic future and quality of life;

Whereas, as stated in Section 5 of Article XIV of the Constitution of North Carolina, it is the policy of this State to conserve and protect its lands and waters for the benefit of all its citizenry;

Whereas, G.S. 113A-241(a) provides, "The State of North Carolina shall encourage, facilitate, plan, coordinate, and support appropriate federal, State, local, and private land protection efforts so that an additional one million acres of farmland, open space, and conservation lands in the State are permanently protected by December 31, 2009."; and

Whereas, federal and State tax policies encourage grants of conservation easements; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 40A of the General Statutes is amended by adding a new Article to read as follows:

"Article 6.

"Condemnation of Property Encumbered by a Conservation Easement.

"**§ 40A-80. Applicability of Article.**

The provisions of this Article shall only apply to a condemnation action initiated by a public condemnor, which for purposes of this Article shall be any entity exercising the power of eminent domain under any authority except G.S. 40A-3(a).

"**§ 40A-81. Additional information required in petition or complaint filed.**

Any public entity that acts to exercise the power of eminent domain on property encumbered by a conservation easement shall initiate the action as required by Chapter 40 of

the General Statutes or Chapter 136 of the General Statutes as applicable. The complaint or declaration of taking filed as required by those Chapters shall also include a statement that describes in detail and with information sufficient to demonstrate that there is no prudent and feasible alternative to condemnation of the property encumbered by the conservation easement.

"**§ 40A-82. Demonstration of no prudent and feasible alternative required in certain actions; judicial determination.**

(a) If a holder of a conservation easement contests an action to condemn property encumbered by a conservation easement on the basis that the condemnor failed to sufficiently consider alternatives to the action or that a prudent and feasible alternative exists to the action, the holder of the conservation easement may file an answer to the complaint within 30 days from the date of service thereof. The answer shall contain the following:

(1) Such admissions or denials of the allegations of the complaint as are appropriate;

(2) The names and addresses of the persons filing the answer, together with a statement as to their interest in the property subject to the condemnation action; and

(3) Such affirmative defenses or matters as are pertinent to the action.

(b) If the holder of a conservation easement contests an action pursuant to subsection (a) of this section, a jury shall hear and determine whether or not a prudent and feasible alternative exists to condemnation of the property. If a jury determines that a prudent and feasible alternative does exist to condemnation of the property, the court shall dismiss the action, and award the holder of the conservation easement costs, disbursements, and expenses in accordance with G.S. 40A-8(b).

(c) A jury determination as to whether a prudent or feasible alternative exists to condemnation of the property as set forth in subsection (b) of this section shall not be required for actions: (i) in which the Department of Transportation is the condemnor; (ii) prior to filing the condemnation action a review of the action was conducted that considered the alternatives to the condemnation of the property encumbered by the conservation easement and mitigation measures to minimize the impact; and (iii) such review was conducted pursuant to:

(1) The State Environmental Policy Act (SEPA), G.S. 113A § 1 et seq.;

(2) The National Environmental Policy Act (NEPA), 42 U.S.C. § 4321 et seq.; or

(3) 49 U.S.C. § 303(f).

"**§ 40A-83. Vesting of title and right of possession.**

Notwithstanding the provisions of G.S. 40A-42, title and right to immediate possession of property subject to this Article shall not vest in a condemnor except upon:

(1) The failure of the easement holder to file an answer within the 30-day time period established by G.S. 40A-82(a);

(2) Determination by a jury that no prudent or feasible alternative exists to condemnation of the property pursuant to G.S 40A-82(b); or

(3) Filing of the complaint and the declaration of taking and deposit in actions meeting all of the requirements of G.S. 40A-82(c).

"**§ 40A-84. Compensation for condemnation.**

(a) In any action to condemn property encumbered by a conservation easement, the conservation easement shall be treated as a separately compensable property interest. The owner of the property encumbered by the easement shall be compensated for the fair market value of the property as encumbered by the conservation easement; the holder of the conservation easement shall be compensated for the fair market value of the easement. A jury shall hear and determine the issue of fair market value based upon evidence to include at least one appraisal performed by an appraiser with experience in valuation of conservation

easements. The court may assess costs and the parties shall have a right of appeal as provided in G.S. 40A-13.

(b) In condemnation actions in which the condemnor seeks less than fee simple interest in the entire property, including condemnations for rights-of-way, or seeks to condemn less than the entire property, a jury shall determine to what extent, if any, the partial taking of the property will impair the conservation value of the conservation easement for purposes of determining appropriate compensation to the holder of the easement."

SECTION 2. This act becomes effective July 1, 2009, and applies to condemnation proceedings initiated on or after that date.

SENATE BILL 600:
Condemnation of Conservation Easements

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	May 5, 2009
Introduced by:	Sen. Clodfelter	**Prepared by:**	Jennifer McGinnis Committee Counsel
Analysis of:	PCS to First Edition S600-CSRIx-10[v.2]		

SUMMARY: ***The Proposed Committee Substitute (PCS) for Senate Bill 600 would generally require public condemnors acting to exercise the power of eminent domain over property encumbered by a conservation easement to demonstrate that there is no prudent and feasible alternative to condemnation of the property encumbered by a conservation easement. The PCS would also require treatment of a condemned easement as a separately compensable property interest for which fair market value must be paid.***

[As introduced, this bill was identical to H1080, as introduced by Reps. Samuelson, Harrison, Allen, Rhyne, which is currently in House Judiciary I, if favorable, Environment and Natural Resources, if favorable, Appropriations.]

CURRENT LAW: The General Statutes authorize public condemnors to condemn property for certain purposes. Under the statutes, as well as both the State and federal constitutions, private property may only be taken for a public use or benefit and upon the payment of just compensation.

BILL ANALYSIS: The PCS would generally require public condemnors acting to exercise the power of eminent domain over property encumbered by a conservation easement to demonstrate that there is no prudent and feasible alternative to condemnation of the property encumbered by the conservation easement.

In particular, the PCS would require public condemnors to include in the complaint or declaration of taking a statement describing in detail and with sufficient information to support that there is no prudent and feasible alternative to condemnation of the property in question. If the holder of an easement contests a condemnation action on the basis that the condemnor failed to sufficiently consider alternatives to the action or that a prudent and feasible alternative exists, a jury would hear and determine whether or not a prudent and feasible alternative existed. If a jury determined that a prudent and feasible alternative did exist, the court would be required to dismiss the condemnation action and award costs to the easement holder. A jury determination on this issue would not be required in cases involving the State's Department of Transportation (DOT) where a review of the action was conducted pursuant to the State Environmental Policy Act (SEPA) or the National Environmental Policy Act (NEPA), or under a provision of the federal Department of Transportation Act (which stipulates that the Federal Highway Administration and other Department of Transportation agencies cannot approve the use of land from publicly owned parks, recreational areas, wildlife and waterfowl refuges, or public and private historical sites unless the following conditions apply: (i) there is no feasible and prudent alternative to the use of land; and (ii) the action includes all possible planning to minimize harm to the property resulting from use).

The PCS would provide that title would not vest in a condemnor of such land except: (i) upon failure of an easement holder to contest the condemnation action as provided above; (ii) determination by a jury that no prudent and feasible alternative exists to condemnation of the land in question; or (iii)

filing of the complaint and declaration of taking in cases involving the DOT where sufficient review under SEPA, NEPA, or federal law has been conducted.

The PCS specifies that the conservation easement is to be treated as a compensable property interest separate from the property encumbered by the easement, and the owner of the interest is to be compensated for the easement's fair market value to be determined by a jury based upon at least one appraisal.

EFFECTIVE DATE: The PCS would become effective July 1, 2009, and apply to condemnation actions filed on or after that date.

S600-SMRI-31(CSRIx-10) v3

SENATE BILL 755

Short Title:	Promote Private Mitigation Banks.	(Public)
Sponsors:	Senator Clodfelter.	
Referred to:	Agriculture/Environment/Natural Resources.	

March 24, 2009

A BILL TO BE ENTITLED

AN ACT TO PROMOTE THE USE OF PRIVATE COMPENSATORY MITIGATION BANKS FOR RIPARIAN BUFFER PROTECTION AND NUTRIENT OFFSET PAYMENTS AND TO MAKE CLARIFYING CHANGES TO THE STATUTES GOVERNING COMPENSATORY MITIGATION FOR WETLAND AND STREAM IMPACTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-214.11 reads as rewritten:

"**§ 143-214.11. Ecosystem Enhancement Program: compensatory mitigation.**

(a) Definition. – For purposes of this section, the term "compensatory mitigation" means the restoration, creation, enhancement, or preservation of ~~wetlands or other areas~~jurisdictional waters required as a condition of a ~~section 404~~ permit issued by the Department or by the United States Army Corps of Engineers. For purposes of this section, "jurisdictional waters" means wetlands, streams, or other waters of the State or of the United States.

(b) Department ~~of Environment and Natural Resources~~ to Coordinate Compensatory Mitigation. – All compensatory mitigation required by permits or authorizations issued by the Department or by the United States Army Corps of Engineers ~~under 33 U.S.C. § 1344~~ shall be coordinated by the Department consistent with the basinwide ~~plans for wetlands restoration~~restoration plans and rules developed by the Environmental Management Commission. All compensatory ~~wetlands~~ mitigation, whether performed by the Department or by permit applicants, shall be consistent with the basinwide restoration plans.

(c) Compensatory Mitigation Emphasis on Replacing Ecological Function Within Same River Basin. – The emphasis of compensatory mitigation is on replacing functions within the same river basin unless it is demonstrated that restoration of other areas would be more beneficial to the overall purposes of the Ecosystem Enhancement Program.

(d) Compensatory Mitigation Options Available to the North Carolina Department of Transportation. – The North Carolina Department of Transportation may satisfy compensatory ~~wetlands~~ mitigation requirements by the following actions, if those actions are consistent with the basinwide restoration plans and also meet or exceed the requirements of the Department or of the United States Army Corps of ~~Engineers:~~Engineers, as applicable:

(1) Payment of a fee established by the ~~Department~~ Commission into the Ecosystem Restoration Fund established in G.S. 143-214.12.

(2) Donation of land to the Ecosystem Enhancement Program or to other public or private nonprofit conservation organizations as approved by the Department.

(3) Participation in a private ~~wetlands~~ compensatory mitigation ~~bank.~~bank that has been approved by the United States Army Corps of Engineers, provided that the Department or the United States Army Corps of Engineers, as applicable, approves the use of such bank for the required compensatory mitigation.

(4) Preparing and implementing a ~~wetlands restoration~~compensatory mitigation plan.

(d1) Compensatory Mitigation Options Available to Applicants Other than the North Carolina Department of Transportation. – An applicant other than the North Carolina Department of Transportation may satisfy compensatory ~~wetlands~~ mitigation requirements by the following actions, if those actions meet or exceed the requirements of the United States Army Corps of Engineers:

(1) Participation in a private ~~wetlands~~ compensatory mitigation ~~bank. This option is only available in a hydrologic area where there is at least one private wetlands mitigation bank that has been (i) approved by the United States Army Corps of Engineers and that has available mitigation credit or (ii) approved by the North Carolina Division of Water Quality for resources regulated under the Neuse and Tar-Pam rules and that has available mitigation credit. For purposes of this subdivision, "hydrologic area" means the eight-digit Hydrologic Unit Code where the mitigation bank is located.~~bank if the United States Army Corps of Engineers has approved the bank and the Department or the United States Army Corps of Engineers, as applicable, approves the use of the bank for the required compensatory mitigation.

(2) Payment of a fee established by the ~~Department~~ Commission into the Ecosystem Restoration Fund established in G.S. 143-214.12. – This option is only available to an applicant ~~if~~ who demonstrates that the option under subdivision (1) of this subsection is not ~~available as an option.~~available.

(3) Donation of land to the Ecosystem Enhancement Program or to other public or private nonprofit conservation organizations as approved by the Department.

(4) Preparing and implementing a ~~wetlands restoration~~compensatory mitigation plan.

(e) Payment Schedule. – A standardized schedule of ~~per-acre payment amounts~~compensatory mitigation payment amounts shall be established by the ~~Environmental Management~~ Commission. Compensatory mitigation payments shall be made by applicants to the Ecosystem Restoration Fund established in G.S. 143-214.12. The monetary payment shall be based on the ecological functions and values of wetlands and streams permitted to be lost and on the cost of restoring or creating wetlands capable of performing the same or similar functions, including directly related costs of ~~wetlands~~ wetland and stream restoration planning, long-term monitoring, and maintenance of restored areas. Compensatory mitigation payments for wetlands shall be calculated on a per-acre basis. Compensatory mitigation payments for streams shall be calculated on a per-linear foot basis.

(f) Mitigation Banks. – State agencies and private mitigation banking companies shall demonstrate that adequate, dedicated financial surety exists to provide for the perpetual land management and hydrological maintenance of lands acquired by the State as mitigation banks, or proposed to the State as privately operated and permitted mitigation banks.

(g) Payment for Taxes. – A State agency acquiring land to restore, enhance, preserve, or create wetlands must also pay a sum in lieu of ad valorem taxes lost by the county in accordance with G.S. 146-22.3."

SECTION 2. G.S. 143-214.20 reads as rewritten:

"**§ 143-214.20. Riparian Buffer Protection Program: Alternatives to maintaining riparian buffers; compensatory mitigation fees.**

(a) Compensatory Mitigation for Riparian Buffer Loss. – The Commission shall establish a program to provide alternatives for persons who would otherwise be required to maintain riparian buffers and who can demonstrate that they have attempted to avoid and minimize the loss of the riparian buffer and that there is no practical alternative to the loss of the buffer. This program is intended to allow these persons to perform compensatory mitigation in lieu of complying with laws and rules that require that riparian buffers be protected and maintained. ~~Alternatives shall include, but are not limited to:~~

(a1) Compensatory Mitigation Options Available to the North Carolina Department of Transportation. – The North Carolina Department of Transportation may satisfy compensatory mitigation requirements by any of the following actions:

(1) Payment of a compensatory mitigation fee into the Riparian Buffer Restoration ~~Fund.~~Fund established in G.S. 143-214.21.

(2) Donation of real property or of an interest in real property to the Department, another State agency, a unit of local government, or a private nonprofit conservation organization if both the donee organization and the donated real property or interest in real property are approved by the Department. The Department may approve a donee organization only if the donee agrees to maintain the real property or interest in real property as a riparian buffer. The Department may approve a donation of real property or an interest in real property only if the real property or interest in real property either:

a. Is a riparian buffer that will provide protection of water quality that is equivalent to or greater than that provided by the riparian buffer that is lost in the same river basin as the riparian buffer that is ~~lost; or~~lost.

b. Will be used to restore, create, enhance, or maintain a riparian buffer that will provide protection of water quality that is equivalent to or greater than that provided by the riparian buffer that is lost in the same river basin as the riparian buffer that is lost.

(3) Restoration or enhancement of an existing riparian buffer that is not otherwise required to be protected, or creation of a new riparian buffer, that will provide protection of water quality that is equivalent to or greater than that provided by the riparian buffer that is lost in the same river basin as the riparian buffer that is lost and that is approved by the Department.

(4) Construction of an alternative measure that reduces nutrient loading as well or better than the riparian buffer that is lost in the same river basin as the riparian buffer that is lost and that is approved by the Department.

(5) Participation in a private mitigation bank if the Department has approved the bank and the Department approves the use of the bank for the required compensatory mitigation.

(6) Any other action consistent with the goals of this section that is approved by the Department.

(a2) Compensatory Mitigation Options Available to Applicants Other than the North Carolina Department of Transportation. – An applicant other than the North Carolina Department of Transportation may satisfy compensatory mitigation requirements by any of the following actions:

(1) Participation in a private mitigation bank that has been approved by the Department if the Department approves the use of the bank for the required compensatory mitigation.

(2) Payment of a compensatory mitigation fee into the Riparian Buffer Restoration Fund established in G.S. 143-214.21. This option is only

available to an applicant who demonstrates that the option under subdivision (1) of this subsection is not available.

(3) Donation of real property or of an interest in real property to the Department, another State agency, a unit of local government, or a private nonprofit conservation organization if both the donee organization and the donated real property or interest in real property are approved by the Department. The Department may approve a donee organization only if the donee agrees to maintain the real property or interest in real property as a riparian buffer. The Department may approve a donation of real property or an interest in real property only if the real property or interest in real property either:

a. Is a riparian buffer that will provide protection of water quality that is equivalent to or greater than that provided by the riparian buffer that is lost in the same river basin as the riparian buffer that is lost.

b. Will be used to restore, create, enhance, or maintain a riparian buffer that will provide protection of water quality that is equivalent to or greater than that provided by the riparian buffer that is lost in the same river basin as the riparian buffer that is lost.

(4) Restoration or enhancement of an existing riparian buffer that is not otherwise required to be protected, or creation of a new riparian buffer, that will provide protection of water quality that is equivalent to or greater than that provided by the riparian buffer that is lost in the same river basin as the riparian buffer that is lost and that is approved by the Department.

(5) Construction of an alternative measure that reduces nutrient loading as well or better than the riparian buffer that is lost in the same river basin as the riparian buffer that is lost and that is approved by the Department.

(6) Any other action consistent with the goals of this section that is approved by the Department.

(b) Compensatory mitigation is available for loss of a riparian buffer along an intermittent stream, a perennial stream, or a perennial waterbody.

(c) The Commission shall establish a standard schedule of compensatory mitigation fees. The compensatory mitigation fee schedule shall be based on the area of the riparian buffer that is permitted to be lost and the cost to provide equivalent or greater protection of water quality in the same river basin as that provided by the riparian buffer this is lost by:

(1) Restoration or enhancement of existing riparian buffers.

(2) Acquisition of land for and creation of new riparian buffers.

(3) Maintenance and monitoring of restored, enhanced, or created riparian buffers over time.

(4) Construction of alternative measures that reduce nutrient loading.

(d) The Commission may adopt rules to implement this section."

SECTION 3. Section 4 of S.L. 2007-438 is repealed.

SECTION 4.(a) Nutrient offset credits may be purchased to partially offset the nitrogen loading requirements specified in 15A NCAC 2B .0234 and 2B .0235 for the Neuse River Basin and to partially offset the nitrogen and phosphorous loading requirements specified in 15A NCAC 2B .0258 for the Tar-Pamlico River Basin. All nutrient offset projects authorized under this section shall be consistent with rules adopted by the Environmental Management Commission for implementation of nutrient management strategies in the Neuse River Basin and the Tar-Pamlico River Basin and shall be located within the same eight-digit Cataloging Unit, designated by the United States Geological Survey, in which the associated nutrient loading takes place.

SECTION 4.(b) The North Carolina Department of Transportation may purchase nutrient offset credits through either:

(1) Participation in a private nutrient offset bank that has been approved by the Department if the Department approves the use of the bank for the required nutrient offsets.

(2) Payment of a nutrient offset fee established by the Department into the Riparian Buffer Restoration Fund established in G.S. 143-214.21.

SECTION 4.(c) Applicants for nutrient offset credits other than the North Carolina Department of Transportation may purchase nutrient offset credits through either:

(1) Participation in a private nutrient offset bank that has been approved by the Department if the Department approves the use of the bank for the required nutrient offsets.

(2) Payment of a nutrient offset fee established by the Department into the Riparian Buffer Restoration Fund established in G.S. 143-214.21. This option is only available to an applicant who demonstrates that the option under subdivision (1) of this section is not available.

SECTION 5. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S D

SENATE BILL 755
PROPOSED COMMITTEE SUBSTITUTE S755-PCS35304-SB-17

Short Title: Promote Mitigation Banks. (Public)

Sponsors:

Referred to:

March 24, 2009

A BILL TO BE ENTITLED

AN ACT TO PROMOTE THE USE OF COMPENSATORY MITIGATION BANKS FOR RIPARIAN BUFFER PROTECTION AND NUTRIENT OFFSET PAYMENTS AND TO MAKE CLARIFYING CHANGES TO THE STATUTES GOVERNING COMPENSATORY MITIGATION FOR WETLAND AND STREAM IMPACTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-214.11 reads as rewritten:

"**§ 143-214.11. Ecosystem Enhancement Program: compensatory mitigation.**

(a) Definition. – For purposes of this section, the term "compensatory mitigation" means the restoration, creation, enhancement, or preservation of ~~wetlands or other areas~~jurisdictional waters required as a condition of a ~~section 404~~ permit issued by the Department or by the United States Army Corps of Engineers. For purposes of this section, "jurisdictional waters" means wetlands, streams, or other waters of the State or of the United States.

(b) Department ~~of Environment and Natural Resources~~ to Coordinate Compensatory Mitigation. – All compensatory mitigation required by permits or authorizations issued by the Department or by the United States Army Corps of Engineers ~~under 33 U.S.C. § 1344~~ shall be coordinated by the Department consistent with the basinwide ~~plans for wetlands restoration~~restoration plans and rules developed by the Environmental Management Commission. All compensatory ~~wetlands~~ mitigation, whether performed by the Department or by permit applicants, shall be consistent with the basinwide restoration plans. All compensatory mitigation shall be consistent with rules adopted by the Commission for wetland and stream mitigation and for protection and maintenance of riparian buffers.

(c) Compensatory Mitigation Emphasis on Replacing Ecological Function Within Same River Basin. – The emphasis of compensatory mitigation is on replacing functions within the same river basin unless it is demonstrated that restoration of other areas would be more beneficial to the overall purposes of the Ecosystem Enhancement Program.

(d) Compensatory Mitigation Options Available to the North Carolina Department of Transportation. – The North Carolina Department of Transportation may satisfy compensatory ~~wetlands~~ mitigation requirements by the following actions, if those actions are consistent with the basinwide restoration plans and also meet or exceed the requirements of the Department or of the United States Army Corps of ~~Engineers:~~Engineers, as applicable:

(1) Payment of a fee established by the ~~Department~~ Commission into the Ecosystem Restoration Fund established in G.S. 143-214.12.

(2) Donation of land to the Ecosystem Enhancement Program or to other public or private nonprofit conservation organizations as approved by the Department.

(3) Participation in a ~~private wetlands~~ compensatory mitigation ~~bank.~~bank that has been approved by the United States Army Corps of Engineers, provided that the Department or the United States Army Corps of Engineers, as applicable, approves the use of such bank for the required compensatory mitigation.

(4) Preparing and implementing a ~~wetlands restoration~~compensatory mitigation plan.

(d1) Compensatory Mitigation Options Available to Applicants Other than the North Carolina Department of Transportation. – An applicant other than the North Carolina Department of Transportation may satisfy compensatory ~~wetlands~~ mitigation requirements by the following actions, if those actions meet or exceed the requirements of the United States Army Corps of Engineers:

(1) Participation in a ~~private wetlands~~ compensatory mitigation ~~bank.~~ bank if the Department or the United States Army Corps of Engineers, as applicable, approves the use of the bank for the required compensatory mitigation. This option is only available in a hydrologic area where there is at least one ~~private wetlands~~compensatory mitigation bank that has been ~~(i)~~ approved by the United States Army Corps of ~~Engineers and that has available mitigation credit or (ii) approved by the North Carolina Division of Water Quality for resources regulated under the Neuse and Tar-Pam rules and that has available mitigation credit.~~Engineers. For purposes of this subdivision, "hydrologic area" means the eight-digit Hydrologic Unit Code where the mitigation bank is located.

(2) Payment of a fee established by the ~~Department~~ Commission into the Ecosystem Restoration Fund established in G.S. 143-214.12. This option is only available to an applicant ~~if~~ who demonstrates that the option under subdivision (1) of this subsection is not ~~available as an option.~~available.

(3) Donation of land to the Ecosystem Enhancement Program or to other public or private nonprofit conservation organizations as approved by the Department.

(4) Preparing and implementing a ~~wetlands restoration~~compensatory mitigation plan.

(e) Payment Schedule. – A standardized schedule of ~~per-acre payment amounts~~compensatory mitigation payment amounts shall be established by the ~~Environmental Management~~ Commission. Compensatory mitigation payments shall be made by applicants to the Ecosystem Restoration Fund established in G.S. 143-214.12. The monetary payment shall be based on the ecological functions and values of wetlands and streams permitted to be lost and on the cost of restoring or creating wetlands and streams capable of performing the same or similar functions, including directly related costs of ~~wetlands~~ wetland and stream restoration planning, long-term monitoring, and maintenance of restored areas. Compensatory mitigation payments for wetlands shall be calculated on a per-acre basis. Compensatory mitigation payments for streams shall be calculated on a per-linear foot basis.

(f) Mitigation Banks. – State agencies and ~~private~~ mitigation ~~banking companies~~banks shall demonstrate that adequate, dedicated financial surety exists to provide for the perpetual land management and hydrological maintenance of lands acquired by the State as mitigation banks, or proposed to the State as privately operated and permitted mitigation banks.

(g) Payment for Taxes. – A State agency acquiring land to restore, enhance, preserve, or create wetlands must also pay a sum in lieu of ad valorem taxes lost by the county in accordance with G.S. 146-22.3."

SECTION 2. G.S. 143-214.20 reads as rewritten:

"**§ 143-214.20. Riparian Buffer Protection Program: Alternatives to maintaining riparian buffers; compensatory mitigation fees.**

(a) Compensatory Mitigation for Riparian Buffer Loss. – The Commission shall establish a program to provide alternatives for persons who would otherwise be required to maintain riparian buffers and who can demonstrate that they have attempted to avoid and minimize the loss of the riparian buffer and that there is no practical alternative to the loss of the buffer. This program is intended to allow these persons to perform compensatory mitigation in lieu of complying with laws and rules that require that riparian buffers be protected and maintained. ~~Alternatives shall include, but are not limited to:~~ All compensatory mitigation for riparian buffer loss shall be consistent with rules adopted by the Commission for protection and maintenance of riparian buffers.

(a1) Compensatory Mitigation Options Available to the North Carolina Department of Transportation. – The North Carolina Department of Transportation may satisfy compensatory mitigation requirements by any of the following actions:

(1) Payment of a compensatory mitigation fee into the Riparian Buffer Restoration ~~Fund.~~Fund established in G.S. 143-214.21.

(2) Donation of real property or of an interest in real property to the Department, another State agency, a unit of local government, or a private nonprofit conservation organization if both the donee organization and the donated real property or interest in real property are approved by the Department. The Department may approve a donee organization only if the donee agrees to maintain the real property or interest in real property as a riparian buffer. The Department may approve a donation of real property or an interest in real property only if the real property or interest in real property either:

a. Is a riparian buffer that will provide protection of water quality that is equivalent to or greater than that provided by the riparian buffer that is lost in the same river basin as the riparian buffer that is ~~lost; or~~lost.

b. Will be used to restore, create, enhance, or maintain a riparian buffer that will provide protection of water quality that is equivalent to or greater than that provided by the riparian buffer that is lost in the same river basin as the riparian buffer that is lost.

(3) Restoration or enhancement of an existing riparian buffer that is not otherwise required to be protected, or creation of a new riparian buffer, that will provide protection of water quality that is equivalent to or greater than that provided by the riparian buffer that is lost in the same river basin as the riparian buffer that is lost and that is approved by the Department.

(4) Construction of an alternative measure that reduces nutrient loading as well or better than the riparian buffer that is lost in the same river basin as the riparian buffer that is lost and that is approved by the Department.

(5) Participation in a mitigation bank if the Department has approved the bank and the Department approves the use of the bank for the required compensatory mitigation.

(a2) Compensatory Mitigation Options Available to Applicants Other than the North Carolina Department of Transportation. – An applicant other than the North Carolina Department of Transportation may satisfy compensatory mitigation requirements by any of the following actions:

(1) Participation in a compensatory mitigation bank if the Department approves the use of the bank for the required compensatory mitigation. This option is only available in a hydrologic area where there is at least one compensatory mitigation bank that has been approved by the Department. For purposes of this subdivision, "hydrologic area" means the eight-digit Hydrologic Unit Code where the mitigation bank is located

(2) Payment of a compensatory mitigation fee into the Riparian Buffer Restoration Fund established in G.S. 143-214.21. This option is only available to an applicant who demonstrates that the option under subdivision (1) of this subsection is not available.

(3) Donation of real property or of an interest in real property to the Department, another State agency, a unit of local government, or a private nonprofit conservation organization if both the donee organization and the donated real property or interest in real property are approved by the Department. The Department may approve a donee organization only if the donee agrees to maintain the real property or interest in real property as a riparian buffer. The Department may approve a donation of real property or an interest in real property only if the real property or interest in real property either:

a. Is a riparian buffer that will provide protection of water quality that is equivalent to or greater than that provided by the riparian buffer that is lost in the same river basin as the riparian buffer that is lost.

b. Will be used to restore, create, enhance, or maintain a riparian buffer that will provide protection of water quality that is equivalent to or greater than that provided by the riparian buffer that is lost in the same river basin as the riparian buffer that is lost.

(4) Restoration or enhancement of an existing riparian buffer that is not otherwise required to be protected, or creation of a new riparian buffer, that will provide protection of water quality that is equivalent to or greater than that provided by the riparian buffer that is lost in the same river basin as the riparian buffer that is lost and that is approved by the Department.

(5) Construction of an alternative measure that reduces nutrient loading as well or better than the riparian buffer that is lost in the same river basin as the riparian buffer that is lost and that is approved by the Department.

(b) Compensatory mitigation is available for loss of a riparian buffer along an intermittent stream, a perennial stream, or a perennial waterbody.

(c) The Commission shall establish a standard schedule of compensatory mitigation fees. The compensatory mitigation fee schedule shall be based on the area of the riparian buffer that is permitted to be lost and the cost to provide equivalent or greater protection of water quality in the same river basin as that provided by the riparian buffer this is lost by:

(1) Restoration or enhancement of existing riparian buffers.

(2) Acquisition of land for and creation of new riparian buffers.

(3) Maintenance and monitoring of restored, enhanced, or created riparian buffers over time.

(4) Construction of alternative measures that reduce nutrient loading.

(d) The Commission may adopt rules to implement this section."

SECTION 3. Section 4 of S.L. 2007-438 is repealed.

SECTION 4.(a) Nutrient offset credits may be purchased to partially offset the nitrogen loading requirements specified in 15A NCAC 2B .0234 and 2B .0235 for the Neuse River Basin and to partially offset the nitrogen and phosphorous loading requirements specified in 15A NCAC 2B .0258 for the Tar-Pamlico River Basin. All nutrient offset projects authorized under this section shall be consistent with rules adopted by the Environmental Management

Commission for implementation of nutrient management strategies in the Neuse River Basin and the Tar-Pamlico River Basin and shall be located within the same eight-digit Cataloging Unit, designated by the United States Geological Survey, in which the associated nutrient loading takes place.

SECTION 4.(b) The North Carolina Department of Transportation may purchase nutrient offset credits through either:

(1) Participation in a nutrient offset bank if the Department approves the use of the bank for the required nutrient offsets.

(2) Payment of a nutrient offset fee established by the Department into the Riparian Buffer Restoration Fund established in G.S. 143-214.21.

SECTION 4.(c) Applicants for nutrient offset credits other than the North Carolina Department of Transportation may purchase nutrient offset credits through either:

(1) Participation in a nutrient offset bank that has been approved by the Department if the Department approves the use of the bank for the required nutrient offsets.

(2) Payment of a nutrient offset fee established by the Department into the Riparian Buffer Restoration Fund established in G.S. 143-214.21. This option is only available to an applicant who demonstrates that the option under subdivision (1) of this section is not available.

SECTION 5. This act is effective when it becomes law.

SENATE BILL 755:
Promote Mitigation Banks

2009-2010 General Assembly

Committee:	Senate Ref to Agriculture/Environment/Natural Resources. If fav, re-ref to Finance	**Date:**	May 5, 2009
Introduced by:	Senator Clodfelter	**Prepared by:**	Jeff Hudson Committee Counsel
Analysis of:	PCS to First Edition S755-PCS35304-SB-17		

SUMMARY: ***The Proposed Committee Substitute for Senate Bill 755 would provide that, under certain circumstances, persons required to perform environmental mitigation must seek the mitigation from a mitigation bank before seeking mitigation from the Environmental Enhancement Program.***

CURRENT LAW AND BACKGROUND:

Federal and State law require developers, which includes the North Carolina Department of Transportation as well as private developers, to avoid, minimize, or mitigate damage to wetlands, damage to riparian buffers, and excess nutrient loading. One of the measures available to developers is the payment of fees into public or private programs that offset the actions of the developers with projects that restore, create, enhance, or preserve natural resources similar to those that were lost. A developer may generally do this in one of two ways.

- The developer may buy credits from a compensatory mitigation or nutrient offset bank that has already restored, created, enhanced, or preserved natural resources. There are a number of such approved banks operating in North Carolina.
- The developer may pay compensatory mitigation or nutrient offset fees to public entities or private nonprofit conservation organizations. Under this type of arrangement, the fees are typically accumulated to establish consolidated mitigation or nutrient offset projects. It is under this system that the Environmental Enhancement Program works.

During the 2008 Regular Session of the 2007 General Assembly, the General Assembly enacted Senate Bill 1885 (Promote Private Compensatory Mitigation). This legislation provided that, under certain circumstances, certain applicants for compensatory wetlands mitigation must seek the compensatory wetlands mitigation from a private wetlands mitigation bank before seeking wetlands mitigation from the Environmental Enhancement Program.

BILL ANALYSIS:

The Proposed Committee Substitute for Senate Bill 755 (PCS) would do several things relating to compensatory mitigation and nutrients offsets:

- The PCS would make technical and clarifying changes related to last Session's Senate Bill 1885 (Promote Private Compensatory Mitigation).
- The PCS would provide that under certain circumstances, applicants for compensatory riparian buffer mitigation, other than the North Carolina Department of Transportation, must seek the compensatory riparian buffer mitigation from a compensatory mitigation bank before seeking mitigation from the Environmental Enhancement Program.

Specifically, an applicant must first seek compensatory riparian buffer mitigation from a compensatory mitigation bank if:

- The Department of Environment and Natural Resources, (DENR) has approved the use of the bank for the required compensatory mitigation.
- There is at least one compensatory mitigation bank in the hydrologic area that has been approved by DENR.

If there is no mitigation bank that meets these requirements, the applicant may seek mitigation from the Ecosystem Enhancement Program. The applicant always has the option to implement its own riparian buffer restoration plan or to donate land to a public entity or conservation organization approved by DENR.

- The PCS would provide that under certain circumstances, applicants for nutrient offset credits, other than the North Carolina Department of Transportation, must seek the nutrient offset credits from a nutrient offset bank before seeking nutrient offset credits from the Environmental Enhancement Program. Specifically, an applicant must first seek nutrient offset credits from a nutrient offset bank if:
  - DENR has approved the use of the bank for the required nutrient offsets.
  - There is at least one nutrient offset bank in the hydrologic area that has been approved by DENR.

If there is no nutrient offset bank that meets these requirements, the applicant may seek nutrient offsets from the Ecosystem Enhancement Program. The applicant always has the option to implement its own nutrient offset plan or to donate land to a public entity or conservation organization approved by DENR.

EFFECTIVE DATE: This act is effective when it becomes law.

Research Division *O. Walker Reagan, Director* *(919) 733-2578*

SENATE BILL 1010

Short Title:	Migratory Game Bird Season Authority.	(Public)
Sponsors:	Senator Swindell.	
Referred to:	Agriculture/Environment/Natural Resources.	

March 26, 2009

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE WILDLIFE RESOURCES COMMISSION TO ADOPT SEASON STRUCTURES FOR MIGRATORY GAME BIRD SEASONS AND TO ALLOW THE USE OF UNPLUGGED SHOTGUNS AND ELECTRONIC CALLS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S.113-291.2 reads as rewritten:

"**§ 113-291.2. Seasons and bag limits on wild animals and birds; including animals and birds taken in bag; possession and transportation of wildlife after taking.**

(a) In accordance with the supply of wildlife and other factors it determines to be of public importance, the Wildlife Resources Commission may fix seasons and bag limits upon the wild animals and wild birds authorized to be taken that it deems necessary or desirable in the interests of the conservation of wildlife resources. The authority to fix seasons includes the closing of seasons completely when necessary and fixing the hours of hunting. The authority to fix bag limits includes the setting of season and possession limits. Different seasons and bag limits may be set in differing areas; early or extended seasons and different or unlimited bag limits may be authorized on controlled shooting preserves, game lands, and public hunting grounds; and special or extended seasons may be fixed for those engaging in falconry, using primitive weapons, or taking wildlife under other special conditions.

Unless modified by rules of the Wildlife Resources Commission, the ~~seasons,~~ shooting hours, bag limits, and possession limits fixed by the United States Department of Interior or any successor agency for migratory game birds in North Carolina must be followed, and a violation of the applicable federal rules is hereby made unlawful. When the applicable federal rules require that the State limit participation in seasons and/or bag limits for migratory game birds, the Wildlife Resources Commission may schedule managed hunts for migratory game birds. Participants in such hunts shall be selected at random by computer, and each applicant 16 years of age or older shall have the required general hunting license and the waterfowl hunting license prior to the drawing for the managed hunt. Each applicant under 16 years of age shall either have the required general hunting license and the waterfowl hunting license or shall apply as a member of a party that includes a properly licensed adult. All applications for managed waterfowl hunts shall be screened prior to the drawing for compliance with these requirements. A nonrefundable fee of ten dollars ($10.00) shall be required of each applicant to defray the cost of processing the applications.

(a1) The Commission is authorized to issue proclamations to set seasons, shooting hours, bag limits, and possession limits that are congruent with the season framework established by United States Department of Interior or any successor agency. The Commission may delegate this authority to the Executive Director. Each proclamation shall state the hour and date upon which it becomes effective and shall be issued at least 48 hours prior to the

effective date and time. A permanent file of the text of all proclamations shall be maintained in the office of the Executive Director. Certified copies of proclamations are entitled to judicial notice in any civil or criminal proceeding.

The Executive Director shall make reasonable effort to give notice of the terms of any proclamation to persons who may be affected by it. This effort shall include press releases to communications media, posting of notices at boating access areas and other places where persons affected may gather, personal communication by agents of the Wildlife Resources Commission, and other measures designed to reach persons who may be affected. Proclamations under this subsection shall remain in force until rescinded following the same procedure established for enactment.

~~(a1)~~(a2) When the Executive Director of the Wildlife Resources Commission receives a petition from the State Health Director declaring a rabies emergency for a particular county or district pursuant to G.S. 130A-201, the Executive Director of the Wildlife Resources Commission shall develop a plan to reduce the threat of rabies exposure to humans and domestic animals by foxes, raccoons, skunks, or bobcats in the county or district. The plan shall be based upon the best veterinary and wildlife management information and techniques available. The plan may involve a suspension or liberalization of any regulatory restriction on the taking of foxes, raccoons, skunks, or bobcats, except that the use of poisons, other than those used with dart guns, shall not be permitted under any circumstance. If the plan involves a suspension or liberalization of any regulatory restriction on the taking of foxes, raccoons, skunks, or bobcats, the Executive Director of the Wildlife Resources Commission shall prepare and adopt temporary rules setting out the suspension or liberalization pursuant to G.S. 150B-21.1(a)(1). The Executive Director shall publicize the plan and the temporary rules in the major news outlets that serve the county or district to inform the public of the actions being taken and the reasons for them. Upon notification by the State Health Director that the rabies emergency no longer exists, the Executive Director of the Wildlife Resources Commission shall cancel the plan and repeal any rules adopted to implement the plan. The Executive Director of the Wildlife Resources Commission shall publicize the cancellation of the plan and the repeal of any rules in the major news outlets that serve the county or district.

(b) Any individual hunter or trapper who in taking a wild animal or bird has wounded or otherwise disabled it must make a reasonable effort to capture and kill the animal or bird. All animals and birds taken that can be retrieved must be retrieved and counted with respect to any applicable bag limits governing the individual taking the animal or bird.

(c) An individual who has lawfully taken game within applicable bag, possession, and season limits may, except as limited by rules adopted pursuant to subsection (c1) of this section, after the game is dead, possess and personally transport it for his own use by virtue of his hunting license, and without any additional permit, subject to tagging and reporting requirements that may apply to the fox and big game, as follows:

(1) In an area in which the season is open for the species, the game may be possessed and transported without restriction.

(2) The individual may possess and transport the game lawfully taken on a trip:
   a. To his residence;
   b. To a preservation or processing facility that keeps adequate records as prescribed in G.S. 113-291.3(b)(3) or a licensed taxidermist;
   c. From a place authorized in subparagraph b to his residence.

(3) The individual may possess the game indefinitely at his residence, and may there accumulate lawfully-acquired game up to the greater of:
   a. The applicable possession limit for each species; or
   b. One half of the applicable season limit for each species.

The above subdivisions apply to an individual hunter under 16 years of age covered by the license issued to his parent or guardian, if he is using that license, or by the license of an adult

accompanying him. An individual who has lawfully taken game as a landholder without a license may possess and transport the dead game, taken within applicable bag, possession, and season limits, to his residence. He may indefinitely retain possession of such game, within aggregate possession limits for the species in question, in his residence.

(c1) In the event that the Executive Director finds that game carcasses or parts of game carcasses are known or suspected to carry an infectious or contagious disease that poses an imminent threat to the health or habitat of wildlife species, the Wildlife Resources Commission shall adopt rules to regulate the importation, transportation, or possession of those carcasses or parts of carcasses that, according to wildlife disease experts, may transmit such a disease.

(d) Except in the situations specifically provided for above, the Wildlife Resources Commission may by rule impose reporting, permit, and tagging requirements that may be necessary upon persons:

(1) Possessing dead wildlife taken in open season after the close of that season.
(2) Transporting dead wildlife from an area having an open season to an area with a closed season.
(3) Transporting dead wildlife lawfully taken in another state into this State.
(4) Possessing dead wildlife after such transportation.

The Wildlife Resources Commission in its discretion may substitute written declarations to be filed with agents of the Commission for permit and tagging requirements.

(e) Upon application of any landholder or agent of a landholder accompanied by a fee of fifty dollars ($50.00), the Executive Director may issue to such landholder or agent a special license and a number of special antlerless or antlered deer tags that in the judgment of the Executive Director is sufficient to accommodate the landholder or the landholder's agent's deer population management objectives or correct any deer population imbalance that may occur on the property. Subject to applicable hunting license requirements, the special deer tags may be used by any person or persons selected by the landholder or his agent as authority to take antlerless deer, including male deer with "buttons" or spikes not readily visible, or antlered deer on the tract of land concerned during any established deer hunting season. The Executive Director or designee may stipulate on the license that special deer tags for antlered deer, if applicable, may only be valid for deer that meet certain minimum harvest criteria. The Executive Director or designee may also define on the license valid hunt dates that fall outside of the general deer hunting season. Harvested antlerless or antlered deer for which special tags are issued shall be affixed immediately with a special deer tag and shall be reported immediately in the wildlife cooperator tagging book supplied with the special deer tags. This tagging book and any unused tags shall be returned to the Commission within 15 days of the close of the season. The Wildlife Resources Commission may offer an alternate reporting system when the Commission determines that such an alternate system is appropriate. Antlerless or antlered deer taken under this program and tagged with the special tags provided shall not count as part of the daily bag, possession, and season limits of the person taking the deer."

SECTION 2. G.S. 113-291.1(f) reads as rewritten:

"(f) To keep North Carolina provisions respecting migratory game birds in substantial conformity with applicable federal law and rules, the Wildlife Resources Commission may by rule expand or modify provisions of this Article if necessary to achieve such ~~conformity, including allowing the use of electronic calls.~~ conformity. In particular, the Commission may prohibit the use of rifles, ~~unplugged shotguns,~~ live decoys, and sinkboxes in the taking of migratory game birds; vary shooting hours; adopt specific distances, not less than 300 yards, hunters must maintain from areas that have been baited, and fix the number of days afterwards during which it is still unlawful to take migratory game birds in the area; and adopt similar provisions with regard to the use of live decoys. In the absence of rules of the Wildlife Resources Commission to the contrary, the rules of the United States Department of the Interior

prohibiting the use of rifles, unplugged shotguns, toxic shot and sinkboxes in taking migratory game birds in North Carolina shall apply, and any violation of such federal rules is unlawful."

SECTION 3. G.S. 113-291.1 is amended by adding a new subsection to read:

"(f1) The Commission is authorized to issue proclamations to allow the use of electronic calls or unplugged shotguns to achieve substantial conformity with applicable federal law and rules established by United States Department of Interior or any successor agency. The Commission may delegate this authority to the Executive Director. Each proclamation shall state the hour and date upon which it becomes effective, and shall be issued at least 48 hours prior to the effective date and time. A permanent file of the text of all proclamations shall be maintained in the office of the Executive Director. Certified copies of proclamations are entitled to judicial notice in any civil or criminal proceeding.

The Executive Director shall make reasonable effort to give notice of the terms of any proclamation to persons who may be affected by it. This effort shall include press releases to communications media, posting of notices at boating access areas and other places where persons affected may gather, personal communication by agents of the Wildlife Resources Commission, and other measures designed to reach persons who may be affected. Proclamations under this subsection shall remain in force until rescinded following the same procedure established for enactment."

SECTION 4. This act becomes effective July 1, 2009.

SENATE BILL 1011

Short Title:	Amend Trap Sizes.	(Public)
Sponsors:	Senator Swindell.	
Referred to:	Agriculture/Environment/Natural Resources.	

March 26, 2009

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW GOVERNING THE SIZES OF TRAPS FOR TAKING WILD ANIMALS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113-291.6 reads as rewritten:

"**§ 113-291.6. Regulation of trapping.**

(a) No one may take wild animals by trapping upon the land of another without having in his possession written permission issued and dated within the previous year by the owner of the land or his agent. This subsection does not apply to public lands on which trapping is not specifically prohibited, including tidelands, marshlands, and any other untitled land.

(b) No one may take wild animals by trapping with any steel-jaw, leghold, or ~~connibear~~ conibear trap unless it:

(1) Has a jaw spread of not more than seven and one-half inches.

(2) Is horizontally offset with closed jaw spread of at least three sixteenths of an inch for a trap with a jaw spread of more than five and one-half inches. This subdivision does not apply if the trap is set in the water with quick-drown type of set.

(3) Is smooth edged and without teeth or spikes.

(4) Has a weather-resistant permanent tag attached legibly giving the trapper's name and address.

A steel-jaw or leghold trap set on dry land with solid anchor may not have a trap chain longer than eight inches from trap to anchor unless fitted with a shock-absorbing device approved by the Wildlife Resources Commission.

(c) No person may set or otherwise use a trap so that animals or birds when caught will be suspended. No hook of any type may be used to take wild animals or wild birds by trapping.

(d) ~~Trap number 330 of the connibear type or size~~ Conibear type traps that have an inside jaw spread or opening (width or height) greater than seven and one-half inches and no larger than 10 inches may only be set in the water and in areas in which beaver and otter may be lawfully trapped. For the purposes of this section:

(1) A water-set trap is one totally covered by water with the anchor secured in water deep enough to drown the animal trapped quickly.

(2) In areas of tidal waters, the mean high water is considered covering water.

(3) In reservoir areas, covering water is the low water level prevailing during the preceding 24 hours.

(4) Marshland, as defined in G.S. 113-229(n)(3), is not considered dry land.

(e) With respect to any lawfully placed trap of another set in compliance with the provisions of this section, no one without the express permission of the trapper may:

(1) Remove or disturb any trap; or
(2) Remove any fur-bearing animal from the trap.

This subsection does not apply to wildlife protectors or other law-enforcement officers acting in the performance of their duties.

(f) Nothing in this section prohibits the use of steel- or metal-jaw traps by county or State public health officials or their agents to control the spread of disease when the use of these traps has been declared necessary by the State Health Director.

(g) The Wildlife Resources Commission must include the trapping requirements of this section in its annual digest of hunting and trapping rules provided to each person upon purchase of a license."

SECTION 2. G.S. 113-291.9(c) reads as rewritten:

"(c) Notwithstanding G.S. 113-291.6(d) or any other law, it is lawful to set traps ~~number 330~~ of the ~~connibear~~ conibear type ~~or size,~~ that have an inside jaw spread or opening (width or height) no larger than 10 inches if at least one-half of the trap is covered by water, when trapping beaver during the season for trapping beaver as established by the Wildlife Resources Commission."

SECTION 3. This act becomes effective October 1, 2009.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 1011
PROPOSED COMMITTEE SUBSTITUTE S1011-CSTF-1 [v.2]

5/4/2009 6:20:07 PM

Short Title: Amend Trap Sizes. (Public)

Sponsors:

Referred to:

March 26, 2009

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW GOVERNING THE SIZES OF TRAPS FOR TAKING WILD ANIMALS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113-291.6 reads as rewritten:

"**§ 113-291.6. Regulation of trapping.**

(a) No one may take wild animals by trapping upon the land of another without having in his possession written permission issued and dated within the previous year by the owner of the land or his agent. This subsection does not apply to public lands on which trapping is not specifically prohibited, including tidelands, marshlands, and any other untitled land.

(b) No one may take wild animals by trapping with any steel-jaw, leghold, or ~~connibear~~ conibear trap unless it:

(1) Has a jaw spread of not more than seven and one-half inches.

(2) Is horizontally offset with closed jaw spread of at least three sixteenths of an inch for a trap with a jaw spread of more than five and one-half inches. This subdivision does not apply if the trap is set in the water with quick-drown type of set.

(3) Is smooth edged and without teeth or spikes.

(4) Has a weather-resistant permanent tag attached legibly giving the trapper's name and address.

A steel-jaw or leghold trap set on dry land with solid anchor may not have a trap chain longer than eight inches from trap to anchor unless fitted with a shock-absorbing device approved by the Wildlife Resources Commission.

(c) No person may set or otherwise use a trap so that animals or birds when caught will be suspended. No hook of any type may be used to take wild animals or wild birds by trapping.

(d) ~~Trap number 330 of the connibear type or size~~ Conibear type traps that have an inside jaw spread or opening (width or height) greater than seven and one-half inches and no larger than 26 inches in width and 10 inches in height may only be set in the water and in areas in which beaver and otter may be lawfully trapped. For the purposes of this section:

(1) A water-set trap is one totally covered by water with the anchor secured in water deep enough to drown the animal trapped quickly.

(2) In areas of tidal waters, the mean high water is considered covering water.

(3) In reservoir areas, covering water is the low water level prevailing during the preceding 24 hours.



(4) Marshland, as defined in G.S. 113-229(n)(3), is not considered dry land.

(e) With respect to any lawfully placed trap of another set in compliance with the provisions of this section, no one without the express permission of the trapper may:

(1) Remove or disturb any trap; or

(2) Remove any fur-bearing animal from the trap.

This subsection does not apply to wildlife protectors or other law-enforcement officers acting in the performance of their duties.

(f) Nothing in this section prohibits the use of steel- or metal-jaw traps by county or State public health officials or their agents to control the spread of disease when the use of these traps has been declared necessary by the State Health Director.

(g) The Wildlife Resources Commission must include the trapping requirements of this section in its annual digest of hunting and trapping rules provided to each person upon purchase of a license."

SECTION 2. G.S. 113-291.9(c) reads as rewritten:

"(c) Notwithstanding G.S. 113-291.6(d) or any other law, it is lawful to set traps ~~number 330~~ of the ~~connibear~~ conibear type ~~or size,~~ that have an inside jaw spread or opening (width or height) no larger than 26 inches in width and 10 inches in height if at least one-half of the trap is covered by water, when trapping beaver during the season for trapping beaver as established by the Wildlife Resources Commission."

SECTION 3. This act becomes effective October 1, 2009.

SENATE BILL 1011: Amend Trap Sizes

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	May 5, 2009
Introduced by:	Sen. Swindell	**Prepared by:**	Barbara Riley Committee Counsel
Analysis of:	PCS S1011-CSTF-1 [v.2]		

SUMMARY: ***The Proposed Committee Substitute for Senate Bill 1011 amends the laws governing the size of traps for taking wild animals.***

CURRENT LAW: G.S. 113-291.6, regulation of trapping, provides that an animal may not be taken by trapping with any steel-jaw, leg hold, or conibear trap unless the trap is:

- Has a jaw spread of not more than seven and one-half inches.
- Is horizontally offset with closed jaw spread of at least three sixteenths of an inch for a trap with a jaw spread of more than five and one-half inches. This subdivision does not apply if the trap is set in the water with quick-drown type of set.
- Is smooth edged and without teeth or spikes.
- Has a weather-resistant permanent tag attached legibly giving the trapper's name and address.

A steel-jaw or leg hold trap set on dry land with solid anchor may not have a trap chain longer than eight inches from trap to anchor unless fitted with a shock-absorbing device.
The statute further provides that conibear 330 traps may only be set in the water near areas where beaver and otter may be lawfully trapped.

G.S. 113-291.9 governs the taking of beaver and provides for the use of conibear 330 traps.

BILL ANALYSIS: The PCS for Senate Bill 1011 amends the provisions of G.S. 113-291.6 and G.S. 113-291.9 dealing with conibear 330 traps. The bill deletes reference to the trap number and provides for the use of conibear type traps that have an inside jaw spread or opening (width or height) greater than seven and one-half inches and no larger than 26 inches in width and 10 inches in height.

EFFECTIVE DATE: The act becomes effective October 1, 2009.

S1011-SMRF-70(e1) v7

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — May 5, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jim Stanfill	NC Ecosystem Enhancement Program
BILL GILMORE	"
DAVID KNIGHT	NCDENR
TADD BOGGS	NC EEP
ERICKA EVERLY	
Bruce Ellis	NCDOT
Greg Thorpe	ACDOT
Amy Simms	DENR
John Merritt	McGuireWoods
TOM Cors	TNC
Penny Burt	School of Gov.

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — May 5, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Dirk McLaughlin	Raleigh
Betsy Bailey	PENC
John Monaghan	Piedmont Natural Gas Co.
Cady Thomas	NC Assn of REALTORS
Sarah Clapp	NCWRC
Gordon Myers	"
Mason Mendenhall	Poyner Spruill
Jim Hadley	NCPC
Chris Stanley	Senate Intern
JOHN SHAW	PCS

Principal Clerk ____
Reading Clerk ____

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on **Agriculture/Environment/Natural Resources** will meet at the following time:

DAY	DATE	TIME	ROOM
Thursday	May 7, 2009	9:00 AM	544 LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 105	Suspension and Revocation of Fishing Licenses.	Senator Albertson
SB 107	Implement Shellfish FMP Recommendations.	Senator Albertson
SB 467	Disposal of Unclaimed Animals.	Senator McKissick
SB 719	Amend Environmental Laws 2009.	Senator Clodfelter
SB 836	Env./Nat. Res. Reports Consolidation 2009.	Senator Albertson
SB 838	Environmental Technical Corrections 2009.	Senator Albertson
SB 886	Improve Success of FMPs.	Senator Vaughan
HB 588	Adopt Official NC Potato Festival.	Representative Owens, Jr.

Senator Bob Atwater, Chair

Senate Agriculture/Environment/Natural Resources Committee
Thursday, May 7, 2009, 9:00 AM
544 LOB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

HB 588	Adopt Official NC Potato Festival.	Representative Owens, Jr.
SB 105	Suspension and Revocation of Fishing Licenses.	Senator Albertson
SB 107	Implement Shellfish FMP Recommendations.	Senator Albertson
SB 467	Disposal of Unclaimed Animals.	Senator McKissick
SB 886	Improve Success of FMPs.	Senator Vaughan
SB 719	Amend Environmental Laws 2009.	Senator Clodfelter
SB 836	Env./Nat. Res. Reports Consolidation 2009.	Senator Albertson
SB 838	Environmental Technical Corrections 2009.	Senator Albertson

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE REPORT
Senator Bob Atwater, Chair

Thursday, May 07, 2009

Senator Atwater
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

S.B. **105** Suspension and Revocation of Fishing Licenses.

Draft Number:	15263
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

S.B. **107** Implement Shellfish FMP Recommendations.

Draft Number:	35313
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

S.B. **467** Disposal of Unclaimed Animals.

Draft Number:	85216
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

S.B. **719** Amend Environmental Laws 2009.

Draft Number:	85217
Sequential Referral:	Finance
Recommended Referral:	None
Long Title Amended:	No

S.B. **886** Improve Success of FMPs.

Draft Number:	55375
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 5

Committee Clerk Comments:

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE REPORT
Senator Bob Atwater, Chair

Thursday, May 07, 2009

Senator Atwater,
submits the following with recommendations as to passage:

FAVORABLE

S.B. **836** Env./Nat. Res. Reports Consolidation 2009.
Sequential Referral: None
Recommended Referral: None

S.B. **838** Environmental Technical Corrections 2009.
Sequential Referral: None
Recommended Referral: None

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B. **588** Adopt Official NC Potato Festival.
Draft Number: 50654
Sequential Referral: None
Recommended Referral: None
Long Title Amended: Yes

TOTAL REPORTED: 3

Committee Clerk Comments:

SENATE AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE
Thursday, May 7, 2009 at 11:00 AM
Room 544, Legislative Office Building

MINUTES

The Senate Agriculture/Environment/Natural Resources Committee met at 11:00 AM on May 7, 2009, in Room 544 of the Legislative Office Building. 10 members of the committee were present. Senator Bob Atwater, Chair, presided.

After Senator Atwater introduced the pages, the following bills were discussed:

- **SB 467, Disposal of Unclaimed Animals.**

Senator Weinstein moved to adopt a PCS for purposes of discussion. Motion carried. Senator McKissick then explained the PCS. Senator Weinstein questioned the bill sponsor as to where this bill came from and Senator McKissick explained that it had been requested by a Duke University professor, a long-time friend of his. Barbara Riley gave a further explanation in response to other questions from committee members. Marilyn Haskell, NCDHHS, was recognized and informed the committee that feral cats had been deleted from the bill. Senator Albertson was advised to meet with Senator McKissick for further information on his concerns. **Senator Weinstein moved for an unfavorable report as to bill and a favorable report for the PCS. Motion carried.**

- **HB 588, Adopt Official NC Potato Festival.**

Senator Weinstein moved to adopt a PCS for purposes of discussion. Motion carried. Senator Albertson was recognized to explain this bill. After Senator Albertson's explanation and his assurance that the Irish Potato Festival would not interfere with the Sweet Potato Festival in Senator Sole's district, **Senator Brown moved for an unfavorable report to the original bill and a favorable report for the PCS. Motion carried.**

- **SB 719, Amend Environmental Laws 2009.**

Senator Weinstein moved to adopt a PCS for purposes of discussion. Motion carried. Mr. Jeff Hudson, Staff Counsel, was recognized to explain the bill for Senator Clodfelter. After a brief explanation by Mr. Hudson, Jennifer McGinnis, Staff Counsel, gave a section by section review of the PCS. **The PCS was given a Favorable Report by the committee and will be referred to the Finance Committee.**

- **SB 886, Improve Success of FMPs.**

Senator Weinstein moved to adopt PCS for purposes of discussion. Motion carried. Senator Vaughan, the bill sponsor, was recognized to explain the bill. After several questions by the committee members and assurance that the Marine Fisheries supported the bill, **Senator Queen moved for an unfavorable report to the original bill and a favorable report for the PCS. Motion carried.**

- **SB 105, Suspension and Revocation of Fishing Licenses.**

Senator Weinstein moved to adopt a PCS for purposes of discussion. Motion carried. Senator Albertson then explained the PCS and **Senator Davis moved for an unfavorable report to the original bill and a favorable report for the PCS. Motion carried.**

- **SB 107, Implement Shellfish FMP.**

Senator Davis moved to adopt a PCS for purposes of discussion. Motion carried. After an explanation by Senator Albertson and comments by Mike Marshall, NC Marine Fisheries, **Senator Weinstein moved for an unfavorable report to the original bill and favorable report for the PCS. Motion carried.**

- **SB 836, Env./Nat. Res. Reports Consolidation 2009.**

Mr. Jeff Hudson, Staff Counsel explained that the bill is a clean up bill. **Senator Weinstein moved for a favorable report. Motion carried.**

- **SB 838, Environmental Technical Corrections 2009.**

Mr. Hudson explained the bill. **Senator Davis then moved for a favorable report. Motion carried.**

The meeting was adjourned at 9:45 AM.

Bob Atwater
Senator Bob Atwater, Presiding

Evelyn Hartsell
Evelyn Hartsell, Committee Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

SENATE BILL 467

Short Title:	Disposal of Unclaimed Animals.	(Public)
Sponsors:	Senators McKissick; Atwater, Bingham, Boseman, Clary, Davis, Dorsett, Forrester, Graham, Hartsell, Hunt, Jones, Kinnaird, Nesbitt, Purcell, Queen, Shaw, Stevens, Vaughan, and Weinstein.	
Referred to:	Agriculture/Environment/Natural Resources.	

March 9, 2009

A BILL TO BE ENTITLED

AN ACT TO EXPAND APPLICATION OF THE LAW CONCERNING THE HOLDING AND DISPOSAL OF UNCLAIMED ANIMALS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 130A-192 reads as rewritten:

"**§ 130A-192. Dogs and cats not wearing required rabies vaccination tags.**

(a) The Animal Control Officer shall canvass the county to determine if there are any dogs or cats not wearing the required rabies vaccination tag. If a dog or cat is found not wearing the required tag, the Animal Control Officer shall check to see if the owner's identification can be found on the animal. If the animal is wearing an owner identification ~~tag,~~ tag with information enabling the owner of the animal to be contacted, or if the Animal Control Officer otherwise knows who the owner is, the Animal Control Officer shall notify the owner in writing to have the animal vaccinated against rabies and to produce the required rabies vaccination certificate to the Animal Control Officer within three days of the notification. If the animal is not wearing an owner identification tag and the Animal Control Officer does not otherwise know who the owner is, the Animal Control Officer may impound the animal. The duration of the impoundment of these animals shall be established by the county board of commissioners, but the duration shall not be less than 72 hours. During the impoundment period, the Animal Control Officer shall make a reasonable effort to locate the owner of the animal. If the officer has access at no cost or at a reasonable cost to a microchip scanning device, the officer shall scan the animal and utilize any information that may be available through a microchip to locate the owner of the animal, if possible. If the animal is not reclaimed by its owner during the impoundment period, the animal shall be disposed of in one of the following manners: returned to the owner; adopted as a pet by a new owner; sold to institutions within this State registered by the United States Department of Agriculture pursuant to the Federal Animal Welfare Act, as amended; or put to death by a procedure approved by rules adopted by the Department of Agriculture and Consumer Services or, in the absence of such rules, by a procedure approved by the American Veterinary Medical Association, the Humane Society of the United States or of the American Humane Association.

Before an animal may be sold or put to death, it must be made available for adoption under procedures that enable members of the public to inspect the animal, except in cases in which the animal is found by the operator of the shelter to be unadoptable due to injury or defects of health or temperament.

A person who comes to an animal shelter attempting to locate a lost pet is entitled to view every animal held at the shelter, subject to rules providing for such viewing during at least four hours a day, three days a week.

The Animal Control Officer shall maintain a record of all animals impounded under this section which shall include the date of impoundment, the length of impoundment, the method of disposal of the animal and the name of the person or institution to whom any animal has been released.

(b) In addition to domesticated dogs and cats not wearing the required rabies tags, the provisions of subsection (a) of this section concerning the holding of animals for at least 72 hours and the permissible means of disposition of animals after expiration of that holding period also apply to:

(1) Feral cats;

(2) Animals other than livestock, in addition to dogs and cats, that appear to be pet animals;

(3) Dogs and cats that are wearing rabies tags but are taken into custody for violation of statutes or ordinances not related to rabies control, such as ordinances requiring the leashing or restraining of dogs and cats; and

(4) Animals surrendered to an animal shelter by the owners of the animals, unless an owner provides to the shelter some proof of ownership of the animal and signs a writing consenting to the disposition of the animal in a manner authorized by this section before the expiration of the 72-hour holding period or of a longer period established by ordinance or local rule to which the shelter is subject.

(c) If an animal not wearing tags or other mode of identification indicating its owner is delivered to the animal shelter by a person who has found and captured the animal, or by an approved rescue organization with which such finder has deposited the animal, the shelter may in writing appoint the finder or approved rescue organization to be the agent of the shelter to hold the animal for the 72-hour holding period provided for in subsection (a) of this section or such longer holding period that may be applicable to the shelter by ordinance or local rule. After the expiration of that holding period, the shelter may transfer the animal by adoption to the person or organization that has held it as agent or may extend the period of time the finder or rescue organization holds the animal as agent of the shelter. A shelter may terminate an agency created under this subsection at any time by directing the finder or rescue organization to deliver the animal to the shelter. The city, county, or organization operating the animal shelter, as principal in the agency relationship, shall not be liable to reimburse the agent for the costs of care of the animal and shall not be liable to the owner of the animal for harm to the animal caused by the agent, absent a written contract providing otherwise. For purposes of this subsection, the term "approved rescue organization" means a nonprofit corporation or association that cares for stray animals that has been favorably assessed by the operator of the animal shelter through the application of written standards.

(d) During the 72-hour or longer holding period established under subsection (a) of this section, the animal shelter may place an animal it is holding in foster care. During this period, an animal that is seriously ill or injured may be euthanized if a veterinarian states in a signed writing that it is appropriate to do so."

SECTION 2. G.S. 130A-184(1) reads as rewritten:

"(1) "Animal Control Officer" means a city or county employee designated as dog warden, animal control officer, animal control official or other designations that may be used whose responsibility includes animal control. The term "Animal Control Officer" also includes agents of a private organization that is operating an animal shelter under contract with a city or

county whenever those agents are performing animal control functions at the shelter."

SECTION 3. This act becomes effective January 1, 2010.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 467
PROPOSED COMMITTEE SUBSTITUTE S467-PCS85216-RF-46

Short Title: Recover Pets/Relieve Overcrowding at Shelters. (Public)

Sponsors:

Referred to:

March 9, 2009

A BILL TO BE ENTITLED

AN ACT TO ASSIST OWNERS IN RECOVERING LOST PETS, RELIEVE OVERCROWDING AT ANIMAL SHELTERS, AND FACILITATE ADOPTIONS OF ANIMALS FROM SHELTERS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 130A-192 reads as rewritten:

"**§ 130A-192. Dogs and cats not wearing required rabies vaccination tags.**

(a) The Animal Control Officer shall canvass the county to determine if there are any dogs or cats not wearing the required rabies vaccination tag. If a dog or cat is found not wearing the required tag, the Animal Control Officer shall check to see if the owner's identification can be found on the animal. If the animal is wearing an owner identification ~~tag,~~ tag with information enabling the owner of the animal to be contacted, or if the Animal Control Officer otherwise knows who the owner is, the Animal Control Officer shall notify the owner in writing to have the animal vaccinated against rabies and to produce the required rabies vaccination certificate to the Animal Control Officer within three days of the notification. If the animal is not wearing an owner identification tag and the Animal Control Officer does not otherwise know who the owner is, the Animal Control Officer may impound the animal. The duration of the impoundment of these animals shall be established by the county board of commissioners, but the duration shall not be less than 72 hours. During the impoundment period, the Animal Control Officer shall make a reasonable effort to locate the owner of the animal. If the Animal Control Officer has access at no cost or at a reasonable cost to a microchip scanning device, the Animal Control Officer may scan the animal and utilize any information that may be available through a microchip to locate the owner of the animal, if possible. If the animal is not reclaimed by its owner during the impoundment period, the animal shall be disposed of in one of the following manners: returned to the owner; adopted as a pet by a new owner; sold to institutions within this State registered by the United States Department of Agriculture pursuant to the Federal Animal Welfare Act, as amended; or put to death by a procedure approved by rules adopted by the Department of Agriculture and Consumer Services or, in the absence of such rules, by a procedure approved by the American Veterinary Medical Association, the Humane Society of the United States or of the American Humane Association.

(a1) Before an animal may be sold or put to death, it shall be made available for adoption under procedures that enable members of the public to inspect the animal, except in cases in which the animal is found by the operator of the shelter to be unadoptable due to injury or

defects of health or temperament. An animal that is seriously ill or injured may be euthanized if the manager of the animal shelter determines, in writing, that it is appropriate to do so.

(a2) A person who comes to an animal shelter attempting to locate a lost pet is entitled to view every animal held at the shelter, subject to rules providing for such viewing during at least four hours a day, three days a week.

(a3) The Animal Control Officer shall maintain a record of all animals impounded under this section which shall include the date of impoundment, the length of impoundment, the method of disposal of the animal and the name of the person or institution to whom any animal has been released.

(b) In addition to domesticated dogs and cats not wearing the required rabies tags, the provisions of subsection (a) of this section concerning the holding of animals for at least 72 hours and the permissible means of disposition of animals after expiration of that holding period also apply to all of the following:

(1) Animals other than livestock, in addition to dogs and cats, that appear to be pet animals.

(2) Dogs and cats that are wearing rabies tags but are taken into custody for violation of statutes or ordinances not related to rabies control, such as ordinances requiring the leashing or restraining of dogs and cats.

(3) Animals surrendered to an animal shelter by the owners of the animals, unless an owner provides to the shelter the following:

a. Some proof of ownership of the animal, and

b. Signs a writing consenting to the disposition of the animal, in a manner authorized by this section, before the expiration of the 72-hour holding period or of a longer period established by ordinance or local rule to which the shelter is subject.

(c) If an animal not wearing tags, or other mode of identification indicating its owner, is delivered to an animal shelter by (i) a person who has found and captured the animal, or (ii) by an approved rescue organization that received the animal from a person who found and captured the animal, then the shelter may, in writing, appoint the finder or approved rescue organization to be the agent of the shelter. For purposes of this subsection, the term "approved rescue organization" means a nonprofit corporation or association that cares for stray animals that has been favorably assessed by the operator of the animal shelter through the application of written standards.

(1) The finder or approved rescue organization shall hold the animal for the 72-hour holding period provided for in subsection (a) of this section or such longer holding period that may be applicable to the shelter by ordinance or local rule.

(2) After the expiration of that holding period, the shelter may:

a. Transfer the animal by adoption to the person or organization that has held it as agent, or

b. Extend the period of time the finder or rescue organization holds the animal as agent of the shelter.

(3) A shelter may terminate an agency created under this subsection at any time by directing the finder or rescue organization to deliver the animal to the shelter.

(4) The city, county, or organization operating the animal shelter, as principal in the agency relationship, shall not be liable to reimburse the agent for the costs of care of the animal and shall not be liable to the owner of the animal for harm to the animal caused by the agent, absent a written contract providing otherwise.

(d) During the 72-hour or longer holding period established under subsection (a) of this section, an animal shelter may place an animal it is holding in foster care.

(e) If an animal shelter transfers physical possession of an animal under subsection (c) or (d) of this section, so that the animal is no longer on the animal shelter premises, at least one photograph which depicts the head and face of the animal shall (i) be displayed at the shelter in a conspicuous location that is available to the general public during hours of operation, and (ii) remain posted for the 72-hour or longer holding period established under subsection (a) of this section."

SECTION 2. G.S. 130A-184(1) reads as rewritten:

"(1) "Animal Control Officer" means a city or county employee designated as dog warden, animal control officer, animal control official or other designations that may be used whose responsibility includes animal control. The term "Animal Control Officer" also includes agents of a private organization that is operating an animal shelter under contract with a city or county whenever those agents are performing animal control functions at the shelter."

SECTION 3. This act becomes effective January 1, 2010.

SENATE BILL 467:
Recover Pets/Relieve Overcrowding at Shelters

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	May 6, 2009
Introduced by:	Sen. McKissick	**Prepared by:**	Barbara Riley Committee Counsel
Analysis of:	PCS to First Edition S467-CSRF-46		

SUMMARY: ***This act amends G.S. 130A-192 which provides for the impoundment of animals found not wearing rabies tags. The act would help relieve overcrowding at county and municipal animal shelters by (1) allowing an animal shelter, in writing, to designate a person or animal rescue operation that finds and captures an animal as an agent of the shelter and to allow that person or organization to hold the animal for the 72 hour period and (2) allowing an animal shelter to place an impounded animal in foster care. City and county animal shelters shall not be liable for the costs incurred by the agent for caring for the animal unless otherwise agreed by written contract.***

The act would also facilitate recovery of lost animals by owners by:

- ***Encouraging animal control officers to scan impounded animals for microchips.***
- ***Requiring an animal shelter to allow persons that come to the shelter looking for lost pets to view every animal held in the shelter, subject to rules allowing viewing during at least 4 hours a day, three days a week***
- ***Providing that dogs and cats that are wearing rabies tags but that are impounded for violations of ordinances, such as leash laws, be held for the minimum 72 hour period.***
- ***Providing for animals, other than livestock, that appear to be pets to be held for the minimum 72 hour period.***
- ***Providing that animals that are placed in foster care or held by an animal rescue organization or other agent shall have their picture posted at the shelter in a conspicuous location.***

The act also would facilitate adoptions by requiring impounded animals to be made available for adoption, unless the animal is unadoptable due to injury or defect in health or temperament.

[As introduced, this bill was identical to H1206, as introduced by Reps. Harrison, Harrell, Cotham, Glazier, which is currently in House Agriculture, if favorable, Judiciary I.]

BILL ANALYSIS: This act:

- Provides that animal control officers may use a microchip scanning to device to scan animals to determine if there is a chip with identifying information, if the scan can be done without cost, or at a reasonable cost.
- Requires that the rules adopted by the Department of Agriculture and Consumer Services be used to euthanize animals. If the absence of such rules, procedures approved by one of the three organizations listed in the statutes would be used (American Veterinary Medical Association, the Humane Society of the United States or of the American Humane Association.
- Requires that before an animal is sold or euthanized, that it must be made available to the public for inspection and adoption, unless it is not adoptable due to injury, or defects due to

health or temperament. If an animal is seriously ill or injured, it may be euthanized if the manager of the shelter determines, in writing, that it is appropriate to do so.

- Requires that animal shelters are open at least three days per week, for fours hours each day, to persons seeking to find lost animals. Those attempting to find an animal are entitled to view every animal at the shelter.
- Expands the type of animals that are subject to the 72 hour holding period, and the disposal procedures to include animals that appear to be pets, except for livestock; dogs and cats that are held for reasons other than relating to rabies control; and animals surrendered by the animal's owner—unless the owner provides proof of ownership and agrees in writing to a waiver of the prescribed holding period before disposition.
- Provides that animals without identifying information that are delivered to shelters by:

  (1) A person who found and captured the animal, or

  (2) An approved rescue organization that received the animal from a person who found and captured the animal,

  may be appointed by the animal shelter as its agent. The agency is terminable at will by the agency. The animal shelter, absent a contract, is immune from liability to the owner for any harm to the animal, and is not liable for any costs for care of the animal while it is with the agent.

  The finder or rescue organization must hold the animal for the prescribed period. After the prescribed period, the animal shelter may:

  (1) Transfer by adoption the animal to the finder or rescue organization, or

  (2) Extend the holding period time.
- During the prescribed holding period, the animal may be placed by the animal shelter into foster care. If an animal leaves the animal shelter premises (put with an agent or on foster care), then a photograph of the animal must be displayed at the animal shelter during the prescribed holding period. It must be displayed in a conspicuous location that is open to the general public for the entire prescribed holding period.
- Expands the definition of "animal control officer" to include those agents of private organizations that are operating animal shelters under contract with a city or county, during the time that those agents are performing animal control functions at the shelter.

EFFECTIVE DATE: This act becomes effective January 1, 2010.

H 1

HOUSE BILL 588

Short Title:	Adopt Official NC Potato Festival.	(Public)
Sponsors:	Representative Owens.	
Referred to:	Agriculture, if favorable, Rules, Calendar, and Operations of the House.	

March 16, 2009

A BILL TO BE ENTITLED

AN ACT TO ADOPT THE ALBEMARLE POTATO FESTIVAL AS THE OFFICIAL POTATO FESTIVAL OF THE STATE OF NORTH CAROLINA.

Whereas, North Carolina's northeast region has been home of the Albemarle Potato Festival, now known as the North Carolina Potato Festival, for 24 years; and

Whereas, of the 16,000 acres statewide used for potato cultivation, the northeast region of the Albemarle contains 12,000 of those acres; and

Whereas, the economic impact of potato farming is at least 13 to 16 million dollars annually in the northeast region; and

Whereas, the festival showcases the Albemarle area's major potato producing counties, with Pasquotank County being the largest producer in the State; and

Whereas, the festival entertainment, street fair, water activities, and evening dance draw attention throughout the northeast region; and

Whereas, the tourism industry flourishes during the North Carolina Potato Festival, benefiting the economy of not only the northeast region but also the entire State; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 145 of the General Statutes is amended by adding a new section to read:

"**§ 145-30. State potato festival.**

The Albemarle Potato Festival is adopted as the official potato festival of the State of North Carolina."

SECTION 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H D

HOUSE BILL 588
PROPOSED SENATE COMMITTEE SUBSTITUTE H588-PCS50654-LG-7

Short Title: Adopt Official NC Potato Festival. (Public)

Sponsors:

Referred to:

March 16, 2009

A BILL TO BE ENTITLED

AN ACT TO ADOPT THE ALBEMARLE POTATO FESTIVAL AS THE OFFICIAL IRISH POTATO FESTIVAL OF THE STATE OF NORTH CAROLINA.

Whereas, North Carolina's northeast region has been home of the Albemarle Potato Festival, now known as the North Carolina Potato Festival, for over 24 years; and

Whereas, of the more than 17,000 acres statewide used for Irish potato cultivation, the northeast region of the Albemarle contains 12,000 of those acres; and

Whereas, the economic impact of Irish potato farming is at least 13 to 16 million dollars annually in the northeast region; and

Whereas, the festival showcases the Albemarle area's major Irish potato producing counties, with Pasquotank County being the largest producer in the State; and

Whereas, the festival entertainment, street fair, water activities, and evening dance draw attention throughout the northeast region; and

Whereas, the tourism industry flourishes during the North Carolina Potato Festival, benefiting the economy of not only the northeast region but also the entire State; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 145 of the General Statutes is amended by adding a new section to read:

"**§ 145-30. State potato festival.**

The Albemarle Potato Festival is adopted as the official Irish potato festival of the State of North Carolina."

SECTION 2. This act is effective when it becomes law.

HOUSE BILL 588:
Adopt Official NC Potato Festival

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	May 7, 2009
Introduced by:	Rep. Owens	**Prepared by:**	Mariah Matheson Research Assistant
Analysis of:	PCS to the First Edition H588-PCS50654-LG-7		

SUMMARY: ***The Proposed Committee Substitute (PCS) to House Bill 588 would adopt the Albemarle Potato Festival as the official Irish Potato Festival of the State of North Carolina.***

CURRENT LAW: Festivals similar to the Albemarle Potato Festival have been recognized, including the Ayden Collard Festival as the official State collard festival (S.L. 2007-28), the Lexington Barbecue Festival as the official State food festival of the Piedmont Triad (S.L. 2007-533), and Hertford County Watermelon Festival and Fair Bluff Watermelon Festival in Columbus County as the official State Watermelon festivals (S.L. 1993-212).

BILL ANALYSIS: The PCS to House Bill 588 would amend Chapter 145 of the General Statutes, State Symbols and Other Official Adoptions, to designate the Albemarle Potato Festival as the official Irish Potato Festival of the State of North Carolina.

EFFECTIVE DATE: This act is effective when it becomes law.

BACKGROUND: The Albemarle Potato Festival dates back to 1940 and continued until 1970. The original Albemarle Potato Festival included a parade, a beauty contest, and a potato ball. The Festival was started again in 2001. Last year's Festival was held in Elizabeth City, North Carolina and drew a crowd of 12,000 people.[1] The present-day Albemarle Potato Festival includes free amusement rides, puppet shows, free French Fries, a potato peeling contest, potato sack races, live music, food booths, and street dancing.

According to the North Carolina Potato Association (NCPA), headquartered in Elizabeth City, approximately 17,500 acres of potatoes are planted in the State each year. Beaufort, Camden, Carteret, Currituck, Hyde, Pamlico, Pasquotank, Tyrrell, and Washington Counties are the major potato producing counties in the State. The NCPA also notes that the average American eats 142 pounds of potatoes per year.[2]

H588-SMTF-6(e1) v11

[1] Peggy Langley, Executive Director of Elizabeth City Downtown, Inc.
[2] www.ncpotatoes.org

SENATE BILL 719

Short Title:	Amend Environmental Laws 2009.	(Public)
Sponsors:	Senator Clodfelter.	
Referred to:	Agriculture/Environment/Natural Resources.	

March 24, 2009

A BILL TO BE ENTITLED

AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO: (1) REPEAL THE REQUIREMENT THAT SEASONAL STATE PARK EMPLOYEES WEAR A UNIFORM VEST; (2) REQUIRE ELECTRONIC REPORTING OF ENVIRONMENTAL LEAD TEST RESULTS AND BLOOD LEAD TEST RESULTS; (3) CLARIFY THE FEE STRUCTURE FOR FOOD AND LODGING PERMITS; AND (4) TO REVISE THE SUNSET PROVISION FOR NUTRIENT OFFSET PAYMENTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113-35.1 is repealed.

SECTION 2. G.S. 130A-131.8 reads as rewritten:

"**§ 130A-131.8. Laboratory ~~Reports~~ reports.~~of blood levels in children.~~**

(a) All laboratories doing business in this State shall report to the Department all environmental lead test results and blood lead test results for children less than six years of age and for individuals whose ages are unknown at the time of testing. Reports shall be made by electronic submission within five working days after test ~~completion on forms provided by the Department or on self-generated forms containing:~~ completion.

(b) Reports of blood lead test results shall contain:

(1) ~~the~~ The child's full name, date of birth, sex, race, ethnicity, address, and Medicaid number, if ~~any;~~ any.

(2) ~~the~~ The name, address, and telephone number of the requesting health care ~~provider;~~ provider.

(3) ~~the~~ The name, address, and telephone number of the testing ~~laboratory;~~ laboratory.

(4) ~~the~~ The laboratory results, whether the specimen ~~type—~~type is venous or capillary; the laboratory sample number, and the dates the sample was collected and analyzed. ~~The reports may be made by electronic submissions.~~

(c) Reports of environmental lead test results shall contain:

(1) The address where the samples were collected.

(2) Sample type, such as dust, paint, soil, or water.

(3) Surface type, such as floor, window sill, or window trough.

(4) Collection location.

(5) The name, address, and telephone number of the testing laboratory.

(6) The laboratory results, unit of measurement, the laboratory sample number, and the dates the sample was collected and analyzed."

SECTION 3. G.S. 130A-248(d) reads as rewritten:

"(d) The Department shall charge each establishment subject to this section, except nutrition programs for the elderly administered by the Division of Aging of the Department of

Health and Human Services, establishments that prepare and sell meat food products or poultry products, and public school ~~cafeterias, an annual fee of fifty dollars ($50.00).~~ cafeterias, a fee of fifty dollars ($50.00) for each permit issued. This fee shall be reassessed annually for permits that do not expire. The Commission shall adopt rules to implement this subsection. Fees collected under this subsection shall be used for State and local food, lodging, and institution sanitation programs and activities. No more than thirty-three and one-third percent (33 1/3%) of the fees collected under this subsection may be used to support State health programs and activities."

SECTION 4. Section 5 of S.L. 2007-438 reads as rewritten:

"**SECTION 5.** This act becomes effective 1 September 2007 and applies to all nutrient offset payments, including those set out in 15A NCAC 2B .0240, as adopted by the Environmental Management Commission on 12 January 2006. The fee schedule set out in Section 1 of this act expires ~~1 September 2009.~~on the effective date of the rules adopted by the Environmental Management Commission pursuant to Section 2 of this act."

SECTION 5. Section 3 of this act becomes effective July 1, 2009. Sections 1, 2, 4, and 5 of this act are effective when this act becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S D

SENATE BILL 719
PROPOSED COMMITTEE SUBSTITUTE S719-PCS85217-TA-13

Short Title: Amend Environmental Laws 2009. (Public)

Sponsors:

Referred to:

March 24, 2009

A BILL TO BE ENTITLED

AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO: (1) REPEAL THE REQUIREMENT THAT SEASONAL STATE PARK EMPLOYEES WEAR A UNIFORM VEST; (2) REQUIRE ELECTRONIC REPORTING OF ENVIRONMENTAL LEAD TEST RESULTS AND BLOOD LEAD TEST RESULTS; (3) CLARIFY THE FEE STRUCTURE FOR FOOD AND LODGING PERMITS; (4) PROVIDE THAT CITY AND COUNTY BUILDING INSPECTORS MAY RELY UPON A THIRD-PARTY CERTIFICATION FOR PARKING LOTS AND ANY BIORETENTION AREAS DESIGNED AND CONSTRUCTED TO COMPLY WITH G.S. 113A-71; (5) EXTEND BY TWO YEARS THE DEADLINE FOR THE DEVELOPMENT AND IMPLEMENTATION OF A NUTRIENT MANAGEMENT STRATEGY FOR CERTAIN DRINKING WATER SUPPLY RESERVOIRS; AND (6) REVISE THE SUNSET PROVISION FOR NUTRIENT OFFSET PAYMENTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113-35.1 is repealed.

SECTION 2. G.S. 130A-131.8 reads as rewritten:

"**§ 130A-131.8. Laboratory ~~Reports~~ reports.~~of blood levels in children.~~**

(a) All laboratories doing business in this State shall report to the Department all environmental lead test results and blood lead test results for children less than six years of age and for individuals whose ages are unknown at the time of testing. Reports shall be made by electronic submission within five working days after test ~~completion on forms provided by the Department or on self-generated forms containing:~~ completion.

(b) Reports of blood lead test results shall contain all of the following:

(1) ~~the~~ The child's full name, date of birth, sex, race, ethnicity, address, and Medicaid number, if ~~any;~~ any.

(2) ~~the~~ The name, address, and telephone number of the requesting health care ~~provider;~~ provider.

(3) ~~the~~ The name, address, and telephone number of the testing ~~laboratory;~~ laboratory.

(4) ~~the~~ The laboratory results, whether the specimen ~~type—~~type is venous or capillary; the laboratory sample number, and the dates the sample was collected and analyzed. ~~The reports may be made by electronic submissions.~~

(c) Reports of environmental lead test results shall contain all of the following:

(1) The address where the samples were collected.

(2) Sample type, such as dust, paint, soil, or water.
(3) Surface type, such as floor, window sill, or window trough.
(4) Collection location.
(5) The name, address, and telephone number of the testing laboratory.
(6) The laboratory results, unit of measurement, the laboratory sample number, and the dates the sample was collected and analyzed."

SECTION 3. G.S. 130A-248(d) reads as rewritten:

"(d) The Department shall charge each establishment subject to this section, except nutrition programs for the elderly administered by the Division of Aging of the Department of Health and Human Services, establishments that prepare and sell meat food products or poultry products, and public school ~~cafeterias, an annual fee of fifty dollars ($50.00).~~ cafeterias, a fee of fifty dollars ($50.00) for each permit issued. This fee shall be reassessed annually for permits that do not expire. The Commission shall adopt rules to implement this subsection. Fees collected under this subsection shall be used for State and local food, lodging, and institution sanitation programs and activities. No more than thirty-three and one-third percent (33 1/3%) of the fees collected under this subsection may be used to support State health programs and activities."

SECTION 4. G.S. 153A-357(d) reads as rewritten:

"(d) No permit shall be issued pursuant to subsection (a) of this section for any land-disturbing activity that is subject to, but does not comply with, the requirements of G.S. 113A-71. For purposes of this subsection, the inspector may rely upon a third-party certification, provided by the applicant, that the parking lot and any stormwater bioretention area are properly designed and constructed to comply with G.S. 113A-71 in accordance with the guidelines developed by the Department of Environment and Natural Resources. Certification must be provided under seal by a licensed professional engineer or other licensed professional that is recognized as having expertise in the design and construction of pervious parking areas or stormwater bioretention areas, as appropriate."

SECTION 5. G.S. 160A-417(c) reads as rewritten:

"(c) No permit shall be issued pursuant to subsection (a) of this section for any land-disturbing activity that is subject to, but does not comply with, the requirements of G.S. 113A-71. For purposes of this subsection, the inspector may rely upon a third-party certification, provided by the applicant, that the parking lot and any stormwater bioretention area are properly designed and constructed to comply with G.S. 113A-71 in accordance with the guidelines developed by the Department of Environment and Natural Resources. Certification must be provided under seal by a licensed professional engineer or other licensed professional that is recognized as having expertise in the design and construction of pervious parking areas or stormwater bioretention areas, as appropriate."

SECTION 6.(a) Section 3(c) of S.L. 2005-190, as amended by Section 31(a) of S.L. 2006-259, reads as rewritten:

"**SECTION 3.(c) Nutrient management strategy.** – The Environmental Management Commission shall develop a nutrient management strategy for drinking water supply reservoirs to which this section applies by ~~1 July 2009.~~November 30, 2011. The nutrient management strategy shall be based on a calibrated nutrient response model that meets the requirement of G.S. 143-215.1(c5). The nutrient management strategy shall include specific mandatory measures to achieve the reduction goals. The Commission shall consider the cost of the proposed measures in relation to the effectiveness of the measures. These measures could include, but are not limited to, buffers, erosion and sedimentation control requirements, post-construction stormwater management, agricultural nutrient reduction measures, the addition of nutrient removal treatment processes to point source permitted wastewater treatment plants, the removal of point source discharging wastewater treatments through regionalization and conversion to non-discharge treatment technologies, and any other

measures that the Commission determines to be necessary to meet the nutrient reduction goals. To the extent that one or more other State programs already mandate any of these measures, the nutrient management strategy shall incorporate the mandated measures and any extension of those measures and any additional measures that may be necessary to achieve the nutrient reduction goals. In making a nutrient loading allocation to a permit holder, the Commission shall, to the extent allowed by federal and State law, give consideration to all voluntary efforts taken by the permit holder to protect water quality prior to the development of the nutrient management strategy."

SECTION 6.(b) Section 3(e) of S.L. 2005-190, as amended by Section 31(b) of S.L. 2006-259, reads as rewritten:

"**SECTION 3.(e) Implementation; rulemaking.** – The Environmental Management Commission shall adopt permanent rules to implement the nutrient management strategies required by this section by ~~1 July 2009.~~November 30, 2011. The rules shall require that reductions in nutrient loading from all sources begin no later than five years after the rules become effective."

SECTION 7. Section 5 of S.L. 2007-438 reads as rewritten:

"**SECTION 5.** This act becomes effective ~~1 September 2007~~ September 1, 2007, and applies to all nutrient offset payments, including those set out in 15A NCAC 2B .0240, as adopted by the Environmental Management Commission on ~~12 January 2006~~ January 12, 2006. The fee schedule set out in Section 1 of this act expires ~~1 September 2009.~~September 1, 2010."

SECTION 8. Sections 4 and 5 of this act are effective retroactive to April 1, 2009. Sections 3 and 6 of this act become effective July 1, 2009. Sections 1, 2, 7, and 8 of this act are effective when this act becomes law.

SENATE BILL 719:
Amend Environmental Laws 2009

2009-2010 General Assembly

Committee:	Senate Ref to Agriculture/Environment/Natural Resources. If fav, re-ref to Finance	**Date:**	May 7, 2009
Introduced by:	Senator Clodfelter	**Prepared by:**	Jennifer Mundt Legislative Analyst
Analysis of:	PCS to First Edition S719-CSTA-13 [v.2]		

SUMMARY: The Proposed Committee Substitute (PCS) for Senate Bill 719 would make several changes to environmental and natural resources laws.

BILL ANALYSIS: The PCS for Senate Bill 719 would make the following changes to environmental and natural resource laws:

Section 1: would repeal the requirement that seasonal State Park employees wear a uniform vest during working hours.

Section 2: would require all laboratories doing business in the State to report by electronic submission blood lead test results and environmental lead test results for children less than six years of age and for individuals whose ages are unknown at the time of testing pursuant to Part 4 of Article 5 of Chapter 130A of the General Statutes (Lead Poisoning in Children). Section 2 of the bill also makes clarifying amendments.

Section 3: would clarify the permit fee structure for temporary food establishments, pushcarts, and mobile food units to provide that a fee of $50.00 is required for each permit issued. Permits authorize these temporary establishments to operate for up to 15 days. Permits for other non-temporary establishments authorize operations for one year and the fees for non-temporary establishments are assessed annually. This Section becomes effective July 1, 2009.

Sections 4 and 5: would provide that city and county building inspectors may rely upon a third-party certification, provided by an applicant, that a parking lot and any bioretention area are properly designed and constructed to comply with G.S. 113A-71 (Vehicular surface areas) and are done so in accordance with guidelines developed by the Department of Environment and Natural Resources (DENR). The certification must be provided under seal by a licensed professional engineer or other licensed professional that is recognized as having expertise in the design and construction of pervious parking areas or stormwater bioretention areas, as appropriate. These Sections are effective retroactive to April 1, 2009.

Section 6: would extend the deadline for the development and implementation of a nutrient management strategy for certain drinking water supply reservoirs from July 1, 2009 to November 30, 2011. This Section becomes effective July 1, 2009.

Section 7: would extend the term of the fee structure for nutrient offset payments established pursuant to S.L. 2007-438 (Nutrient Offset Program Transition) from September 1, 2009 to September 1, 2010 to provide DENR additional time to transition the nutrient offset program from a fee-based to an actual cost structure.

EFFECTIVE DATE: Except as noted above, this act is effective when it becomes law.

S719-SMTA-34(CSTA-13) v1

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S 1

SENATE BILL 886

Short Title:	Improve Success of FMPs.	(Public)
Sponsors:	Senator Vaughan.	
Referred to:	Agriculture/Environment/Natural Resources.	

March 26, 2009

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT FISHERY MANAGEMENT PLANS MUST MEET A STANDARD OF AT LEAST FIFTY PERCENT PROBABILITY OF ACHIEVING THE TARGET MORTALITY RATE FOR THE FISHERY OR FISHERIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113-182.1(b) reads as rewritten:

"(b) The goal of the plans shall be to ensure the long-term viability of the State's commercially and recreationally significant species or fisheries. Each plan shall be designed to reflect fishing practices so that one plan may apply to a specific fishery, while other plans may be based on gear or geographic areas. Each plan shall:

(1) Contain necessary information pertaining to the fishery or fisheries, including management goals and objectives, status of relevant fish stocks, stock assessments for multiyear species, fishery habitat and water quality considerations consistent with Coastal Habitat Protection Plans adopted pursuant to G.S. 143B-279.8, social and economic impact of the fishery to the State, and user conflicts.

(2) Recommend management actions pertaining to the fishery or fisheries.

(3) Include conservation and management measures that will provide the greatest overall benefit to the State, particularly with respect to food production, recreational opportunities, and the protection of marine ecosystems, and that will produce a sustainable harvest.

(4) Specify a time period, not to exceed 10 years from the date of the adoption of the plan, for ending overfishing and achieving a sustainable harvest. This subdivision shall only apply to a plan for a fishery that is overfished. This subdivision shall not apply to a plan for a fishery where the biology of the fish or environmental conditions make ending overfishing and achieving a sustainable harvest within 10 years impracticable.

(5) Meet a standard of at least fifty percent (50%) probability of achieving the target mortality rate for the fishery or fisheries."

SECTION 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S D

SENATE BILL 886
PROPOSED COMMITTEE SUBSTITUTE S886-PCS55375-SB-15

Short Title: Improve Success of FMPs. (Public)

Sponsors:

Referred to:

March 26, 2009

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT EACH FISHERY MANAGEMENT PLAN MUST INCLUDE A STANDARD TO ENSURE THAT THE PLAN ACHIEVES THE TARGET MORTALITY RATE FOR THE FISHERY OR FISHERIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113-182.1(b) reads as rewritten:

"(b) The goal of the plans shall be to ensure the long-term viability of the State's commercially and recreationally significant species or fisheries. Each plan shall be designed to reflect fishing practices so that one plan may apply to a specific fishery, while other plans may be based on gear or geographic areas. Each plan shall:

(1) Contain necessary information pertaining to the fishery or fisheries, including management goals and objectives, status of relevant fish stocks, stock assessments for multiyear species, fishery habitat and water quality considerations consistent with Coastal Habitat Protection Plans adopted pursuant to G.S. 143B-279.8, social and economic impact of the fishery to the State, and user conflicts.

(2) Recommend management actions pertaining to the fishery or fisheries.

(3) Include conservation and management measures that will provide the greatest overall benefit to the State, particularly with respect to food production, recreational opportunities, and the protection of marine ecosystems, and that will produce a sustainable harvest.

(4) Specify a time period, not to exceed 10 years from the date of the adoption of the plan, for ending overfishing and achieving a sustainable harvest. This subdivision shall only apply to a plan for a fishery that is overfished. This subdivision shall not apply to a plan for a fishery where the biology of the fish or environmental conditions make ending overfishing and achieving a sustainable harvest within 10 years impracticable.

(5) Include a standard to ensure that the Fishery Management Plan achieves the target mortality rate for the fishery or fisheries."

SECTION 2. This act is effective when it becomes law.

SENATE BILL 886: Improve Success of FMPs

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	May 7, 2009
Introduced by:	Senator Vaughan	**Prepared by:**	Jeff Hudson Committee Counsel
Analysis of:	PCS to First Edition S886-CSSB-15 [v.1]		

SUMMARY: ***The PCS for Senate Bill 886 would provide that each Fishery Management Plan must include a standard to ensure that the Plan achieves the target mortality rate for the fishery or fisheries.***

[As introduced, this bill was identical to H1346, as introduced by Reps. Jackson, Harrell, which is currently in House Marine Resources and Aquaculture.]

CURRENT LAW:

Under current law, the Department of Environment and Natural Resources prepares proposed Fishery Management Plans for adoption by the Marine Fisheries Commission for all commercially or recreationally significant species or fisheries that comprise State marine or estuarine resources. The goal of the plans is to ensure the long-term viability of the State's commercially and recreationally significant species or fisheries. Each plan must:

- Contain necessary information pertaining to the fishery or fisheries, including management goals and objectives, status of relevant fish stocks, stock assessments for multiyear species, fishery habitat and water quality considerations consistent with Coastal Habitat Protection Plans, social and economic impact of the fishery to the State, and user conflicts.
- Recommend management actions pertaining to the fishery or fisheries.
- Include conservation and management measures that will provide the greatest overall benefit to the State, particularly with respect to food production, recreational opportunities, and the protection of marine ecosystems, and that will produce a sustainable harvest.
- Specify a time period, not to exceed 10 years from the date of the adoption of the plan, for ending overfishing and achieving a sustainable harvest.

BILL ANALYSIS:

The Proposed Committee Substitute for Senate Bill 886 (PCS) would provide that each plan must also include a standard to ensure that the plan achieves the target mortality rate for the fishery or fisheries.

EFFECTIVE DATE: The PCS would become effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

SENATE BILL 105*

Short Title:	Suspension and Revocation of Fishing Licenses.	(Public)
Sponsors:	Senator Albertson.	
Referred to:	Agriculture/Environment/Natural Resources.	

February 11, 2009

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE MARINE FISHERIES COMMISSION TO STUDY ISSUES AND ADOPT RULES RELATED TO THE SUSPENSION, REVOCATION, AND REISSUANCE OF LICENSES AND TO STRENGTHEN ENFORCEMENT OF CERTAIN LAWS RELATED TO MARINE RESOURCES, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE.

The General Assembly of North Carolina enacts:

SECTION 1. The Marine Fisheries Commission shall study the current statutes and rules for suspension, revocation, and reissuance of licenses and permits issued under Articles 14A, 14B, and 25A of Chapter 113 of the General Statutes that are under the jurisdiction of the Marine Fisheries Commission or the Division of Marine Fisheries of the Department of Environment and Natural Resources.

SECTION 2. The Marine Fisheries Commission may adopt rules pursuant to and consistent with G.S. 113-171 and G.S. 143B-289.52 for the suspension, revocation, and reissuance of licenses and permits issued under Articles 14A, 14B, and 25A of Chapter 113 of the General Statutes that are under the jurisdiction of the Marine Fisheries Commission or the Division of Marine Fisheries of the Department of Environment and Natural Resources. If the Commission adopts rules pursuant to this section, the Commission shall consider all of the following:

(1) Whether the rules should differentiate between minor and major violations.
(2) How to define minor and major violations.
(3) How service of revocation could be made more efficient.
(4) How the rules should treat violations related to recreational fishing licenses and permits.
(5) Whether violations related to littering or assault on a marine patrol inspector should be treated as grounds for suspension or revocation.
(6) Whether suspension and revocation provisions should be strengthened in cases of harvesting shellfish from polluted waters.

SECTION 3. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S D

SENATE BILL 105*
PROPOSED COMMITTEE SUBSTITUTE S105-CSSB-23 [v.3]

5/4/2009 10:30:16 AM

Short Title: Suspension and Revocation of Fishing Licenses. (Public)

Sponsors:

Referred to:

February 11, 2009

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE MARINE FISHERIES COMMISSION TO STUDY ISSUES AND ADOPT RULES RELATED TO THE SUSPENSION, REVOCATION, AND REISSUANCE OF LICENSES AND TO MAKE CONFORMING CHANGES, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE.

The General Assembly of North Carolina enacts:

SECTION 1. The Marine Fisheries Commission shall study the current statutes and rules for suspension, revocation, and reissuance of marine resources licenses and permits issued under Articles 14A, 14B, and 25A of Chapter 113 of the General Statutes.

SECTION 2. The Marine Fisheries Commission shall adopt rules pursuant to and consistent with G.S. 113-171, as amended by Section 3 of this act, and G.S. 143B-289.52 for the suspension, revocation, and reissuance of marine resources licenses and permits issued under Articles 14A, 14B, and 25A of Chapter 113 of the General Statutes. Rules adopted pursuant to this section shall not become effective prior to October 1, 2010. In adopting rules pursuant to this section, the Commission shall consider all of the following:

(1) Whether the rules should differentiate between minor and major violations.
(2) How to define minor and major violations.
(3) How service of revocation could be made more efficient.
(4) How the rules should treat violations related to recreational fishing licenses and permits.
(5) Whether violations related to littering or assault on a marine patrol inspector should be treated as grounds for suspension or revocation.
(6) Whether suspension and revocation provisions should be strengthened in cases of harvesting shellfish from polluted waters.

SECTION 3. G.S. 113-171 reads as rewritten:

"**§ 113-171. Suspension, revocation, and reissuance of licenses.**

(a) Upon receipt of reliable notice that a person licensed under this ~~Article~~ Article, Article 14B, or Article 25A of Chapter 113 of the General Statutes to take resources under the jurisdiction of the Marine Fisheries Commission has had imposed against the person a conviction of a criminal offense within the jurisdiction of the Department under the provisions of this Subchapter or of rules of the Commission adopted under the authority of this Subchapter, the Secretary must suspend or revoke all licenses held by the person in accordance with the terms of this ~~section.~~section and rules adopted by the Commission. Reliable notice

includes information furnished the Secretary in prosecution or other reports from inspectors. As used in this section, a conviction includes a plea of guilty or nolo contendere, any other termination of a criminal prosecution unfavorably to the defendant after jeopardy has attached, or any substitute for criminal prosecution whereby the defendant expressly or impliedly confesses the defendant's guilt. In particular, procedures whereby bond forfeitures are accepted in lieu of proceeding to trial and cases indefinitely continued upon arrest of judgment or prayer for judgment continued are deemed convictions. The Secretary may act to suspend or revoke licenses upon the basis of any conviction in which:

(1) No notice of appeal has been given;
(2) The time for appeal has expired without an appeal having been perfected; or
(3) The conviction is sustained on appeal. Where there is a new trial, finality of any subsequent conviction will be determined in the manner set out above.

(b) The Secretary must initiate an administrative procedure designed to give the Secretary systematic notice of all convictions of criminal offenses by licensees covered by subsection (a) of this section above and keep a file of all convictions reported. ~~Upon receipt of notice of conviction, the Secretary must determine whether it is a first, a second, a third, or a fourth or subsequent conviction of some offense covered by subsection (a). In the case of second convictions, the Secretary must suspend all licenses issued to the licensee for a period of 10 days. In the case of third convictions, the Secretary must suspend all licenses issued to the licensee for a period of 30 days. In the case of fourth or subsequent convictions, the Secretary must revoke all licenses issued to the licensee. Where several convictions result from a single transaction or occurrence, they are to be treated as a single conviction so far as suspension or revocation of the licenses of any licensee is concerned. Anyone convicted of taking or of knowingly possessing, transporting, buying, selling, or offering to buy or sell oysters or clams from areas closed because of suspected pollution will be deemed by the Secretary to have been convicted of two separate offenses on different occasions for license suspension or revocation purposes.~~

~~(c) Where a license has been suspended or revoked, the former licensee is not eligible to apply for reissuance of license or for any additional license authorized in this Article during the suspension or revocation period. Licenses must be returned to the licensee by the Secretary or the Secretary's agents at the end of a period of suspension. Where there has been a revocation, application for reissuance of license or for an additional license may not be made until six months following the date of revocation. In such case of revocation, the eligible former licensee must satisfy the Secretary that the licensee will strive in the future to conduct the operations for which the license is sought in accord with all applicable laws and rules. Upon the application of an eligible former licensee after revocation, the Secretary, in the Secretary's discretion, may issue one license sought but not another, as deemed necessary to prevent the hazard of recurring violations of the law.~~

~~(d) Upon receiving reliable information of a licensee's conviction of a second or subsequent criminal offense covered by subsection (a) of this section, the Secretary shall promptly cause the licensee to be personally served with written notice of suspension or revocation, as the case may be. The written notice may be served upon any responsible individual affiliated with the corporation, partnership, or association where the licensee is not an individual. The notice of suspension or revocation may be served by an inspector or other agent of the Department, must state the ground upon which it is based, and takes effect immediately upon personal service. The agent of the Secretary making service shall then or subsequently, as may be feasible under the circumstances, collect all license certificates and plates and other forms or records relating to the license as directed by the Secretary. It is unlawful for any licensee willfully to evade the personal service prescribed in this subsection.~~

(e) A licensee served with a notice of suspension or revocation may obtain an administrative review of the suspension or revocation by filing a petition for a contested case

under G.S. 150B-23 within 20 days after receiving the notice. The only issue in the hearing shall be whether the licensee was convicted of a criminal offense for which a license must be suspended or revoked. A license remains suspended or revoked pending the final decision by the Secretary.

(f) If the Secretary refuses to reissue the license of or issue an additional license to an applicant whose license was revoked, the applicant may contest the decision by filing a petition for a contested case under G.S. 150B-23 within 20 days after the Secretary makes the decision. The Commission shall make the final agency decision in a contested case under this subsection. An applicant whose license is denied under this subsection may not reapply for the same license for at least six months.

(g) The Commission may adopt rules to provide for the disclosure of the identity of any individual or individuals in responsible positions of control respecting operations of any licensee that is not an individual. For the purposes of this section, individuals in responsible positions of control are deemed to be individual licensees and subject to suspension and revocation requirements in regard to any applications for license they may make – either as individuals or as persons in responsible positions of control in any corporation, partnership, or association. In the case of individual licensees, the individual applying for a license or licensed under this ~~Article~~ Article, Article 14B, or Article 25A of Chapter 113 of the General Statutes to take resources under the jurisdiction of the Marine Fisheries Commission must be the real party in interest.

(h) In determining whether a conviction is a second or subsequent offense under the provisions of this section, the Secretary may not consider convictions for:

(1) Offenses that occurred three years prior to the effective date of this Article; or

(2) Offenses that occurred more than three years prior to the time of the latest offense the conviction for which is in issue as a subsequent conviction."

SECTION 4. Section 3 of this act is effective October 1, 2010. The remainder of this act is effective when the act becomes law.

SENATE BILL 105:
Suspension and Revocation of Fishing Licenses

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	May 7, 2009
Introduced by:	Senator Albertson	**Prepared by:**	Jeff Hudson Committee Counsel
Analysis of:	PCS to First Edition S105-CSSB-23 [v.3]		

SUMMARY: ***The Proposed Committee Substitute for Senate Bill 105 would direct the Marine Fisheries Commission to adopt rules to provide for the suspension, revocation, and reissuance of marine fisheries licenses and make conforming changes.***

[As introduced, this bill was identical to H108, as introduced by Rep. Wainwright, which is currently in Rules, Calendar, and Operations of the House.]

BACKGROUND:

Senate Bill 105 is a recommendation of the Marine Fisheries Commission and the Joint Legislative Commission on Seafood and Aquaculture.

CURRENT LAW:

Under current law, the suspension, revocation, and reissuance of commercial fishing licenses is governed by G.S. 113-171.

BILL ANALYSIS:

Sections 1 and 2 would direct the Marine Fisheries Commission to adopt rules to provide for the suspension, revocation, and reissuance of commercial and recreational coastal fishing licenses. Such rules could not become effective prior to October 1, 2010. In adopting the rules, the Commission would consider:

- The existing suspension, revocation, and reissuance statute.
- Whether the rules should differentiate between minor and major violations.
- How to define minor and major violations.
- How service of revocation could be made more efficient.
- How the rules should treat violations related to recreational fishing licenses and permits.
- Whether violations related to littering or assault on a marine patrol inspector should be treated as grounds for suspension or revocation.
- Whether suspension and revocation provisions should be strengthened in cases of harvesting shellfish from polluted waters.

Section 3 would make conforming changes to the existing suspension, revocation, and reissuance statute, G.S. 113-171.

EFFECTIVE DATE: Sections 1, 2, and 4 of this act would become effective when the act becomes law. Section 3 of this act would become effective October 1, 2010.

S105-SMSB-25(CSSB-23) v2

SENATE BILL 107*

Short Title:	Implement Shellfish FMP Recommendations.	(Public)
Sponsors:	Senator Albertson.	
Referred to:	Agriculture/Environment/Natural Resources.	

February 11, 2009

A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE OYSTER AND HARD CLAM FISHERY MANAGEMENT PLAN, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE.

The General Assembly of North Carolina enacts:

SECTION 1. Subsection (b) of G.S. 113-168.4 reads as rewritten:

"~~(b) It is unlawful for any person licensed under this Article to sell fish taken outside the territorial waters of the State or to sell fish taken from coastal fishing waters except to:~~

~~(1) Fish dealers licensed under G.S. 113-169.3; or~~

~~(2) The public, if the seller is also licensed as a fish dealer under G.S. 113-169.3.~~

(b) Except as otherwise provided in this section, it is unlawful for any person licensed under this Article to sell fish taken outside the territorial waters of the State or to sell fish taken from coastal fishing waters. A person licensed under this Article may sell fish taken outside the territorial waters of the State or sell fish taken from coastal fishing waters under any of the following circumstances:

(1) The sale is to a fish dealer licensed under G.S. 113-169.3.

(2) The sale is to the public and the seller is a licensed fish dealer under G.S. 113-169.3.

(3) The sale of oysters or clams from a hatchery or aquaculture operation to the holder of an Aquaculture Operation Permit, an Under Dock Culture Permit, or a shellfish cultivation lease for further grow out."

SECTION 2. G.S. 113-169.2 reads as rewritten:

"**§ 113-169.2. Shellfish license for North Carolina residents without a SCFL.**

(a) License or Endorsement Necessary to Take or Sell Shellfish. – It is unlawful for an individual to take shellfish from the public or private grounds of the State by mechanical means or ~~in quantities greater than the personal use limits set forth in subsection (i) of this section~~as part of a commercial fishing operation by any means without holding either a shellfish license or a shellfish endorsement of a SCFL. A North Carolina resident who seeks only to take and sell shellfish shall be eligible to obtain a shellfish license without holding a SCFL. The shellfish license authorizes the licensee to sell shellfish.

(b) Repealed by Session Laws 1998-225, s. 4.17, effective July 1, 1999.

(c) Fees. – Shellfish licenses shall be issued annually upon payment of a fee of twenty-five dollars ($25.00) upon proof that the license applicant is a North Carolina resident.

(d) License Available for Inspection. – It is unlawful for any individual to take shellfish ~~in quantities greater than the personal use limits set forth in subsection (i) of this section~~as part of a commercial fishing operation from the public or private grounds of the State without

having ready at hand for inspection a current and valid shellfish license issued to the licensee personally and bearing the licensee's correct name and address. It is unlawful for any individual taking or possessing freshly taken shellfish to refuse to exhibit the individual's license upon the request of an officer authorized to enforce the fishing laws.

(e) Repealed by Session Laws 1998-225, s. 4.17, effective July 1, 1999.

(f) Name or Address Change. – In the event of a change in name or address or upon receipt of an erroneous shellfish license, the licensee shall, within 30 days, apply for a replacement shellfish license bearing the correct name and address. Upon a showing by the individual that the name or address change occurred within the past 30 days, the trial court or prosecutor shall dismiss any charges brought pursuant to this subsection.

(g) Transfer Prohibited. – It is unlawful for an individual issued a shellfish license to transfer or offer to transfer the license, either temporarily or permanently, to another. It is unlawful for an individual to secure or attempt to secure a shellfish license from a source not authorized by the Commission.

(h) Exemption. – Persons under 16 years of age are exempt from the license requirements of this section if accompanied by a parent, grandparent, or guardian who is in compliance with the requirements of this section or if in possession of a parent's, grandparent's or guardian's shellfish license.

~~(i) Taking Shellfish Without a License for Personal Use.~~

~~(1) A person may take shellfish for personal use without obtaining a license under this section in quantities up to:~~

~~a. One bushel of oysters per day.~~

~~b. One half bushel of scallops per day.~~

~~c. One hundred clams per day.~~

~~d. Ten conchs per day.~~

~~e. One hundred mussels per day.~~

~~(2) Two or more persons who are using a vessel to take shellfish may take shellfish for personal use without obtaining a license under this section in quantities up to:~~

~~a. Two bushels of oysters per day.~~

~~b. One bushel of scallops per day.~~

~~c. Two hundred clams per day.~~

~~d. Twenty conchs per day.~~

~~e. Two hundred mussels per day.~~"

SECTION 3. G.S. 113-201 reads as rewritten:

"**§ 113-201. Legislative findings and declaration of policy; authority of Marine Fisheries Commission.**

(a) The General Assembly finds that shellfish cultivation provides increased seafood production and long-term economic and employment opportunities. The General Assembly also finds that shellfish cultivation provides increased ecological benefits to the estuarine environment by promoting natural water filtration and increased fishery habitats. The General Assembly declares that it is the policy of the State to encourage the development of private, commercial shellfish cultivation in ways that are compatible with other public uses of marine and estuarine resources such as navigation, fishing, and recreation.

(b) The Marine Fisheries Commission is empowered to make rules and take all steps necessary to develop and improve the cultivation, harvesting, and marketing of shellfish in North Carolina both from public grounds and private beds. In order to assure the public that some waters will remain open and free from shellfish cultivation activities, the Marine Fisheries Commission may limit the number of acres in any area that may be granted as shellfish cultivation leases.

(c) The Marine Fisheries Commission shall adopt rules to establish training requirements for persons applying for new shellfish cultivation ~~leases.~~leases and for persons acquiring shellfish cultivation leases by lawful transfer. These training requirements shall be designed to encourage the productive use of shellfish cultivation leases. Training requirements established pursuant to this subsection shall not apply ~~to an~~to either:

(1) An applicant who applies for a new shellfish cultivation lease if, at the time of the application, the applicant holds one or more shellfish cultivation leases and all of the leases meet the shellfish production requirements established by the Marine Fisheries Commission.

(2) A person who receives a shellfish cultivation lease by lawful transfer if, at the time of the transfer, the person holds one or more shellfish cultivation leases and all of the leases meet the shellfish production requirements established by the Marine Fisheries Commission."

SECTION 4. Subsection (c) of G.S. 113-202 reads as rewritten:

"(c) No person, including a corporate entity, or single family unit may acquire and hold by lease, lease renewal, or purchase more than 50 acres of public bottoms under shellfish cultivation leases. For purposes of this subsection, the number of acres of leases held by a person includes acres held by a corporation in which the person holds an interest. The Marine Fisheries Commission may adopt rules to require the submission of information necessary to ensure compliance with this subsection."

SECTION 5. Subsection (j) of G.S. 113-202 reads as rewritten:

"(j) Initial leases begin upon the issuance of the lease by the Secretary and expire at noon on the first day of July following the ~~tenth~~ fifth anniversary of the granting of the lease. Renewal leases are issued for a period of ~~10~~ five years from the time of expiration of the previous lease. At the time of making application for renewal of a lease, the applicant must pay a filing fee of one hundred dollars ($100.00). The rental for initial leases is one dollar ($1.00) per acre for all leases entered into before July 1, 1965, and for all other leases until noon on the first day of July following the first anniversary of the lease. Thereafter, for initial leases entered into after July 1, 1965, and from the beginning for renewals of leases entered into after that date, the rental is ten dollars ($10.00) per acre per year. Rental must be paid annually in advance prior to the first day of April each year. Upon initial granting of a lease, the pro rata amount for the portion of the year left until the first day of July must be paid in advance at the rate of one dollar ($1.00) per acre per year; then, on or before the first day of April next, the lessee must pay the rental for the next full year."

SECTION 6. G.S. 113-203 reads as rewritten:

"**§ 113-203. Transplanting of oysters and clams.**

(a) It is unlawful to transplant oysters taken from public grounds to private beds except:

(1) When lawfully taken during open season and transported directly to a private bed in accordance with rules of the Marine Fisheries Commission;

(2) When the transplanting is done by a dealer in accordance with the provisions of G.S. 113-169.1(2) and implementing rules; or

(3) When the transplanting is done in accordance with the provisions of this section and implementing rules.

(a1) It is lawful to transplant seed clams less than 12 millimeters in their largest dimension and seed oysters less than 25 millimeters in their largest dimension and when the seed clams and seed oysters originate from an aquaculture operation permitted by the Secretary.

(b) It is lawful to transplant to private beds oysters or clams taken from polluted waters with a permit from the Secretary setting out the waters from which the oysters or clams may be taken, the quantities which may be taken, the times during which the taking is permissible, and other reasonable restrictions imposed by the Secretary to aid him in his duty of regulating such

transplanting operations. Any transplanting operation which does not substantially comply with the restrictions of the permit issued is unlawful.

~~(c) It is lawful to transplant to private beds oysters taken from public beds managed by the State for the production of seed oysters in accordance with the implementing rules of the Marine Fisheries Commission. Persons taking such seed oysters may, in the discretion of the Marine Fisheries Commission, be required to pay to the Department for oysters taken an amount to reimburse the Department in full or in part for the costs of seed oyster management operations.~~

(d) It is lawful to transplant to private beds in North Carolina oysters taken from natural or managed public beds designated by the Marine Fisheries Commission as ~~natural~~ seed oyster management areas. ~~Such areas shall be designated as natural seed oyster areas in the following manner:~~

~~(1) A petition shall be filed with the Secretary by the board of county commissioners of the county in which such area is located requesting the designation of and describing the area proposed as a natural seed oyster area. Upon the receipt of the petition, the Secretary shall, within six weeks of the receipt by him of such petition, cause an investigation of the area proposed to be designated as a natural seed oyster area. Such investigation shall be made by qualified biologists of the Department. The Secretary shall then make a recommendation to the Marine Fisheries Commission as to whether the area described in the petition should be designated as a natural seed oyster area and such area shall be so designated by the Marine Fisheries Commission only after the Secretary so recommends as being in the best interests of the State.~~

~~(2)~~ The Secretary shall issue permits to all qualified individuals who are residents of North Carolina without regard to county of residence to transplant seed oysters from said designated ~~natural~~ seed oyster management areas, setting out the quantity which may be taken, the times which the taking is permissible and other reasonable restrictions imposed to aid ~~him~~ the Secretary in ~~his~~ the Secretary's duty of regulating such transplanting operations. Persons taking such seed oysters may, in the discretion of the Marine Fisheries Commission, be required to pay to the Department for oysters taken an amount to reimburse the Department in full or in part for the costs of seed oyster management operations. Any transplanting operation which does not substantially comply with the restrictions of the permit issued is unlawful.

(e) The Marine Fisheries Commission may implement the provisions of this section by rules governing sale, possession, transportation, storage, handling, planting, and harvesting of oysters and clams and setting out any system of marking oysters and clams or of permits or receipts relating to them generally, from both public and private beds, as necessary to regulate the lawful transplanting of seed oysters and oysters or clams taken from or placed on public or private beds."

SECTION 7. G.S. 113-207 reads as rewritten:

"**§ 113-207. Taking shellfish from certain areas forbidden; penalty.**

~~(a) To the extent that funds are available, the Department shall post oyster rocks or appropriate landing sites to forbid the taking of clams upon such rocks by use of rakes or tongs or any other device which will disturb or damage the oysters thereon. As used in this section, "oyster rocks" mean those rocks in the coastal fishing waters upon which oysters grow.~~

~~(b) It is unlawful for any person to take clams on oyster rocks posted by the Department by use of rakes, tongs, or any other device which will disturb or damage the oysters growing thereon. This section will not apply to the taking of clams by signing.~~

(c) It is unlawful for any person to take shellfish within 150 feet of any part of a publically owned pier beneath which the Division of Marine Fisheries has deposited clutch material.

(d) A person who violates this section is guilty of a Class 3 misdemeanor."

SECTION 8. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S D

SENATE BILL 107*
PROPOSED COMMITTEE SUBSTITUTE S107-PCS35313-SBf-22

Short Title: Implement Shellfish FMP Recommendations. (Public)

Sponsors:

Referred to:

February 11, 2009

A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE OYSTER AND HARD CLAM FISHERY MANAGEMENT PLAN, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE.

The General Assembly of North Carolina enacts:

SECTION 1. Subsection (b) of G.S. 113-168.4 reads as rewritten:

"~~(b) It is unlawful for any person licensed under this Article to sell fish taken outside the territorial waters of the State or to sell fish taken from coastal fishing waters except to:~~

~~(1) Fish dealers licensed under G.S. 113-169.3; or~~

~~(2) The public, if the seller is also licensed as a fish dealer under G.S. 113-169.3.~~

(b) Except as otherwise provided in this section, it is unlawful for any person licensed under this Article to sell fish taken outside the territorial waters of the State or to sell fish taken from coastal fishing waters. A person licensed under this Article may sell fish taken outside the territorial waters of the State or sell fish taken from coastal fishing waters under any of the following circumstances:

(1) The sale is to a fish dealer licensed under G.S. 113-169.3.

(2) The sale is to the public and the seller is a licensed fish dealer under G.S. 113-169.3.

(3) The sale is of oysters or clams from a hatchery or aquaculture operation to the holder of an Aquaculture Operation Permit, an Under Dock Culture Permit, or a shellfish cultivation lease for further grow out."

SECTION 2. G.S. 113-169.2 reads as rewritten:

"**§ 113-169.2. Shellfish license for North Carolina residents without a SCFL.**

(a) License or Endorsement Necessary to Take or Sell Shellfish. – It is unlawful for an individual to take shellfish from the public or private grounds of the State by mechanical means or ~~in quantities greater than the personal use limits set forth in subsection (i) of this section~~as part of a commercial fishing operation by any means without holding either a shellfish license or a shellfish endorsement of a SCFL. A North Carolina resident who seeks only to take and sell shellfish shall be eligible to obtain a shellfish license without holding a SCFL. The shellfish license authorizes the licensee to sell shellfish.

(b) Repealed by Session Laws 1998-225, s. 4.17, effective July 1, 1999.

(c) Fees. – Shellfish licenses shall be issued annually upon payment of a fee of twenty-five dollars ($25.00) upon proof that the license applicant is a North Carolina resident.

(d) License Available for Inspection. – It is unlawful for any individual to take shellfish ~~in quantities greater than the personal use limits set forth in subsection (i) of this section~~as part of a commercial fishing operation from the public or private grounds of the State without having ready at hand for inspection a current and valid shellfish license issued to the licensee personally and bearing the licensee's correct name and address. It is unlawful for any individual taking or possessing freshly taken shellfish to refuse to exhibit the individual's license upon the request of an officer authorized to enforce the fishing laws.

(e) Repealed by Session Laws 1998-225, s. 4.17, effective July 1, 1999.

(f) Name or Address Change. – In the event of a change in name or address or upon receipt of an erroneous shellfish license, the licensee shall, within 30 days, apply for a replacement shellfish license bearing the correct name and address. Upon a showing by the individual that the name or address change occurred within the past 30 days, the trial court or prosecutor shall dismiss any charges brought pursuant to this subsection.

(g) Transfer Prohibited. – It is unlawful for an individual issued a shellfish license to transfer or offer to transfer the license, either temporarily or permanently, to another. It is unlawful for an individual to secure or attempt to secure a shellfish license from a source not authorized by the Commission.

(h) Exemption. – Persons under 16 years of age are exempt from the license requirements of this section if accompanied by a parent, grandparent, or guardian who is in compliance with the requirements of this section or if in possession of a parent's, grandparent's or guardian's shellfish license.

~~(i) Taking Shellfish Without a License for Personal Use.~~

~~(1) A person may take shellfish for personal use without obtaining a license under this section in quantities up to:~~

~~a. One bushel of oysters per day.~~

~~b. One half bushel of scallops per day.~~

~~c. One hundred clams per day.~~

~~d. Ten conchs per day.~~

~~e. One hundred mussels per day.~~

~~(2) Two or more persons who are using a vessel to take shellfish may take shellfish for personal use without obtaining a license under this section in quantities up to:~~

~~a. Two bushels of oysters per day.~~

~~b. One bushel of scallops per day.~~

~~c. Two hundred clams per day.~~

~~d. Twenty conchs per day.~~

~~e. Two hundred mussels per day.~~"

SECTION 3. G.S. 113-201 reads as rewritten:

"**§ 113-201. Legislative findings and declaration of policy; authority of Marine Fisheries Commission.**

(a) The General Assembly finds that shellfish cultivation provides increased seafood production and long-term economic and employment opportunities. The General Assembly also finds that shellfish cultivation provides increased ecological benefits to the estuarine environment by promoting natural water filtration and increased fishery habitats. The General Assembly declares that it is the policy of the State to encourage the development of private, commercial shellfish cultivation in ways that are compatible with other public uses of marine and estuarine resources such as navigation, fishing, and recreation.

(b) The Marine Fisheries Commission is empowered to make rules and take all steps necessary to develop and improve the cultivation, harvesting, and marketing of shellfish in North Carolina both from public grounds and private beds. In order to assure the public that some waters will remain open and free from shellfish cultivation activities, the Marine

Fisheries Commission may limit the number of acres in any area that may be granted as shellfish cultivation leases.

(c) The Marine Fisheries Commission shall adopt rules to establish training requirements for persons applying for new shellfish cultivation ~~leases.~~leases and for persons acquiring shellfish cultivation leases by lawful transfer. These training requirements shall be designed to encourage the productive use of shellfish cultivation leases. Training requirements established pursuant to this subsection shall not apply ~~to an~~to either:

(1) An applicant who applies for a new shellfish cultivation lease if, at the time of the application, the applicant holds one or more shellfish cultivation leases and all of the leases meet the shellfish production requirements established by the Marine Fisheries Commission.

(2) A person who receives a shellfish cultivation lease by lawful transfer if, at the time of the transfer, the person holds one or more shellfish cultivation leases and all of the leases meet the shellfish production requirements established by the Marine Fisheries Commission."

SECTION 4. Subsection (c) of G.S. 113-202 reads as rewritten:

"(c) No person, including a corporate entity, or single family unit may acquire and hold by lease, lease renewal, or purchase more than 50 acres of public bottoms under shellfish cultivation leases. For purposes of this subsection, the number of acres of leases held by a person includes acres held by a corporation in which the person holds an interest. The Marine Fisheries Commission may adopt rules to require the submission of information necessary to ensure compliance with this subsection."

SECTION 5. Subsection (j) of G.S. 113-202 reads as rewritten:

"(j) Initial leases begin upon the issuance of the lease by the Secretary and expire at noon on the first day of July following the ~~tenth~~ fifth anniversary of the granting of the lease. Renewal leases are issued for a period of ~~10~~ five years from the time of expiration of the previous lease. At the time of making application for renewal of a lease, the applicant must pay a filing fee of one hundred dollars ($100.00). The rental for initial leases is one dollar ($1.00) per acre for all leases entered into before July 1, 1965, and for all other leases until noon on the first day of July following the first anniversary of the lease. Thereafter, for initial leases entered into after July 1, 1965, and from the beginning for renewals of leases entered into after that date, the rental is ten dollars ($10.00) per acre per year. Rental must be paid annually in advance prior to the first day of April each year. Upon initial granting of a lease, the pro rata amount for the portion of the year left until the first day of July must be paid in advance at the rate of one dollar ($1.00) per acre per year; then, on or before the first day of April next, the lessee must pay the rental for the next full year."

SECTION 6. G.S. 113-203 reads as rewritten:

"**§ 113-203. Transplanting of oysters and clams.**

(a) It is unlawful to transplant oysters taken from public grounds to private beds except:

(1) When lawfully taken during open season and transported directly to a private bed in accordance with rules of the Marine Fisheries ~~Commission;~~Commission.

~~(2) When the transplanting is done by a dealer in accordance with the provisions of G.S. 113-169.1(2) and implementing rules; or~~

(3) When the transplanting is done in accordance with the provisions of this section and implementing rules.

(a1) It is lawful to transplant seed clams less than 12 millimeters in their largest dimension and seed oysters less than 25 millimeters in their largest dimension and when the seed clams and seed oysters originate from an aquaculture operation permitted by the Secretary.

(b) It is lawful to transplant to private beds oysters or clams taken from polluted waters with a permit from the Secretary setting out the waters from which the oysters or clams may be

taken, the quantities which may be taken, the times during which the taking is permissible, and other reasonable restrictions imposed by the Secretary ~~to aid him in his duty of regulating such transplanting operations.~~for the regulation of transplanting operations. Any transplanting operation which does not substantially comply with the restrictions of the permit issued is unlawful.

~~(c) It is lawful to transplant to private beds oysters taken from public beds managed by the State for the production of seed oysters in accordance with the implementing rules of the Marine Fisheries Commission. Persons taking such seed oysters may, in the discretion of the Marine Fisheries Commission, be required to pay to the Department for oysters taken an amount to reimburse the Department in full or in part for the costs of seed oyster management operations.~~

(d) It is lawful to transplant to private beds in North Carolina oysters taken from natural or managed public beds designated by the Marine Fisheries Commission as ~~natural~~ seed oyster management areas. ~~Such areas shall be designated as natural seed oyster areas in the following manner:~~

~~(1) A petition shall be filed with the Secretary by the board of county commissioners of the county in which such area is located requesting the designation of and describing the area proposed as a natural seed oyster area. Upon the receipt of the petition, the Secretary shall, within six weeks of the receipt by him of such petition, cause an investigation of the area proposed to be designated as a natural seed oyster area. Such investigation shall be made by qualified biologists of the Department. The Secretary shall then make a recommendation to the Marine Fisheries Commission as to whether the area described in the petition should be designated as a natural seed oyster area and such area shall be so designated by the Marine Fisheries Commission only after the Secretary so recommends as being in the best interests of the State.~~

~~(2)~~ The Secretary shall issue permits to all qualified individuals who are residents of North Carolina without regard to county of residence to transplant seed oysters from said designated ~~natural~~ seed oyster management areas, setting out the quantity which may be taken, the times which the taking is permissible and other reasonable restrictions imposed to aid ~~him~~ the Secretary in ~~his~~ the Secretary's duty of regulating such transplanting operations. Persons taking such seed oysters may, in the discretion of the Marine Fisheries Commission, be required to pay to the Department for oysters taken an amount to reimburse the Department in full or in part for the costs of seed oyster management operations. Any transplanting operation which does not substantially comply with the restrictions of the permit issued is unlawful.

(e) The Marine Fisheries Commission may implement the provisions of this section by rules governing sale, possession, transportation, storage, handling, planting, and harvesting of oysters and clams and setting out any system of marking oysters and clams or of permits or receipts relating to them generally, from both public and private beds, as necessary to regulate the lawful transplanting of seed oysters and oysters or clams taken from or placed on public or private beds."

SECTION 7. G.S. 113-207 reads as rewritten:

"**§ 113-207. Taking shellfish from certain areas forbidden; penalty.**

~~(a) To the extent that funds are available, the Department shall post oyster rocks or appropriate landing sites to forbid the taking of clams upon such rocks by use of rakes or tongs or any other device which will disturb or damage the oysters thereon. As used in this section, "oyster rocks" mean those rocks in the coastal fishing waters upon which oysters grow.~~

~~(b) It is unlawful for any person to take clams on oyster rocks posted by the Department by use of rakes, tongs, or any other device which will disturb or damage the oysters growing thereon. This section will not apply to the taking of clams by signing.~~

(c) It is unlawful for any person to take shellfish within 150 feet of any part of a ~~publically~~ publicly owned pier beneath which the Division of Marine Fisheries has deposited clutch material.

(d) A person who violates this section is guilty of a Class 3 misdemeanor."

SECTION 8. This act is effective when it becomes law.

SENATE BILL 107:
Implement Shellfish FMP Recommendations

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	May 5, 2009
Introduced by:	Senator Albertson	**Prepared by:**	Jeff Hudson Committee Counsel
Analysis of:	PCS to First Edition S107-CSSBf-22 [v.1]		

SUMMARY: ***The Proposed Committee Substitute for Senate Bill 107 would enact the recommendations of the Oyster and Hard Clam Fishery Management Plan.***

[As introduced, this bill was identical to H106, as introduced by Rep. Wainwright, which is currently in House Judiciary III.]

BACKGROUND: Senate Bill 107 is a recommendation of the Marine Fisheries Commission and the Joint Legislative Commission on Seafood and Aquaculture.

BILL ANALYSIS: The Proposed Committee Substitute (PSC) for Senate Bill 107 would enact the recommendations of the Oyster and Hard Clam Fishery Management Plan, as follows:

Section 1 would authorize the sale of oysters or clams from a hatchery or aquaculture operation to certain persons or facilities for the purpose of further grow out of the shellfish.

Section 2 would remove the personal use exemption for taking shellfish from the statue requiring a shellfish license for taking shellfish.

Section 3 would authorize the Marine Fisheries Commission to limit the number of acres of shellfish leases that may be held in any particular area. It would also provide that shellfish cultivation lease training requirements also apply to persons who acquire leases by transfer.

Section 4 would clarify that the limitation on the number of acres of shellfish leases that may be held by a person includes acres held by a corporation in which the person holds an interest.

Section 5 would reduce the term of a shellfish bottom lease from ten years to 5 years.

Section 6 would update the process for managing public shellfish beds. It would remove the requirement that designation of a seed oyster management area begin with a petition from a board of county commissioners.

Section 7 would repeal the statutory requirement that the Department of Environment and Natural Resources post signs on oyster rocks that prohibit the taking of shellfish from the rocks by methods that would disturb or damage the shellfish.

EFFECTIVE DATE: This act is effective when it becomes law.

SENATE BILL 836*

Short Title:	Env./Nat. Res. Reports Consolidation 2009.	(Public)
Sponsors:	Senator Albertson.	
Referred to:	Agriculture/Environment/Natural Resources.	

March 25, 2009

A BILL TO BE ENTITLED

AN ACT TO AMEND OR REPEAL VARIOUS ENVIRONMENTAL AND NATURAL RESOURCES REPORTING REQUIREMENTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 106-744(i) reads as rewritten:

"(i) The Advisory Committee shall report no later than ~~May 1~~ October 1 of each year to the Joint Legislative Commission on Governmental Operations, the Environmental Review Commission, and the House of Representatives and Senate Appropriations Subcommittees on Natural and Economic Resources regarding the activities of the Advisory Committee, the agriculture easements purchased, and agricultural projects funded during the previous year."

SECTION 2. G.S. 113-44.15(c) reads as rewritten:

"(c) Reports. – The North Carolina Parks and Recreation Authority shall report no later than October 1 of each year to the Joint Legislative Commission on Governmental Operations, the House and Senate Appropriations Subcommittees on Natural and Economic Resources, the Fiscal Research Division, and the Environmental Review Commission on allocations from the Trust Fund from the prior fiscal year. ~~The Authority also shall provide a progress report no later than March 15 of each year to the same recipients on the activities of and the expenditures from the Trust Fund for the current fiscal year.~~"

SECTION 3. G.S. 113-77.9(e) reads as rewritten:

"(e) Reports. – The Secretary shall maintain and annually revise ~~twice each year~~ a list of acquisitions made pursuant to this Article. The list shall include the acreage of each tract, the county in which the tract is located, the amount paid from the Fund to acquire the tract, and the State department or division responsible for managing the tract. The Secretary shall furnish a copy of the list to each Trustee, the Joint Legislative Commission on Governmental Operations, the House and Senate Appropriations Subcommittees on Natural and Economic Resources, the Fiscal Research Division, and the Environmental Review Commission ~~within 30 days after each revision.~~ no later than October 1 of each year."

SECTION 4. G.S. 143-58.2(f) is repealed.

SECTION 5. This act becomes effective January 1, 2010.

SENATE BILL 836:
Env./Nat. Res. Reports Consolidation 2009

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	May 7, 2009
Introduced by:	Sen. Albertson	**Prepared by:**	Mariah Matheson Research Assistant
Analysis of:	First Edition		

SUMMARY: ***Senate Bill 836 would amend or repeal various environmental and natural resources reporting requirements.***

[As introduced, this bill was identical to H713, as introduced by Reps. Allen, Gibson, which is currently in House Environment and Natural Resources.]

BILL ANALYSIS: Senate Bill 836 would amend the following reporting requirements:

Section 1 would change the annual reporting date for the Agricultural Development and Farmland Preservation Trust Fund Advisory Committee from May 1 to October 1.

Section 2 would delete the requirement that the Parks and Recreation Authority provide a progress report by March 15 of each year.[1]

Section 3 would modify the frequency by which the Secretary of the Department of Environment and Natural Resources (DENR) is required to maintain and revise a list of acquisitions of land with funds from the Natural Heritage Trust Fund from bi-annual to annual. Section 3 would also change the reporting date from "within 30 days after each revision" to "no later than October 1 of each year."

Section 4 would repeal the reporting requirement for each State department, institution, agency, community college, and local school administrative unit authorized to purchase materials and supplies, to report to the Division of Pollution Prevention and Environmental Assistance within DENR, the amounts and types of materials and supplies with recycled content that were purchased during the previous fiscal year and its progress toward reaching the goals under G.S. 143-58.3.[2]

EFFECTIVE DATE: This act becomes effective January 1, 2010.

S836-SMTF-7(e1) v1

[1] The Parks and Recreation Authority would still be required to submit an annual report on October 1.
[2] G.S. 143-58.3, declares the State's goal to purchase recycled paper and paper products

SENATE BILL 838*

Short Title:	Environmental Technical Corrections 2009.	(Public)
Sponsors:	Senator Albertson.	
Referred to:	Agriculture/Environment/Natural Resources.	

March 25, 2009

A BILL TO BE ENTITLED

AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 120-70.61(c) reads as rewritten:

"**§ 120-70.61. Membership; cochairs; vacancies; quorum.**

(c) Except as otherwise provided in this section, a legislative member of the Commission shall continue to serve for so long as the member remains a member of the General Assembly and no successor has been appointed. A member of the General Assembly who does not seek reelection or is not reelected to the General Assembly may complete a term of service on the Commission until the day on which a new General Assembly convenes. A legislative member of the Commission who resigns or is removed from service in the General Assembly shall be deemed to have resigned or been removed from office on the Commission. Any vacancy that occurs on the Commission shall be filled in the same manner as the original appointment."

SECTION 2. G.S. 146-64 reads as rewritten:

"**§ 146-64. Definitions.**

As used in this Chapter:

...

(8) "Swamplands" means lands too wet for cultivation except by drainage, and includes

a. All State lands which have been or are known as "swamp" or "marsh" lands, "pocosin bay," "briary bay" or "savanna," and which are a part of one swamp exceeding 2,000 acres in area, or which are a part of one swamp 2,000 acres or less in area which has been surveyed by the State; and

b. All State lands which are covered by the waters of any state-owned lake or pond.

(9) "Vacant and unappropriated lands" means all State lands title to which is vested in the State as sovereign, and land acquired by the State by virtue of being sold for taxes, except ~~swamplands as hereinafter defined.~~swamplands.

...."

SECTION 3. This act is effective when it becomes law.

SENATE BILL 838:
Environmental Technical Corrections 2009

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	May 7, 2009
Introduced by:	Sen. Albertson	**Prepared by:**	Mariah Matheson
Analysis of:	First Edition		Research Assistant

SUMMARY: ***Senate Bill 838 would make clarifying, conforming, and technical amendments to various laws related to the environment.***

[As introduced, this bill was identical to H709, as introduced by Reps. Allen, Gibson, which is currently in House Environment and Natural Resources.]

BILL ANALYSIS: Senate Bill 838 would make the following technical amendments:

Section 1 would amend G.S. 120-70.61(c) to add the word "legislative" before the word "member" in order to differentiate between a legislative member of the Joint Legislative Commission on Seafood and Aquaculture and a public member appointed by the Governor or the Commissioner of Agriculture.

Section 2 would amend G.S. 146-64 to clarify that the definition of vacant and unappropriated lands excludes swamplands as defined in that section.

EFFECTIVE DATE: This act is effective when it becomes law.

S838-SMTF-8(e1) v5

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — May 7, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Paul Sherman	NCFB
Paula Page	NCFB
DAVID BARNES	Poyner Spruill
Cody Thomas	NC Assn of REALTORS
Terry Haskett	NCPC

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — May 7, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Marilyn Haskell	NCDHHS
Colen H. Sellins	DENR/DWQ
Mike Marshall	NC Marine Fisheries
Amanda Arrington	HSUS
Betsy Bailey	PENC

Principal Clerk ____
Reading Clerk ____

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

Corrected Notice: SB 865 Removed and SB 866 and SB 699 Added To Agenda

The Senate Committee on **Agriculture/Environment/Natural Resources** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	May 12, 2009	11:00 AM	544 LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 699	Cement Plant Moratorium and Study.	Senator Boseman
SB 866	APA Rules: Increasing Costs Prohibition.	Senator Hoyle
SB 1020	Upper Neuse River Basin Clean Water Credits.	Senator Stein
SB 1067	Sustainable Local Food Policy Council/Goal.	Senator Albertson

Senator Bob Atwater, Chair

Senate Agriculture/Environment/Natural Resources Committee
Tuesday, May 12, 2009, 11:00 AM
544 LOB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

SB 699	Cement Plant Moratorium and Study.	Senator Boseman
SB 866	APA Rules: Increasing Costs Prohibition.	Senator Hoyle
SB 1020	Improve Upper Neuse Basin Water Quality.	Senator Stein
SB 1067	Sustainable Local Food Policy Council/Goal.	Senator Albertson

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE REPORT
Senator Bob Atwater, Chair

Tuesday, May 12, 2009

Senator ATWATER,
submits the following with recommendations as to passage:

FAVORABLE

S.B. **866** APA Rules: Increasing Costs Prohibition.
Sequential Referral: None
Recommended Referral: None

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

S.B. **1020** Upper Neuse River Basin Clean Water Credits.
Draft Number: 35325
Sequential Referral: None
Recommended Referral: None
Long Title Amended: Yes

S.B. **1067** Sustainable Local Food Policy Council/Goal.
Draft Number: 85215
Sequential Referral: None
Recommended Referral: None
Long Title Amended: Yes

TOTAL REPORTED: 3

Committee Clerk Comments:

SENATE AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE
Tuesday May 12, 2009 at 11:00 AM
Room 544, Legislative Office Building

MINUTES

The Senate Agriculture/Environment/Natural Resources Committee met at 11:00 AM on May 12, 2009, in Room 544 of the Legislative Office Building. 14 members of the committee were present. Senator Bob Atwater presided.

After Senator Atwater welcomed everyone and introduced the pages, the following bills were discussed:

- **SB 1067, Sustainable Local Food Policy Council/Goal.**

Senator Weinstein moved to adopt a PCS for purposes of discussion. Motion carried. Senator Albertson then explained his bill. After his explanation, **Senator Queen said that this was a good bill and moved for an unfavorable report as to the original bill and a favorable report for the PCS. Motion carried.**

- **SB 866, APA Rules: Increasing Costs Prohibition.**

Senator Hoyle explained his bill. Senator Queen asked if there was a sunset on the bill and Senator Hoyle answered no. Molly Diggins with the Sierra Club spoke in opposition to the bill and stated that it would present a problem for local governments. **Senator Weinstein moved for a favorable report. Motion carried.**

The Committee was in recess for 15 minutes.

- **SB 1020, Upper Neuse River Basin Clean Water Credits.**

Senator Weinstein moved to adopt a PCS for purposes of discussion. Motion carried. Senator Stein then explained his bill. At the conclusion of Senator Stein's explanation, **Senator Swindell moved for an unfavorable report as to original bill and a favorable report for the PCS. Motion carried.**

- **SB 699, Cement Plant Moratorium and Study**

This bill was pulled off the agenda by the bill sponsor.

The meeting was adjourned at 11:30 AM.

Bob Atwater
Senator Bob Atwater, Presiding

Evelyn Hartsell
Evelyn Hartsell, Committee Clerk

SENATE BILL 1067

Short Title:	Sustainable Local Food Policy Council/Goal.	(Public)
Sponsors:	Senators Albertson; Atwater, Davis, Goss, Hartsell, Jenkins, Kinnaird, Purcell, and Weinstein.	
Referred to:	Agriculture/Environment/Natural Resources.	

March 31, 2009

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH AS A STATEWIDE GOAL THAT TEN PERCENT OF THE FOOD PRODUCTS THAT ARE CONSUMED IN NORTH CAROLINA BE SUSTAINABLY AND LOCALLY PRODUCED IN NORTH CAROLINA BY THE YEAR 2020 AND TO ESTABLISH THE NORTH CAROLINA SUSTAINABLE LOCAL FOOD POLICY COUNCIL TO ADDRESS POLICY AND PROGRAMMATIC CONSIDERATIONS REGARDING THE DEVELOPMENT OF A SUSTAINABLE LOCAL FOOD ECONOMY IN NORTH CAROLINA.

The General Assembly of North Carolina enacts:

SECTION 1. Article 10 of Chapter 143B of the General Statutes is amended by adding a new Part to read:

"Part 21. NC Sustainable Local Food Goal; Joint Legislative Sustainable Local Food Policy Council.

"**§ 143B-472.115. Findings.**

The General Assembly finds that the time is right for the State to build its sustainable local food economy. Building a sustainable local food economy will create jobs, stimulate statewide economic development, and circulate money from local food sales within local communities. Other important benefits of a sustainable local food economy in North Carolina include preserving open space, decreasing the use of fossil fuel and thus reducing carbon emissions, preserving and protecting the natural environment, increasing consumer access to fresh and nutritious foods, and providing greater food security for all North Carolinians.

"**§ 143B-472.116. Sustainable local food goal.**

It is the goal of this State to sustainably and locally produce by the year 2020 ten percent (10%) of food products consumed in North Carolina.

"**§ 143B-472.117. The North Carolina Sustainable Local Food Policy Council; creation; membership; terms.**

(a) Council Established; Membership. – The North Carolina Sustainable Local Food Policy Council is hereby created. The Council shall be an independent agency located within the Department of Commerce for organizational, budgetary, and administrative purposes. The Council shall consist of 20 members as follows:

(1) One member who is a sustainable local food producer, to be appointed by the President Pro Tempore of the Senate.

(2) One member who is a sustainable local food producer, to be appointed by the Speaker of the House of Representatives.

(3) The Commissioner of Agriculture or the Commissioner's designee.

(4) The Secretary of Health and Human Services or the Secretary's designee.

(5) The Director of the Division of Water Quality of the Department of Environment and Natural Resources or the Director's designee.
(6) The Secretary of Commerce or the Secretary's designee.
(7) The Superintendent of the Department of Public Instruction or the Superintendent's designee.
(8) The Commissioner of Insurance or the Commissioner's designee.
(9) The Director of the Center for Environmental Farming Systems, a partnership among: North Carolina State University at Raleigh, North Carolina Agricultural and Technical State University, and the Department of Agriculture and Consumer Services; or the Director's designee.
(10) The Director of the Center for Health Promotion and Disease Prevention at the University of North Carolina at Chapel Hill or the Director's designee.
(11) The Executive Director of Food Bank of North Carolina, Inc., or the Executive Director's designee.
(12) The Executive Director of Carolina Farm Stewardship Association or the Executive Director's designee.
(13) The Executive Director of Appalachian Sustainable Agriculture Project or the Executive Director's designee.
(14) The Executive Director of North Carolina Farm Transition Network, Inc., or the Executive Director's designee.
(15) The President of the North Carolina Farm Bureau Federation, Inc., or the President's designee.
(16) The Executive Director of the North Carolina Association of County Commissioners or the Executive Director's designee.
(17) The President of the Rural Economic Development Center, Inc., or the President's designee.
(18) The Director of the North Carolina Cooperative Extension Service, jointly administered by North Carolina State University and North Carolina Agricultural and Technical State University, or the Director's designee.
(19) One representative of the retail food business, to be appointed by the Speaker of the House of Representatives.
(20) One representative of the food services business, to be appointed by the President Pro Tempore of the Senate.

(b) Terms. – Appointments to the Council shall be for a term of three years. Terms shall be staggered so that three terms shall expire on 30 June of each year, except that members of the Council shall serve until their successors are appointed and duly qualified as provided by G.S. 128-7.

(c) Chair. – The Council shall have one Chair. The Council shall by a majority of the members select the Chair every other year from among those members of the Council.

(f) Vacancies. – Any vacancy on the Council resulting from the resignation of a member or otherwise shall be filled in the same manner in which the original appointment was made, and the term shall be for the balance of the unexpired term of the member who created the vacancy.

(g) Compensation. – The Council members shall receive no salary as a result of serving on the Council but shall receive per diem, subsistence, and travel expenses in accordance with G.S. 120-3.1, 138-5, or 138-6, as applicable.

(h) Removal. – Members may be removed in accordance with G.S. 143B-13 as if that section applied to this Part.

(i) Meetings. – The Chair shall call the meetings and shall notify the members of each meeting being called at least seven days before the date on which the meeting is to occur. Meetings shall be held as often as the Chair deems necessary, but not less than four times each

calendar year. The Chair shall arrange for the location and staffing of the meetings, the costs of which shall be borne by the Council from funds made available to the Council to conduct business.

(j) Quorum. – A quorum of the Council shall consist of 11 members of the Council for the transaction of business.

(k) Meeting Space. – The Department of Commerce shall provide without compensation meeting space in Raleigh for use by the Council.

"**§ 143B-472.118. The North Carolina Sustainable Local Food Policy Council; purpose; duties.**

(a) Purpose. – It is the purpose of the Council to contribute to building a local food economy, thereby benefiting North Carolina by creating jobs, stimulating statewide economic development, circulating money from local food sales within local communities, preserving open space, decreasing the use of fossil fuel and thus reducing carbon emissions, preserving and protecting the natural environment, increasing consumer access to fresh and nutritious foods, and providing greater food security for all North Carolinians. It is also the purpose of the Council to consider and develop policies regarding the following subjects as they relate to North Carolinians:

(1) Health and wellness.

(2) Hunger and food access.

(3) Economic development.

(4) Farmlands, surface waters, and the ocean and coastal waters that are capable of producing food in a manner that is sustainable.

(b) Food Policy Issues. – In developing sustainable local food policies for North Carolina, the Council shall consider any of the following policy issues:

(1) An in-depth look at the foods that are served to public school students under the National School Lunch Program and the School Breakfast Program, comparing those foods by nutritional content and cost to sustainably and locally produced food, reviewing the research regarding the effect upon student performance and student health, both current health and long-term health, and considering the fiscal implications of improved student health.

(2) An in-depth look at the possibility of making sustainable local food available under public assistance programs, including the possibility of being able to use food stamps at local farmers markets.

(3) An in-depth look at the possibility of promoting urban gardens and backyard gardens for the purpose of improving the health of citizens, making use of idle urban property, and lowering food costs for North Carolina urban dwellers during times of economic hardship.

(4) An in-depth look at the potential impacts that the production of sustainable local food would have on economic development in North Carolina, both the direct impacts for the producers of sustainable local food and the actual and potential indirect impacts, such as encouraging restaurants that feature locally raised agricultural products and promoting food and wine tourism.

(5) Issues regarding how a sustainable local food would affect health and wellness, hunger and food access in North Carolina, economic development, and farmlands and waters that are needed to be capable of sustainably producing food.

(6) Issues regarding how local and regional efforts could promote a sustainable local food economy by providing an information and engagement center that would assist entrepreneurs and farmers in working around any current barriers and in pursuing opportunities related to a sustainable local food economy.

(7) Issues regarding the identification and development of solutions to regulatory and policy barriers to developing a strong local food economy.
(8) Issues regarding strengthening local infrastructure and entrepreneurial efforts related to a sustainable local food economy.
(9) Any other policy issues the Council considers pertinent.

(c) Additional Duties. – The Council shall also have all of the following additional duties:

(1) As an early matter for the Council to decide with respect to the goal under G.S. 143B-472.116, establish a baseline year for food products consumed in North Carolina and establish benchmarks for success as North Carolina works to achieve this goal.
(2) Promote local and regional efforts by providing an information and engagement hub that assists entrepreneurs and farmers in working around barriers and pursuing opportunities.
(3) Identify and develop solutions to regulatory and policy barriers in developing a strong local food economy.
(4) Strengthen local infrastructure and entrepreneurial efforts.
(5) Assign committees, as the Council deems needed, to fulfill specific tasks to carry out the work of the Council under this Part.
(6) Engage in any other activity the Council determines is necessary to accomplish its purposes and the State goal under G.S. 143B-472.116.

"**§ 143B-472.119. The North Carolina Sustainable Local Food Policy Council; report requirement.**

No later than October 1 of each year, the Council shall report its findings and recommendations, including any legislative proposals or proposals for administrative action, to the General Assembly and to the Governor. This report shall include the State's progress in achieving the goal under G.S. 143B-472.116."

SECTION 2. The first report due under G.S. 143B-470.119, as enacted by Section 1 of this act, is due no later than October 1, 2010.

SECTION 3. The initial terms of the members of the North Carolina Sustainable Local Food Policy Council created by G.S. 143B-472.117, as enacted by Section 1 of this act, shall commence no later than October 1, 2009. In order to provide for a system of staggered three-year terms for the members of the North Carolina Sustainable Local Food Policy Council, the following provisions shall apply:

(1) The term of the members initially appointed to serve in the position established by G.S. 143B-472.117(a)(1) through G.S. 143B-472.117(a)(7) shall be three years and shall expire on July 1, 2012.
(2) The term of the members initially appointed to serve in the position established by G.S. 143B-472.117(a)(4) through G.S. 143B-472.117(a)(14) shall be four years and shall expire on July 1, 2013.
(3) The term of the members initially appointed to serve in the position established by G.S. 143B-472.117(a)(15) through G.S. 143B-472.117(a)(20) shall be five years and shall expire on July 1, 2014.

SECTION 4. Of the funds available to the Department of Commerce, the sum of one hundred thousand dollars ($100,000) for the 2009-2010 fiscal year and the sum of one hundred thousand dollars ($100,000) for the 2010-2011 fiscal year shall be made available to the North Carolina Sustainable Local Food Policy Council created by G.S. 143B-472.117, as enacted by Section 1 of this act, for the costs of its work and for any costs associated with implementing this act.

SECTION 5. This act becomes effective July 1, 2009.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S D

SENATE BILL 1067
PROPOSED COMMITTEE SUBSTITUTE S1067-PCS85215-LD-16

Short Title: Sustainable Local Food Policy Council/Goal. (Public)

Sponsors:

Referred to:

March 31, 2009

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE NORTH CAROLINA SUSTAINABLE LOCAL FOOD POLICY COUNCIL TO ADDRESS POLICY CONSIDERATIONS REGARDING THE DEVELOPMENT OF A SUSTAINABLE LOCAL FOOD ECONOMY IN NORTH CAROLINA.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 106 of the General Statutes is amended by adding a new Article to read:

"Article 70.

"North Carolina Sustainable Local Food Policy Council.

"**§ 106-830. Purpose; definitions.**

(a) Purpose. – It is the purpose of the North Carolina Sustainable Local Food Policy Council to contribute to building a local food economy, thereby benefiting North Carolina by creating jobs, stimulating statewide economic development, circulating money from local food sales within local communities, preserving open space, decreasing the use of fossil fuel and thus reducing carbon emissions, preserving and protecting the natural environment, increasing consumer access to fresh and nutritious foods, and providing greater food security for all North Carolinians. It is the intent of the General Assembly that the local food economy serve to supplement, not supplant, current North Carolina agriculture. It is also the purpose of the Council to consider and develop policies regarding the following subjects as they relate to North Carolinians:

(1) Health and wellness.
(2) Hunger and food access.
(3) Economic development.
(4) Preservation of farmlands and water resources.

(b) Definitions. – As used in this Article, the following definitions apply:

(1) Sustainable food. – An integrated system of plant and animal production practices that have a site-specific application and that over the long term are able to do all of the following:

a. Satisfy human food and fiber needs.
b. Enhance environmental quality and the natural resource base upon which the agriculture economy depends.
c. Sustain the economic viability of farm operations.

d. Enhance the quality of life for farmers and the society as a whole.

(2) Local food. – Food grown within the borders of North Carolina.

"**§ 106-831. The North Carolina Sustainable Local Food Policy Council; creation; membership; terms.**

(a) Council Established; Membership. – The North Carolina Sustainable Local Food Policy Council is hereby created within the Department of Agriculture and Consumer Services. The Council shall consist of 24 members as follows:

(1) Three local food producers, at least two of whom shall be sustainable local food producers, to be appointed by the Commissioner of Agriculture.

(2) One representative of the Department of Agriculture and Consumer Services, to be appointed by the Commissioner of Agriculture.

(3) The State Health Director or the State Health Director's designee.

(4) One representative of the Center for Health Promotion and Disease Prevention at the University of North Carolina at Chapel Hill, to be appointed by the Speaker of the House of Representatives.

(5) One representative of the Department of Environment and Natural Resources, Division of Soil and Water Conservation, to be appointed by the Speaker of the House of Representatives.

(6) One representative of the Department of Insurance, to be appointed by the President Pro Tempore of the Senate.

(7) One representative of a food bank located in North Carolina, to be appointed by the President Pro Tempore of the Senate.

(8) One representative of a business specializing in retail, service, or direct food, to be appointed by the Commissioner of Agriculture.

(9) One representative of the Carolina Farm Stewardship Association, to be appointed by the Speaker of the House of Representatives.

(10) One representative of the North Carolina Farm Bureau Federation, Inc., to be appointed by the Speaker of the House of Representatives.

(11) One representative of the Appalachian Sustainable Agriculture Project, to be appointed by the President Pro Tempore of the Senate.

(12) One representative of the North Carolina Farm Transition Network, Inc., to be appointed by the Speaker of the House of Representatives.

(13) One representative of the Sea Grant College Program at The University of North Carolina, to be appointed by the President Pro Tempore of the Senate.

(14) One representative of the North Carolina Association of Black Lawyers' Land Loss Prevention Project, Inc., to be appointed by the Speaker of the House of Representatives.

(15) One representative of the Department of Public Instruction, Child Nutrition Services Section, to be appointed by the President Pro Tempore of the Senate.

(16) One representative of the North Carolina Association of County Commissioners, to be appointed by the Speaker of the House of Representatives.

(17) One representative of the North Carolina Rural Economic Development Center, Inc., to be appointed by the President Pro Tempore of the Senate.

(18) One representative of the Department of Commerce, to be appointed by the Secretary of Commerce.

(19) One representative of the North Carolina Cooperative Extension Service, jointly administered by North Carolina State University and North Carolina Agricultural and Technical State University, to be appointed by the Commissioner of Agriculture.

(20) One representative of the Center for Environmental Farming Systems, a partnership among North Carolina State University, North Carolina Agricultural and Technical State University, and the Department of Agriculture and Consumer Services, to be appointed by the Speaker of the House of Representatives.

(21) One representative of the commercial fishing industry, to be appointed by the President Pro Tempore of the Senate.

(22) One representative of the Center for Community Action, Inc., to be appointed by the President Pro Tempore of the Senate.

(b) Terms. – Appointments to the Council shall be for a term of three years. Terms shall be staggered so that eight terms shall expire on June 30 of each year, except that members of the Council shall serve until their successors are appointed and duly qualified as provided by G.S. 128-7.

(c) Chair. – The Council shall have one chair. The Council shall, by a majority of the members, select the chair every other year from among those members of the Council.

(d) Vacancies. – Any vacancy on the Council resulting from the resignation of a member or otherwise shall be filled in the same manner in which the original appointment was made, and the term shall be for the balance of the unexpired term of the member who created the vacancy.

(e) Compensation. – The Council members shall receive no salary as a result of serving on the Council but shall receive per diem, subsistence, and travel expenses in accordance with G.S. 120-3.1, 138-5, or 138-6, as applicable.

(f) Removal. – Members may be removed in accordance with G.S. 143B-13 as if that section applied to this Article.

(g) Meetings. – The chair shall call the meetings and shall notify the members of each meeting being called at least seven days before the date on which the meeting is to occur. Meetings shall be held as often as the chair deems necessary but not less than four times each calendar year. The chair shall arrange for the location and staffing of the meetings, the costs of which shall be borne by the Council from funds made available to the Council to conduct business.

(h) Quorum. – A quorum of the Council shall consist of 13 members of the Council for the transaction of business.

(i) Meeting Space. – The Department of Agriculture and Consumer Services shall provide without compensation meeting space in Raleigh for use by the Council.

"**§ 106-832. The North Carolina Sustainable Local Food Policy Council; duties.**

In developing sustainable local food policies for North Carolina, the Council may consider any of the following policy issues:

(1) An in-depth assessment of the foods that are served to public school students under the National School Lunch Program and the School Breakfast Program, including the possibility of increasing the amount of sustainable local food used in these programs.

(2) An in-depth analysis of the possibility of making sustainable local food available under public assistance programs, including the possibility of being able to use food stamps at local farmers markets.

(3) An in-depth analysis of the possibility of promoting urban gardens and backyard gardens for the purpose of improving the health of citizens, making use of idle urban property, and lowering food costs for North Carolina urban dwellers during times of economic hardship.

(4) An in-depth analysis of the potential impacts that the production of sustainable local food would have on economic development in North Carolina, both the direct impacts for the producers of sustainable local food

and the actual and potential indirect impacts, such as encouraging restaurants that feature locally raised agricultural products and promoting food and wine tourism.

(5) Issues regarding how local and regional efforts could promote a sustainable local food economy by providing an information and engagement center that would assist entrepreneurs and farmers in working around any current barriers and in pursuing opportunities related to a sustainable local food economy.

(6) Issues regarding the identification and development of solutions to regulatory and policy barriers to developing a strong sustainable local food economy.

(7) Issues regarding strengthening local infrastructure and entrepreneurial efforts related to a sustainable local food economy.

(8) Any other policy issues the Council considers pertinent.

"**§ 106-833. The North Carolina Sustainable Local Food Policy Council; report requirement.**

No later than October 1 of each year, the Council shall report its findings and recommendations, including any legislative proposals or proposals for administrative action, to the General Assembly, the Governor, and the Commissioner of Agriculture."

SECTION 2. The first report due under G.S. 106-833, as enacted by Section 1 of this act, is due no later than October 1, 2010.

SECTION 3. The initial terms of the members of the North Carolina Sustainable Local Food Policy Council created by G.S. 106-831, as enacted by Section 1 of this act, shall commence no later than October 1, 2009. In order to provide for a system of staggered three-year terms for the members of the North Carolina Sustainable Local Food Policy Council, the following provisions shall apply:

(1) The terms of the members initially appointed to serve in the positions established by G.S. 106-831(a)(1) through G.S. 106-831(a)(6) shall be three years and shall expire on July 1, 2012.

(2) The terms of the members initially appointed to serve in the positions established by G.S. 106-831(a)(7) through G.S. 106-831(a)(14) shall be four years and shall expire on July 1, 2013.

(3) The terms of the members initially appointed to serve in the positions established by G.S. 106-831(a)(15) through G.S. 106-831(a)(22) shall be five years and shall expire on July 1, 2014.

SECTION 4. Of the funds available to the Department of Agriculture and Consumer Services, up to one hundred thousand dollars ($100,000) for the 2009-2010 fiscal year and up to one hundred thousand dollars ($100,000) for the 2010-2011 fiscal year shall be made available to the North Carolina Sustainable Local Food Policy Council created by G.S. 106-831, as enacted by Section 1 of this act, for the costs of its work and for any costs associated with implementing this act.

SECTION 5. This act becomes effective July 1, 2009.

SENATE BILL 1067:
Sustainable Local Food Policy Council/Goal

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	May 12, 2009
Introduced by:	Sen. Albertson	**Prepared by:**	Mariah Matheson Committee Assistant
Analysis of:	PCS S1067-PCS85215-LD-16		

SUMMARY: The Proposed Committee Substitute (PCS) to Senate Bill 1067 would establish the North Carolina Sustainable Local Food Policy Council, within the Department of Agriculture and Consumer Services, in order to address policy considerations regarding the development of a sustainable local food economy in the State.

BILL ANALYSIS: The PCS for Senate Bill 1067 would establish the North Carolina Sustainable Local Food Policy Council in order to contribute to building a local food economy, which would help create jobs, stimulate economic development, circulate money within local communities, and provide greater food security for North Carolinians.

- The Council would consist of 24 members:
  - Three local food producers, at least two of whom shall be sustainable local food producers, to be appointed by the Commissioner of Agriculture (Commissioner).
  - One representative of the Department of Agriculture and Consumer Services, to be appointed by the Commissioner.
  - The State Health Director or the Director's designee.
  - One representative of the Center for Health Promotion and Disease Prevention at the University of North Carolina at Chapel Hill, to be appointed by the Speaker of the House of Representatives (Speaker).
  - One representative of the Department of Environment and Natural Resources, Division of Soil and Water Conservation, to be appointed by the Speaker.
  - One representative of the Department of Insurance, to be appointed by the President Pro Tempore of the Senate (President Pro Tem).
  - One representative of a food bank located in North Carolina, to be appointed by the President Pro Tem.
  - One representative of a business specializing in retail, service, or direct food, to be appointed by the Commissioner.
  - One representative of the Carolina Farm Stewardship Association, to be appointed by the Speaker.
  - One representative of the North Carolina Farm Bureau Federation, Inc., to be appointed by the Speaker.
  - One representative of the Appalachian Sustainable Agriculture Project, to be appointed by the President Pro Tem.
  - One representative of the North Carolina Farm Transition Network, Inc., to be appointed by the Speaker.
  - One representative of the Sea Grant College Program at The University of North Carolina, to be appointed by the President Pro Tem.
  - One representative of the North Carolina Association of Black Lawyers' Land Loss Prevention Project, Inc., to be appointed by the Speaker.

- One representative of the Department of Public Instruction, Child Nutrition Services Section, to be appointed by the President Pro Tem.
- One representative of the North Carolina Association of County Commissioners, to be appointed by the Speaker.
- One representative of the North Carolina Rural Economic Development Center, Inc., to be appointed by the President Pro Tem.
- One representative of the Department of Commerce, to be appointed by the Secretary of Commerce.
- One representative of the North Carolina Cooperative Extension Service, jointly administered by North Carolina State University (NCSU) and North Carolina Agricultural and Technical State University (NCA&T), to be appointed by the Commissioner.
- One representative of the Center for Environmental Farming Systems, a partnership among NCSU, NCA&T, and the Department of Agriculture and Consumer Services, to be appointed by the Speaker.
- One representative of the commercial fishing industry, to be appointed by the President Pro Tem.
- One representative of the Center for Community Action, Inc., to be appointed by the President Pro Tem.

- The Council would have one chair. The Council would, by a majority of the members, select the chair every other year from among those members of the Council.
- Meetings could be held on the call of the Chair, but no less than 4 times per year.

The purpose of the Council would be to contribute to building a local food economy. It would also consider and develop policies regarding (1) health and wellness; (2) hunger and food access; (3) economic development; and (4) preservation of farmlands and water resources.

The duties of the Council would be to develop sustainable local food policies for the State. The Council could consider any of the following policy issues:

- An in depth assessment of the foods that are served to public school students under the National School Lunch Program and the School Breakfast Program, including the possibility of increasing the amount of sustainable local food used in these programs.
- An in depth analysis of the possibility of making sustainable local food available under public assistance programs, including the possibility of being able to use food stamps at local farmers markets.
- An in depth analysis of the possibility of promoting urban gardens and backyard gardens for the purpose of improving the health of citizens, making use of idle urban property, and lowering food costs for urban dwellers during times of economic hardship.
- An in depth analysis of the potential impacts that the production of sustainable local food would have on economic development in the State, both the direct impacts for the producers of sustainable local food and the actual and potential indirect impacts, such as encouraging restaurants that feature locally raised agricultural products and promoting food and wine tourism.
- Issues regarding how local and regional efforts could promote a sustainable local food economy by providing information and engagement center that would assist entrepreneurs and farmers in working around any current barriers and in pursuing opportunities related to a sustainable local food economy.
- Issues regarding the identification and development of solutions to regulatory and policy barriers to developing a strong sustainable local food economy.

- Issues regarding strengthening local infrastructure and entrepreneurial efforts related to a sustainable local food economy.

The Council would report its findings and recommendations to the General Assembly, the Governor, and the Commissioner no later than October 1 each year, the first report being due no later than October 1, 2010.

The Department of Agriculture and Consumer Services would provide from funds available up to $100,000 to the Council for fiscal year 2009-2010 and up to $100,000 for fiscal year 2010-2011 for the costs of the Council in implementing this act.

The PCS also includes a definitions subsection and establishes guidelines for vacancies, quorum, staffing, per diem, meeting space, and other provisions that conform to the provisions of similar appointed bodies.

EFFECTIVE DATE: The act becomes effective July 1, 2009.

Barbara Riley, Committee Counsel to the Senate Committee on Agriculture/Environment/Natural Resources, substantially contributed to this summary.

S1067-SMRF-50(e1) v7

SENATE BILL 866

Short Title:	APA Rules: Increasing Costs Prohibition.	(Public)
Sponsors:	Senators Hoyle; Apodaca, Boseman, Dannelly, East, Hartsell, Hunt, Jacumin, Jenkins, Swindell, and Tillman.	
Referred to:	Agriculture/Environment/Natural Resources.	

March 26, 2009

A BILL TO BE ENTITLED

AN ACT TO LIMIT NEW AGENCY REGULATORY REQUIREMENTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 150B-19 is amended by adding a new subdivision to read:

"An agency may not adopt a rule that does one or more of the following:

...

(7) Results in additional costs on persons subject to the rule unless adoption of the rule is required to respond to at least one of the following:

a. A serious and unforeseen threat to the public health, safety, or welfare.

b. An act of the General Assembly or United States Congress.

c. A change in federal or State budgetary policy.

d. A federal regulation.

e. A court order."

SECTION 2. This act is effective when it becomes law and applies to rules adopted by an agency on or after that date.

SENATE BILL 866:
APA Rules: Increasing Costs Prohibition

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	May 12, 2009
Introduced by:	Senator Hoyle	**Prepared by:**	Jeff Hudson
Analysis of:	First Edition		Committee Counsel

SUMMARY: ***Senate Bill 866 would prohibit an agency from adopting a rule if the rule results in additional costs to persons subject to the rule unless adoption of the rule is necessitated by certain circumstances.***

[As introduced, this bill was identical to H1230, as introduced by Rep. Gibson, which is currently in House State Government/State Personnel, if favorable, Environment and Natural Resources, if favorable, Judiciary I.]

CURRENT LAW:

Under current law, an agency may not adopt a rule that does one or more of the following:

- Implements or interprets a law unless that law or another law specifically authorizes the agency to do so.
- Enlarges the scope of a profession, occupation, or field of endeavor for which an occupational license is required.
- Imposes criminal liability or a civil penalty for an act or omission, including the violation of a rule, unless a law specifically authorizes the agency to do so or a law declares that violation of the rule is a criminal offense or is grounds for a civil penalty.
- Repeats the content of a law, a rule, or a federal regulation.
- Establishes a fee or other charge for providing a service unless a law specifically authorizes the agency to do so or the fee or other charge is for one of the following:
    - A service to a State, federal, or local governmental unit.
    - A copy of part or all of a State publication or other document, the cost of mailing a document, or both.
    - A transcript of a public hearing.
    - A conference, workshop, or course.
    - Data processing services.
- Allows the agency to waive or modify a requirement set in a rule unless a rule establishes specific guidelines the agency must follow in determining whether to waive or modify the requirement.

BILL ANALYSIS:

Senate Bill 866 would prohibit an agency from adopting a rule if the rule results in additional costs to persons subject to the rule unless the rule is required to respond to at least one of the following:

- A serious and unforeseen threat to the public health, safety, or welfare.
- An act of the General Assembly or United States Congress.
- A change in federal or State budgetary policy.
- A federal regulation.
- A court order.

EFFECTIVE DATE: This act is effective when it becomes law and applies to rules adopted on or after that date.

SENATE BILL 1020

Short Title:	Upper Neuse River Basin Clean Water Credits.	(Public)
Sponsors:	Senators Stein; Atwater, Berger of Franklin, Davis, Dorsett, Hunt, Kinnaird, McKissick, and Stevens.	
Referred to:	Agriculture/Environment/Natural Resources.	

March 26, 2009

A BILL TO BE ENTITLED

AN ACT TO PROTECT AND RESTORE WATER QUALITY AND QUANTITY IN THE UPPER NEUSE RIVER BASIN, FALLS LAKE, AND OTHER DRINKING WATER SUPPLY RESERVOIRS BY DIRECTING THE ENVIRONMENTAL MANAGEMENT COMMISSION TO PROVIDE CREDITS TO LOCAL GOVERNMENTS, LANDOWNERS, AND OTHERS WHO REDUCE WATER POLLUTION IN THE UPPER NEUSE RIVER BASIN AFTER JANUARY 1, 2009, AND BEFORE PERMANENT RULES ARE ADOPTED.

Whereas, that portion of the Neuse River Basin that is upstream of the Falls Dam and that includes Falls Lake is often referred to as the Upper Neuse River Basin; and

Whereas, the nine drinking water supply reservoirs in the Upper Neuse River Basin provide water for drinking, sanitation, food processing, cooling, industrial processing, and other essential uses for the citizens of Orange, Person, Durham, Granville, and Wake Counties; and

Whereas, the General Assembly enacted S.L. 1997-458, the Clean Water Responsibility and Environmentally Sound Policy Act to protect and restore the waters of the State in 1997; and

Whereas, the General Assembly enacted S.L. 2005-190, the Clean Lakes Act, to protect and restore the drinking water supply reservoirs of the State in 2005; and

Whereas, the North Carolina Division of Water Quality listed Falls Lake in the Upper Neuse River Basin as impaired waters in 2008 and the U.S. Environmental Protection Agency also classifies Falls Lake as impaired waters due to nutrients and turbidity; and

Whereas, the quality and quantity of the water in the nine drinking water supply reservoirs in the Upper Neuse River Basin are essential to public health, environmental quality, and the economic vitality of the region; and

Whereas, the Environmental Management Commission may not develop a nutrient management strategy and rules to implement the nutrient management strategy for the Upper Neuse River Basin by July 1, 2009, as required by law; and

Whereas, delayed development of a nutrient management strategy and rules to implement the nutrient management strategy threatens the quality and quantity of drinking water supply reservoirs in the Upper Neuse River Basin; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1.(a) Definition. – For purposes of this section, the term "Upper Neuse River Basin" is that portion of the Neuse River Basin upstream of the Falls Dam, including Falls Lake.

SECTION 1.(b) Credits for Early Adoption. – The Environmental Management Commission shall encourage local governments, landowners, and others to develop, adopt, and

implement policies and practices to reduce the runoff and discharge of nitrogen, phosphorus, sediment, and other pollutants into the surface waters and drinking water supply reservoirs in the Upper Neuse River Basin before it adopts permanent rules to implement the nutrient management strategy and the turbidity strategy for Upper Falls Lake. The Environmental Management Commission shall adopt temporary rules by January 1, 2010, to provide credits to local governments, landowners, and others who implement policies and practices after January 1, 2009, to reduce the runoff and discharge of nitrogen, phosphorus, and sediment in the Upper Neuse River Basin. The Environmental Management Commission shall provide credits for early adoption in its permanent rules to implement the nutrient management strategy for the Upper Neuse River Basin and the turbidity strategy for Falls Lake. Local governments that voluntarily adopt stormwater programs on or before January 1, 2010, at least as stringent as the stormwater rules for the Neuse Basin, shall have provided two additional years to implement any other nutrient or turbidity requirements included in the nutrient and turbidity management strategies adopted by the Environmental Management Commission.

SECTION 2. Reports. – The Environmental Management Commission shall report its progress in implementing this act to the Environmental Review Commission as part of each quarterly report it makes pursuant to G.S. 143B-282(b).

SECTION 3. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S D

SENATE BILL 1020
PROPOSED COMMITTEE SUBSTITUTE S1020-PCS35325-LH-8

Short Title: Upper Neuse River Basin Clean Water Credit. (Public)

Sponsors:

Referred to:

March 26, 2009

A BILL TO BE ENTITLED

AN ACT TO PROTECT AND RESTORE WATER QUALITY AND QUANTITY IN THE UPPER NEUSE RIVER BASIN, FALLS LAKE, AND OTHER DRINKING WATER SUPPLY RESERVOIRS BY DIRECTING THE ENVIRONMENTAL MANAGEMENT COMMISSION TO PROVIDE CREDIT TO LOCAL GOVERNMENTS, LANDOWNERS, AND OTHERS WHO REDUCE WATER POLLUTION IN THE UPPER NEUSE RIVER BASIN BEFORE PERMANENT RULES ARE ADOPTED.

Whereas, that portion of the Neuse River Basin that is upstream of the Falls Dam and that includes Falls Lake is often referred to as the Upper Neuse River Basin; and

Whereas, the nine drinking water supply reservoirs in the Upper Neuse River Basin provide water for drinking, sanitation, food processing, cooling, industrial processing, and other essential uses for the citizens of Orange, Person, Durham, Granville, and Wake Counties; and

Whereas, the General Assembly enacted S.L. 1997-458, the Clean Water Responsibility and Environmentally Sound Policy Act, to protect and restore the waters of the State in 1997; and

Whereas, the General Assembly enacted S.L. 2005-190, the Clean Lakes Act, to protect and restore the drinking water supply reservoirs of the State in 2005; and

Whereas, the North Carolina Division of Water Quality in the Department of Environment and Natural Resources listed Falls Lake in the Upper Neuse River Basin as impaired waters in 2008, and the U.S. Environmental Protection Agency also classifies Falls Lake as impaired waters due to nutrients and turbidity; and

Whereas, the quality and quantity of the water in the nine drinking water supply reservoirs in the Upper Neuse River Basin are essential to public health, environmental quality, and the economic vitality of the region; and

Whereas, the North Carolina Environmental Management Commission may not develop a nutrient management strategy and rules to implement the nutrient management strategy for the Upper Neuse River Basin by July 1, 2009, as required by law; and

Whereas, delayed development of a nutrient management strategy and rules to implement the nutrient management strategy threatens the quality and quantity of drinking water supply reservoirs in the Upper Neuse River Basin; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1.(a) Definition. – For purposes of this section, the term "Upper Neuse River Basin" is that portion of the Neuse River Basin upstream of the Falls Dam, including Falls Lake.

SECTION 1.(b) Credit for Early Adoption. – The Environmental Management Commission shall encourage local governments, landowners, and others to develop, adopt, and implement policies and practices to reduce the runoff and discharge of nitrogen, phosphorus, sediment, and other pollutants into the surface waters and drinking water supply reservoirs in the Upper Neuse River Basin before it adopts permanent rules to implement the nutrient management strategy and the turbidity strategy for Upper Falls Lake. The Environmental Management Commission shall, in its permanent rules, provide credit for the early implementation of the nutrient management strategy for the Upper Neuse River Basin and the turbidity strategy for Falls Lake to local governments, landowners, and others who implement policies and practices after January 1, 2007, to reduce runoff and discharge of nitrogen, phosphorus, and sediment in the Upper Neuse River Basin.

SECTION 2. Reports. – The Environmental Management Commission shall report its progress in implementing this act to the Environmental Review Commission as part of each quarterly report it makes pursuant to G.S. 143B-282(b).

SECTION 3. This act is effective when it becomes law.

SENATE BILL 1020:
Upper Neuse River Basin Clean Water Credits

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	May 12, 2009
Introduced by:	Senator Stein	**Prepared by:**	Jennifer Mundt Legislative Analyst
Analysis of:	PCS to First Edition S1020-CSLH-8 [v.6]		

SUMMARY: ***The Proposed Committee Substitute (PCS) for Senate Bill 1020 would direct the Environmental Management Commission to provide credit to local governments, landowners, and others who reduce water pollution in the Upper Neuse River Basin before permanent water quality rules for the Upper Neuse River Basin are adopted.***

CURRENT LAW: Session Law 2005-190, the Clean Lakes Act, as amended by S.L. 2006-259, directed the Environmental Management Commission (EMC) to develop a nutrient management strategy for the Falls Lake drinking water supply reservoir before July 1, 2009. The nutrient management strategy must provide consideration for all voluntary efforts taken by permit holders to protect water quality prior to the development of the strategy. It appears that the EMC will be unable to complete the nutrient management strategy for the Falls Lake drinking water supply reservoir by the July 1, 2009 deadline.

BILL ANALYSIS: The PCS for Senate Bill 1020 would direct the EMC to encourage local governments, landowners, and others to develop, adopt, and implement policies and practices to reduce the runoff and discharge of nitrogen, phosphorus, and sediment into the surface waters and drinking water supply reservoirs of the Upper Neuse River Basin (Basin) before it adopts permanent rules to implement the nutrient management strategy for Falls Lake pursuant to S.L. 2005-190, as amended by S.L. 2006-259. The PCS would require the EMC, in its permanent rules, to provide credit to local governments, landowners, and others who implement policies and practices after January 1, 2007 to reduce runoff and discharge of nutrients and sediment in the Basin.

The PCS would direct the EMC to report its progress in implementing the credit for early adoption to the Environmental Review Commission as part of its quarterly reporting as required by statute.

EFFECTIVE DATE: This act is effective when it becomes law.

S1020-SMTA-43(CSLH-8) v4

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — May 12, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Kelly Stryker	Citizen 134 Point Dr, Wilmington, NC 28411
Jim Milne	Pender Watch + Cons. 2176 Washington Acres Rd. Hampstead NC 28443
Allie Sheffield	Pender Watch + Conservancy 36 N. Oak Ct, Surf City NC 28445
Jack Spruill	PenderWatch + Conservancy 1836 Corcus Ferry Rd. Hampstead 28443
Joy Hicks	NCDA&CS
Ray Starling	"
Kelly Braam	NC BBE
DAVE PYLE	CAPE FEAR RIVERWATCH 617 Surry St Wilmington NC 28401 NEW HANOVER COUNTY
Mike Giles	NC Coastal Federation Wilmington, NC 28403 131 Racine Drive Suite 101
Doug Springer	Cape Fear River Watch 617 Surry St Wilmington NC 28401
Patrick Rendin	NCAC

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — May 12, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Kathy Hawkins	Progress Energy
CONNIE WILSON	CONCRETE PAVEMENT ASSOC

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — May 12, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Penny Bulfer	School of Gov.
Edgar Miller	CTNC
Drew Ball	Sierra Club
Kelly Blandford	Nicholas Institute
Betsy McCorkle	CCNC
Dan Crawford	CCNC

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — May 12, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Amy Pickle	Nicholas Institute / Duke University
Mia Bailey	Electricities of NC, Inc.
Dan Conrad	NCCN
Kate DeMayo	NC Sustainable Food Coalition
[illegible] Holm	Nicholas Inst / Duke U
Kim Hibbard	NCLM
[illegible]	NCACE
Jim Lowry	NC WCA
Jim Stephenson	NC Coastal Fed
John Merritt	McGuire Woods
Joe Stewart	NC Chamber
John McAlister	NC Chamber

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — May 12, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Glenn H. Sellers	DENR/DWQ
Robin Smith	DENR
Mallory Hatcher	NWC
Elizabeth Biser	DENR
Lisa Schell	CWMTF
Elizabeth Ouzts	Environment North Carolina
Elizabeth Watson	Environment North Carolina
Rich Gannon	NC DWQ
John Hussman	NCDENR DWQ
Cady Thomas	NC Assn of REALTORS
Sarah Clapp	NCWRC

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — May 12, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Lori Cherry	NC DENR
L Andrews	NCFB
P. Pope	NCFB
D Hamrick	NCFB
W. King	VIC
Laura Godwin	NC State Ports Authority
Doug Lassiter	NCSTA
Andrew Cagle	DLC + Assoc.
Lu-Hwa Perryman	MCIC
George Everett	Duke Energy
Scott Gardner	Duke Energy

Principal Clerk ____
Reading Clerk ____

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on **Agriculture/Environment/Natural Resources** will meet at the following time:

DAY	DATE	TIME	ROOM
Wednesday	May 13, 2009	1:00 PM	544 LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 699	Cement Plant Moratorium and Study.	Senator Boseman
SB 881	AgRELIEF Act/Cost Share Program.	Senator Atwater

Senator Bob Atwater, Chair

Senate Agriculture/Environment/Natural Resources Committee
Wednesday, May 13, 2009, 1:00 PM
544 LOB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

SB 881	AgRELIEF Act/Cost Share Program.	Senator Atwater
SB 699	Cement Plant Moratorium and Study.	Senator Boseman

Adjournment

SENATE AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE
Wednesday, May 13, 2009 at 1:00 PM
Room 544, Legislative Office Building

MINUTES

The Senate Agriculture/Environment/Natural Resources Committee met at 1:00 PM on May 13, 2009, in Room 544 of the Legislative Office Building. 14 members of the committee were present. Senator Bob Atwater presided.

After Senator Atwater introduced the pages, the following bills were discussed:

- **SB 881, AgRELIEF Act/Cost Share Program.**

Senator Atwater gave a brief summary of the bill and then moved to amend SB 881. Motion carried. Then, **Senator Queen moved for a favorable report for SB 881, as amended and with a referral to Senate Appropriations/Base Budget. Motion carried.**

- **SB 699, Cement Plant Moratorium and Study.**

Senator Boseman gave a brief description of why this bill was important due to the hazards of mercury. Mr. Merritt with Titan Cement Company responded to Senator Boseman's concerns. After a brief discussion by the Committee members, **Senator Kinnaird moved for a favorable report for SB 699. Motion carried.**

The meeting adjourned at 1:40 PM.

Bob Atwater
Senator Bob Atwater, Presiding

Carol Resar
Carol Resar, Committee Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S 2

SENATE BILL 881*
Agriculture/Environment/Natural Resources Committee Substitute Adopted 5/4/09

Short Title: AgRELIEF Act/Cost Share Program. (Public)

Sponsors:

Referred to:

March 26, 2009

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE TEMPORARY AGRICULTURAL LABOR COST SHARE PROGRAM TO PROVIDE REIMBURSEMENT OF EXPENSES FOR THE LEGAL INTERIM EMPLOYMENT OF FARMWORKERS.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 106 of the General Statutes is amended by adding a new Article to read:

"Article 70.

"AgRELIEF Act; Temporary Agricultural Labor Cost Share Program.

"**§ 106-840. Title.**

This may be referred to as the Agricultural Reimbursement of Expenses for Legal Interim Employment of Farmworkers Act (AgRELIEF Act).

"**§ 106-841. Temporary Agricultural Labor Cost Share Program established.**

The Temporary Agricultural Labor Cost Share Program is established. The Program shall provide cost share funds to assist North Carolina farmers who use the federal H-2A visa program under the federal Immigration and Nationality Act, 8 U.S.C. § 1324(a)(1)(A)(iv)(b)(iii), in North Carolina to legally fulfill their need for temporary agricultural labor to perform agricultural labor or services of a temporary or seasonal nature on North Carolina farms. The Temporary Agricultural Labor Cost Share Program shall, subject to the requirements and limitations under G.S. 106-842, assist North Carolina farmers with only the following costs that are paid exclusively by the North Carolina farmer and that are associated with using the federal H-2A visa program:

(1) All round-trip transportation and subsistence costs for an H-2A worker, to and from the worker's country of origin, if paid by the North Carolina farmer, but which shall be limited to a total reimbursable expense that does not exceed three hundred dollars ($300.00) for each round trip for each H-2A worker; and

(2) All processing charges and administrative fees and dues, including, but not limited to, advertising and recruitment costs, charged by an agricultural trade association that is exempt from taxation under Section 501(c) of the Internal Revenue Code, to a North Carolina farmer, if paid by the North Carolina farmer, but which shall be limited to a total reimbursable expense that does not exceed three hundred twenty-five dollars ($325.00) for each H-2A worker; and

(3) Any United States State Department Visa fees and Border Patrol Crossing fees for each H-2A worker, if paid by the North Carolina farmer; and

(4) Any United States Consulate application and appointment fees for each H-2A worker, if paid by the North Carolina farmer.

"**§ 106-842. Temporary Agricultural Labor Cost Share Advisory Committee; administration of Program; requirements and limitations.**

(a) The Temporary Agricultural Labor Cost Share Advisory Committee is established. The Advisory Committee shall be administratively located in the Department of Agriculture and Consumer Services, but shall exercise its statutory powers and duties independent of the Department. The Advisory Committee shall consist of seven members as follows:

(1) The Commissioner of Agriculture or the Commissioner's designee.

(2) The President of the North Carolina Rural Economic Development Center, Inc., or the President's designee.

(3) The Commissioner of Labor or the Commissioner's designee.

(4) The Chairman of the Employment Security Commission or the Chairman's designee.

(5) The Executive Vice President of the North Carolina Agribusiness Council or the Executive Vice President's designee.

(6) The President of the North Carolina State Grange or the President's designee.

(7) The President of the North Carolina Farm Bureau Federation, Inc., or the President's designee.

The Commissioner of Agriculture or the Commissioner's designee shall serve as the Chair of the Advisory Committee. A majority of the members of the Advisory Council shall constitute a quorum for the transaction of business.

(b) The Advisory Committee shall develop and administer the Temporary Agricultural Labor Cost Share Program and shall have the following powers and duties:

(1) Within funds available to this program, provide cost share funds to applicants, subject to all of the following limitations and requirements:

a. Reimbursements shall be limited to:

1. Fifty percent (50%) of the costs as provided in G.S. 106-841 for each H2-A worker per year with the applicant providing fifty percent (50%) of these costs.

2. A maximum of fifty thousand dollars ($50,000) per applicant per year.

b. Applicants shall be limited to farmers who have an adjusted gross income in each of the previous two years that is at or below two hundred fifty thousand dollars ($250,000), unless at least seventy-five percent (75%) of this adjusted gross income is derived directly from farming, ranching, or forestry operations.

c. To be eligible for cost share funds under this section, an applicant shall produce documentation for review that substantiates the applicant's compliance with all of the following requirements:

1. The applicant has obtained federal certification to employ an H-2A visa worker and complies with all federal requirements for ensuring that no legally authorized United States worker is available, able, and willing to meet the temporary agricultural labor job requirements.

2. The applicant provides housing for the H-2A workers that have been registered, inspected, and certified by Agricultural Safety and Health Bureau of the North Carolina Department of Labor for occupancy by workers during their time period of employment. Housing does not have to be owned by the applicant in order to meet this requirement.

3. The applicant provides each H-2A worker with workers' compensation insurance.
4. The applicant provides insurance mandated for vehicles transporting any H-2A worker.
5. The applicant provides training pursuant to pesticide worker protection standards mandated by the Environmental Protection Agency for any H-2A worker.
6. The applicant inspects documentation to ensure that all H-2A visa documentation is valid and each worker is legally authorized to work on the applicant's farm during the time period of employment.

d. An applicant requesting cost share funds for fees and costs incurred by the applicant and eligible for reimbursement under G.S. 106-841 shall provide, to the satisfaction of the Advisory Committee, documentation to substantiate payment by the North Carolina farmer of these costs, not to exceed the number of H-2A workers employed by the applicant during the applicable year. Documentation required under this sub-subdivision shall not exceed standards beyond what a majority of applicants can reasonably obtain and submit as proof of payment.

e. Nothing in this Article shall be construed to preclude an applicant from submitting an application each year and being eligible each year to receive cost share funding under this program. An application that includes costs for an H-2A worker who returns in subsequent years shall also be eligible to apply for the cost share funding during the subsequent years.

(2) Develop a process for soliciting and reviewing applications and for selecting farmers to participate in the Temporary Agricultural Labor Cost Share Program based on the eligibility requirements and limitations under G.S. 106-841 and this section. Approved applications shall be processed based on the date of submission of the completed application until and as long as funding is available for this program.

(3) Receive public and private donations, appropriations, grants, and revenues to be credited to the Temporary Agricultural Labor Cost Share Program Fund under G.S. 106-844.

(4) Limit the eligibility for submission of an application for Temporary Agricultural Labor Cost Share Program funds to only the applicant who was listed as the employer on the H-2A visa application, except individual and group applications submitted by an agricultural trade association that is exempt from taxation under Section 501(c) of the Internal Revenue Code, shall be eligible, provided such group is also listed on all of the applicable H-2A visa applications as a joint employer.

"**§ 106-843. Temporary Agricultural Labor Cost Share Program; report.**

No later than March 31 of each year, the Advisory Committee shall prepare a comprehensive report on the implementation of the Temporary Agricultural Labor Cost Share Program for the previous calendar year and submit the report to the House of Representatives and the Senate Appropriations Subcommittees on Natural and Economic Resources.

"**§ 106-844. Temporary Agricultural Labor Cost Share Program Fund.**

There is established a "Temporary Agricultural Labor Cost Share Program Fund" to be administered by the Commissioner of Agriculture. The Fund shall consist of all funds and monies received from any source, whether as a grant, appropriation, gift, contribution, or

bequest; provided these funds are designated for the Temporary Agricultural Labor Cost Share Program Fund. Notwithstanding any provisions of law which might prohibit a transfer or donation, the Temporary Agricultural Labor Cost Share Program Fund also may receive funds from public and private sources. Funds in the Temporary Agricultural Labor Cost Share Program Fund shall be used for only the reimbursement to North Carolina farmers for fees and costs in accordance with G.S. 106-841 and G.S. 106-842. Any funds received in the Temporary Agricultural Labor Cost Share Program Fund shall be held separate and apart from all other moneys, funds, and accounts in an interest-bearing account and shall carry forward any balance remaining in the Fund at the end of any fiscal year for the next succeeding fiscal year."

SECTION 2. This act becomes effective July 1, 2009.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 881*

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

S881-ARF-2 [v.2]

Comm. Sub. [NO]
Amends Title [NO]
Second Edition

Date _____ ,2009

Senator Atwater

Moves to amend the bill on page 3, line 30, by rewriting that line to read:

"G.S. 106-841 and this section. An application fee of ten dollars ($10.00) may be charged for each application submitted to the Advisory Committee. Approved applications shall be processed"; and

Further amends the bill on page 3, line 33, by deleting the term "appropriations,"; and

Further amends the bill on page 3, line 51, by deleting the term "appropriation,"; and

further amends the bill on page 4 line 4, by rewriting that line to read:

"from public and private sources. However, no State monies shall be appropriated to the Fund. Funds in the Temporary Agricultural Labor Cost share".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 881*

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

S881-ARF-2 [v.2]

Comm. Sub. [NO]
Amends Title [NO]
Second Edition

Date _____,2009

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Further amends the bill on page 3, line 51, by deleting the term "appropriation,"; and

further amends the bill on page 4 line 4, by rewriting that line to read:

"from public and private sources. However, no State monies shall be appropriated to the Fund. Funds in the Temporary Agricultural Labor Cost share".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE REPORT
Senator Bob Atwater, Chair

Wednesday, May 13, 2009

Senator ATWATER,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 2

S.B.(CS #1) **881** AgRELIEF Act/Cost Share Program.

Draft Number:	55399
Sequential Referral:	Appropriations/Base Budget
Recommended Referral:	Finance
Long Title Amended:	No

TOTAL REPORTED: 1

Committee Clerk Comments:

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE REPORT
Senator Bob Atwater, Chair

Wednesday, May 13, 2009

Senator ATWATER,
submits the following with recommendations as to passage:

FAVORABLE

S.B. **699** Cement Plant Moratorium and Study.
Sequential Referral: None
Recommended Referral: None

TOTAL REPORTED: 1

Committee Clerk Comments:

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S 1

SENATE BILL 699

Short Title:	Cement Plant Moratorium and Study.	(Public)
Sponsors:	Senator Boseman.	
Referred to:	Agriculture/Environment/Natural Resources.	

March 19, 2009

A BILL TO BE ENTITLED

AN ACT TO IMPOSE A MORATORIUM ON THE CONSIDERATION OF PERMIT APPLICATIONS AND ISSUANCE OF PERMITS FOR THE CONSTRUCTION AND OPERATION OF CEMENT PLANTS IN THE STATE UNTIL SEPTEMBER 1, 2010, AND TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY ISSUES RELATED TO THE ENVIRONMENTAL IMPACTS OF CEMENT PLANTS AND THE SITING, DESIGN, AND OPERATIONAL REQUIREMENTS GOVERNING CEMENT PLANTS IN ORDER TO PROTECT PUBLIC HEALTH AND THE ENVIRONMENT.

Whereas, it is declared to be the public policy of this State to provide for the conservation of its water and air resources; and

Whereas, it is the intent of the General Assembly to achieve and maintain a total environment of superior quality for the citizens of the State; and

Whereas, recognizing that the water and air resources of the State belong to the people, the General Assembly has affirmed the State's ultimate responsibility for the preservation and development of these resources in the best interest of all its citizens and has declared the prudent utilization of these resources to be essential to the general welfare; and

Whereas, cement plants emit pollutants injurious to the environment and human health such as sulfur dioxide, nitrogen oxide, volatile organics, particulate matter, and hazardous air pollutants including dioxins, furans, and mercury; and

Whereas, mercury, which is generated from the raw materials and some fuels used in cement-making, is a toxic metal that can damage the brain and nervous system; and

Whereas, mercury emissions are converted to the highly toxic form of methylmercury in surface waters; and

Whereas, mercury bioaccumulates in fish, which makes siting of facilities with high mercury emissions near public water bodies and in coastal areas of particular concern; and

Whereas, consumption advisories for 17 species of ocean fish and eight species of freshwater fish have been issued for sensitive populations such as pregnant and nursing women and children under the age of 15, based on the high level of mercury these fish contain and the potential damaging health effects that may be suffered by these sensitive populations from exposure to high levels of mercury; and

Whereas, section 303(d) of the federal Clean Water Act (CWA) requires states to develop a list of waters not meeting water quality standards or that have impaired uses, which waters must be prioritized, and a management strategy or total maximum daily load (TMDL) must subsequently be developed for all listed waters; and at least 49 segments of water bodies in the State (assessment units) are included on the State's 303(d) list of impaired waters as a result of fish advisories due to mercury; and

Whereas, in 2007 the United States Environmental Protection Agency (USEPA) initiated a process to collect data from cement kiln companies pertaining to mercury content of all kiln inputs and the results of any mercury tests that had been performed on cement kilns at these facilities at any time. USEPA asserted that it would take until mid-September 2008 to analyze the data, determine the floor levels for emissions limitations, determine whether to propose more stringent beyond-the-floor emission limitations, and issue a proposed rule for public comment; and

Whereas, in January 2009 the USEPA noticed a proposed settlement agreement between the USEPA, several environmental groups, the Portland Cement Association, and the States of New York, Connecticut, Illinois, Maryland, Michigan, New Jersey, and the Commonwealths of Massachusetts and Pennsylvania wherein USEPA agreed to take action to establish new mercury emissions limitations from new and existing Portland cement kilns, with a notice taking final administrative action concerning the proposed rule making to be signed by the USEPA Administrator no later than March 31, 2010; and

Whereas, adequate data on mercury emissions from cement plants and conclusion of USEPA's final administrative action to establish new emissions limitations for these facilities are essential to an informed consideration of issues concerning the proper siting, design, and operation of cement plants in the State; and

Whereas, improperly sited, designed, or operated cement plants have the potential to cause serious environmental damage, including air and surface water contamination, and threaten human health; and

Whereas, it is essential that the State study the siting, design, and operational requirements for cement plants near schools and other places where children regularly congregate as children are thought to be more vulnerable to environmental exposures than adults given that their bodily systems are still developing, and for other reasons; and

Whereas, it is essential that the State study the siting, design, and operational requirements for cement plants in environmentally sensitive areas with nearby waterbodies in order to protect public health and the environment; and

Whereas, it is essential for the protection of public health and the environment to conduct an environmental review of the primary, secondary, and cumulative impacts of cement plants to ensure both air and water quality issues are considered together prior to the issuance of any permits; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. Moratorium Established. – There is hereby established a moratorium on consideration of applications for permits and on the issuance of permits for cement plants for construction and operation in the State. The purpose of this moratorium is to allow the State to study the environmental impacts of cement plants in order to protect public health and the environment. The Department of Environment and Natural Resources shall not consider a permit application nor issue a permit for a cement plant for the period beginning on the date this act becomes law until September 1, 2010.

SECTION 2.(a) Study. – The Environmental Review Commission, with the assistance of the Department of Environment and Natural Resources, shall study issues related to cement plants. In conducting this study, the Commission shall consider the findings of any environmental impact statements conducted pursuant to the State Environmental Policy Act and the National Environmental Policy Act for cement plants proposed to be sited in the State. The Commission shall specifically study issues concerning:

(1) Impacts of mercury and all other pollutants emitted from cement plants on public health in nearby communities, with particular attention to the potential impacts on children's health in schools located in close proximity to cement plants.

(2) Impacts of accumulations of mercury and other dangerous chemicals in surface waters and aquatic life, and atmospheric deposition of air pollutants upon surface waters and land.

(3) Impacts of cement plants on regional groundwater and drinking water supplies, including the potential for saltwater intrusion into coastal aquifers.

(4) Impacts of cement facility operations on nearby communities, including, but not limited to: (i) impacts on local and regional traffic patterns and infrastructure; and (ii) cumulative impacts of cement plants and other heavy industry to regional tourism, commercial and residential development, and recreational activities such as hunting and fishing.

(5) Siting, design, and operational requirements for cement plants that are proposed for construction and operation in close proximity to schools, communities, public lands and waters, and other environmentally sensitive areas.

(6) The advisability of requiring the Department to: (i) conduct a study, which meets all of the requirements set forth in G.S. 113A-4 and rules adopted pursuant to G.S. 113A-4, of the environmental impacts of all proposed cement plants; and (ii) consider the study of environmental impacts and any mitigation measures proposed by an applicant in deciding whether to issue or deny a permit for a cement plant.

SECTION 2.(b) Subcommittee. – In order to facilitate the conduct of this study, the cochairs of the Environmental Review Commission may establish a subcommittee of the Commission. The subcommittee of the Commission may include nonlegislative members who have special knowledge, interest, or expertise in various aspects of cement plants, such as air toxics, atmospheric deposition of airborne pollutants, land conservation, public health, and hydrology, appointed in consultation with the President Pro Tempore of the Senate and the Speaker of the House of Representatives.

SECTION 2.(c) Report. – The Commission shall report its findings, together with any recommended legislation, to the 2010 Regular Session of the General Assembly upon its convening.

SECTION 3. This act is effective when it becomes law.

SENATE BILL 699:
Cement Plant Moratorium and Study

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	May 13, 2009
Introduced by:	Sen. Boseman	**Prepared by:**	Jennifer McGinnis
Analysis of:	First Edition		Committee Counsel

SUMMARY: ***Senate Bill 699 would establish a moratorium on consideration of applications for permits and on the issuance of permits for cement plants for construction and operation in the State. The Department of Environment and Natural Resources (DENR) would be prohibited from considering a permit application and issuing a permit for a cement plant for the period beginning on the date this bill would become law until September 1, 2010.***

BILL ANALYSIS: The bill would establish a moratorium on consideration of applications for permits and on the issuance of permits for cement plants for construction and operation in the State. DENR would be prohibited from considering a permit application and issuing a permit for a cement plant for the period beginning on the date this act becomes law until September 1, 2010. The purpose of the moratorium would be to allow the State to study the environmental impacts of cement plants. The bill would direct the Environmental Review Commission (ERC), with the assistance of DENR, to study issues concerning:

- Impacts of mercury and all other pollutants emitted from cement plants on public health in nearby communities, with particular attention to the potential impacts on children's health in schools located in close proximity to cement plants.
- Impacts of accumulations of mercury and other dangerous chemicals in surface waters and aquatic life, and atmospheric deposition of air pollutants upon surface waters and land.
- Impacts of cement plants on regional groundwater and drinking water supplies, including the potential for saltwater intrusion into coastal aquifers.
- Impacts of cement facility operations on nearby communities, including, but not limited to: (i) impacts on local and regional traffic patterns and infrastructure; and (ii) cumulative impacts of cement plants and other heavy industry to regional tourism, commercial and residential development, and recreational activities such as hunting and fishing.
- Siting, design, and operational requirements for cement plants that are proposed for construction and operation in close proximity to schools, communities, public lands and waters, and other environmentally sensitive areas.
- The advisability of requiring the Department to: (i) conduct a study, which meets all of the requirements set forth under the State Environmental Protection Act (SEPA) and rules adopted pursuant to SEPA, of the environmental impacts of all proposed cement plants; and (ii) consider the study of environmental impacts and any mitigation measures proposed by an applicant in deciding whether to issue or deny a permit for a cement plant.

BACKGROUND: In 2007 the United States Environmental Protection Agency (USEPA) initiated a process to collect data from cement kiln companies pertaining to mercury content of all kiln inputs and the results of any mercury tests that had been performed on cement kilns at these facilities at any time. USEPA asserted that it would take until mid-September 2008 to analyze the data, determine the floor

levels for emissions limitations, determine whether to propose more stringent beyond-the-floor emission limitations, and issue a proposed rule for public comment.

In January 2009 the USEPA noticed a proposed settlement agreement between the USEPA, several environmental groups, the Portland Cement Association, and the States of New York, Connecticut, Illinois, Maryland, Michigan, New Jersey, and the Commonwealths of Massachusetts and Pennsylvania wherein USEPA agreed to take action to establish new mercury emissions limitations from new and existing cement plants, with a notice taking final administrative action concerning the proposed rule making to be signed by the USEPA Administrator no later than March 31, 2010.

There are no cement plants currently operating in the State. A permit application is pending for a cement plant proposed to be located in New Hanover County.

EFFECTIVE DATE: This bill would become effective when it becomes law.

S699-SMRI-6(e1) v4

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — May 13, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
L. Andrew	NCFB
P. Page	NCFB
Jim Stephens	NCCF
Joe McClure	ME IN
Judy Love	Rep. McComas

Principal Clerk ____
Reading Clerk ____

Please note time and room

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on **Agriculture/Environment/Natural Resources** will meet at the following time:

DAY	DATE	TIME	ROOM
Thursday	May 28, 2009	9:00 AM	1124 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 461	Extend Animal Waste Operation Inspection Pgm.	Representative Hill
HB 1108	Clarify License Req/Out of State Weighmasters.	Representative Hill
HB 1175	Update NPDES Permitting for CAFOs.	Representative Hill
HB 1118	Standardize Wild Boar Seasons/Swine Study.	Representative Rapp Representative Haire Representative West

Senator Bob Atwater, Chair

Senate Agriculture/Environment/Natural Resources Committee
Thursday, May 28, 2009, 9:00 AM
1124 LB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

HB 461	Extend Animal Waste Operation Inspection Pgm.	Representative Hill
HB 1108	Clarify License Req/Out of State Weighmasters.	Representative Hill
HB 1175	Update NPDES Permitting for CAFOs.	Representative Hill
HB 1118	Standardize Wild Boar Seasons/Swine Study.	Representative Rapp Representative Haire Representative West

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE REPORT
Senator Bob Atwater, Chair

Thursday, May 28, 2009

Senator ATWATER,
submits the following with recommendations as to passage:

FAVORABLE

H.B. **461** Extend Animal Waste Operation Inspection Pgm.
Sequential Referral: None
Recommended Referral: None

H.B. **1108** Clarify License Req/Out of State Weighmasters.
Sequential Referral: None
Recommended Referral: None

H.B.(CS #1) **1118** Standardize Wild Boar Seasons/Swine Study.
Sequential Referral: None
Recommended Referral: None

H.B. **1175** Update NPDES Permitting for CAFOs.
Sequential Referral: None
Recommended Referral: None

TOTAL REPORTED: 4

Committee Clerk Comments:
Handle on floor:
HB 461 Sen. Albertson
HB 1108 Sen. Albertson
HB 1118 Sen. Snow
HB 1175 Sen. Albertson

SENATE AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE
Thursday, May 28, 2009 at 9:00 AM
Room 1124, Legislative Building

MINUTES

The Senate Agriculture/Environment/Natural Resources Committee met at 9:00 AM on May 28, 2009, in Room 1124 of the Legislative Building. 12 members of the committee were present. Senator Bob Atwater presided.

After the pages were introduced, the following bills were discussed:

- HB 461, Extend Animal Waste Operation Inspection Pgm.

After Representative Hill's brief explanation of the bill, **Senator Weinstein moved for a favorable report for HB 461. Motion carried.**

- **HB 1108, Clarify License Req/Out of State Weighmasters.**

After Representative Hill's brief explanation of the bill, **Senator Weinstein moved for a favorable report for HB 1108. Motion carried.**

- **HB 1175, Update NPDES Permitting for CAFOs.**

After Representative Hill gave a brief explanation of the bill, Mr. Keith Larick with the Division of Water Quality in the Department of Environment and Natural Resources gave an update on the National Pollutant Discharge Elimination System (NPDES). **Senator Bingham then moved for a favorable report for HB 1175. Motion carried.**

- **HB 1118; Standardize Wild Boar Seasons/Swine Study.**

After Representative Haire's brief explanation of the bill and a few questions by Committee members, **Senator Davis moved for a favorable report for HB 1118. Motion carried.**

The meeting adjourned at 9:10 AM.

Senator Bob Atwater, Presiding

Carol Resar, Committee Clerk

HOUSE BILL 461

Short Title:	Extend Animal Waste Operation Inspection Pgm.	(Public)
Sponsors:	Representatives Hill; and Lucas.	
Referred to:	Environment and Natural Resources, if favorable, Finance.	

March 9, 2009

A BILL TO BE ENTITLED

AN ACT TO EXTEND THE SUNSET FOR THE PILOT PROGRAM REGARDING ANNUAL INSPECTIONS OF ANIMAL OPERATIONS THAT ARE SUBJECT TO A GENERAL PERMIT FOR AN ANIMAL WASTE MANAGEMENT SYSTEM.

The General Assembly of North Carolina enacts:

SECTION 1. Section 15.4(a) of S.L. 1997-443, as amended by Section 3.1 of S.L. 1999-329, Section 5 of S.L. 2001-254, Section 1.1 of S.L. 2002-176, Section 6.1 of S.L. 2003-340, Section 12.7(a) of S.L. 2005-276, and Section 2 of S.L. 2007-536, reads as rewritten:

"(a) The Department of Environment and Natural Resources shall develop and implement a pilot program to begin no later than 1 November 1997, and to terminate 1 September ~~2009,~~2011, regarding the annual inspections of animal operations that are subject to a permit under Article 21 of Chapter 143 of the General Statutes. The Department shall select two counties located in a part of the State that has a high concentration of swine farms to participate in this pilot program. In addition, Brunswick County and Pender County shall be added to the program. Notwithstanding G.S. 143-215.10F, the Division of Soil and Water Conservation of the Department of Environment and Natural Resources shall conduct inspections of all animal operations that are subject to a permit under Article 21 of Chapter 143 of the General Statutes in these four counties at least once a year to determine whether any animal waste management system is causing a violation of water quality standards and whether the system is in compliance with its animal waste management plan or any other condition of the permit. The personnel of the Division of Soil and Water Conservation who are to conduct these inspections in each of these four counties shall be located in an office in the county in which that person will be conducting inspections. As part of this pilot program, the Department of Environment and Natural Resources shall establish procedures whereby resources within the local Soil and Water Conservation Districts serving the four counties are used for the quick response to complaints and reported problems previously referred only to the Division of Water Quality of the Department of Environment and Natural Resources."

SECTION 2. This act becomes effective August 31, 2009.

HOUSE BILL 461:
Extend Animal Waste Operation Inspection Pgm

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	May 28, 2009
Introduced by:	Representative Hill	**Prepared by:**	Jennifer Mundt
Analysis of:	First Edition		Legislative Analyst

SUMMARY: House Bill 461 would extend the Pilot Program for Inspection of Animal Waste Management Systems ("Pilot Program").

BILL ANALYSIS: House Bill 461 would extend the termination date of the Pilot Program for the inspection of animal waste management systems from September 1, 2009 to September 1, 2011. Under the pilot program, the Division of Soil and Water Conservation (DSWC) of the Department of Environment and Natural Resources performs the required annual inspections of animal operations served by permitted animal waste management systems.

BACKGROUND: The Pilot Program was initially created in 1997 in Columbus and Jones Counties and was expanded in 1999 and again in 2005 to include Brunswick and Pender Counties respectively. The objective of the Pilot Program is to determine how DSWC staff can respond more quickly and effectively, with technical assistance, to complaints and problems to help farmers achieve compliance with environmental regulations.

EFFECTIVE DATE: House Bill 461 would become effective August 31, 2009.

H461-SMTA-56(e1) v1

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H 1

HOUSE BILL 1108

Short Title:	Clarify Lic Req/Out-of-State Weighmasters.	(Public)
Sponsors:	Representatives Hill; and Lucas.	
Referred to:	Agriculture, if favorable, State Government/State Personnel.	

April 7, 2009

A BILL TO BE ENTITLED

AN ACT TO CLARIFY LICENSURE REQUIREMENTS FOR OUT-OF-STATE WEIGHMASTERS UNDER THE LAWS REGULATING PUBLIC WEIGHMASTERS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 81A-52 reads as rewritten:

"**§ 81A-52. License.**

All public weighmasters shall be licensed. Any person not less than 18 years of age who wishes to be a public weighmaster shall apply to the Department on a form provided by the Department. A person operating as a public weighmaster outside of this State shall include with the person's application for licensure in this State a copy of the most recent weighing device inspection report performed by the person's local or state weights and measures officials within the 12-month period immediately preceding the date of application. The Board may adopt rules for determining the qualifications of the applicant for a license. Public weighmasters shall be licensed for a period of one year beginning the first day of July and ending on the thirtieth day of June, and a fee of nineteen dollars ($19.00) shall be paid for each person licensed at the time of the filing of the application."

SECTION 2. G.S. 81A-61 reads as rewritten:

"**§ 81A-61. Approval of devices used.**

When making a weight determination, a public weighmaster shall use a weighing device that is of a type suitable for the weighing of the product to be weighed and that has been tested and approved for use by the Commissioner or by the public weighmaster's local or state weights and measures officials within ~~a period of 12 months~~the 12-month period immediately preceding the date of the weighing."

SECTION 3. This act becomes effective October 1, 2009, and applies to applicants for licensure on or after that date.

HOUSE BILL 1108:
Clarify Lic Req/Out-of-State Weighmasters

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	May 28, 2009
Introduced by:	Rep. Hill	**Prepared by:**	Barbara Riley Committee Counsel
Analysis of:	First Edition		

SUMMARY: ***House Bill 1108 amends the requirements for State licensure of weighmasters from out-of-state, and allows the use of weighing devices that have been approved by a local weighmaster's local or State weights and measures officials. The bill would become effective October 1, 2009, and applies to applicants for licensure on or after that date.***

CURRENT LAW:

G.S. 81A-50.1 provides that public weighmasters are regulated in order to ensure accurate quantities of products upon sale to purchasers.

G.S. 81A-51 defines a "public weighmaster" as any person who shall weigh, measure or count, or who shall ascertain from a weighing, measuring or recording device for any other person and declare the weight to be the accurate weight of the product upon which the purchase, sale or exchange is based, and receive compensation for the act.

G.S. 81A-53 provides that all public weighmasters must issue certificates of weight, measure, count, reading or recording on forms approved by the Department of Agriculture and Consumer Services Commissioner and enforce the provisions of Chapter 81A and all rules and regulations promulgated thereunder without compensation from the State. Each certificate issued must indicate the date on which a product is weighed, counted, read or recorded and a certificate issued by a public weighmaster is considered the accurate weight of a product at the time the product is put into the natural channels of trade, with the qualification that reasonable variations or tolerances shall be permitted as established by rules and regulations.

BILL ANALYSIS:

Section 1 of the House Bill 1108 provides that a weighmaster who is licensed out-of-state, and who applies for North Carolina licensure, must provide the most recent inspection report performed by their local or State weights and measures official. The report must have been made within the 12 months preceding the application for State licensure.

Section 2 of the bill allows a public weighmaster to use a device that has been approved by the weighmaster's local or State weights and measures officials within the 12 month period immediately preceding the weighing date.

EFFECTIVE DATE:

House Bill 1108 would become effective October 1, 2009, and applies to applicants for licensure on or after that date.

Hal Pell, counsel to House Agriculture, substantially contributed to this summary.

H1108-SMRF-104(e1) v3

HOUSE BILL 1175

Short Title:	Update NPDES Permitting for CAFOs.	(Public)
Sponsors:	Representatives Hill; and Lucas.	
Referred to:	Agriculture, if favorable, Environment and Natural Resources.	

April 8, 2009

A BILL TO BE ENTITLED

AN ACT TO UPDATE THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITTING REQUIREMENTS FOR CONFINED ANIMAL FEEDING OPERATIONS (CAFOS).

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-215.10C reads as rewritten:

"**§ 143-215.10C. Applications and permits.**

(a) No person shall construct or operate an animal waste management system for an animal operation or operate an animal waste management system for a dry litter poultry facility that is ~~subject to regulation under 40 Code of Federal Regulations § 122.23 (1 July 2003)~~required to be permitted under 40 Code of Federal Regulations § 122, as amended at 73 Federal Register 70418 (November 20, 2008), without first obtaining an individual permit or a general permit under this Article. The Commission shall develop a system of individual and general permits for animal operations and dry litter poultry facilities based on species, number of animals, and other relevant factors. It is the intent of the General Assembly that most animal waste management systems be permitted under a general permit. The Commission, in its discretion, may require that an animal waste management system be permitted under an individual permit if the Commission determines that an individual permit is necessary to protect water quality, public health, or the environment. The owner or operator of an animal operation shall submit an application for a permit at least 180 days prior to construction of a new animal waste management system or expansion of an existing animal waste management system and shall obtain the permit prior to commencement of the construction or expansion. The owner or operator of a dry litter poultry facility that is ~~subject to regulation under 40 Code of Federal Regulations § 122.23 (1 July 2003)~~ required to be permitted under 40 Code of Federal Regulations § 122, as amended at 73 Federal Register 70418 (November 20, 2008), shall submit an application for a permit at least 180 days prior to operation of a new animal waste management system.

(a1) An owner or operator of an animal waste management system for an animal operation or a dry litter poultry facility that is ~~subject to regulation under 40 Code of Federal Regulations § 122.23(c)(3) (1 July 2003)~~ required to be permitted under 40 Code of Federal Regulations § 122, as amended at 73 Federal Register 70418 (November 20, 2008), shall apply for an individual National Pollutant Discharge Elimination System (NPDES) permit or a general NPDES permit under this Article ~~within 90 days of notification by the Department that the facility is subject to regulation under 40 Code of Federal Regulations § 122.23(c)(3) (1 July 2003).~~and may not discharge into waters of the State except in compliance with an NPDES permit.

(b) An animal waste management system that is not required to be permitted under 40 Code of Federal Regulations § 122, as amended at 73 Federal Register 70418 (November 20, 2008), shall be designed, constructed, and operated so that the animal operation served by the animal waste management system does not cause pollution in the waters of the State except as may result because of rainfall from a storm event more severe than the 25-year, 24-hour ~~storm or if required by 40 Code of Federal Regulations § 122.23 (1 July 2003) from a storm event more severe than the 100-year, 24-hour storm.~~storm.

(b1) An existing animal waste management system that is required to be permitted under 40 Code of Federal Regulations § 122, as amended at 73 Federal Register 70418 (November 20, 2008), shall be designed, constructed, maintained, and operated in accordance with 40 Code of Federal Regulations § 412, as amended at 73 Federal Register 70418 (November 20, 2008), so that the animal operation served by the animal waste management system does not cause pollution in waters of the State except as may result because of rainfall from a storm event more severe than the 25-year, 24-hour storm. A new animal operation or dry litter poultry facility that is required to be permitted under 40 Code of Federal Regulations § 412.46, as amended at 73 Federal Register 70418 (November 20, 2008), shall be designed, constructed, maintained, and operated so that there is no discharge of pollutants to waters of the State.

(c) The Commission shall act on a permit application as quickly as possible and may conduct any inquiry or investigation it considers necessary before acting on an application.

(d) All applications for permits or for renewal of an existing permit shall be in writing, and the Commission may prescribe the form of the applications. All applications shall include an animal waste management system plan approved by a technical specialist. The Commission may require an applicant to submit additional information the Commission considers necessary to evaluate the application. Permits and renewals issued pursuant to this section shall be effective until the date specified therein or until rescinded unless modified or revoked by the Commission.

(e) An animal waste management plan for an animal operation shall include all of the following components:

(1) A checklist of potential odor sources and a choice of site-specific, cost-effective remedial best management practices to minimize those sources.

(2) A checklist of potential insect sources and a choice of site-specific, cost-effective best management practices to minimize insect problems.

(3) Provisions that set forth acceptable methods of disposing of mortalities.

(4) Provisions regarding best management practices for riparian buffers or equivalent controls, particularly along perennial streams.

(5) Provisions regarding the use of emergency spillways and site-specific emergency management plans that set forth operating procedures to follow during emergencies in order to minimize the risk of environmental damage.

(6) Provisions regarding periodic testing of waste products used as nutrient sources as close to the time of application as practical and at least within 60 days of the date of application and periodic testing, at least annually, of soils at crop sites where the waste products are applied. Nitrogen shall be a rate-determining element. Phosphorus shall be evaluated according to the nutrient management standard approved by the Soil and Water Conservation Commission and the Natural Resources Conservation Service of the United States Department of Agriculture for facilities that are ~~subject to regulation under 40 Code of Federal Regulations § 122.23 (1 July 2003).~~ required to be permitted under 40 Code of Federal Regulations § 122, as amended at 73 Federal Register 70418 (November 20, 2008). If the evaluation demonstrates the need to limit the application of phosphorus in order to comply with the

nutrient management standard, then phosphorus shall be a rate-determining element. Zinc and copper levels in the soils shall be monitored, and alternative crop sites shall be used when these metals approach excess levels.

(7) Provisions regarding waste utilization plans that assure a balance between nitrogen application rates and nitrogen crop requirements, that assure that lime is applied to maintain pH in the optimum range for crop production, and that include corrective action, including revisions to the waste utilization plan based on data of crop yields and crops analysis, that will be taken if this balance is not achieved as determined by testing conducted pursuant to subdivision (6) of this subsection.

(8) Provisions regarding the completion and maintenance of records on forms developed by the Department, which records shall include information addressed in subdivisions (6) and (7) of this subsection, including the dates and rates that waste products are applied to soils at crop sites, and shall be made available upon request by the Department.

(f) Any owner or operator of a dry litter poultry facility that is not ~~subject to regulation under 40 Code of Federal Regulations § 122.23 (1 July 2003)~~ required to be permitted under 40 Code of Federal Regulations § 122, as amended at 73 Federal Register 70418 (November 20, 2008), but that involves 30,000 or more birds shall develop an animal waste management plan that complies with the testing and record-keeping requirements under subdivisions (6) through (8) of subsection (e) of this section. Any operator of this type of animal waste management system shall retain records required under this section and by the Department on-site for three years.

(f1) An animal waste management plan for a dry litter poultry facility ~~subject to regulation under 40 Code of Federal Regulations § 122.23 (1 July 2003)~~ required to be permitted under 40 Code of Federal Regulations § 122, as amended at 73 Federal Register 70418 (November 20, 2008), shall include the components set out in subdivisions (3), (6), (7), and (8) of subsection (e) of this section, and to the extent required by ~~40 Code of Federal Regulations § 122.23 (1 July 2003)~~ 40 Code of Federal Regulations § 122, as amended at 73 Federal Register 70418 (November 20, 2008), for land application discharges, subdivision (4) of subsection (e) of this section.

(g) The Commission shall encourage the development of alternative and innovative animal waste management technologies. The Commission shall provide sufficient flexibility in the regulatory process to allow for the timely evaluation of alternative and innovative animal waste management technologies and shall encourage operators of animal waste management systems to participate in the evaluation of these technologies. The Commission shall provide sufficient flexibility in the regulatory process to allow for the prompt implementation of alternative and innovative animal waste management technologies that are demonstrated to provide improved protection to public health and the environment.

(h) The owner or operator of an animal waste management system shall:

(1) In the event of a discharge of 1,000 gallons or more of animal waste to the surface waters of the State, issue a press release to all print and electronic news media that provide general coverage in the county where the discharge occurred setting out the details of the discharge. The owner or operator shall issue the press release within 48 hours after the owner or operator has determined that the discharge has reached the surface waters of the State. The owner or operator shall retain a copy of the press release and a list of the news media to which it was distributed for at least one year after the discharge and shall provide a copy of the press release and the list of the news media to which it was distributed to any person upon request.

(2) In the event of a discharge of 15,000 gallons or more of animal waste to the surface waters of the State, publish a notice of the discharge in a newspaper having general circulation in the county in which the discharge occurs and in each county downstream from the point of discharge that is significantly affected by the discharge. The Secretary shall determine, at the Secretary's sole discretion, which counties are significantly affected by the discharge and shall approve the form and content of the notice and the newspapers in which the notice is to be published. The notice shall be captioned "NOTICE OF DISCHARGE OF ANIMAL WASTE". The owner or operator shall publish the notice within 10 days after the Secretary has determined the counties that are significantly affected by the discharge and approved the form and content of the notice and the newspapers in which the notice is to be published. The owner or operator shall file a copy of the notice and proof of publication with the Department within 30 days after the notice is published. Publication of a notice of discharge under this subdivision is in addition to the requirement to issue a press release under subdivision (1) of this subsection.

(i) A person who obtains an individual permit under G.S. 143-215.1 for an animal waste management system that serves a public livestock market shall not be required to obtain a permit under this Part and is not subject to the requirements of this Part."

SECTION 2. This act is effective when it becomes law.

HOUSE BILL 1175:
Update NPDES Permitting for CAFOs

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	May 28, 2009
Introduced by:	Representative Hill	**Prepared by:**	Jennifer Mundt
Analysis of:	First Edition		Legislative Analyst

SUMMARY: ***House Bill 1175 updates the National Pollutant Discharge Elimination System (NPDES) permitting requirements for Confined Animal Feeding Operations (CAFOs) by updating citations to the Code of Federal Regulations (CFR). The bill also provides that an owner or operator of an animal operation or dry litter poultry operation that must be permitted under the federal regulations must apply for an individual or general NPDES permit under Article 21 of Chapter 143 of the General Statutes and may not discharge into the waters of the State except in compliance with the NPDES permit. Further, an existing animal waste management system permitted under the federal regulations must be designed, constructed, maintained and operated in accordance with those regulations so that the animal operation served does not pollute the waters of the State except as may result from rainfall from a storm event more severe than the 25-year, 24-hour storm. New animal operations or dry litter poultry facilities required to be permitted must be designed, constructed, maintained, and operated so that there is no discharge of pollutants to the waters of the State.***

CURRENT LAW: G.S. 143-215.10C requires a person to obtain an individual or general permit for the construction or operation of an animal waste management system for an animal operation or a dry litter poultry facility that is required to be permitted under 40 CFR §122.23 (July 1, 2003). The owner or operator of an animal waste management system required to be permitted under 40 CFR §122.23 must apply for an individual or general permit within 90 days of being notified by the Department of Environment and Natural Resources (DENR) that the facility is subject to regulation. Facilities that are not required to be permitted under the federal regulations must be designed, constructed, and operated so that the animal operation served by the waste management system does not cause pollution to the waters of the State except that may result from rainfall from a storm event more severe than the 25-year, 24-hour storm.

The 2003 U.S. Environmental Protection Agency (EPA) rules on permitting for CAFOs were challenged by a number of environmental groups in *Waterkeeper Alliance et. al. vs. U.S. Environmental Protection Agency,* 399 F.2d 486 (2d Cir. 2005). The Second Circuit Court of Appeals issued its decision in the case in 2005, upholding some of the challenged provisions of the rules, but also remanding others back to EPA. In response, EPA revised its rules regarding the NPDES permitting requirements and effluent limitations guidelines and standards for CAFOs. The final rule was issued in November 2008. (73 Federal Register 70418 (November 20, 2008.))

BILL ANALYSIS: House Bill 1175 updates the National Pollutant Discharge Elimination System (NPDES) permitting requirements for Confined Animal Feeding Operations (CAFOs) by amending citations in the General Statutes to reflect changes to the Code of Federal Regulations (CFR) that resulted from the court decision in *Waterkeeper Alliance et. al. vs. U.S. Environmental Protection Agency,* 399 F.2d 486 (2d Cir. 2005). The bill also amends G.S. 143-215.10C by deleting the requirement that an animal facility subject to regulation apply for a permit within 90 days of notice by

DENR and providing that an owner or operator of an animal operation or dry litter poultry operation that must be permitted under the federal regulations must apply for an individual or general NPDES permit under Article 21 of Chapter 143 and may not discharge into the waters of the State except in compliance with the NPDES permit. The bill further amends G.S. 143-215.10C by adding a new subsection (b1) providing that an existing animal waste management system permitted under the federal regulations must be designed, constructed, maintained and operated in accordance with those federal regulations so that the animal operation served does not pollute the waters of the State except as may result from rainfall from a storm event more severe than the 25-year, 24-hour storm. New animal operations or dry litter poultry facilities that are required to be permitted must be designed, constructed, maintained, and operated so that there is no discharge of pollutants to the waters of the State.

EFFECTIVE DATE: The act is effective when it becomes law.

Barbara Riley, counsel to House Agriculture Committee, substantially contributed to this summary.

H1175-SMTA-51(e1) v1

HOUSE BILL 1118
Committee Substitute Favorable 4/30/09

Short Title: Standardize Wild Boar Seasons/Swine Study. (Public)

Sponsors:

Referred to:

April 7, 2009

A BILL TO BE ENTITLED

AN ACT TO STANDARDIZE WILD BOAR HUNTING SEASON AND THE HARVESTING OF FERAL SWINE AND TO DIRECT THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES TO STUDY ISSUES RELATED TO THE IMPORTATION OF FERAL SWINE IN NORTH CAROLINA.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113-133.1(e) reads as rewritten:

"(e) Because of strong community interest expressed in their retention, the local acts or portions of local acts listed in this section are not repealed. The following local acts are retained to the extent they apply to the county for which listed:

Alleghany: Session Laws 1951, Chapter 665; Session Laws 1977, Chapter 526; Session Laws 1979, Chapter 556.

Anson: Former G.S. 113-111, as amended by Session Laws 1955, Chapter 286.

Ashe: Former G.S. 113-111; Session Laws 1951, Chapter 665.

Avery: Former G.S. 113-122.

Beaufort: Session Laws 1947, Chapter 466, as amended by Session Laws 1979, Chapter 219; Session Laws 1957, Chapter 1364; Session Laws 1971, Chapter 173.

Bertie: Session Laws 1955, Chapter 1376; Session Laws 1975, Chapter 287.

Bladen: Public-Local Laws 1933, Chapter 550, Section 2 (as it pertains to fox season); Session Laws 1961, Chapter 348 (as it applies to Bladen residents fishing in Robeson County); Session Laws 1961, Chapter 1023; Session Laws 1971, Chapter 384.

Brunswick: Session Laws 1975, Chapter 218.

Buncombe: Public-Local Laws 1933, Chapter 308.

Burke: Public-Local Laws 1921, Chapter 454; Public-Local Laws 1921 (Extra Session), Chapter 213, Section 3 (with respect to fox seasons); Public-Local Laws 1933, Chapter 422, Section 3; ~~Session Laws 1965, Chapter 608, as amended by Session Laws 1977, Chapter 68;~~ Session Laws 1977, Chapter 636.

Caldwell: Former G.S. 113-122; ~~Session Laws 1965, Chapter 608, as amended by Session Laws 1977, Chapter 68;~~ Session Laws 1977, Chapter 636; Session Laws 1979, Chapter 507.

Camden: Session Laws 1955, Chapter 362 (to the extent it applies to inland fishing waters); Session Laws 1967, Chapter 441.

Carteret: Session Laws 1955, Chapter 1036; Session Laws 1977, Chapter 695.

Caswell: Public-Local Laws 1933, Chapter 311; Public-Local Laws 1937, Chapter 411.

Catawba: Former G.S. 113-111, as amended by Session Laws 1955, Chapter 1037.

Chatham: Public-Local Laws 1937 Chapter 236; Session Laws 1963, Chapter 271.

Chowan: Session Laws 1979, Chapter 184; Session Laws 1979, Chapter 582.



Cleveland: Public Laws 1907, Chapter 388; Session Laws 1951, Chapter 1101; Session Laws 1979, Chapter 587.

Columbus: Session Laws 1951, Chapter 492, as amended by Session Laws 1955, Chapter 506.

Craven: Session Laws 1971, Chapter 273, as amended by Session Laws 1971, Chapter 629.

Cumberland: Session Laws 1975, Chapter 748; Session Laws 1977, Chapter 471.

Dare: Session Laws 1973, Chapter 259.

Davie: Former G.S. 113-111, as amended by Session Laws 1947, Chapter 333.

Duplin: Session Laws 1965, Chapter 774; Session Laws 1973 (Second Session 1974), Chapter 1266; Session Laws 1979, Chapter 466.

Edgecombe: Session Laws 1961, Chapter 408.

Gates: Session Laws 1959, Chapter 298; Session Laws 1975, Chapter 269; Session Laws 1975, Chapter 748.

Granville: Session Laws 1963, Chapter 670.

Greene: Session Laws 1975, Chapter 219; Session Laws 1979, Chapter 360.

Halifax: Public-Local Laws 1925, Chapter 571, Section 3 (with respect to fox-hunting seasons); Session Laws 1947, Chapter 954; Session Laws 1955, Chapter 1376.

Haywood: Former G.S. 113-111, as modified by Session Laws 1963, Chapter 322.

Henderson: Former G.S. 113-111.

Hertford: Session Laws 1959, Chapter 298; Session Laws 1975, Chapter 269; Session Laws 1975, Chapter 748; Session Laws 1977, Chapter 67.

Hoke: Session Laws 1963, Chapter 267.

Hyde: Public-Local Laws 1929, Chapter 354, Section 1 (as it relates to foxes); Session Laws 1951, Chapter 932.

Iredell: Session Laws 1979, Chapter 577.

Jackson: Session Laws 1965, Chapter ~~765; Session Laws 1971, Chapter 424.~~765.

Johnston: Session Laws 1975, Chapter 342.

Jones: Session Laws 1979, Chapter 441.

Lee: Session Laws 1963, Chapter 271; Session Laws 1977, Chapter 636.

Lenoir: Session Laws 1979, Chapter 441.

Lincoln: Public-Local Laws 1925, Chapter 449, Sections 1 and 2; Session Laws 1955, Chapter 878.

Madison: Public-Local Laws 1925, Chapter 418, Section 4; Session Laws 1951, Chapter 1040.

Martin: Session Laws 1955, Chapter 1376; Session Laws 1977, Chapter 636.

~~Mitchell: Session Laws 1965, Chapter 608, as amended by Session Laws 1977, Chapter 68.~~

Montgomery: Session Laws 1977 (Second Session 1978), Chapter 1142.

Nash: Session Laws 1961, Chapter 408.

New Hanover: Session Laws 1971, Chapter 559; Session Laws 1975, Chapter 95.

Northampton: Session Laws 1955, Chapter 1376; Session Laws 1975, Chapter 269; Session Laws 1975, Chapter 748; Session Laws 1977, Chapter 67; Session Laws 1979, Chapter 548.

Orange: Public-Local Laws 1913, Chapter 547.

Pamlico: Session Laws 1977, Chapter 636.

Pender: Session Laws 1961, Chapter 333; Session Laws 1967, Chapter 229; Session Laws 1969, Chapter 258, as amended by Session Laws 1973, Chapter 420; Session Laws 1977, Chapter 585, as amended by Session Laws 1985, Chapter 421; Session Laws 1977, Chapter 805; Session Laws 1979, Chapter 546.

Perquimans: Former G.S. 113-111; Session Laws 1973, Chapter 160; Session Laws 1973, Chapter 264.

Polk: Session Laws 1975, Chapter 397; Session Laws 1975, Chapter 269, as amended by Session Laws 1977, Chapter 167.

Randolph: Public-Local Laws 1941, Chapter 246; Session Laws 1947, Chapter 920.

Robeson: Public-Local Laws 1924 (Extra Session), Chapter 92; Session Laws 1961, Chapter 348.

Rockingham: Former G.S. 113-111; Public-Local Laws 1933, Chapter 310.

Rowan: Session Laws 1975, Chapter 269, as amended by Session Laws 1977, Chapter 106, and Session Laws 1977, Chapter 500; Session Laws 1979, Chapter 556.

Rutherford: Session Laws 1973, Chapter 114; Session Laws 1975, Chapter 397.

Sampson: Session Laws 1979, Chapter 373.

Scotland: Session Laws 1959, Chapter 1143; Session Laws 1977, Chapter 436.

Stokes: Former G.S. 113-111; Public-Local Laws 1933, Chapter 310; Session Laws 1979, Chapter 556.

Surry: Public-Local Laws 1925, Chapter 474, Section 6 (as it pertains to fox seasons); Session Laws 1975, Chapter 269, as amended by Session Laws 1977, Chapter 167.

Swain: Public-Local Laws 1935, Chapter 52; Session Laws 1953, Chapter 270; Session Laws 1965, Chapter 765.

Transylvania: Public Laws 1935, Chapter 107, Section 2, as amended by Public Laws 1935, Chapter 238.

Tyrrell: Former G.S. 113-111; Session Laws 1953, Chapter 685.

Wake: Session Laws 1973 (Second Session 1974), Chapter 1382.

Washington: Session Laws 1947, Chapter 620.

Wayne: Session Laws 1975, Chapter 269; Session Laws 1975, Chapter 342, as amended by Session Laws 1977, Chapter 43; Session Laws 1975, Chapter 343, as amended by Session Laws 1977, Chapter 45; Session Laws 1977, Chapter 695.

Wilkes: Former G.S. 113-111, as amended by Session Laws 1971, Chapter 385; Session Laws 1951, Chapter 665; Session Laws 1973, Chapter 106; Session Laws 1979, Chapter 507.

Yadkin: Former G.S. 113-111, as amended by Session Laws 1953, Chapter 199; Session Laws 1979, Chapter 507.

Yancey: Session Laws 1965, Chapter 522."

SECTION 2. G.S. 113-129 is amended by adding a new subdivision to read:

"(15b) Wild Boar. – Free-ranging mammals of the species Sus scrofa that occur in counties identified in the rules of the Wildlife Resources Commission."

SECTION 3.(a) The Department of Agriculture and Consumer Services, in consultation with the Wildlife Resources Commission, the United States Department of Agriculture's Animal and Plant Health Inspection Services, and a cross section of interested agricultural organizations, shall study issues related to the importation of feral swine in North Carolina, including the associated risks and potential economic impact of that importation. In the course of its study, the Department may consider population estimates, disease risks, and efforts that could be undertaken to mitigate any risks posed by feral swine to the ecosystem or the agricultural industry of the State, including an examination of enforcement issues and existing penalties for the illegal transportation of feral swine into and around the State. In conducting its study, the Department shall solicit input from the following, as well as any other persons or groups with expertise on the subject:

(1) Swine veterinarians working in the pork industry;

(2) Confinement operation-type swine farmers;

(3) Pasture-raised operation-type swine farmers; and

(4) Sportsmen.

SECTION 3.(b) The Department shall report its findings and recommendations, including any legislative proposals, to the Chairs of the House Agriculture Committee and the Senate Agriculture, Environment, and Natural Resources Committee during the 2010 Regular Session of the 2009 General Assembly.

SECTION 4. Sections 1 and 2 of this act become effective October 1, 2009. The remainder of this act becomes effective July 1, 2009.

HOUSE BILL 1118:
Standardize Wild Boar Seasons/Swine Study

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	May 28, 2009
Introduced by:	Reps. Haire, West, Rapp	**Prepared by:**	Barbara Riley Committee Counsel
Analysis of:	Second Edition		

SUMMARY: ***House Bill 1118 standardizes wild boar hunting season and the harvesting of feral swine and directs the Department of Agriculture and Consumer Services to study issues related to the importation of feral swine in North Carolina.***

BILL ANALYSIS:

Section 1 of the bill repeals several local acts related to hunting wild boar that currently apply to Burke, Caldwell, Jackson, and Mitchell Counties. The effect of the repeal of these local acts is to make the rules regarding hunting of wild boar consistent across the State.

Section 2 of the bill defines wild boar as "free-ranging mammals of the species Sus scrofa that occur in counties identified in the rules of the Wildlife Resources Commission".

Section 3 of the bill directs the Department of Agriculture and Consumer Services, in consultation with the Wildlife Resources Commission, the US Department of Agriculture's Animal and Plant Health Inspection Services, and a cross-section of interested agricultural organizations, to study issues related to the importation of feral swine in North Carolina, including the associated risks and potential economic impact of importation. The Department shall report its findings and recommendations to the House Agriculture Committee and the Senate Agriculture, Environment, and Natural Resources Committee during the 2010 Regular Session of the 2009 General Assembly.

EFFECTIVE DATE: Sections 1 and 2 of this act become effective October 1, 2009. The remainder of this act becomes effective July 1, 2009.

Susan Sitze, counsel to House Wildlife Resources, substantially contributed to this summary.

H1118-SMRF-103(e2) v4

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — May 28, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Vernon Cox	NCDENR-DSWC
Pat Harris	NCDENR-DSWC
Keith Larick	NCDENR-DWQ
Daniel Arbon	Electricities
Angie Whitener	NCPC
Jessi Hayes	NC HBA
Cady Thomas	NCAR

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — May 28, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Doug Lassiter	NCSTA
MALLORY MARTIN	NC WILDLIFE RESOURCES
L. Andrews	NCFB
Christine Winsor	SOG - Daily Bulletin

Principal Clerk ____
Reading Clerk ____

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on **Agriculture/Environment/Natural Resources** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	June 2, 2009	11:00 AM	544 LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 759	ABC Recycling Stay Extension.	Representative Gibson, III
HB 760	Disposal of Pesticide Containers.	Representative Gibson, III
HB 1083	Extend State Vet's Animal Disease Authority.	Representative Hill Representative Rapp
HB 1104	Update NC Meat Inspection Act.	Representative Hill
HB 1399	Capacity Use Areas Enforcement.	Representative Braxton

Senator Bob Atwater, Chair

Senate Agriculture/Environment/Natural Resources Committee
Tuesday, June 2, 2009, 11:00 AM
544 LOB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

HB 759	ABC Recycling Stay Extension.	Representative Gibson, III
HB 760	Disposal of Pesticide Containers.	Representative Gibson, III
HB 1083	Extend State Vet's Animal Disease Authority.	Representative Hill Representative Rapp
HB 1104	Update NC Meat Inspection Act.	Representative Hill
HB 1399	Capacity Use Areas Enforcement.	Representative Braxton

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE REPORT
Senator Bob Atwater, Chair

Tuesday, June 02, 2009

Senator ATWATER,
submits the following with recommendations as to passage:

FAVORABLE

H.B. **759** ABC Recycling Stay Extension.
Sequential Referral: None
Recommended Referral: None

H.B. **760** Disposal of Pesticide Containers.
Sequential Referral: None
Recommended Referral: None

H.B. **1083** Extend State Vet's Animal Disease Authority.
Sequential Referral: None
Recommended Referral: None

H.B. **1104** Update NC Meat Inspection Act.
Sequential Referral: None
Recommended Referral: None

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 2, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B.(CS #2) **1399** Capacity Use Areas Enforcement.
Draft Number: 70447
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

TOTAL REPORTED: 5

Committee Clerk Comments: Senator Handling on Floor
HB 759 Senator Atwater
HB 760 Senator Atwater
HB 1083 Senator Albertson
HB 1104 Senator Albertson
HB 1399 Senator Davis

SENATE AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE
Tuesday, June 2, 2009 at 11:00 AM
Room 544, Legislative Office Building

MINUTES

The Senate Agriculture/Environment/Natural Resources Committee met at 11:00 AM on June 2, 2009, in Room 544 of the Legislative Office Building. 10 members of the committee were present. Senator Bob Atwater presided.

After Senator Atwater introduced the pages, the following bills were discussed:

- **HB 759, ABC Recycling Stay Extension.**

After Representative Gibson's brief explanation of the bill, **Senator Tillman moved for a favorable report for HB 759. Motion carried.**

- **HB 760, Disposal of Pesticide Containers.**

After a brief explanation of the bill by Representative Gibson, **Senator Snow moved for a favorable report for HB 760. Motion carried.**

- **HB 1083, Extend State Vet's Animal Disease Authority.**

Representative Hill gave a brief explanation of the bill, and then **Senator Brock moved for a favorable report for HB 1083. Motion carried.**

- **HB 1104, Update NC Meat Inspection Act.**

After Representative Hill gave a brief explanation of the bill, **Senator Albertson moved for a favorable report for HB 1104. Motion carried.**

- **HB 1399, Capacity Use Areas Enforcement.**

Senator Albertson moved to adopt a PCS for HB 1399 for purposes of discussion. Motion carried. Representative Braxton then explained the PCS. After a few brief questions from Committee members, **Senator Davis moved for an unfavorable report to the original bill and a favorable report for the PCS for HB 1399. Motion carried.**

The meeting adjourned at 11:15 AM.

Bob Atwater
Senator Bob Atwater, Presiding

Carol Resar
Carol Resar, Committee Clerk

HOUSE BILL 759

Short Title:	ABC Recycling Stay Extension.	(Public)
Sponsors:	Representative Gibson.	
Referred to:	Alcoholic Beverage Control, if favorable, Environment and Natural Resources.	

March 25, 2009

A BILL TO BE ENTITLED

AN ACT TO EXTEND THE ONE-YEAR STAY OF COMPLIANCE WITH THE MANDATORY RECYCLING LAW FOR ABC PERMITTEES TO ACCOMMODATE THOSE PERMITTEES WHO DO NOT HAVE ACCESS TO RECYCLING SERVICES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 18B-902(h) reads as rewritten:

"(h) Recycling Plan Required. – Each applicant for an on-premises malt beverage permit, on-premises unfortified wine permit, on-premises fortified wine permit, or a mixed beverages permit shall prepare and submit with the application a plan for the collection and recycling of all recyclable beverage containers of all beverages to be sold at retail on the premises. A permittee who is not able to find a recycler for its beverage containers may apply to the Alcoholic Beverage Control Commission for a one-year stay of the requirement to implement a recycling program in compliance with G.S. 18B-1006.1. The application shall be made in a form specified by the Commission, shall detail the efforts made by the permittee to provide for the collection and recycling of beverage containers, and shall specify the impediments to implementation of a recycling plan. The Commission shall submit all such applications to the Division of Pollution Prevention and Environmental Assistance of the Department of Environment and Natural Resources for review and certification. The Division of Pollution Prevention and Environmental Assistance shall investigate each application and prepare a summary of its investigation and shall submit the summary to the Commission along with a notation indicating certification or denial of the application. A permittee whose application for a stay is certified by the Division of Pollution Prevention and Environmental Assistance shall not be required to comply with the recycling requirement of the alcoholic beverage laws and regulations during the one-year stay period so certified."

SECTION 2. G.S. 18B-903(b2) reads as rewritten:

"(b2) Recycling Plan Required. – Each person holding an on-premises malt beverage permit, on-premises unfortified wine permit, on-premises fortified wine permit, or a mixed beverages permit shall submit, along with the annual registration or renewal application, either a current plan for the collection and recycling of all recyclable beverage containers of all beverages sold at retail on the ~~premises.~~ premises, or an application for a waiver pursuant to G.S. 18B-902(h)."

SECTION 3. This act is effective when it becomes law and applies retroactively to applications for permits and for renewal of permits submitted to the ABC Commission on or after January 1, 2009.

HOUSE BILL 759:
ABC Recycling Stay Extension

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	June 2, 2009
Introduced by:	Rep. Gibson	**Prepared by:**	Jennifer McGinnis Committee Counsel
Analysis of:	First Edition		

SUMMARY: House Bill 759 allows an applicant for the issuance or renewal of an ABC permit to apply for a one-year stay of the requirement to implement a recycling program, if the applicant does not have access to recycling services.

CURRENT LAW: Under G.S. 18B-1006.1, holders of on-premises ABC permits are required to separate, store, and provide for the collection for recycling of all recyclable beverage containers of beverages sold at retail on the premises. Each applicant for the initial issuance or renewal of on-premises ABC permits must submit with the application a plan for the collection and recycling of all recyclable beverage containers. The mandatory recycling requirement became effective January 1, 2008.

BILL ANALYSIS: House Bill 759 would allow an applicant for the issuance or renewal of an on-premises ABC permit to apply to the Alcoholic Beverage Control Commission for a one-year stay of the mandatory recycling requirement, if the applicant is not able to find a recycler for its beverage containers. The applicant must detail efforts made to comply with the recycling requirement, and specify any impediments to the implementation of a recycling plan. The Division of Pollution Prevention and Environmental Assistance of the Department of Environment and Natural Resources will investigate each application and submit a summary of its findings to the ABC Commission along with a notation indicating whether the application is certified or denied. If the application is certified, the applicant will not be required to comply with the recycling requirement during the one-year period for which certification is granted.

EFFECTIVE DATE: The bill would be effective when it becomes law and apply to applications for permits and for renewal of permits submitted on or after January 1, 2009.

Brenda J. Carter, Committee Counsel to the House Alcoholic Beverage Control Committee, substantially contributed to this summary.

H759-SMRI-51(e1) v2

H

HOUSE BILL 760

Short Title:	Disposal of Pesticide Containers.	(Public)
Sponsors:	Representative Gibson.	
Referred to:	Environment and Natural Resources, if favorable, Judiciary III.	

March 25, 2009

A BILL TO BE ENTITLED

AN ACT TO EXEMPT PESTICIDE CONTAINERS FROM THE PROHIBITION ON DISPOSAL OF RIGID PLASTIC CONTAINERS IN LANDFILLS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 130A-309.10(f) reads as rewritten:

"(f) No person shall knowingly dispose of the following solid wastes in landfills:

...

(11) Recyclable rigid plastic containers that are required to be labeled as provided in subsection (e) of this section, that have a neck smaller than the body of the container, and that accept a screw top, snap cap, or other closure. The prohibition on disposal of recyclable rigid plastic containers in landfills does not apply to rigid plastic containers that are intended for use in the sale or distribution of motor ~~oil.~~oil or pesticides. Pesticide containers shall be rinsed in accordance with label instructions prior to disposal in a landfill.

...."

SECTION 2. This act becomes effective October 1, 2009.

HOUSE BILL 760:
Disposal of Pesticide Containers

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	June 2, 2009
Introduced by:	Rep. Gibson	**Prepared by:**	Jennifer McGinnis
Analysis of:	First Edition		Committee Counsel

SUMMARY: ***House Bill 760 would exempt plastic containers intended for use in the sale or distribution of pesticides from the ban on disposal of plastic containers in landfills. The ban is scheduled to become effective October 1, 2009.***

CURRENT LAW: G.S. 130A-309.10(f) prohibits the disposal in landfills of recyclable rigid plastic containers that have a neck smaller than the body of the container, and that accept a screw top, snap cap, or other closure. Plastic containers intended for use in the sale or distribution of motor oil are exempt from the ban. The ban is scheduled to become effective October 1, 2009.

The statute sets forth a list of other items banned from disposal in landfills. These items include:

- Used oil.
- Yard trash.
- White goods.
- Antifreeze.
- Aluminum cans.
- Whole scrap tires
- Lead-acid batteries.
- Beverage containers that are required to be recycled by ABC permittees.
- Motor vehicle oil filters (Effective October 1, 2009).
- Wooden pallets, except that wooden pallets may be disposed of in a landfill that is permitted to only accept construction and demolition debris (Effective October 1, 2009).
- Oyster shells.
- Discarded computer equipment (Effective January 1, 2011).
- Discarded televisions (Effective January 1, 2011).

A violation of the statute is punishable as a Class 1 misdemeanor[1]. The statute provides that accidental or occasional disposal of small amounts of prohibited solid waste in a landfill is not to be construed as a violation.

BILL ANALYSIS: The bill would exempt plastic containers intended for use in the sale or distribution of pesticides from the ban on disposal of plastic containers in landfills, which is scheduled to become effective October 1, 2009.

EFFECTIVE DATE: The bill would become effective October 1, 2009.

H760-SMRI-52(e1) v1

[1] The range of punishment for a Class 1 misdemeanor, assuming no prior convictions, is 1-45 days community punishment.

H 1

HOUSE BILL 1083

Short Title:	Extend State Vet's Animal Disease Authority.	(Public)
Sponsors:	Representatives Hill, Rapp (Primary Sponsors); Faison, Lucas, and Wray.	
Referred to:	Agriculture, if favorable, Judiciary III.	

April 7, 2009

A BILL TO BE ENTITLED

AN ACT TO REMOVE THE SUNSET PROVISION OF THE ACT THAT STRENGTHENED THE AUTHORITY OF THE STATE VETERINARIAN TO PREVENT AND CONTROL AN OUTBREAK OF FOOT-AND-MOUTH DISEASE AND OTHER FOREIGN ANIMAL DISEASES.

The General Assembly of North Carolina enacts:

SECTION 1. Section 11 of S.L. 2001-12, as amended by S.L. 2003-6 and S.L. 2005-21, reads as rewritten:

"**SECTION 11.** This act is effective when it becomes ~~law and expires October 1, 2009.~~ law."

SECTION 2. This act becomes effective September 30, 2009.

HOUSE BILL 1083:
Extend State Vet's Animal Disease Authority

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	June 2, 2009
Introduced by:	Reps. Hill, Rapp	**Prepared by:**	Mariah Matheson Research Assistant
Analysis of:	First Edition		

SUMMARY: House Bill 1083 would remove the sunset on the provisions in the statutes authorizing the State Veterinarian, in consultation with the Commissioner of Agriculture and the approval of the Governor, to implement emergency measures in the event of an imminent threat within the State of a contagious animal disease that has the potential for very serious and rapid spread.

CURRENT LAW:

Emergency measures authorized in the statutes include restrictions on the transportation of potentially infected animals, agricultural products, and other commodities into and out of potentially infected areas, restrictions on access to such areas, quarantines, emergency disinfectant, destruction of infected animals, and other control measures at portals of entry to the State. The original legislation, S.L. 2002-12, was subject to a sunset provision as of April 2003. The sunset was extended in 2003 and again in 2005[1]. The current authorization expires on October 1, 2009.

EFFECTIVE DATE: The act becomes effective September 30, 2009.

Barbara Riley, Committee Counsel to the Senate Agriculture/Environment/Natural Resources Committee substantially contributed to this summary.

H1083-SMTF-14(e1) v2

[1] S.L. 2003-6 and S.L. 2005-21.

HOUSE BILL 1104

Short Title:	Update NC Meat Inspection Act.	(Public)
Sponsors:	Representatives Hill; Hughes, Lucas, and Wray.	
Referred to:	Agriculture, if favorable, Finance.	

April 7, 2009

A BILL TO BE ENTITLED

AN ACT TO UPDATE NORTH CAROLINA'S MEAT INSPECTION ACT TO BE EQUIVALENT TO FEDERAL STANDARDS BY EXEMPTING OSTRICHES FROM INSPECTION FEES, EXEMPTING RABBITS FROM THE POULTRY PRODUCTS INSPECTION ACT, AND CHANGING THE THRESHOLDS UNDER THE POULTRY PRODUCER EXEMPTION FOR PROCESSING POULTRY PRODUCTS FOR INTERSTATE COMMERCE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 106-549.39(b) reads as rewritten:

"(b) Inspection Fees. – The Commissioner may establish a fee at an hourly rate to be paid by an establishment preparing an animal listed in this subsection as a meat food product. The fee shall be credited to the Department as a departmental receipt and applied to the cost of inspecting these animals to be used for food. The animals whose inspection is subject to the fee imposed under this subsection are:

(1) Bison.

~~(2) Ostriches and other ratites.~~"

SECTION 2. G.S. 106-549.51A is repealed.

SECTION 3. G.S. 106-549.62(c) reads as rewritten:

"(c) The exemptions provided for in subdivisions (a)(6) and (7) above shall not apply if the poultry producer or other person engages in the current calendar year in the business of buying or selling any poultry or poultry products other than as specified in such subdivisions. No exemption under subdivisions (a)(6) or (7) or subsection (b) shall apply to any poultry producer or other person who slaughters or processes the products of more than ~~5,000 turkeys or an equivalent number of poultry of all species in the current calendar year (four birds of other species being deemed the equivalent of one turkey).~~20,000 birds of all species during the calendar year for which this exemption is being applied."

SECTION 4. G.S. 106-549.62(e) reads as rewritten:

"(e) The provisions of this Article shall not apply to poultry producers with respect to poultry of their own raising on their own farms if (i) such producers slaughter not more than ~~250 turkeys, or not more than an equivalent number of birds of all species during the calendar year for which this exemption is being determined (four birds of other species being deemed the equivalent of one turkey);~~1,000 birds of all species during the calendar year for which this exemption is being determined; (ii) such poultry producers do not engage in buying or selling poultry products other than those produced from poultry raised on their own farms; and (iii) such poultry moves only in intrastate commerce."

SECTION 5. This act is effective when it becomes law.

HOUSE BILL 1104:
Update NC Meat Inspection Act

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	June 1, 2009
Introduced by:	Rep. Hill	**Prepared by:**	Barbara Riley Committee Counsel
Analysis of:	First Edition		

SUMMARY: ***This act makes the inspection fees for ostriches and other ratites the same as for other meat inspections, removes domesticated rabbits from regulation under the Poultry Products Inspection Act, and makes changes to the exemption provisions applicable to poultry processors in intrastate commerce. This act is effective when it becomes law.***

CURRENT LAW & BILL ANALYSIS:

Section 1 – Under current law, bison and ratite meat is required to be inspected by the North Carolina Department of Agriculture under the Meat Inspection Act.[1] A "ratite" is a flightless bird such as an ostrich, emu, or rhea. The Commissioner of Agriculture has the authority to impose an inspection fee at an hourly rate on an establishment that processes bison or ratite meat for inspections. The fees are credited to the General Fund and then applied to the cost of the inspection program.

Whenever meat that is subject to the inspection requirements is being processed, an inspector must be present at the processing facility. The fees for meat inspection apply only when the inspection service is provided for more than 8 hours in a day, more than 40 hours in a week, on a Sunday, or on a legal holiday. No fee is charged for inspections provided during the normal business day. The reason for this is that, for meat required to be inspected by the federal government, the cost is generally shared 50/50 by the State and the United States Department of Agriculture.

The fees for bison and ratite inspection, however, apply to all inspection services provided and not just those services provided outside the normal business day because, heretofore, these inspections were not required by the federal government and their cost was not shared with the federal government. However, beginning in 2002, ratites are subject to mandatory USDA inspection. Establishments that slaughter ratites are required to implement and validate sanitation standard operating procedures as required by federal mandatory poultry inspection regulations.

Section 1 of the bill seeks to bring North Carolina law into conformity with the federal law as it relates to ratite meat inspections by deleting the inspection fee requirement for establishments preparing ostriches and other ratites as a meat food product. The bill does not change the inspection requirements, and ratite meat would now be subject only to the overtime fees, just as with other meat inspections.

Section 2 – By repealing G.S. 106-549.51A, domesticated rabbits would no longer be subject to regulation under the Poultry Products Inspection Act. Originally enacted in 1971, current North Carolina law requires facilities that slaughter rabbits to be inspected. Specifically, an inspector must be on site at the time of slaughter. At present, North Carolina does not have any facilities engaged in the slaughter of rabbits for sale in interstate commerce as meat products, but some interest has been expressed in this market, including at a federal plant being built in Marion.

[1] Under State law, ratites are covered under the Meat Inspection Act rather than under the Poultry Inspection Act because they are processed more like livestock than like chickens or turkeys. However, at the federal level, ratite meat is covered under the Poultry Products Inspection Act.

The federal government does not regulate the slaughter of rabbits. While plants that process rabbits are subject to FDA regulations, this requires only periodic site inspections for sanitation purposes. The federal government does not require that an inspector be on site at the time of slaughtering. Section 2 of the bill would make North Carolina law consistent with federal law with regard to the processing of rabbits as meat products to be sold in interstate commerce.

Sections 3 & 4 – The Poultry Products Inspection Act provides certain exemptions from the requirements related to the processing of poultry when the products are being distributed in intrastate commerce only. Under current law, a poultry producer may slaughter up to 1,000 chickens and up to 250 turkeys without requiring an inspection as long as the poultry is of the producer's own raising and is not sold in interstate commerce. A poultry producer who slaughters up to 20,000 chickens or 5,000 turkeys of his own raising and that are not sold in interstate commerce is subject only to basic sanitation requirements and periodic inspections. An inspector does not have to be on-site at the time of slaughter.

Sections 3 and 4 of the bill would eliminate the different thresholds for turkey producers and treat them the same as producers of all other poultry for purposes of the intrastate inspection exemptions.

EFFECTIVE DATE: This act is effective when it becomes law.

Hal Pell, counsel to House Agriculture, substantially contributed to this summary.

H1104-SMRF-124(e1) v1

HOUSE BILL 1399

Committee Substitute Reported Without Prejudice 4/29/09
Committee Substitute #2 Favorable 5/12/09

Short Title: Capacity Use Areas Enforcement. (Public)

Sponsors:

Referred to:

April 13, 2009

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT CIVIL PENALTIES OF UP TO ONE THOUSAND DOLLARS MAY BE ASSESSED FOR VIOLATION OF CAPACITY USE AREA LAWS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-215.17(b) reads as rewritten:

"(b) Civil Penalties. –

(1) The Secretary may assess a civil penalty of not less than one hundred dollars ($100.00) nor more than ~~two hundred fifty dollars ($250.00)~~one thousand dollars ($1,000) against any person who violates any provisions of, or any order issued pursuant to this Part, or who violates a rule of the Commission implementing this Part.

(2) If any action or failure to act for which a penalty may be assessed under this Part is willful, the Secretary may assess a penalty not to exceed ~~two hundred fifty dollars ($250.00)~~one thousand dollars ($1,000) per day for each day of violation.

(3) In determining the amount of the penalty the Secretary shall consider the factors set out in G.S. 143B-282.1(b). The procedures set out in G.S. 143B-282.1 shall apply to civil penalty assessments that are presented to the Commission for final agency decision.

(4) The Secretary shall notify any person assessed a civil penalty of the assessment and the specific reasons therefor by registered or certified mail, or by any means authorized by G.S. 1A-1, Rule 4. Contested case petitions shall be filed within 30 days of receipt of the notice of assessment.

(5) Requests for remission of civil penalties shall be filed with the Secretary. Remission requests shall not be considered unless made within 30 days of receipt of the notice of assessment. Remission requests must be accompanied by a waiver of the right to a contested case hearing pursuant to Chapter 150B and a stipulation of the facts on which the assessment was based. Consistent with the limitations in G.S. 143B-282.1(c) and (d), remission requests may be resolved by the Secretary and the violator. If the Secretary and the violator are unable to resolve the request, the Secretary shall deliver remission requests and his recommended action to the Committee on Civil Penalty Remissions of the Environmental Management Commission appointed pursuant to G.S. 143B-282.1(c).

(6) If any civil penalty has not been paid within 30 days after notice of assessment has been served on the violator, the Secretary shall request the Attorney General to institute a civil action in the Superior Court of any county in which the violator resides or has his or its principal place of business to recover the amount of the assessment, unless the violator contests the assessment as provided in subdivision (4) of this subsection, or requests remission of the assessment in whole or in part as provided in subdivision (5) of this subsection. If any civil penalty has not been paid within 30 days after the final agency decision or court order has been served on the violator, the Secretary shall request the Attorney General to institute a civil action in the Superior Court of any county in which the violator resides or has his or its principal place of business to recover the amount of the assessment.

(7) Repealed by Session Laws 1995 (Regular Session, 1996), c. 743, s. 15.

(8) The clear proceeds of civil penalties assessed pursuant to this subsection shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2."

SECTION 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H D

HOUSE BILL 1399
Committee Substitute Reported Without Prejudice 4/29/09
Committee Substitute Favorable 5/12/09
PROPOSED SENATE COMMITTEE SUBSTITUTE H1399-CSSB-45 [v.1]

5/29/2009 10:21:27 AM

Short Title: Capacity Use Areas Enforcement. (Public)

Sponsors:

Referred to:

April 13, 2009

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT CIVIL PENALTIES OF UP TO ONE THOUSAND DOLLARS MAY BE ASSESSED FOR VIOLATION OF CAPACITY USE AREA LAWS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-215.17(b) reads as rewritten:

"(b) Civil Penalties. –

(1) The Secretary may assess a civil penalty of not less than one hundred dollars ($100.00) nor more than ~~two hundred fifty dollars ($250.00)~~one thousand dollars ($1,000) against any person who violates any provisions of, or any order issued pursuant to this Part, or who violates a rule of the Commission implementing this Part.

(2) If any action or failure to act for which a penalty may be assessed under this Part is willful, the Secretary may assess a penalty not to exceed ~~two hundred fifty dollars ($250.00)~~one thousand dollars ($1,000) per day for each day of violation.

(3) In determining the amount of the penalty the Secretary shall consider the factors set out in G.S. 143B-282.1(b). The procedures set out in G.S. 143B-282.1 shall apply to civil penalty assessments that are presented to the Commission for final agency decision.

(4) The Secretary shall notify any person assessed a civil penalty of the assessment and the specific reasons therefor by registered or certified mail, or by any means authorized by G.S. 1A-1, Rule 4. Contested case petitions shall be filed within 30 days of receipt of the notice of assessment.

(5) Requests for remission of civil penalties shall be filed with the Secretary. Remission requests shall not be considered unless made within 30 days of receipt of the notice of assessment. Remission requests must be accompanied by a waiver of the right to a contested case hearing pursuant to Chapter 150B and a stipulation of the facts on which the assessment was based. Consistent with the limitations in G.S. 143B-282.1(c) and (d), remission requests may be resolved by the Secretary and the violator. If the Secretary and the violator are unable to resolve the request, the Secretary

shall deliver remission requests and his recommended action to the Committee on Civil Penalty Remissions of the Environmental Management Commission appointed pursuant to G.S. 143B-282.1(c).

(6) If any civil penalty has not been paid within 30 days after notice of assessment has been served on the violator, the Secretary shall request the Attorney General to institute a civil action in the Superior Court of any county in which the violator resides or has his or its principal place of business to recover the amount of the assessment, unless the violator contests the assessment as provided in subdivision (4) of this subsection, or requests remission of the assessment in whole or in part as provided in subdivision (5) of this subsection. If any civil penalty has not been paid within 30 days after the final agency decision or court order has been served on the violator, the Secretary shall request the Attorney General to institute a civil action in the Superior Court of any county in which the violator resides or has his or its principal place of business to recover the amount of the assessment.

(7) Repealed by Session Laws 1995 (Regular Session, 1996), c. 743, s. 15.

(8) The clear proceeds of civil penalties assessed pursuant to this subsection shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2."

SECTION 2. This act is effective when it becomes law and applies to violations that occur on or after that date.

HOUSE BILL 1399:
Capacity Use Areas Enforcement

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	June 2, 2009
Introduced by:	Representative Braxton	**Prepared by:**	Jeff Hudson Committee Counsel
Analysis of:	Third Edition		

SUMMARY: House Bill 1399 would increase the caps on civil penalties that could be assessed for violations of capacity use area laws.

CURRENT LAW AND BACKGROUND:

Under G.S. 143-215.13, the Environmental Management Commission (EMC) may declare and delineate a capacity use area of the State where it finds that the use of groundwater or surface water or both require coordination and limited regulation for protection of the interests and rights of residents or property owners of the area or of the public interest.

The EMC has declared such an area in the central coastal plain of the State. This Central Coastal Plain Capacity Use Area (CCPCUA) includes the following counties: Beaufort, Carteret, Craven, Duplin, Edgecombe, Greene, Jones, Lenoir, Martin, Onslow, Pamlico, Pitt, Washington, Wayne, and Wilson.

Some aquifers in the CCPCUA are being overused so that they will fail to meet the area's water supply needs in the near future. For the CCPCUA, the EMC has adopted rules that require water users to cut back on the use of the aquifers and increase the use of other water resources. Specifically, the rules require permits for groundwater use of more than 100,000 gallons per day and annual registration and reporting of withdrawals of surface water or groundwater of more than 10,000 gallons per day.

For a violation of capacity use area laws, the Secretary of Environment and Natural Resources may assess a civil penalty of not less than one hundred dollars ($100.00) nor more than two hundred fifty dollars ($250.00). If a violation is willful, the Secretary may assess a penalty not to exceed two hundred fifty dollars ($250.00) per day for each day of violation.

(Background information excerpted from the website of the Division of Water Resources in the Department of Environment and Natural Resources at: http://www.ncwater.org/Permits_and_Registration/Capacity_Use/Central_Coastal_Plain/)

BILL ANALYSIS:

House Bill 1399 would increase the caps on civil penalties that could be assessed for violations of capacity use area laws as follows:

- The cap on civil penalties for violation of capacity use area laws would be increased from two hundred fifty dollars ($250.00) to one thousand dollars ($1,000).
- For willful violations of capacity use area laws, the cap on per day violation civil penalties would be increased from two hundred fifty dollars ($250.00) to one thousand dollars ($1,000).

EFFECTIVE DATE: This act is effective when it becomes law.

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — June 2, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Anthony Alston	NAACP
Joy Hicks	NCDACS
Alicia Davis	MWC
David McLeod	NCDACS
Deanna Jarrett	Agricultural Alliance of N.C
[illegible]	DHHS
D. Sp	NCFB
A. Whitener	NCPC
Jeremy Hardesty	NCPC
Linda Andrews	NCFB

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — June 2, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Emily Gallimore	NCBA
Ron Vaughn	NCBA
Kim Hibbard	NCCM

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — June 2, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Elizabeth Biser	DENR
Alexandra Embry	DENR
Leslie Arnold	SOG-Daily Bulletin
Kathy Burdette	DENR
Scott Mouw	DENR
Kevin Davis	TNC
Tom Cors	TNC
Tom Bean	NC EDF, NC SEA
Dan Crawford	CCNC
Dan Conrad	NCCN
Mia D. Bailey	Electric Cities of NC, Inc.

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — June 2, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Betsy McCorkle	CCNC

Principal Clerk ____
Reading Clerk ____

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on **Agriculture/Environment/Natural Resources** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	June 9, 2009	11:00 AM	544 LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 857	Minimum Caliber of Rifles for Taking Big Game.	Representative Lucas
HB 760	Disposal of Pesticide Containers.	Representative Gibson, III
HB 239	Restore Water Quality in Jordan Reservoir.	Representative Bordsen Representative Allen Representative Gibson, III

Senator Bob Atwater, Chair

Senate Agriculture/Environment/Natural Resources Committee
Tuesday, June 9, 2009, 11:00 AM
544 LOB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

HB 857	Minimum Caliber of Rifles for Taking Big Game.	Representative Lucas
HB 760	Disposal of Pesticide Containers.	Representative Gibson, III
HB 239	Restore Water Quality in Jordan Reservoir.	Representative Bordsen Representative Allen Representative Gibson, III

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE REPORT
Senator Bob Atwater, Chair

Tuesday, June 09, 2009

Senator ATWATER,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 2, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B.(CS #2) **239** Restore Water Quality in Jordan Reservoir.

Draft Number:	10996
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 1

Committee Clerk Comments:

Senator Atwater will handle on the floor

SENATE AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE
Tuesday, June 9, 2009 at 11:00 AM
Room 544, Legislative Office Building

MINUTES

The Senate Agriculture/Environment/Natural Resources Committee met at 11:00 AM on June 9, 2009, in Room 544 of the Legislative Office Building. 15 members of the committee were present. Senator Bob Atwater presided.

After Senator Atwater introduced the pages, the following bills were discussed:

- **HB 760, Disposal of Pesticide Containers.**

This bill received a favorable report at the June 2, 2009 meeting but was returned to the Senate Agriculture Committee by the full Senate. Representative Gibson gave a brief explanation of the bill. Then Senator Clodfelter asked for clarification of how the bill would work. Mr. David McLeod, Assistant Commissioner of the North Carolina Department of Agriculture and Consumer Services, responded and also explained the need for the bill. Senator Clodfelter asked Ms. Robin Smith with the Department of Environment and Natural Resources (DENR) if the Department had any objections to the bill. Ms. Smith responded there was no objection to the bill. After more questions from Senator Allran, Senator Clodfelter and Senator Kinnaird, **Representative Gibson asked Senator Atwater to displace the bill to a future meeting.** Mr. Glenn Jernigan, Agriculture Alliance of North Carolina made a few comments in favor of the bill and then **Senator Atwater displace the bill and subsequently appointed a subcommittee for the bill and asked the following members to serve on the subcommittee: Senator Clodfelter, Chair, Senator Albertson, Senator Brown, and Senator Swindell**

- **HB 239, Restore Water Quality in Jordan Reservoir.**

Senator Weinstein moved to adopt the PCS for HB 239 for purposes of discussion. Motion carried. Representative Gibson and Representative Allen made brief comments on the bill. Senator Atwater then asked Jeff Hudson, Staff Counsel, to explain the substantive parts of the bill. After Mr. Hudson's summary of the bill, Senator Kinnaird and Senator Brown and Senator Swindell asked questions and Mr. Hudson and Ms. Robin Smith with DENR responded.

Senator Atwater then asked for comments from the public and the following people spoke on the bill:

>Margaret Hertzell, Environment North Carolina, spoke in favor of the bill.

>Elaine Chiosso, Haw River Assembly, stated that Jordan Lake was very important to Chatham County and she felt that a piece of the bill was unfair to Chatham County because the map that is being working from is a 2001 map when the lower New Hope arm of the Lake was in compliance with water quality standards, but now that is no longer the case. She stated Mr. Hudson had language that would fix this issue and make it fairer to Chatham County. After Senator Kinnaird offered to make that amendment to the bill, Senator Atwater stated that Mr. Hudson believes this issue can be fixed under existing rules and he did not want to amend the bill

as this time. Representative Allen added that it was a legitimate concern but Mr. Hudson stated it could be accomplished within the current DENR and the Environmental Management Commission rules. Senator Atwater asked Ms. Smith with DENR if she agreed with Mr. Hudson's statement did she believe that there is language in the bill that addresses Ms. Chiosso's concerns. She responded yes.

>Randy Billings, Piedmont Triad Council of Governments, spoke in favor of the bill.

Senator Tillman moved for an unfavorable report as to original bill and a favorable report for the PCS for HB 239. Motion carried.

The meeting adjourned at 11:55 AM.

Senator Bob Atwater, Presiding

Carol Resar, Committee Clerk

HOUSE BILL 857

Short Title:	Minimum Caliber of Rifles for Taking Big Game.	(Public)
Sponsors:	Representative Lucas.	
Referred to:	Wildlife Resources, if favorable, Judiciary III.	

March 30, 2009

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE WILDLIFE RESOURCES COMMISSION TO SET MINIMUM CALIBER REQUIREMENTS FOR RIFLES USED IN TAKING BIG GAME.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113-291.1(a) reads as rewritten:

"(a) Except as otherwise provided, game may only be taken between a half hour before sunrise and a half hour after sunset and only by one or a combination of the following methods:

(1) With a ~~rifle,~~rifle of at least the minimum caliber set by the Wildlife Resources Commission for the type of game being taken, except that rifles may not be used in taking wild turkeys.

(2) With a shotgun not larger than number 10 gauge.

(3) With a bow and arrow of a type prescribed in the rules of the Wildlife Resources Commission.

(4) With the use of dogs.

(5) By means of falconry.

Fur-bearing animals may be taken at any time during open trapping season with traps authorized under G.S. 113-291.6 and as otherwise authorized pursuant to this subsection, and rabbits may be box-trapped in accordance with rules of the Wildlife Resources Commission. The Wildlife Resources Commission may adopt rules prescribing the manner of taking wild birds and wild animals not classified as game. Use of pistols in taking wildlife is governed by subsection (g). The Wildlife Resources Commission may prescribe the manner of taking wild animals and wild birds on game lands and public hunting grounds."

SECTION 2. This act becomes effective October 1, 2009.

HOUSE BILL 857:
Minimum Caliber of Rifles for Taking Big Game

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	June 8, 2009
Introduced by:	Rep. Lucas	**Prepared by:**	Barbara Riley Committee Counsel
Analysis of:	First Edition		

SUMMARY:

House Bill 857 directs the Wildlife Resources Commission to set minimum caliber requirements for rifles used in taking big game.

CURRENT LAW:

G.S. 113-291.1 sets forth the manner in which animals and birds may be taken and limitations on the manner of taking.

BILL ANALYSIS:

House Bill 857 amends G.S. 113-291.1(a) to require that when hunting game with a rifle, the rifle be of at least the minimum caliber set by the Wildlife Resources Commission for the type of game being taken.

EFFECTIVE DATE:

This act becomes effective October 1, 2009.

Susan Sitze, counsel to House Wildlife, substantially contributed to this summary.

H857-SMRF-131(e1) v1

HOUSE BILL 760

Short Title:	Disposal of Pesticide Containers.	(Public)
Sponsors:	Representative Gibson.	
Referred to:	Environment and Natural Resources, if favorable, Judiciary III.	

March 25, 2009

A BILL TO BE ENTITLED

AN ACT TO EXEMPT PESTICIDE CONTAINERS FROM THE PROHIBITION ON DISPOSAL OF RIGID PLASTIC CONTAINERS IN LANDFILLS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 130A-309.10(f) reads as rewritten:

"(f) No person shall knowingly dispose of the following solid wastes in landfills:

...

(11) Recyclable rigid plastic containers that are required to be labeled as provided in subsection (e) of this section, that have a neck smaller than the body of the container, and that accept a screw top, snap cap, or other closure. The prohibition on disposal of recyclable rigid plastic containers in landfills does not apply to rigid plastic containers that are intended for use in the sale or distribution of motor ~~oil.~~oil or pesticides. Pesticide containers shall be rinsed in accordance with label instructions prior to disposal in a landfill.

...."

SECTION 2. This act becomes effective October 1, 2009.

HOUSE BILL 760:
Disposal of Pesticide Containers

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	June 2, 2009
Introduced by:	Rep. Gibson	**Prepared by:**	Jennifer McGinnis Committee Counsel
Analysis of:	First Edition		

SUMMARY: ***House Bill 760 would exempt plastic containers intended for use in the sale or distribution of pesticides from the ban on disposal of plastic containers in landfills. The ban is scheduled to become effective October 1, 2009.***

CURRENT LAW: G.S. 130A-309.10(f) prohibits the disposal in landfills of recyclable rigid plastic containers that have a neck smaller than the body of the container, and that accept a screw top, snap cap, or other closure. Plastic containers intended for use in the sale or distribution of motor oil are exempt from the ban. The ban is scheduled to become effective October 1, 2009.

The statute sets forth a list of other items banned from disposal in landfills. These items include:

- Used oil.
- Yard trash.
- White goods.
- Antifreeze.
- Aluminum cans.
- Whole scrap tires
- Lead-acid batteries.
- Beverage containers that are required to be recycled by ABC permittees.
- Motor vehicle oil filters (Effective October 1, 2009).
- Wooden pallets, except that wooden pallets may be disposed of in a landfill that is permitted to only accept construction and demolition debris (Effective October 1, 2009).
- Oyster shells.
- Discarded computer equipment (Effective January 1, 2011).
- Discarded televisions (Effective January 1, 2011).

A violation of the statute is punishable as a Class 1 misdemeanor[1]. The statute provides that accidental or occasional disposal of small amounts of prohibited solid waste in a landfill is not to be construed as a violation.

BILL ANALYSIS: The bill would exempt plastic containers intended for use in the sale or distribution of pesticides from the ban on disposal of plastic containers in landfills, which is scheduled to become effective October 1, 2009.

EFFECTIVE DATE: The bill would become effective October 1, 2009.

H760-SMRI-52(e1) v1

[1] The range of punishment for a Class 1 misdemeanor, assuming no prior convictions, is 1-45 days community punishment.

HOUSE BILL 239

Committee Substitute Favorable 5/5/09
Committee Substitute #2 Favorable 5/11/09

Short Title: Restore Water Quality in Jordan Reservoir. (Public)

Sponsors:

Referred to:

February 23, 2009

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR IMPROVEMENTS IN THE MANAGEMENT OF THE JORDAN WATERSHED IN ORDER TO RESTORE WATER QUALITY IN THE JORDAN RESERVOIR.

The General Assembly of North Carolina enacts:

SECTION 1. Definitions. – The following definitions apply to this act and its implementation:

(1) The definitions set out in G.S. 143-212 and G.S. 143-213.

(2) The definitions set out in 15A NCAC 02B .0262 (Jordan Water Supply Nutrient Strategy: Purpose and Scope) and 15A NCAC 02B .0263 (Jordan Water Supply Nutrient Strategy: Definitions).

(3) "Division" means the Division of Water Quality in the Department of Environment and Natural Resources.

(4) "Existing Development Rule 15A NCAC 02B .0266" means 15A NCAC 02B .0266 (Jordan Water Supply Nutrient Strategy: Stormwater Management for Existing Development), adopted by the Commission on May 8, 2008, and approved by the Rules Review Commission on November 20, 2008.

(5) "Wastewater Discharge Rule 15A NCAC 02B .0270" means 15A NCAC 02B .0270 (Jordan Water Supply Nutrient Strategy: Wastewater Discharge Requirements) adopted by the Commission on May 8, 2008, and approved by the Rules Review Commission on October 16, 2008.

SECTION 2.(a) Wastewater Discharge Rule 15A NCAC 02B .0270. – Until the effective date of the revised permanent rule that the Commission is required to adopt pursuant to Section 2(c) of this act, the Commission and the Department shall implement the Wastewater Discharge Rule 15A NCAC 02B .0270, as provided in Section 2(b) of this act.

SECTION 2.(b) Implementation. – Notwithstanding sub-subdivision (c) of subdivision (6) of Wastewater Discharge Rule 15A NCAC 02B .0270, each existing discharger with a permitted flow greater than or equal to 0.1 million gallons per day (MGD) shall limit its total nitrogen discharge to its active individual discharge allocation as defined or modified pursuant to Wastewater Discharge Rule 15A NCAC 02B .0270 no later than calendar year 2016.

SECTION 2.(c) Additional Rule-Making Authority. – The Commission shall adopt a rule to replace Wastewater Discharge Rule 15A NCAC 02B .0270. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section shall be substantively identical to the provisions of Section 2(b) of this act. Rules adopted pursuant to

this section are not subject to G.S. 150B-21.9 through G.S. 150B-21.14. Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1) as though 10 or more written objections had been received as provided by G.S. 150B-21.3(b2).

SECTION 3.(a) Existing Development Rule 15A NCAC 02B .0266 Disapproved. – Pursuant to G.S. 150B-21.3(b1), Existing Development Rule 15A NCAC 02B .0266, as adopted by the Environmental Management Commission on May 8, 2008, and approved by the Rules Review Commission on November 20, 2008, is disapproved.

SECTION 3.(b) References in the North Carolina Administrative Code to the rule cited in Section 3(a) of this act shall be deemed to refer to the equivalent provisions of this act.

SECTION 3.(c) Nutrient Monitoring. – The Department shall maintain an ongoing program to monitor water quality in each arm of Jordan Reservoir. The Department shall also accept water quality sampling data from a monitoring program implemented by a local government or nonprofit organization if the data meets quality assurance standards established by the Department. On March 1, 2014, the Department shall report the results of monitoring in each arm of Jordan Reservoir to the Environmental Review Commission. The Department shall submit an updated monitoring report under this section every three years thereafter until such time as the lake is no longer impaired by nutrient pollution.

SECTION 3.(d) Control of Nutrient Loading From Existing Development. – The Department shall require implementation of reasonable nutrient load reduction measures for existing development in each arm of the Jordan Reservoir, as provided in this act. The Department shall determine whether nutrient load reduction measures for existing development are necessary in each subwatershed of Jordan Reservoir and require implementation of reasonable nutrient reduction measures in accordance with an adaptive management program as follows:

(1) Stage 1 Adaptive Management Program to Control Nutrient Loading From Existing Development. –

a. Municipalities and counties located in whole or in part in the Jordan watershed shall implement a Stage 1 adaptive management program to control nutrient loading from existing development in the Jordan watershed. The Stage 1 adaptive management program shall meet the requirements set out in 40 C.F.R. § 122.34 as applied by the Department in the NPDES General Permit for municipal separate storm sewer systems in effect on July 1, 2009. The Stage 1 adaptive management program shall include all of the following measures:

1. A public education program to inform the public of the impacts of nutrient loading and measures that can be implemented to reduce nutrient loading from stormwater runoff from existing development.
2. A mapping program that includes major components of the municipal separate storm sewer system, including the location of major outfalls, as defined in 40 Code of Federal Regulations §122.26(b)(5) (July 1, 2008) and the names and location of all waters of the United States that receive discharges from those outfalls, land use types, and location of sanitary sewers.
3. A program to identify and remove illegal discharges.
4. A program to identify opportunities for retrofits and other projects to reduce nutrient loading from existing developed lands.
5. A program to ensure maintenance of best management practices implemented by the local government.

b. The Department shall accept local government implementation of another stormwater program or programs meeting the standards set out in this section as satisfying one or more of the requirements set forth in sub-subdivision a. of this subdivision. The local government shall provide technical information sufficient to demonstrate the adequacy of the alternative program or program elements.

c. A Stage 1 adaptive management program to control nutrient loading from existing development shall be implemented as follows:

1. No later than December 31, 2009, each local government shall submit its Stage 1 adaptive management program to the Commission for review and approval.

2. Within six months following submission of a Stage 1 adaptive management program, the Division shall recommend that the Commission approve or disapprove the program. The Commission shall either approve the program or require changes based on the standards set out in sub-subdivision a. of this subdivision. If the Commission requires changes, the local government shall submit revisions responding to the required changes within two months and the Department shall provide follow-up recommendations to the Commission within two months after receiving revisions.

3. Within three months following Commission approval of a Stage 1 adaptive management program, the local government shall begin implementation of the program. Each local government shall report annually to the Department on implementation of its program.

(2) Stage 2 Adaptive Management Program to Control Nutrient Loading From Existing Development. –

a. If the March 1, 2014 monitoring report or any subsequent monitoring report for the Upper New Hope Creek Arm of Jordan Reservoir required under Section 3(c) of this act shows that nutrient-related water quality standards are not being achieved, a municipality or county located in whole or in part in the subwatershed of that arm of Jordan Reservoir shall develop and implement a Stage 2 adaptive management program to control nutrient loading from existing development within the subwatershed, as provided in this act. If the March 1, 2017 monitoring report or any subsequent monitoring report for the Haw River Arm or the Lower New Hope Creek Arm of Jordan Reservoir required under Section 3(c) of this act shows that nutrient-related water quality standards are not being achieved, a municipality or county located in whole or in part in the subwatershed of that arm of Jordan Reservoir shall develop and implement a Stage 2 adaptive management program to control nutrient loading from existing development within the subwatershed, as provided in this act. The Department shall defer development and implementation of Stage 2 adaptive management programs to control nutrient loading from existing development required in an arm of Jordan Reservoir by this subdivision if it determines that additional reductions in nutrient loading from existing development in that arm will not be necessary to achieve nutrient-related water quality standards. In making this determination, the Department shall

consider the anticipated effect of measures implemented or scheduled to be implemented to reduce nutrient loading from sources in the arm other than existing development. If any subsequent monitoring report for an arm of Jordan Reservoir required under Section 3(c) of this act shows that nutrient-related water quality standards have not been achieved, the Department shall notify the municipalities and counties located in whole or in part in the subwatershed of that arm of Jordan Reservoir and the municipalities and counties shall develop and implement a Stage 2 adaptive management program as provided in this subdivision.

b. The Department shall establish a load reduction goal for existing development for each municipality and county required to implement a Stage 2 adaptive management program to control nutrient loading from existing development. The load reduction goal shall be designed to achieve an eight percent (8%) reduction in nitrogen loading of surface water from existing development and a five percent (5%) reduction in phosphorus loading of surface water from existing development relative to the baseline period 1997 through 2001 and reaching Jordan Reservoir from existing developed lands within the municipal limits or county boundary. The baseline load shall be calculated by applying the Tar-Pamlico Nutrient Export Calculation Worksheet, Piedmont Version, dated October 2004, to acreages of different types of existing development within the local government planning jurisdiction during the baseline period. The baseline load may also be calculated using an equivalent or more accurate method acceptable to the Division and recommended by the Scientific Advisory Board established pursuant to Section 4(a) of this act. The baseline load for a municipality or county shall not include nutrient loading from lands under State or federal control or lands in agriculture or forestry. The load reduction goal shall be adjusted to account for nutrient loading increases from lands developed subsequent to the baseline period but prior to implementation of new development stormwater programs.

c. Based on findings under sub-subdivisions a. and b. of this subdivision, the Department shall notify the local governments in each subwatershed that either:

1. Implementation of a Stage 2 adaptive management program to control nutrient loading from existing development will be necessary to achieve water quality standards in an arm of the reservoir and direct the municipalities and counties in the subwatershed to develop a load reduction program in compliance with this section.
2. Implementation of a Stage 2 adaptive management program to control nutrient loading from existing development is not necessary at that time but will be reevaluated in three years based on the most recent water quality monitoring information.

d. A local government receiving notice of the requirement to develop and implement a Stage 2 adaptive management program to control nutrient loading from existing development under this section shall not be required to submit a program if the local government

demonstrates that it has already achieved the reductions in nutrient loadings required by sub-subdivision b. of this subdivision.

e. Within six months after receiving notice to develop and implement a Stage 2 adaptive management program to control nutrient loading from existing development, each local government shall submit to the Commission a program that is designed to achieve the reductions in nutrient loadings established by the Division pursuant to sub-subdivision b. of this subdivision. A local government program may include nutrient management strategies that are not included in the model program developed pursuant to Section 3(c) of this act in addition to or in place of any component of the model program. In addition, a local government may satisfy the requirements of this subdivision through reductions in nutrient loadings from other sources in the same subwatershed to the extent those reductions go beyond measures otherwise required by statute or rule. A local government may also work with other local governments within the same subwatershed to collectively meet the required reductions in nutrient loadings from existing development within their combined jurisdictions. Any credit for reductions achieved or obtained outside of a local government's planning jurisdiction shall be adjusted based on transport factors established by the Department document Nitrogen and Phosphorus Delivery from Small Watersheds to Jordan Lake, dated June 30, 2002.

f. Within six months following submission of a local government's Stage 2 adaptive management program to control nutrient loading from existing development, the Department shall recommend that the Commission approve or disapprove the program. The Commission shall approve the program if it meets the requirements of this subdivision, unless the Commission finds that the local government can, through the implementation of reasonable and cost-effective measures not included in the proposed program, meet the reductions in nutrient loading established by the Department pursuant to sub-subdivision b. of this subdivision by a date earlier than that proposed by the local government. If the Commission finds that there are additional or alternative reasonable and cost-effective measures, the Commission may require the local government to modify its proposed program to include such measures to achieve the required reductions by the earlier date. If the Commission requires such modifications, the local government shall submit a modified program within two months. The Department shall recommend that the Commission approve or disapprove the modified program within three months after receiving the local government's modified program. In determining whether additional or alternative load reduction measures are reasonable and cost effective, the Commission shall consider factors including, but not limited to, the increase in the per capita cost of a local government's stormwater management program that would be required to implement such measures and the cost per pound of nitrogen and phosphorus removed by such measures. The Commission shall not require additional or alternative measures that would require a local government to:

1. Install or require installation of a new stormwater collection system in an area of existing development unless the area is being redeveloped.
2. Acquire developed private property.
3. Reduce or require the reduction of impervious surfaces within an area of existing development unless the area is being redeveloped.

g. Within three months after the Commission's approval of a Stage 2 adaptive management program to control nutrient loading from existing development, the local government shall complete adoption and begin implementation of its program.

h. Each local government implementing a Stage 2 adaptive management program to control nutrient loading from existing development shall submit an annual report to the Division summarizing its activities in implementing its program.

i. If at any time the Department finds, based on water quality monitoring, that an arm of the Jordan Reservoir has achieved compliance with water quality standards, the Department shall notify the local governments in the subwatershed. Subject to the approval of the Commission, a local government may modify its Stage 2 adaptive management program to control nutrient loading from existing development to maintain only those measures necessary to prevent increases in nutrient loading from existing development.

SECTION 3.(e) Model Stage 2 Adaptive Management Program to Control Nutrient Loading From Existing Development. – No later than July 1, 2013, the Department shall submit a model Stage 2 adaptive management program to control nutrient loading from existing development to the Commission for approval. The model program shall identify specific load reduction practices and programs and reduction credits associated with each practice or program. In developing the model program, the Department shall consider the findings and recommendations of the Scientific Advisory Board established pursuant to Section 4(a) of this act and comments submitted by municipalities and counties identified in 15A NCAC 02B .0262(7) (Jordan Water Supply Nutrient Strategy: Purpose and Scope). The Commission shall review the model program and either approve the program or return it to the Department with requested changes. The Department shall revise the model program to address changes requested by the Commission. The Commission shall approve a final model program no later than December 31, 2013.

SECTION 3.(f) Additional Measures to Reduce Nitrogen Loading From Existing Development in the Upper New Hope Creek Arm of the Jordan Reservoir. – If the March 1, 2023, monitoring report or any subsequent monitoring report for the Upper New Hope Creek Arm of Jordan Reservoir shows that nutrient-related water quality standards are not being achieved, a municipality or county located in whole or in part in the Upper New Hope Creek Subwatershed shall modify its Stage 2 adaptive management program to control nutrient loading from existing development to achieve additional reductions in nitrogen loading from existing development. The modified Stage 2 adaptive management program shall be designed to achieve a total reduction in nitrogen loading from existing development of thirty-five percent (35%) relative to the baseline period 1997 through 2001. The Department shall notify local governments of the requirement to submit a modified Stage 2 adaptive management program. Submission, review and approval, and implementation of a modified Stage 2 adaptive management program shall follow the process, timeline, and standards set out in sub-subdivisions e. through g. of subdivision (2) of Section 3(d) of this act.

SECTION 3.(g) Enforcement. – The Department shall enforce the provisions of this act as provided in G.S. 143-215.6A, 143-215.6B, and 143-215.6C.

SECTION 3.(h) Collective Compliance. – Local governments that are subject to regulation under this act may establish collective programs to comply with the requirements of this act.

SECTION 3.(i) Report. – The Division shall report annually to the Commission regarding the implementation of adaptive management programs to control nutrient loading from existing development in the Jordan watershed.

SECTION 3.(j) Additional Rule-Making Authority. – The Commission shall adopt a rule to replace Sections 3(c) through 3(i) of this act. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section shall be substantively identical to the provisions of Sections 3(c) through 3(f) of this act. Rules adopted pursuant to this section are not subject to G.S. 150B-21.9 through G.S. 150B-21.14. Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1) as though 10 or more written objections had been received as provided by G.S. 150B-21.3(b2).

SECTION 3.(k) No Change to Existing Regulatory Authority. – Nothing in this act shall be construed to limit, expand, or modify the authority of the Commission to undertake alternative regulatory actions otherwise authorized by State or federal law, including, but not limited to, the reclassification of waters of the State pursuant to G.S. 143-214.1, the revision of water quality standards pursuant to G.S. 143-214.3, and the granting of variances pursuant to G.S. 143-215.3.

SECTION 4.(a) Scientific Advisory Board for Nutrient-Impaired Waters Established. – No later than July 1, 2010, the Secretary shall establish a Nutrient Sensitive Waters Scientific Advisory Board. The Scientific Advisory Board shall consist of no fewer than five and no more than 10 members with the following expertise or experience:

(1) Representatives of one or more local governments in the Jordan Reservoir watershed. Local government representatives shall have experience in stormwater management, flood control, or management of a water or wastewater utility.

(2) One member with at least 10 years of professional or academic experience relevant to the management of nutrients in impaired water bodies and possessing a graduate degree in a related scientific discipline, such as aquatic science, biology, chemistry, geology, hydrology, environmental science, engineering, economics, or limnology.

(3) One professional engineer with expertise in stormwater management, hydrology, or flood control.

(4) One representative of the Department of Transportation with expertise in stormwater management.

(5) One representative of a conservation organization with expertise in stormwater management, urban landscape design, nutrient reduction, or water quality.

SECTION 4.(b) Duties. – No later than July 1, 2012, the Scientific Advisory Board shall do all of the following:

(1) Identify management strategies that can be used by local governments to reduce nutrient loading from existing development.

(2) Evaluate the feasibility, costs, and benefits of implementing the identified management strategies.

(3) Develop an accounting system for assignment of nutrient reduction credits for the identified management strategies.

(4) Identify the need for any improvements or refinements to modeling and other analytical tools used to evaluate water quality in nutrient-impaired waters and nutrient management strategies.

SECTION 4.(c) Report; Miscellaneous Provisions. – The Scientific Advisory Board shall also advise the Secretary on any other issue related to management and restoration of nutrient-impaired water bodies. The Scientific Advisory Board shall submit an annual report to the Secretary no later than July 1 of each year concerning its activities, findings, and recommendations. Members of the Scientific Advisory Board shall be reimbursed for reasonable travel expenses to attend meetings convened by the Department for the purposes set out in this section.

SECTION 5. No Preemption. – A local government may adopt and implement a stormwater management program that contains provisions that are more restrictive than the standards set forth in Sections 2 and 3 of this act or in any rules concerning stormwater management in the Jordan watershed adopted by the Commission. This section shall not be construed to authorize a local government to impose stormwater management requirements on lands in agriculture or forestry.

SECTION 6. Construction of Act. –

(1) Except as specifically provided in Sections 2(c) and 3(j) of this act, nothing in this act shall be construed to limit, expand, or otherwise alter the authority of the Commission or any unit of local government.

(2) This act shall not be construed to affect any delegation of any power or duty by the Commission to the Department or subunit of the Department.

SECTION 7. Note to Revisor of Statutes. – Notwithstanding G.S. 164-10, the Revisor of Statutes shall not codify any of the provisions of this act. The Revisor of Statutes shall set out the text of Section 2 of this act as a note to G.S. 143-215.1 and may make notes concerning this act to other sections of the General Statutes as the Revisor of Statutes deems appropriate. The Revisor of Statutes shall set out the text of Section 3 of this act as a note to G.S. 143-214.7 and may make notes concerning this act to other sections of the General Statutes as the Revisor of Statutes deems appropriate.

SECTION 8. Effective Date. – This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H D

HOUSE BILL 239
Committee Substitute Favorable 5/5/09
Committee Substitute #2 Favorable 5/11/09
PROPOSED SENATE COMMITTEE SUBSTITUTE H239-CSSB-47 [v.4]

6/8/2009 6:03:06 PM

Short Title: Restore Water Quality in Jordan Reservoir. (Public)

Sponsors:

Referred to:

February 23, 2009

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR IMPROVEMENTS IN THE MANAGEMENT OF THE JORDAN WATERSHED IN ORDER TO RESTORE WATER QUALITY IN THE JORDAN RESERVOIR.

The General Assembly of North Carolina enacts:

SECTION 1. Definitions. – The following definitions apply to this act and its implementation:

(1) The definitions set out in G.S. 143-212 and G.S. 143-213.

(2) The definitions set out in 15A NCAC 02B .0262 (Jordan Water Supply Nutrient Strategy: Purpose and Scope) and 15A NCAC 02B .0263 (Jordan Water Supply Nutrient Strategy: Definitions).

(3) "Existing Development Rule 15A NCAC 02B .0266" means 15A NCAC 02B .0266 (Jordan Water Supply Nutrient Strategy: Stormwater Management for Existing Development), adopted by the Commission on May 8, 2008, and approved by the Rules Review Commission on November 20, 2008.

(4) "Wastewater Discharge Rule 15A NCAC 02B .0270" means 15A NCAC 02B .0270 (Jordan Water Supply Nutrient Strategy: Wastewater Discharge Requirements) adopted by the Commission on May 8, 2008, and approved by the Rules Review Commission on October 16, 2008.

SECTION 2.(a) Wastewater Discharge Rule 15A NCAC 02B .0270. – Until the effective date of the revised permanent rule that the Commission is required to adopt pursuant to Section 2(c) of this act, the Commission and the Department shall implement the Wastewater Discharge Rule 15A NCAC 02B .0270, as provided in Section 2(b) of this act.

SECTION 2.(b) Implementation. – Notwithstanding sub-subdivision (c) of subdivision (6) of Wastewater Discharge Rule 15A NCAC 02B .0270, each existing discharger with a permitted flow greater than or equal to 0.1 million gallons per day (MGD) shall limit its total nitrogen discharge to its active individual discharge allocation as defined or modified pursuant to Wastewater Discharge Rule 15A NCAC 02B .0270 no later than calendar year 2016.

SECTION 2.(c) Additional Rule-Making Authority. – The Commission shall adopt a rule to replace Wastewater Discharge Rule 15A NCAC 02B .0270. Notwithstanding

G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section shall be substantively identical to the provisions of Section 2(b) of this act. Rules adopted pursuant to this section are not subject to G.S. 150B-21.9 through G.S. 150B-21.14. Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1) as though 10 or more written objections had been received as provided by G.S. 150B-21.3(b2).

SECTION 3.(a) Existing Development Rule 15A NCAC 02B .0266 Disapproved. – Pursuant to G.S. 150B-21.3(b1), Existing Development Rule 15A NCAC 02B .0266, as adopted by the Environmental Management Commission on May 8, 2008, and approved by the Rules Review Commission on November 20, 2008, is disapproved.

SECTION 3.(b) References in the North Carolina Administrative Code to the rule cited in Section 3(a) of this act shall be deemed to refer to the equivalent provisions of this act.

SECTION 3.(c) Nutrient Monitoring. – The Department shall maintain an ongoing program to monitor water quality in each arm of Jordan Reservoir. The Department shall also accept water quality sampling data from a monitoring program implemented by a local government or nonprofit organization if the data meets quality assurance standards established by the Department. On March 1, 2014, the Department shall report the results of monitoring in each arm of Jordan Reservoir to the Environmental Review Commission. The Department shall submit an updated monitoring report under this section every three years thereafter until such time as the lake is no longer impaired by nutrient pollution.

SECTION 3.(d) Control of Nutrient Loading From Existing Development. – The Department shall require implementation of reasonable nutrient load reduction measures for existing development in each subwatershed of the Jordan Reservoir, as provided in this act. The Department shall determine whether nutrient load reduction measures for existing development are necessary in each subwatershed of Jordan Reservoir and require implementation of reasonable nutrient reduction measures in accordance with an adaptive management program as follows:

(1) Stage 1 Adaptive Management Program to Control Nutrient Loading From Existing Development. –

a. Municipalities and counties located in whole or in part in the Jordan watershed shall implement a Stage 1 adaptive management program to control nutrient loading from existing development in the Jordan watershed. The Stage 1 adaptive management program shall meet the requirements set out in 40 C.F.R. § 122.34 as applied by the Department in the NPDES General Permit for municipal separate storm sewer systems in effect on July 1, 2009. The Stage 1 adaptive management program shall include all of the following measures:

1. A public education program to inform the public of the impacts of nutrient loading and measures that can be implemented to reduce nutrient loading from stormwater runoff from existing development.
2. A mapping program that includes major components of the municipal separate storm sewer system, including the location of major outfalls, as defined in 40 Code of Federal Regulations §122.26(b)(5) (July 1, 2008) and the names and location of all waters of the United States that receive discharges from those outfalls, land use types, and location of sanitary sewers.
3. A program to identify and remove illegal discharges.
4. A program to identify opportunities for retrofits and other projects to reduce nutrient loading from existing developed lands.

5. A program to ensure maintenance of best management practices implemented by the local government.

b. The Department shall accept local government implementation of another stormwater program or programs meeting the standards set out in this section as satisfying one or more of the requirements set forth in sub-subdivision a. of this subdivision. The local government shall provide technical information sufficient to demonstrate the adequacy of the alternative program or program elements.

c. A Stage 1 adaptive management program to control nutrient loading from existing development shall be implemented as follows:

1. No later than December 31, 2009, each local government shall submit its Stage 1 adaptive management program to the Commission for review and approval.

2. Within six months following submission of a Stage 1 adaptive management program, the Department shall recommend that the Commission approve or disapprove the program. The Commission shall either approve the program or require changes based on the standards set out in sub-subdivision a. of this subdivision. If the Commission requires changes, the local government shall submit revisions responding to the required changes within two months and the Department shall provide follow-up recommendations to the Commission within two months after receiving revisions.

3. Within three months following Commission approval of a Stage 1 adaptive management program, the local government shall begin implementation of the program. Each local government shall report annually to the Department on implementation of its program.

(2) Stage 2 Adaptive Management Program to Control Nutrient Loading From Existing Development. –

a. If the March 1, 2014 monitoring report or any subsequent monitoring report for the Upper New Hope Creek Arm of Jordan Reservoir required under Section 3(c) of this act shows that nutrient-related water quality standards are not being achieved, a municipality or county located in whole or in part in the subwatershed of that arm of Jordan Reservoir shall develop and implement a Stage 2 adaptive management program to control nutrient loading from existing development within the subwatershed, as provided in this act. If the March 1, 2017 monitoring report or any subsequent monitoring report for the Haw River Arm or the Lower New Hope Creek Arm of Jordan Reservoir required under Section 3(c) of this act shows that nutrient-related water quality standards are not being achieved, a municipality or county located in whole or in part in the subwatershed of that arm of Jordan Reservoir shall develop and implement a Stage 2 adaptive management program to control nutrient loading from existing development within the subwatershed, as provided in this act. The Department shall defer development and implementation of Stage 2 adaptive management programs to control nutrient loading from existing development required in a subwatershed by this subdivision if it determines that additional reductions in nutrient loading from existing development in that

subwatershed will not be necessary to achieve nutrient-related water quality standards. In making this determination, the Department shall consider the anticipated effect of measures implemented or scheduled to be implemented to reduce nutrient loading from sources in the subwatershed other than existing development. If any subsequent monitoring report for an arm of Jordan Reservoir required under Section 3(c) of this act shows that nutrient-related water quality standards have not been achieved, the Department shall notify the municipalities and counties located in whole or in part in the subwatershed of that arm of Jordan Reservoir and the municipalities and counties shall develop and implement a Stage 2 adaptive management program as provided in this subdivision.

b. The Department shall establish a load reduction goal for existing development for each municipality and county required to implement a Stage 2 adaptive management program to control nutrient loading from existing development. The load reduction goal shall be designed to achieve, relative to the baseline period 1997 through 2001, an eight percent (8%) reduction in nitrogen loading and a five percent (5%) reduction in phosphorus loading reaching Jordan Reservoir from existing developed lands within the police power jurisdiction of the local government. The baseline load shall be calculated by applying the Tar-Pamlico Nutrient Export Calculation Worksheet, Piedmont Version, dated October 2004, to acreages of different types of existing development within the police power jurisdiction of the local government during the baseline period. The baseline load may also be calculated using an equivalent or more accurate method acceptable to the Department and recommended by the Scientific Advisory Board established pursuant to Section 4(a) of this act. The baseline load for a municipality or county shall not include nutrient loading from lands under State or federal control or lands in agriculture or forestry. The load reduction goal shall be adjusted to account for nutrient loading increases from lands developed subsequent to the baseline period but prior to implementation of new development stormwater programs.

c. Based on findings under sub-subdivision a. of this subdivision, the Department shall notify the local governments in each subwatershed that either:

1. Implementation of a Stage 2 adaptive management program to control nutrient loading from existing development will be necessary to achieve water quality standards in an arm of the reservoir and direct the municipalities and counties in the subwatershed to develop a load reduction program in compliance with this section.
2. Implementation of a Stage 2 adaptive management program to control nutrient loading from existing development is not necessary at that time but will be reevaluated in three years based on the most recent water quality monitoring information.

d. A local government receiving notice of the requirement to develop and implement a Stage 2 adaptive management program to control nutrient loading from existing development under this section shall

not be required to submit a program if the local government demonstrates that it has already achieved the reductions in nutrient loadings required by sub-subdivision b. of this subdivision.

e. Within six months after receiving notice to develop and implement a Stage 2 adaptive management program to control nutrient loading from existing development, each local government shall submit to the Commission a program that is designed to achieve the reductions in nutrient loadings established by the Department pursuant to sub-subdivision b. of this subdivision. A local government program may include nutrient management strategies that are not included in the model program developed pursuant to Section 3(e) of this act in addition to or in place of any component of the model program. In addition, a local government may satisfy the requirements of this subdivision through reductions in nutrient loadings from other sources in the same subwatershed to the extent those reductions go beyond measures otherwise required by statute or rule. A local government may also work with other local governments within the same subwatershed to collectively meet the required reductions in nutrient loadings from existing development within their combined jurisdictions. Any credit for reductions achieved or obtained outside of the police power jurisdiction of a local government shall be adjusted based on transport factors established by the Department document Nitrogen and Phosphorus Delivery from Small Watersheds to Jordan Lake, dated June 30, 2002.

f. Within six months following submission of a local government's Stage 2 adaptive management program to control nutrient loading from existing development, the Department shall recommend that the Commission approve or disapprove the program. The Commission shall approve the program if it meets the requirements of this subdivision, unless the Commission finds that the local government can, through the implementation of reasonable and cost-effective measures not included in the proposed program, meet the reductions in nutrient loading established by the Department pursuant to sub-subdivision b. of this subdivision by a date earlier than that proposed by the local government. If the Commission finds that there are additional or alternative reasonable and cost-effective measures, the Commission may require the local government to modify its proposed program to include such measures to achieve the required reductions by the earlier date. If the Commission requires such modifications, the local government shall submit a modified program within two months. The Department shall recommend that the Commission approve or disapprove the modified program within three months after receiving the local government's modified program. In determining whether additional or alternative load reduction measures are reasonable and cost effective, the Commission shall consider factors including, but not limited to, the increase in the per capita cost of a local government's stormwater management program that would be required to implement such measures and the cost per pound of nitrogen and phosphorus removed by such measures. The Commission shall not require

additional or alternative measures that would require a local government to:

1. Install or require installation of a new stormwater collection system in an area of existing development unless the area is being redeveloped.
2. Acquire developed private property.
3. Reduce or require the reduction of impervious surfaces within an area of existing development unless the area is being redeveloped.

g. Within three months after the Commission's approval of a Stage 2 adaptive management program to control nutrient loading from existing development, the local government shall complete adoption and begin implementation of its program.

h. Each local government implementing a Stage 2 adaptive management program to control nutrient loading from existing development shall submit an annual report to the Department summarizing its activities in implementing its program.

i. If at any time the Department finds, based on water quality monitoring, that an arm of the Jordan Reservoir has achieved compliance with water quality standards, the Department shall notify the local governments in the subwatershed. Subject to the approval of the Commission, a local government may modify its Stage 2 adaptive management program to control nutrient loading from existing development to maintain only those measures necessary to prevent increases in nutrient loading from existing development.

SECTION 3.(e) Model Stage 2 Adaptive Management Program to Control Nutrient Loading From Existing Development. – No later than July 1, 2013, the Department shall submit a model Stage 2 adaptive management program to control nutrient loading from existing development to the Commission for approval. The model program shall identify specific load reduction practices and programs and reduction credits associated with each practice or program and shall provide that a local government may obtain additional or alternative load-reduction credits based on site-specific monitoring data. In developing the model program, the Department shall consider the findings and recommendations of the Scientific Advisory Board established pursuant to Section 4(a) of this act and comments submitted by municipalities and counties identified in 15A NCAC 02B .0262(7) (Jordan Water Supply Nutrient Strategy: Purpose and Scope). The Commission shall review the model program and either approve the program or return it to the Department with requested changes. The Department shall revise the model program to address changes requested by the Commission. The Commission shall approve a final model program no later than December 31, 2013.

SECTION 3.(f) Additional Measures to Reduce Nitrogen Loading From Existing Development in the Upper New Hope Creek Arm of the Jordan Reservoir. – If the March 1, 2023, monitoring report or any subsequent monitoring report for the Upper New Hope Creek Arm of Jordan Reservoir shows that nutrient-related water quality standards are not being achieved, a municipality or county located in whole or in part in the Upper New Hope Creek Subwatershed shall modify its Stage 2 adaptive management program to control nutrient loading from existing development to achieve additional reductions in nitrogen loading from existing development. The modified Stage 2 adaptive management program shall be designed to achieve a total reduction in nitrogen loading from existing development of thirty-five percent (35%) relative to the baseline period 1997 through 2001. The Department shall notify local governments of the requirement to submit a modified Stage 2 adaptive management program.

Submission, review and approval, and implementation of a modified Stage 2 adaptive management program shall follow the process, timeline, and standards set out in sub-subdivisions e. through g. of subdivision (2) of Section 3(d) of this act.

SECTION 3.(g) Enforcement. – The Department shall enforce the provisions of this act as provided in G.S. 143-215.6A, 143-215.6B, and 143-215.6C.

SECTION 3.(h) Collective Compliance. – Local governments that are subject to regulation under this act may establish collective programs to comply with the requirements of this act.

SECTION 3.(i) Report. – The Department shall report annually to the Commission regarding the implementation of adaptive management programs to control nutrient loading from existing development in the Jordan watershed.

SECTION 3.(j) Additional Rule-Making Authority. – The Commission shall adopt a rule to replace Sections 3(c) through 3(i) of this act. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section shall be substantively identical to the provisions of Sections 3(c) through 3(f) of this act. Rules adopted pursuant to this section are not subject to G.S. 150B-21.9 through G.S. 150B-21.14. Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1) as though 10 or more written objections had been received as provided by G.S. 150B-21.3(b2).

SECTION 3.(k) No Change to Existing Regulatory Authority. – Nothing in this act shall be construed to limit, expand, or modify the authority of the Commission to undertake alternative regulatory actions otherwise authorized by State or federal law, including, but not limited to, the reclassification of waters of the State pursuant to G.S. 143-214.1, the revision of water quality standards pursuant to G.S. 143-214.3, and the granting of variances pursuant to G.S. 143-215.3.

SECTION 4.(a) Scientific Advisory Board for Nutrient-Impaired Waters Established. – No later than July 1, 2010, the Secretary shall establish a Nutrient Sensitive Waters Scientific Advisory Board. The Scientific Advisory Board shall consist of no fewer than five and no more than 10 members with the following expertise or experience:

(1) Representatives of one or more local governments in the Jordan Reservoir watershed. Local government representatives shall have experience in stormwater management, flood control, or management of a water or wastewater utility.

(2) One member with at least 10 years of professional or academic experience relevant to the management of nutrients in impaired water bodies and possessing a graduate degree in a related scientific discipline, such as aquatic science, biology, chemistry, geology, hydrology, environmental science, engineering, economics, or limnology.

(3) One professional engineer with expertise in stormwater management, hydrology, or flood control.

(4) One representative of the Department of Transportation with expertise in stormwater management.

(5) One representative of a conservation organization with expertise in stormwater management, urban landscape design, nutrient reduction, or water quality.

SECTION 4.(b) Duties. – No later than July 1, 2012, the Scientific Advisory Board shall do all of the following:

(1) Identify management strategies that can be used by local governments to reduce nutrient loading from existing development.

(2) Evaluate the feasibility, costs, and benefits of implementing the identified management strategies.

(3) Develop an accounting system for assignment of nutrient reduction credits for the identified management strategies.

(4) Identify the need for any improvements or refinements to modeling and other analytical tools used to evaluate water quality in nutrient-impaired waters and nutrient management strategies.

SECTION 4.(c) Report; Miscellaneous Provisions. – The Scientific Advisory Board shall also advise the Secretary on any other issue related to management and restoration of nutrient-impaired water bodies. The Scientific Advisory Board shall submit an annual report to the Secretary no later than July 1 of each year concerning its activities, findings, and recommendations. Members of the Scientific Advisory Board shall be reimbursed for reasonable travel expenses to attend meetings convened by the Department for the purposes set out in this section.

SECTION 5. No Preemption. – A local government may adopt and implement a stormwater management program that contains provisions that are more restrictive than the standards set forth in Sections 2 and 3 of this act or in any rules concerning stormwater management in the Jordan watershed adopted by the Commission. This section shall not be construed to authorize a local government to impose stormwater management requirements on lands in agriculture or forestry.

SECTION 6. Construction of Act. –

(1) Except as specifically provided in Sections 2(c) and 3(j) of this act, nothing in this act shall be construed to limit, expand, or otherwise alter the authority of the Commission or any unit of local government.

(2) This act shall not be construed to affect any delegation of any power or duty by the Commission to the Department or subunit of the Department.

SECTION 7. Note to Revisor of Statutes. – Notwithstanding G.S. 164-10, the Revisor of Statutes shall not codify any of the provisions of this act. The Revisor of Statutes shall set out the text of Section 2 of this act as a note to G.S. 143-215.1 and may make notes concerning this act to other sections of the General Statutes as the Revisor of Statutes deems appropriate. The Revisor of Statutes shall set out the text of Section 3 of this act as a note to G.S. 143-214.7 and may make notes concerning this act to other sections of the General Statutes as the Revisor of Statutes deems appropriate.

SECTION 8. Effective Date. – This act is effective when it becomes law.

HOUSE BILL 239:
Restore Water Quality in Jordan Reservoir

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	June 9, 2009
Introduced by:	Reps. Allen, Gibson, Bordsen	**Prepared by:**	Jeff Hudson Committee Counsel
Analysis of:	Third Edition		

SUMMARY: ***House Bill 239 would establish a calendar year 2016 compliance date for the Jordan Water Supply Nutrient Strategy for Wastewater Discharge Requirements rule; disapprove the Jordan Water Supply Nutrient Strategy for Stormwater Management of Existing Development rule; and provide an alternative process for managing stormwater from existing development in the Jordan watershed.***

[As introduced, this bill was identical to S166, as introduced by Sen. Foriest, which is currently in Rules and Operations of the Senate.]

BACKGROUND:

Jordan Lake is located in the piedmont region of central North Carolina in the upper Cape Fear River Basin. Its watershed contains large portions of the urbanized Triangle and Triad regions as well as significant agricultural lands. The Lake was created in 1983 for the purposes of flood control, downstream water quality, fish and wildlife conservation, recreation, and water supply.

Jordan Lake has been consistently rated as eutrophic or hyper-eutrophic since its impoundment in 1983. "Eutrophic" is an over-abundance of nutrients in the lake, primarily nitrogen and phosphorus, which may result in algal blooms and poor water quality. Nutrients make their way to the lake from sources such as wastewater discharges, rainfall runoff from agriculture, and stormwater runoff from new and existing developed lands throughout the entire Jordan watershed. Excessive nutrient inputs drive excessive growth of microscopic algae, which imparts a greenish, murky appearance to the water, causes taste and odor problems in potable water, and robs the water of oxygen, stressing or killing fish and other aquatic life. While not necessarily making the lake unfit for fishing, swimming, or drinking uses, excess nutrients are impacting these uses, and undesirable algae are present in the lake.

The State began taking actions to address the nutrient problems early in the lake's history. The Environmental Management Commission (EMC) designated the Reservoir a Nutrient Sensitive Water (NSW) the year of its impoundment, and imposed phosphorus limits on wastewater dischargers. The lake did not respond to these controls, and in 2002, the EMC determined that the Upper New Hope arm was impaired after it exceeded the State's chlorophyll-a standard. The rest of the lake exceeded the standard in 2006. (Chlorophyll-a is used as an indicator of excess nutrients in waterbodies.)

Several pieces of legislation directed the EMC to address Jordan Lake's impairment. The Clean Water Responsibility Act of 1997 required the EMC to establish improvement goals for nutrient-impaired waters, and to develop and implement management plans that entail sharing of responsibility for reducing nutrient inputs to these waters between point sources and nonpoint sources in a fair, reasonable, and proportionate manner. Session Law 2005-190 directed the EMC to adopt permanent rules to establish and implement nutrient management strategies to protect drinking water supply reservoirs. In addition, requirements of the federal Clean Water Act were set in motion when the lake became impaired, including the need to set load reduction limits for point and nonpoint sources and to enforce discharger limits.

To comply with the Clean Water Responsibility Act of 1997, Haw wastewater dischargers developed a reservoir model in the late 1990s to estimate the lake's nutrient reduction needs. The EMC approved a reservoir model in 2002. Beginning in 2003, the Division of Water Quality (Division) in the Department of Environment and Natural Resources (DENR) conducted a 1½-year stakeholder meeting process, facilitated by the Triangle J Council of Governments, to seek consensus on nutrient loading goals, discharge allocation methods, and a conceptual nonpoint source strategy. In 2005, the Division held public meetings and solicited public comments on a rules framework. The Division then drafted a set of rules, and held technical stakeholder meetings through 2006 that resulted in rule refinements.

The formal rule-making process began when the rules were published on June 15, 2007, and a 90-day public comment period followed. This included three public hearings held in different locations in the watershed. Following the comment period, five Hearing Officers, all members of the EMC, deliberated for eight months over changes needed to address the comments received. The EMC adopted a revised set of rules in May, 2008.

In June 2008, the rules were brought before the Rules Review Commission (RRC). The RRC reviewed and approved the rules over the course of five meetings, with the last approvals on November 20, 2008. A large number of technical changes were made to the rules in response to objections from the RRC, but the content of the rules remained essentially unchanged.

The RRC received a sufficient number of objection letters to the rules to necessitate their review by the General Assembly during its 2009 Regular Session. Several disapproval bills were introduced, including House Bill 239, introduced by Representatives Allen, Gibson, and Bordsen. If one of the disapproval bills becomes law as introduced, the entire set of rules will not become effective. If no action is taken by the General Assembly on a disapproval bill, the rules will be become effective upon adjournment of the 2009 Regular Session. *(Background information excerpted from the website of the Division at: http://h2o.enr.state.nc.us/nps/JordanNutrientStrategy.htm.)*

BILL ANALYSIS:

Jordan Reservoir and Watershed

The watershed that drains into Jordan reservoir includes portions of the municipalities of Alamance, Apex, Burlington, Carrboro, Cary, Chapel Hill, Durham, Elon, Gibsonville, Graham, Green Level, Greensboro, Haw River, Kernersville, Mebane, Morrisville, Oak Ridge, Ossipee, Pittsboro, Pleasant Garden, Reidsville, Sedalia, Stokesdale, Summerfield, Wilsonville, and Whitsett and the Counties of Alamance, Caswell, Chatham, Durham, Guilford, Orange, Rockingham, and Wake.

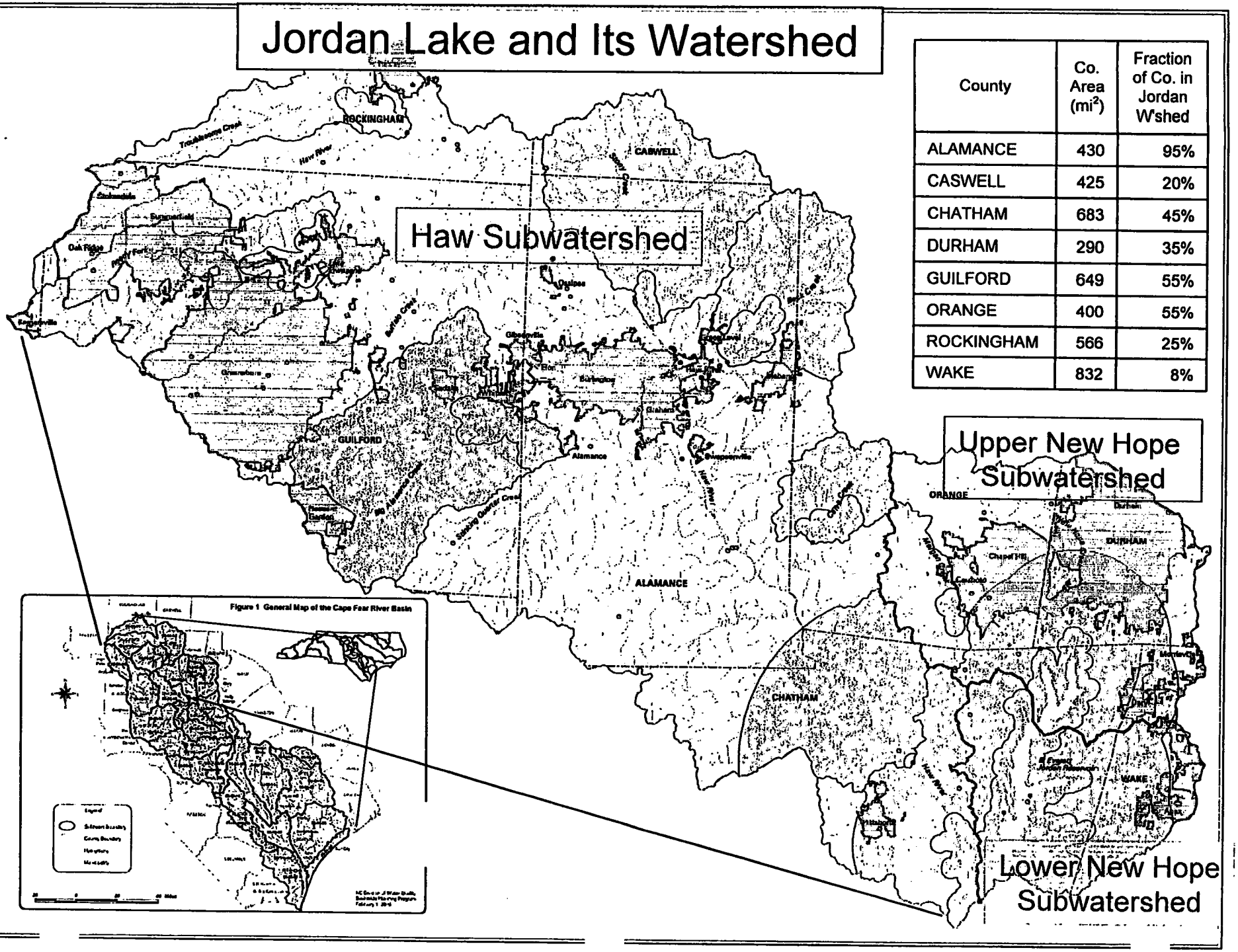
Please refer to the following maps for more information about the Jordan Reservoir and its watershed:

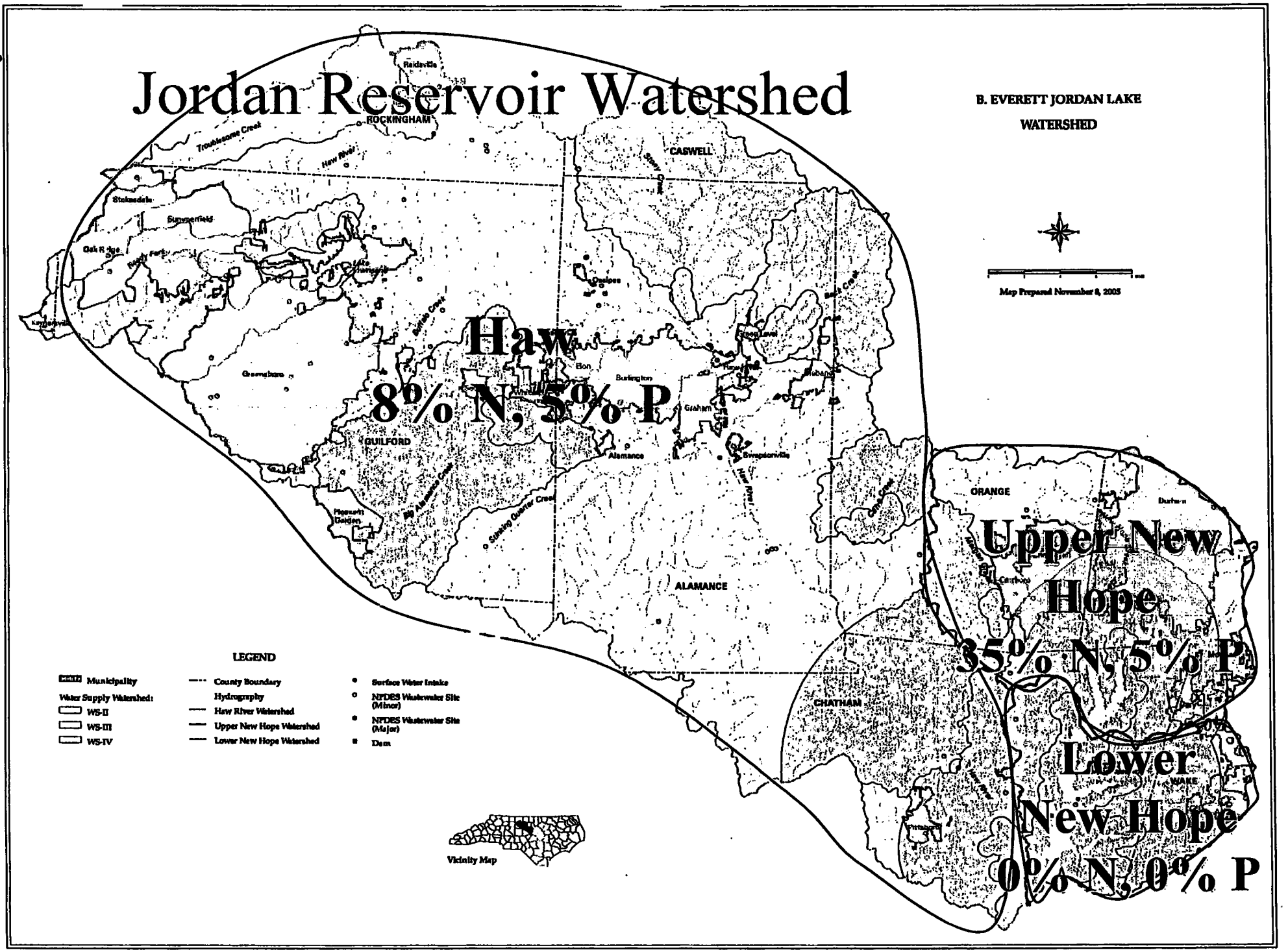
- The map entitled "Jordan Lake and Its Watershed" shows the reservoir, its watersheds and subwatersheds, the municipalities and counties that lie in whole or in part in the watershed, and the area and percentage of each county's inclusion in the watershed.
- The map entitled "Jordan Reservoir Watershed" more clearly delineates the subwatersheds and includes the percentage reductions of nitrogen and phosphorus loading from existing development required by NCAC 02B .0270 (Jordan Water Supply Nutrient Strategy: Wastewater Discharge Requirements), adopted by the EMC on May 8, 2008, and approved by the RRC on October 16, 2008
- The third, untitled map more clearly shows the reservoir itself and the extent of its three arms.

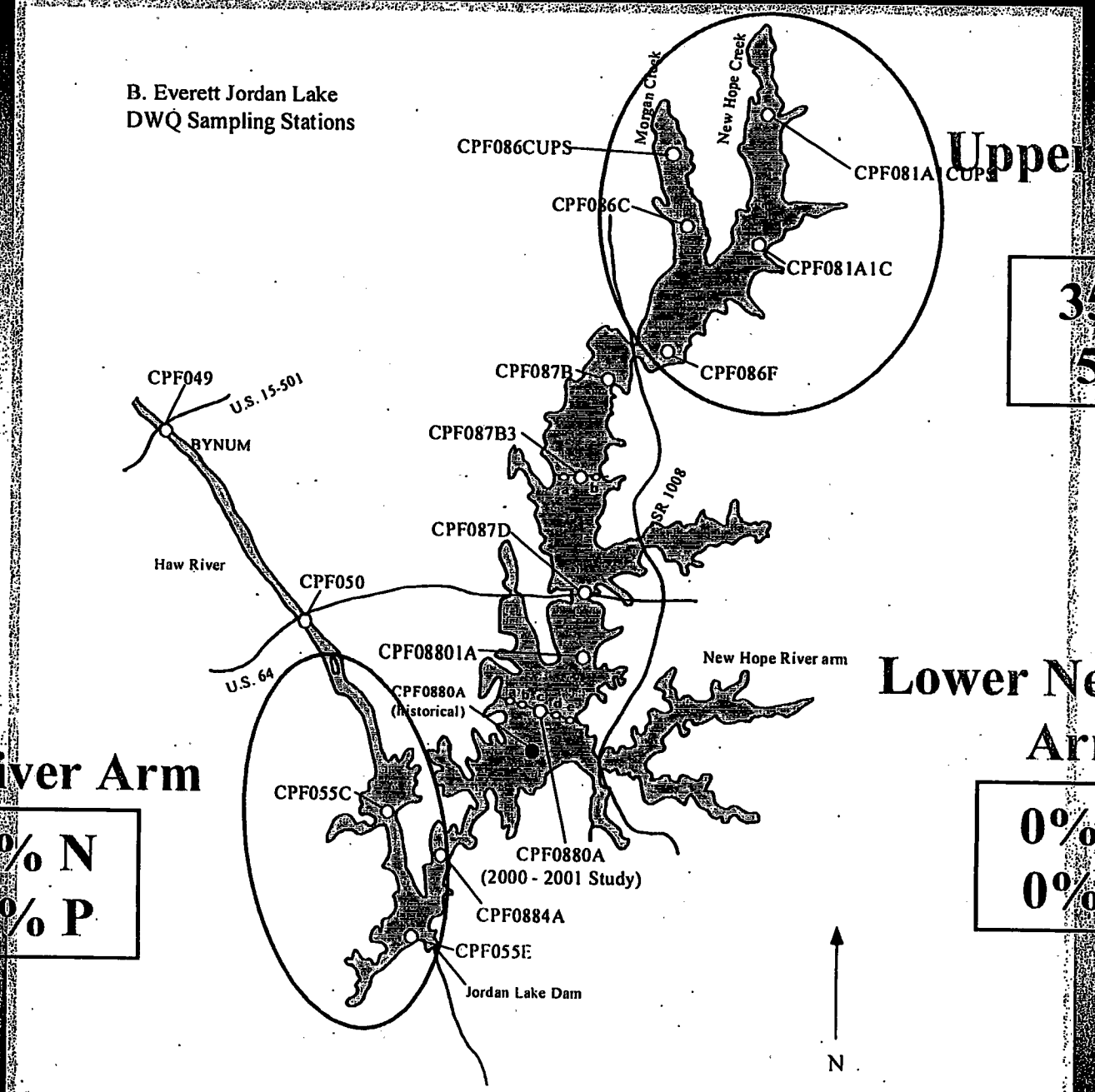
(Maps from the website of the Division at: http://h2o.enr.state.nc.us/nps/JordanNutrientStrategy.htm.)

Jordan Lake and Its Watershed

County	Co. Area (mi^2)	Fraction of Co. in Jordan W'shed
ALAMANCE	430	95%
CASWELL	425	20%
CHATHAM	683	45%
DURHAM	290	35%
GUILFORD	649	55%
ORANGE	400	55%
ROCKINGHAM	566	25%
WAKE	832	8%




Jordan Reservoir Watershed
B. EVERETT JORDAN LAKE
WATERSHED
Map Prepared November 8, 2005
Haw
8% N, 5% P
Upper New
Hope
35% N, 5% P
Lower
New Hope
0% N, 0% P
ROCKINGHAM
CASWELL
GUILFORD
ALAMANCE
ORANGE
CHATHAM
WAKE
Troublesome Creek
Haw River
Stokesdale
Summerfield
Oak Ridge
Reidsville
Greensboro
Burlington
Graham
Mebane
Alamance
Swepsonville
Hillsborough
Durham
Carrboro
Pittsboro
Cane Creek
Stinking Quarter Creek
Big Alamance Creek
Eno River
LEGEND
Municipality
Water Supply Watersheds:
WS-II
WS-III
WS-IV
County Boundary
Hydrography
Haw River Watershed
Upper New Hope Watershed
Lower New Hope Watershed
Surface Water Intake
NPDES Wastewater Site (Minor)
NPDES Wastewater Site (Major)
Dam
Vicinity Map



Upper New Hope Arm

35% N
5% P

Lower New Hope Arm

0% N
0% P

Haw River Arm

8% N
5% P

Compliance Date for Wastewater Discharge Rule

Under 15A NCAC 02B .0270 (Jordan Water Supply Nutrient Strategy: Wastewater Discharge Requirements), adopted by the EMC on May 8, 2008, and approved by the RRC on October 16, 2008 (Wastewater Discharge Rule), each existing wastewater discharger with a permitted flow of greater than or equal to one hundred thousand (100,000) gallons per day would have to limit its total nitrogen discharge as provided under the rule no later than calendar year 2014.

House Bill 239 would establish a calendar year 2016 compliance date for the Wastewater Discharge Rule. The bill would also direct the EMC to adopt a rule to replace the Wastewater Discharge Rule that is substantively identical to the requirements of the bill.

Existing Development Rule

Under 15A NCAC 02B .0266 (Jordan Water Supply Nutrient Strategy: Stormwater Management for Existing Development), adopted by the EMC on May 8, 2008, and approved by the RRC on November 20, 2008 (Existing Development Rule), and its accompanying rules, the following nutrient load reductions must be achieved for each arm of the Jordan Reservoir and its subwatershed.

	Upper New Hope Arm	Lower New Hope Arm	Haw Arm
Nitrogen	35% Reduction	0% Reduction	8% Reduction
Phosphorus	5% Reduction	0% Reduction	5% Reduction

Each local government in the Jordan watershed would have to identify the nutrient load reductions from existing development that it would need to achieve to satisfy the required nutrient reduction goals for its subwatershed. Local governments would have to develop long-range plans to implement nutrient load reductions from existing development, including overall compliance timeframes. These plans would be subject to EMC review and approval.

House Bill 239 would disapprove the Existing Development Rule and establish an alternative, phased-in process for achieving nutrient loading reductions from existing development as follows:

Nutrient Monitoring

The bill would require DENR to maintain an ongoing program to monitor water quality in each arm of Jordan Reservoir. On March 1, 2014 and every three years thereafter, DENR would report the results of monitoring in each arm of Jordan Reservoir to the Environmental Review Commission (ERC).

Stage 1 Program to Control Nutrient Loading from Existing Development

The bill would require municipalities and counties located in whole or in part in the Jordan watershed to implement a Stage 1 adaptive management program to control nutrient loading from existing development (Stage 1 program) in the Jordan watershed. The Stage 1 program would include all of the following measures:

- A public education program to inform the public of the impacts of nutrient loading and measures that can be implemented to reduce nutrient loading from stormwater runoff from existing development.

- A mapping program that includes major components of the municipal separate storm sewer system, including the location of major outfalls and the names and location of all waters of the United States that receive discharges from those outfalls, land use types, and location of sanitary sewers.
- A program to identify and remove illegal discharges.
- A program to identify opportunities for retrofits and other projects to reduce nutrient loading from existing developed lands.
- A program to ensure maintenance of best management practices implemented by the local government.

A Stage 1 program would be subject to approval by the EMC.

Stage 2 Program to Control Nutrient Loading from Existing Development

If the March 1, 2014, or any subsequent monitoring report for the Upper New Hope Creek Arm of Jordan Reservoir does not show that nutrient-related water quality standards are being achieved, a municipality or county located in whole or in part in the subwatershed of that arm would be required to develop and implement a Stage 2 adaptive management program to control nutrient loading from existing development in the Jordan watershed (Stage 2 program). If the March 1, 2017, or any subsequent monitoring report for the Haw River Arm or the Lower New Hope Creek Arm of Jordan Reservoir does not show that nutrient-related water quality standards are being achieved, a municipality or county located in whole or in part in the subwatershed of that arm would be required to develop and implement a Stage 2 program.

The Department could defer development and implementation of Stage 2 programs required in an arm of Jordan Reservoir if it determines that additional reductions in nutrient loading from existing development in that arm will not be necessary to achieve nutrient-related water quality standards. In making this determination, the Department would consider the anticipated effect of measures implemented or scheduled to be implemented to reduce nutrient loading from sources in the arm other than existing development. If any subsequent monitoring report for an arm of Jordan Reservoir shows that nutrient-related water quality standards have not been achieved, the Department would notify the municipalities and counties located in whole or in part in the subwatershed of that arm that they must develop and implement a Stage 2 program.

DENR would establish a load reduction goal for existing development for each municipality and county required to implement a Stage 2 program. The load reduction goal would be designed to achieve an eight percent (8%) reduction in nitrogen loading to surface water from existing development and a five percent (5%) reduction in phosphorus loading to surface water from existing development relative to the baseline period 1997 through 2001. The baseline load for a municipality or county could not include nutrient loading from lands under State or federal control or lands in agriculture or forestry.

DENR would notify the local governments in each subwatershed that either:

- Implementation of a Stage 2 program will be necessary to achieve water quality standards in an arm of the reservoir and direct the municipalities and counties in the subwatershed to develop a load reduction program.
- Implementation of a Stage 2 program will not be necessary at that time but will be reevaluated in three years based on the most recent water quality monitoring information.

A local government receiving notice of the requirement to develop and implement a Stage 2 program would not be required to submit a program if the local government demonstrates that it has already achieved the required reductions in nutrient loadings.

A Stage 2 program would be subject to approval by the EMC. The EMC must approve the program unless it finds that the local government can, through the implementation of reasonable and cost effective measures not included in the proposed program, meet the reductions in nutrient loading established by the Division by a date earlier than that proposed by the local government. If the EMC finds that there are additional or alternative reasonable and cost effective measures, the Commission could require the local government to modify its proposed program to include such measures to achieve the required reductions by the earlier date. In determining whether additional load reduction measures are reasonable and cost effective, the Commission would take into consideration, among other things, the increase in the per capita cost of a local government's stormwater management program that would be required to implement such measures and the cost per pound of nitrogen and phosphorus removed by such measures. The Commission could not require additional or alternative measures that would require a local government to:

- Install or require installation of a new stormwater collection system in an area of existing development unless the area is being redeveloped.
- Acquire developed private property.
- Reduce or require the reduction of impervious surfaces within an area of existing development unless the area is being redeveloped.

If at any time DENR finds that an arm of the Jordan Reservoir has achieved compliance with water quality standards, DENR would notify the local governments in the subwatershed. Subject to the approval of the EMC, a local government could modify its Stage 2 program to maintain only those measures necessary to prevent increases in nutrient loading from existing development.

The bill would also require DENR to submit a model Stage 2 adaptive management program to control nutrient loading from existing development (model Stage 2 program) to the EMC for approval no later than July 1, 2013. The model Stage 2 program would identify specific load reduction practices and programs and reduction credits associated with each practice or program. DENR would consider the findings and recommendations of the Scientific Advisory Board and comments submitted by affected municipalities and counties. The EMC would approve a final model Stage 2 program no later than December 31, 2013.

Additional Measures to Control Nutrient Loading from Existing Development

If the March 1, 2023, report or any subsequent monitoring report for the Upper New Hope Creek Arm of Jordan Reservoir shows that nutrient-related water quality standards are not being achieved, a municipality or county located in whole or in part in the Upper New Hope Creek Subwatershed would be required to modify its Stage 2 program to achieve additional reductions in nitrogen loading from existing development. The modified Stage 2 adaptive management program would be designed to achieve a total reduction in nitrogen loading from existing development of thirty-five percent (35%) relative to the baseline period 1997 through 2001. The Department would notify local governments of the requirement to implement additional measures to reduce nitrogen loading. Submission, review and approval, and implementation of a modified Stage 2 program would follow the same process and timeline for the initial Stage 2 program.

Enforcement

The provisions in the bill would be enforced through DENR's existing civil, criminal, and injunctive remedies for violations of water quality laws.

EMC to Adopt Substantively Identical Rule

The bill would direct the EMC to adopt a rule to replace the Existing Development Rule that is substantively identical to the requirements of the bill.

No Change to Existing Regulatory Authority.

The act would not limit, expand, or modify the authority of the EMC to undertake alternative regulatory actions otherwise authorized by State or federal law, including, but not limited to, the reclassification of waters of the State pursuant to G.S. 143-214.1, the revision of water quality standards pursuant to G.S. 143-214.3, and the granting of variances pursuant to G.S. 143-215.3.

Scientific Advisory Board

The bill would require the Secretary of Environment and Natural Resources to establish a Nutrient Sensitive Waters Scientific Advisory Board (Scientific Advisory Board) no later than July 1, 2010. The Scientific Advisory Board would consist of five to ten members with expertise and experience in stormwater management related issues. Under the bill, the Scientific Advisory Board would have to do all of the following no later than July 1, 2012:

- Identify management strategies that can be used by local governments to reduce nutrient loading from existing development.
- Evaluate the feasibility, costs, and benefits of implementing the identified management strategies.
- Develop an accounting system for assignment of nutrient reduction credits for the identified management strategies.
- Identify the need for any improvements or refinements to modeling and other analytical tools used to evaluate water quality in nutrient-impaired waters and nutrient management strategies.

EFFECTIVE DATE: This act would become effective when it becomes law.

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — June 9, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Margaret Hestzell	Environment North Carolina
Brian May	Environment North Carolina
Elizabeth Watson	Environment North Carolina
Will Crone	Raleigh City Attorney's office
John Maddux	Raleigh City Attorney's office
Dan McLawhorn	Raleigh City Atty Office
Kim Hibbard	NCLM
Charles Hinson	Governors page
Peter Raabe	American Rivers
Chris Stanley	Intern
Alex Leiro	Intern

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — June 9, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Doug Haney	NCPCM
DAVID BARNES	Poyner Spruill
Michael Layne	City of Burlington 234 E. Summit Ave 27215
Ray Starling	NCDA & CS
Kevin Davis	TNC
Robert M. Ward	City of Burlington 425 S. Lexington Ave. Burlington, NC 27215
Bob Patterson	City of Burlington PO Box 1358 Burlington, NC 27216
FRED ROYAL	CHATHAM COUNTY
Elaine Chiosso	Haw River Assembly
Henry Wade	NCDACS
Victoria Hawkins	Bone & Assoc.

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — June 9, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Daniel Smith	Kilpatricle Stockton, LLP
Bill Lane	Kilpatrick Stockton Raleigh
Steve Hall	DENR
Alan Clark	NCDWQ Raleigh
Rich Gannon	" "
Jason Robinson	" "
Robin Smith	DENR
Elizabeth Duncan	WCSR
Colen H. Sullins	DENR/DWQ
David R. Henderson	DOT/Hydraulics
Andy McDaniel	NCDOT
Pam Crawford	CCNC

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — June 9, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Randy Bielenda	Piedmont Triad Council of Governments Greensboro
Ronnie Wall	City of Burlington
[illegible]	Burlington
Charles Wilkins	Burlington
Angie Whitener	NCPC
Jerry Hardesty	NCPC
Steven Waters	Living Streets
Drew Ball	Sierra Club
Danielle Northern	Sierra Club
Sean Quinn	Sierra Club
Steven Levitas	Kilpatrick Stockton
Jack Cozort	Womble

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — June 9, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Johanna Reese	DOT
Kenny McDowell	City of Greensboro
Karen Siddelar	City of Durham
TED VOORHEES	City of Durham
Greg Thorpe	NC DOT
Amy SIMES	DENR
Amanda Arrington	HNTB
Scott Mouw	DENR
Elizabeth Biser	DENR
Gordy McMillan	NC Conservation Network
Katrina English	NCCN

Principal Clerk ____
Reading Clerk ____

Corrected: HB 1419 has been REMOVED

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on **Agriculture/Environment/Natural Resources** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	June 16, 2009	11:00 AM	544 LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 857	Minimum Caliber of Rifles for Taking Big Game.	Representative Lucas
HB 1103	Update Seed Law/Increase Seed License Fees.	Representative Hill
HB 1388	Brownfields Property Notifications.	Representative Fisher

Senator Bob Atwater, Chair

Senate Agriculture/Environment/Natural Resources Committee
Tuesday, June 16, 2009, 11:00 AM
544 LOB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

HB 857	Minimum Caliber of Rifles for Taking Big Game.	Representative Lucas
HB 1103	Update Seed Law/Increase Seed License Fees.	Representative Hill
HB 1388	Brownfields Property Notifications.	Representative Fisher

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE REPORT
Senator Bob Atwater, Chair

Wednesday, June 17, 2009

Senator ATWATER,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B. **857** Minimum Caliber of Rifles for Taking Big Game.

Draft Number:	50737
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 1

Committee Clerk Comments:

Senator Atwater will handle the bill

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE REPORT
Senator Bob Atwater, Chair

Tuesday, June 16, 2009

Senator ATWATER,
submits the following with recommendations as to passage:

FAVORABLE

H.B.(CS #1) **1388** Brownfields Property Notifications.
Sequential Referral: None
Recommended Referral: None

FAVORABLE, AS AMENDED

H.B.(CS #1) **1103** Update Seed Law/Increase Seed License Fees.
Sequential Referral: Finance
Recommended Referral: None
Long Title Amended: No

TOTAL REPORTED: 2

Committee Clerk Comments:

HB 1103 Sen. Weinstein will handle

HB 1388 Sen. Clodfelter will handle

SENATE AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE
Tuesday, June 16, 2009 at 11:00 AM
Room 544, Legislative Office Building

MINUTES

The Senate Agriculture/Environment/Natural Resources Committee met at 11:00 AM on June 16, 2009, in Room 544 of the Legislative Office Building. 15 members of the committee were present. Senator Bob Atwater presided.

After Senator Atwater introduced the pages, the following bills were discussed:

- **HB 857, Minimum Caliber of Rifles for Taking Big Game.**

Senator Weinstein moved to adopt the PCS for HB 857 for purposes of discussion. Motion carried. Representative Lucas then explained the PCS. After his brief explanation, Mr. Gordon Myers with the North Carolina Wildlife Resources Commission responded to questions from the Committee members. Also, Mr. Jeff Hudson, Committee Counsel, answered questions about the Wildlife Commission rule making procedures. Then, **Senator Weinstein moved for an unfavorable report as to original bill and a favorable report for the PCS for HB 857. Motion carried.**

- **HB 1103, Update Seed Law/Increase Seed License Fees.**

Senator Weinstein moved to amend the bill on page 4, line 3, by deleting the word "he" and substituting the words "the Commissioner." Motion carried. Representative Hill then explained the bill, as amended. **Senator Tillman moved for a favorable report for HB 1103, as amended. Motion carried and the bill was referred to the Senate Finance Committee.**

- **HB 1388, Brownfields Property Notifications.**

Representative Fisher explained the bill. After her explanation, Mr. Bruce Nicholson with the North Carolina Department of Environment and Natural Resources answered questions by the Committee members. **Senator Tillman then moved for a favorable report for HB 1388. Motion carried.**

The meeting adjourned at 11:35 AM.

Bob Atwater
Senator Bob Atwater, Presiding

Carol Resar
Carol Resar, Committee Clerk

HOUSE BILL 857

Short Title:	Minimum Caliber of Rifles for Taking Big Game.	(Public)
Sponsors:	Representative Lucas.	
Referred to:	Wildlife Resources, if favorable, Judiciary III.	

March 30, 2009

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE WILDLIFE RESOURCES COMMISSION TO SET MINIMUM CALIBER REQUIREMENTS FOR RIFLES USED IN TAKING BIG GAME.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113-291.1(a) reads as rewritten:

"(a) Except as otherwise provided, game may only be taken between a half hour before sunrise and a half hour after sunset and only by one or a combination of the following methods:

(1) With a ~~rifle,~~rifle of at least the minimum caliber set by the Wildlife Resources Commission for the type of game being taken, except that rifles may not be used in taking wild turkeys.

(2) With a shotgun not larger than number 10 gauge.

(3) With a bow and arrow of a type prescribed in the rules of the Wildlife Resources Commission.

(4) With the use of dogs.

(5) By means of falconry.

Fur-bearing animals may be taken at any time during open trapping season with traps authorized under G.S. 113-291.6 and as otherwise authorized pursuant to this subsection, and rabbits may be box-trapped in accordance with rules of the Wildlife Resources Commission. The Wildlife Resources Commission may adopt rules prescribing the manner of taking wild birds and wild animals not classified as game. Use of pistols in taking wildlife is governed by subsection (g). The Wildlife Resources Commission may prescribe the manner of taking wild animals and wild birds on game lands and public hunting grounds."

SECTION 2. This act becomes effective October 1, 2009.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H D

HOUSE BILL 857
PROPOSED SENATE COMMITTEE SUBSTITUTE H857-CSRF-64 [v.3]

6/15/2009 3:23:25 PM

Short Title: Ballistics Standards/Taking Big Game. (Public)

Sponsors:

Referred to:

March 30, 2009

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE WILDLIFE RESOURCES COMMISSION TO SET MINIMUM BALLISTICS STANDARDS FOR RIFLES USED IN TAKING BIG GAME.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113-291.1 is amended by adding a new subdivision to read:

"(a1) The Commission may establish minimum ballistics standards for rifles used in taking big game."

SECTION 2. This act becomes effective October 1, 2009.

HOUSE BILL 857:
Minimum Caliber of Rifles for Taking Big Game

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	June 15, 2009
Introduced by:	Rep. Lucas	**Prepared by:**	Barbara Riley Committee Counsel
Analysis of:	PCS to First Edition H857-CSRF-64		

SUMMARY:

The proposed committee substitute for House Bill 857 would authorize the Wildlife Resources Commission to set minimum ballistic standards for rifles used in taking big game.

CURRENT LAW:

G.S. 113-291.1 sets forth the manner in which animals and birds may be taken and limitations on the manner of taking.

BILL ANALYSIS:

The proposed committee substitute for House Bill 857 amends G.S. 113-291.1 and adds a new subdivision (a1) to authorize the WRC to establish minimum ballistics standards for rifles used in taking big game.

EFFECTIVE DATE:

This act becomes effective October 1, 2009.

HOUSE BILL 1103
Committee Substitute Favorable 5/21/09

Short Title: Update Seed Law/Increase Seed License Fees. (Public)

Sponsors:

Referred to:

April 7, 2009

A BILL TO BE ENTITLED

AN ACT TO UPDATE THE SEED LAW AND TO INCREASE FEES FOR SEED DEALER LICENSES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 106-277 reads as rewritten:

"**§ 106-277. Purpose.**

The purpose of this Article is to regulate the labeling, possessing for sale, sale and offering or exposing for sale or otherwise providing for planting purposes of agricultural ~~seeds,~~seeds and vegetable ~~seeds and screenings;~~ seeds; to prevent misrepresentation thereof; and for other purposes."

SECTION 2. G.S. 106-277.2 reads as rewritten:

"**§ 106-277.2. Definitions.**

As used in this Article, unless the context clearly requires otherwise:

...

(7a) The term "conditioning" means cleaning, scarifying, or blending to obtain uniform quality and other operations that would change the purity or germination of the seed and therefore require retesting to determine the quality of the seed, but does not include operations such as packaging, labeling, blending together of uniform lots of the same kind, or kind and variety, without cleaning, or preparation of a mixture without cleaning, any of which would not require retesting to determine the quality of the seed.

...

(21) The term "North Carolina seed analysis tag" ~~shall mean~~means the tag designed and prescribed by the Commissioner as the official North Carolina seed analysis ~~tag, said tag to be purchased from the Commissioner.~~ tag.

...

~~(27) The term "processing" means cleaning, scarifying or blending to obtain uniform quality and other operations which would change the purity or germination of the seed and therefore require retesting to determine the quality of the seed, but does not include operations such as packaging, labeling, blending together of uniform lots of the same kind or kind and variety without cleaning, or preparation of a mixture without cleaning, any of which would not require retesting to determine the quality of the seed.~~

...

~~(31) The term "screenings" includes seed, inert matter and other materials removed from agricultural or vegetable seed by cleaning or processing.~~

...."

SECTION 3. G.S. 106-277.5(2) reads as rewritten:

"(2) Lot ~~number or other lot~~ identification."

SECTION 4. G.S. 106-277.6 reads as rewritten:

"**§ 106-277.6. Labels for vegetable seeds in containers of one pound or less.**

Labels for vegetable seeds in containers of one pound or less shall show the following information:

(1) Name of kind and variety of seed.

~~(2) Origin, for pepper seed in containers of one ounce or more. If unknown, so stated.~~

(2a) Lot identification.

~~(3) The year for which the seed is packed, provided the words "packed for" shall precede the year, or the percentage of germination, month and year tested.~~

(3a) One of the following, as applicable:

a. The statement "Packed for (year)" or "Sell by (year)."

b. The statement "Sell by (month) (year)" where the month and year in which the germination test was complete is no more than 12 months from the date of the test, exclusive of the month and year of the test.

c. The percentage germination and the calendar month and year that the test was completed to determine the percentage, provided that the germination test was completed within 12 months, exclusive of the month and year of the test.

...."

SECTION 5. G.S. 106-277.7 reads as rewritten:

"**§ 106-277.7. Labels for vegetable seeds in containers of more than one pound.**

Vegetable seeds in containers of more than one pound shall be labeled to show the following information:

(1) The name of each kind and variety present in excess of five percent (5%) and the percentage by weight of each in order of its predominance.

(2) Lot ~~number or other lot~~ identification.

~~(3) Origin, for snap bean and pepper seed only. If unknown, so stated.~~

...."

SECTION 6. G.S. 106-277.9 reads as rewritten:

"**§ 106-277.9. Prohibitions.**

It shall be unlawful for any person:

(1) To transport, to offer for transportation, to sell, distribute, offer for sale or expose for sale within this State agricultural or vegetable seeds for seeding purposes:

a. Unless a seed license has been obtained in accordance with the provisions of this Article.

b. Unless the test to determine the percentage of germination required by G.S. 106-277.5 through 106-277.7 shall have been completed (i) on agricultural seed within a nine-month period, exclusive of the calendar month in which the test was completed, (ii) on cool season lawn seeds and mixtures of cool season lawn seeds, including, but not limited to, Kentucky bluegrass, red fescue, chewings fescue, hard fescue, tall fescue, perennial ryegrass, intermediate ryegrass, annual ryegrass, colonial bent grass, and creeping bent grass, within a 15-month period, exclusive of the calendar month in which the test was completed, and (iii) on vegetable seed within a 12-month period, exclusive of the calendar month in which the test was completed, immediately prior to sale, exposure for sale, or offering for sale or

transportation; provided, the North Carolina Board of Agriculture may adopt ~~after a public hearing, following public notice,~~ rules ~~and regulations~~ to designate a longer period for any kind of agricultural or vegetable seed which is packaged in such container materials (hermetically sealed), and under such other conditions prescribed, that will, during such longer period, maintain the viability of said seed under ordinary conditions of handling.

...

~~i. Pepper seed in containers holding one ounce or more of seed, unless treated in accordance with a procedure approved by the North Carolina Commissioner of Agriculture and labeled to reflect the procedure used.~~

...

(2) To transport, offer for transportation, sell, offer for ~~sale~~ sale, or expose for sale seeds, whole grain ~~and screenings~~ not for seeding purposes unless labeled "not for seeding purposes."

(3) To detach, alter, ~~deface~~ deface, or destroy any label provided for in this Article or the rules and regulations promulgated hereunder, or to alter or substitute seed in any manner that defeats the purposes of this Article.

(4) To disseminate false or misleading advertisement in any manner concerning agricultural ~~seeds,~~ seeds or vegetable ~~seeds or screenings.~~ seeds.

...."

SECTION 7. G.S. 106-277.10(c)(1) reads as rewritten:

"(c) The label requirements for peanuts, cotton and tobacco seed may be limited to:

(1) Lot ~~number or other~~ identification."

SECTION 8. G.S. 106-277.10(d) reads as rewritten:

"(d) The provisions of G.S. 106-277.3 through 106-277.7 do not apply:

(1) To seed or grain sold or represented to be sold for purposes other than for seeding provided that said seed is labeled "not for seeding purposes" and that the vendor shall make it unmistakably clear to the purchaser of such seed or grain that it is not for seeding purposes.

(2) To seed for ~~processing~~ conditioning when consigned to, being transported to or stored in an approved ~~processing~~ conditioning establishment, provided that the invoice or labeling accompanying said seed bears the statement "seed for ~~processing"~~ conditioning" and provided further that other labeling or representation which may be made with respect to the unlearned or ~~unprocessed~~ unconditioned seed shall be subject to this Article.

(3) To seed sold by a farmer grower to a seed dealer or ~~processor, conditioner,~~ or to seed in storage in or consigned to a seed-cleaning or ~~processing~~ conditioning plant; provided that any labeling or other representation which may be made with respect to the unlearned or ~~unprocessed~~ unconditioned seed shall be subject to this Article.

(4) To any carrier in respect to any seed or screenings transported or delivered for transportation in the ordinary course of its business as a carrier; provided that such carrier is not engaged in producing, ~~processing~~ conditioning, or marketing agricultural or vegetable seeds ~~or screenings~~ subject to provisions of this Article."

SECTION 9. G.S. 106-277.23 reads as rewritten:

"**§ 106-277.23. Notice of violations; hearings, prosecutions or warnings.**

It shall be the duty of the Commissioner to give notice of every violation of the provisions of this Article with respect to agricultural or vegetable seeds, or mixtures of such seeds, ~~or~~

~~screenings~~ to the person in whose hands such seeds ~~or screenings~~ are found, and to send copies of such notice to the shipper of such seed ~~or screenings~~ and to the person whose "analysis tag or label" is attached to the container of such ~~seeds or screenings,~~ seeds, in which notice he may designate a time and place for a hearing. The person or persons involved shall have the right to introduce evidence either in person or by agent or attorney. If, after hearing, or without such hearing in the event the person fails or refuses to appeal, the Commissioner is of the opinion that the evidence warrants prosecution he may institute proceedings in a court of competent jurisdiction in the locality which the violation occurred or, if he believes the public interest will be adequately served thereby, he may direct to the alleged violator a suitable written notice or warning."

SECTION 10. G.S. 106-277.25 reads as rewritten:

"**§ 106-277.25. Seizure and disposition of seeds violating Article.**

Any lot of agricultural or vegetable seeds, mixtures of such seeds ~~or screenings~~ being sold, exposed for sale, offered for sale or held with intent to sell in this State contrary to the provisions of this Article shall be subject to seizure on complaint of the Commissioner to the resident judge of the superior court in the county in which the ~~seeds,~~ seeds or mixtures of such seeds ~~or screenings~~ are located. In the event the court finds the seeds ~~or screenings~~ to be in violation of the provisions of this Article and orders the condemnation thereof, such seeds ~~or screenings~~ shall be denatured, processed, destroyed, relabeled, or otherwise disposed of in compliance with the laws of this State; provided that in no instance shall such disposition be ordered by the court without first having given the claimant an opportunity to apply to the court for the release of the seeds, ~~mixtures of such seeds or screenings~~ with permission to process or relabel to bring them into compliance with the provisions of this Article."

SECTION 11. G.S. 106-277.28(2) reads as rewritten:

"(2) Each seed dealer who offers for sale any agricultural, vegetable, or lawn or turf seeds for seeding purposes shall register with the Commissioner and shall obtain an annual license, for each location where activities are conducted, by January 1 of each year and shall pay the following license fee:

a. Wholesale or combined wholesale and retail seed dealer ..... ~~$100.00~~ $125.00

b. Retail seed dealer ~~with sales of no more than $500.00~~ ..... ~~5.00~~

~~c. Retail seed dealer with sales of more than $500.00 but no more than $1,000 ..... 15.00~~

~~d. Retail seed dealer with sales of more than $1,000 ..... 25.00.~~ $30.00."

SECTION 12. This act becomes effective October 1, 2009.

HOUSE BILL 1103:
Update Seed Law/Increase Seed License Fees

2009-2010 General Assembly

Committee:	Senate Ref to Agriculture/Environment/Natural Resources. If fav, re-ref to Finance	**Date:**	June 11, 2009
Introduced by:	Rep. Hill	**Prepared by:**	Barbara Riley Committee Counsel
Analysis of:	Second Edition		

SUMMARY: House Bill 1103 updates the North Carolina Seed Law and increases the license fees for wholesale and retail seed dealers.

CURRENT LAW: Article 31 of Chapter 106 is the North Carolina Seed Law. The law governs the transportation, distribution, testing, labeling, and tagging of agricultural and vegetable seeds. The Commissioner of Agriculture is authorized to register, after field testing for performance and trueness to variety, any variety, blend, or hybrid seed and to prohibit the sale of inferior or misrepresented seed. All seed dealers are required to register with the Department and obtain a license for which they pay a fee. Actions prohibited under the statutes include the transportation, distribution, or sale of seed unless a license has been obtained, a germination test has been completed within a nine-month period immediately prior to sale; and the seed is properly labeled. Sale of seed containing noxious weed seed is also prohibited. Violation of the Seed Law is a Class 3 misdemeanor and punishable by a fine of not more than $500.

BILL ANALYSIS: House Bill 1103 makes several changes to the NC Seed Law.

Section 1 amends G.S. 106-277 to delete regulation of "screenings" from the law. Screenings are seed, inert matter, and other materials removed from seeds by cleaning or processing.

Section 2 of the bill amends the definitions section by replacing the term "processing" with the term "conditioning", meaning the cleaning, scarifying or blending to obtain uniform quality or other operations that would change the seed such that retesting is required to determine the quality of the seed.

Agricultural seeds that are sold, transported for sale, or otherwise distributed must be labeled with certain information. **Section 3** amends the labeling statute by changing the lot identification requirement to "lot number."

Section 4 changes the label requirements for vegetable seeds in containers of one pound or less. The changes include deleting the requirement to include the origin of pepper seed and including a lot identification and information regarding "Packed" or "Sell By" date or germination rate and month and year the test was completed.

Section 5 changes the label requirements for vegetable seeds in containers of more than one pound by deleting a requirement to include origin of pepper seed and by clarifying that labels should contain lot identification.

Section 6 amends G.S. 106-277.9, which sets out prohibited acts with regard to seeds. It changes the time frames in which the germination tests must be conducted on different types of seeds. Germination tests on agricultural seed must be completed within a nine-month period immediately prior to sale or offering for sale. Germination tests on cool season lawn seeds or mixtures of such seeds must be completed within a 15-month period and vegetable seed within a 12-month period. The changes also delete the requirement for public hearing to designate a longer time period and eliminate the treatment requirements for pepper seed.

Sections 7 and 8 amend G.S. 277.10, Exemptions. G.S. 106-277.10(c) is amended by changing the requirements on lot identification for labels for peanuts, cotton and tobacco seed to "lot number." Subsection (d) is amended by deleting the term "processing" and substituting the term "conditioning" as per the change in definitions in Section 2 of the bill.

Section 9 amends G.S. 106-277.23, Notice of violations, and **Section 10** amends G.S. 106-277.25 by deleting the term "screenings" consistent with the changes made in Section 1 of the bill that eliminates screenings from the Seed Law.

Section 11 amends G.S. 106-277.28 to change the license fees for various categories of seed dealers. Wholesale or combined wholesale retail dealers increase from $100 to $125. The license fee structure for retail seed dealers by level of sales is eliminated and replaced by a single license, Retail Seed Dealer, with a license fee of $30. The fees previously ranged from $5 to $25. These fees were last increased in 1988.

EFFECTIVE DATE: The act becomes effective October 1, 2009.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1103

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

H1103-ATA-17 [v.1]

Comm. Sub. [NO]
Amends Title [NO]
Second Edition

Date _____,2009

Representative _____

moves to amend the bill on page 4, line 3,
by deleting the word "he" and substituting the words "the Commissioner".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

HOUSE BILL 1388
Committee Substitute Favorable 5/11/09

Short Title: Brownfields Property Notifications. (Public)

Sponsors:

Referred to:

April 13, 2009

A BILL TO BE ENTITLED

AN ACT TO EXPAND THE PUBLIC NOTICE REQUIREMENT REGARDING A PROSPECTIVE DEVELOPER'S INTENT TO REDEVELOP A BROWNFIELDS PROPERTY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 130A-310.34 reads as rewritten:

"**§ 130A-310.34. Public notice and community involvement.**

(a) A prospective developer who desires to enter into a brownfields agreement shall notify the public and the community in which the brownfields property is located of planned remediation and redevelopment activities. The prospective developer shall submit a Notice of Intent to Redevelop a Brownfields Property and a summary of the Notice of Intent to the Department. The Notice of Intent shall provide, to the extent known, a legal description of the location of the brownfields property, a map showing the location of the brownfields property, a description of the contaminants involved and their concentrations in the media of the brownfields property, a description of the intended future use of the brownfields property, any proposed investigation and remediation, and a proposed Notice of Brownfields Property prepared in accordance with G.S. 130A-310.35. Both the Notice of Intent and the summary of the Notice of Intent shall state the time period and means for submitting written comment and for requesting a public meeting on the proposed brownfields agreement. The summary of the Notice of Intent shall include a statement as to the public availability of the full Notice of Intent. After approval of the Notice of Intent and summary of the Notice of Intent by the Department, the prospective developer shall provide a copy of the Notice of Intent to all local governments having jurisdiction over the brownfields property. The prospective developer shall publish the summary of the Notice of Intent in a newspaper of general circulation serving the area in which the brownfields property is ~~located and shall file a copy of the summary of the Notice of Intent with the Codifier of Rules, who shall publish the summary of the Notice of Intent in the North Carolina Register.~~located. The prospective developer shall ~~also~~conspicuously post a copy of the summary of the Notice of Intent at the brownfields~~site.~~ property, and the prospective developer shall mail or deliver a copy of the summary to each owner of property contiguous to the brownfields property. The prospective developer shall submit documentation of the public notices to the Department prior to the Department entering into a brownfields agreement.

(b) Publication of the approved summary of the Notice of Intent ~~in the North Carolina Register and publication~~ in a newspaper of general ~~circulation~~ circulation, posting the summary at the brownfields property, and mailing or delivering the summary to each owner of property contiguous to the brownfields property shall begin a public comment period of at least 30 days from the ~~later~~ latest date of ~~publication.~~publication, posting, and mailing or delivering. During

the public comment period, members of the public, residents of the community in which the brownfields property is located, and local governments having jurisdiction over the brownfields property may submit comment on the proposed brownfields agreement, including methods and degree of remediation, future land uses, and impact on local employment.

(c) Any person who desires a public meeting on a proposed brownfields agreement shall submit a written request for a public meeting to the Department within 21 days after the public comment period begins. The Department shall consider all requests for a public meeting and shall hold a public meeting if the Department determines that there is significant public interest in the proposed brownfields agreement. If the Department decides to hold a public meeting, the Department shall, at least 15 days prior to the public meeting, mail written notice of the public meeting to all persons who requested the public meeting and to ~~any other person who had previously requested notice.~~each owner of property contiguous to the brownfields property. The Department shall also direct the prospective developer to publish, at least 15 days prior to the date of the public meeting, a notice of the public meeting at least one time in a newspaper having general circulation in such county where the brownfields property is located. In any county in which there is more than one newspaper having general circulation, the Department shall direct the prospective developer to publish a copy of the notice in as many newspapers having general circulation in the county as the Department in its discretion determines to be necessary to assure that the notice is generally available throughout the county. The Department shall prescribe the form and content of the notice to be published. The Department shall prescribe the procedures to be followed in the public meeting. The Department shall take detailed minutes of the meeting. The minutes shall include any written comments, exhibits, or documents presented at the meeting.

(d) Prior to entering into a brownfields agreement, the Department shall take into account the comment received during the comment period and at the public meeting if the Department holds a public meeting. The Department shall incorporate into the brownfields agreement provisions that reflect comment received during the comment period and at the public meeting to the extent practical. The Department shall give particular consideration to written comment that is supported by valid scientific and technical information and analysis and to written comment from the units of local government that have taxing jurisdiction over the brownfields property."

SECTION 2. This act becomes effective October 1, 2009, and applies to Notices of Intent to Redevelop a Brownfields Property and summaries of Notices of Intent submitted on or after that date.

HOUSE BILL 1388:
Brownfields Property Notifications

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	June 16, 2009
Introduced by:	Representative Fisher	**Prepared by:**	Jennifer Mundt
Analysis of:	Second Edition		Legislative Analyst

SUMMARY: House Bill 1388 would expand the public notice requirement regarding a prospective developer's intent to redevelop a brownfields property.

BACKGROUND: A "brownfields site" is an abandoned, idled, or underused property where the threat of environmental contamination has hindered its redevelopment. The North Carolina Brownfields Program is administered by the Division of Waste Management in the Department of Environment and Natural Resources (DENR). The Brownfields Property Reuse Act of 1997 (S.L. 1997-357) directs DENR to work with prospective developers to put brownfields sites back into reuse. The prospective developer is any person who desires to buy or sell a brownfields property for the purpose of redeveloping it and who did not cause or contribute to the contamination at the property.

DENR enters into an agreement with the developer that is in effect a covenant not-to-sue, contingent on the developer making the site suitable for the reuse proposed. The brownfields agreement provides both the site-specific actions necessary to make the site suitable for reuse and the covenant not-to-sue once these actions are complete. A brownfields agreement is designed to break environmental liability barriers that hinder a developer's ability to obtain project financing. The agreement specifies actions to be conducted by the developer that are based on making the site suitable for the use intended.

CURRENT LAW: G.S. 130A-310.34 provides that a prospective brownfields property developer must submit a Notice of Intent to Redevelop a Brownfields Property (NOI) and a summary of the NOI to the Department of Environment and Natural Resources (DENR). After DENR approves the NOI and the summary of the NOI, the prospective developer must do all of the following:

- Provide a copy of the NOI to all local governments having jurisdiction over the brownfields property.
- File a copy of the summary of the NOI with the Codifier of Rules who must publish the summary in the North Carolina Register.
- Publish the summary of the NOI in a newspaper of general circulation serving the area in which the brownfields property is located.
- Conspicuously post a copy of the summary of the NOI at the brownfields property.

A minimum 30-day public comment period on the prospective brownfields development begins on the latest date of publication of the approved summary of the NOI in a newspaper of general circulation. This section also requires DENR to provide at least 15 days notice of a public meeting on a proposed brownfields agreement by mail to all persons who requested the public meeting and to any other person who requested notice.

BILL ANALYSIS: House Bill 1388 would change and expand the public notice requirements for prospective brownfields developers as follows:

- Removes the requirement to file a copy of the summary of the NOI with the Codifier of Rules and the requirement that the summary be published in the North Carolina Register.
- Adds a requirement to mail or deliver a copy of the summary of the NOI to each owner of property contiguous to the brownfields property.
- Provides that the date on which the 30-day public comment period begins is the latest of the dates that the summary of the NOI is published in a newspaper of general circulation, posted conspicuously at the brownfields location, or mailed or delivered to contiguous property owners.
- DENR notices of a public meeting for brownfields agreements must be mailed to each owner of property contiguous to the brownfields property in addition to all other persons who requested the public meeting.

EFFECTIVE DATE: This act becomes effective October 1, 2009 and applies to Notices of Intent to Redevelop a Brownfields Property and summaries of NOIs submitted on or after that date.

H1388-SMTA-61(e2) v2

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — June 16, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Kevin Davis	TNC
Gordon Myers	NCWRC
Sarah Clapp	NCWRC
Jacob Yanicer	Governor's Page
Robert Stallings	Governor's Page
Nathan Beets	Governors Page
Dan Conrad	NCCN
Linda Culpepper	NCDENR
Elizabeth Biser	DENR
Bruce Nicholson	DENR
Mia Bailey	ElectriCities of NC, Inc

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — June 16, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Leslie Arnold	SOG-Daily Bulletin
L. Andrews	NCFB
P. Page	NCFB
Chris Stanley	Intern
[illegible] Mahler	NRCE
Glenn Dungan	Cross Protection Assn. of N.C.
DAVID BARNES	Poyner Spruill
[illegible]	NCPC
David McLeod	NCDACS
Gene Cox	NCDACS
Nancy Thompson	Weyerhaeuser

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — June 16, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Robin Smith	DENR
Paul Meyer	NCLM
R Rogers	

Principal Clerk ____
Reading Clerk ____

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on **Agriculture/Environment/Natural Resources** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	June 23, 2009	11:00 AM	544 LOB

The following will be considered:

Biofuels Center of North Carolina Presentation

HB 1196	State Nat. & Hist. Pres. Addns. & Del.	Representative England, M.D.
HB 1419	Bat Protection Act.	Representative Cleveland
		Representative Gulley
		Representative Lucas

Senator Bob Atwater, Chair

Senate Agriculture/Environment/Natural Resources Committee
Tuesday, June 23, 2009, 11:00 AM
544 LOB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Presentations
Biofuels Center of North Carolina

Bills

HB 1196	State Nat. & Hist. Pres. Addns. & Del.	Representative England, M.D.
HB 1419	Bat Protection Act.	Representative Cleveland Representative Gulley Representative Lucas

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE REPORT
Senator Bob Atwater, Chair

Tuesday, June 23, 2009

Senator ATWATER,
submits the following with recommendations as to passage:

FAVORABLE

H.B.(CS #1) **1419** Bat Protection Act.

Sequential Referral:	None
Recommended Referral:	None

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B.(CS #1) **1196** State Nat. & Hist. Pres. Addns. & Del.

Draft Number:	50743
Sequential Referral:	Finance
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 2

Committee Clerk Comments:

Senator Brown with handle HB 1419

SENATE AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE
Tuesday, June 23, 2009 at 11:00 AM
Room 544, Legislative Office Building

MINUTES

The Senate Agriculture/Environment/Natural Resources Committee met at 11:00 AM on June 23, 2009, in Room 544 of the Legislative Office Building. 13 members of the committee were present. Senator Bob Atwater, presided.

After Senator Atwater introduced the pages, the following bills were discussed:

- **HB 1419, Bat Protection Act.**

Senator Atwater asked Representative Cleveland to explain his bill. After his brief remarks, **Senator Tillman moved for a favorable report for the bill. Motion carried.**

- **HB 1196, State Nat. & Hist. Pres. Addns. & Del.**

Senator Clodfelter moved to adopt the PCS for HB 1196 for purposes of discussion. Motion carried. Representative England then made a brief comment on the bill and then asked Ms. Carol Tingley, Department of Environment and Natural Resourses, State Parks and Recreation Division, to explain the bill. After her remarks, Senator Atwater asked for Ms. Tingley to provide the Committee members with a list of the specific park additions. **Senator Clodfelter then moved for an unfavorable report to the original bill, but a favorable report for the PCS for HB 1196, and referral to Senate Finance. Motion carried.**

Next, Mr. Steve Burke, President of the Biofuels Center of North Carolina in Oxford, gave a presentation on the Center (see Handout #1). Mr. Burke told the Committee that the Biofuels Center was a private, non-profit that receives $5 million a year from the Legislature. The Center was combining agriculture with technology with a goal of producing 2 million – 600 million gallons of fuel by 2017. After Mr. Burke's presentation, Senator Atwater, Senator Hartsell, Senator Allran and Senator Bingham asked questions regarding the feasibility of various biofuels.

The meeting adjourned at 11:40 AM.

Senator Bob Atwater, Presiding

Carol Resar, Committee Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H 2

HOUSE BILL 1419
Committee Substitute Favorable 5/6/09

Short Title: Bat Protection Act. (Public)

Sponsors:

Referred to:

April 13, 2009

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE WILDLIFE RESOURCES COMMISSION TO DEVELOP A BAT EVICTION AND EXCLUSION CURRICULUM TO BE USED BY OTHER ASSOCIATIONS OR ORGANIZATIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113-333 is amended by adding a new subsection to read:

"(d) The Commission is authorized to develop a bat eviction and exclusion curriculum that may be taught by trade associations or wildlife conservation organizations for certification. The curriculum may incorporate the training that is provided as part of Wildlife Damage Control Agent certification in best management practices for removing and evicting bats from structures and in preventing bats from reentering structures."

SECTION 2. This act is effective when it becomes law.

HOUSE BILL 1419: Bat Protection Act

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	June 11, 2009
Introduced by:	Reps. Cleveland, Lucas, Gulley	**Prepared by:**	Barbara Riley Committee Counsel
Analysis of:	Second Edition		

SUMMARY: House Bill 1419 authorizes the Wildlife Resource Commission to develop a bat eviction and exclusion curriculum to be used by other associations or organizations.

BILL ANALYSIS: House Bill 1419 adds a new subsection to G.S. 113-333 authorizing the Wildlife Resources Commission to develop a bat eviction and exclusion curriculum that may be taught by trade associations or wildlife conservation organizations for certification. The curriculum may incorporate the training that is provided as part of Wildlife Damage Control Agent certification in best management practices for removing and evicting bats from structures and in preventing bats from reentering structures.

EFFECTIVE DATE: This act is effective when it becomes law.

HOUSE BILL 1196
Committee Substitute Favorable 5/5/09

Short Title: State Nat. & Hist. Pres. Addns. & Del. (Public)

Sponsors:

Referred to:

April 8, 2009

A BILL TO BE ENTITLED

AN ACT TO DEDICATE AND ACCEPT CERTAIN PROPERTIES AS PART OF THE STATE NATURE AND HISTORIC PRESERVE AND TO REMOVE CERTAIN LANDS FROM THE STATE NATURE AND HISTORIC PRESERVE.

Whereas, Section 5 of Article XIV of the North Carolina Constitution authorizes the dedication of State and local government properties as part of the State Nature and Historic Preserve upon acceptance by a law enacted by a three-fifths vote of the members of each house of the General Assembly and provides for removal of properties from the State Nature and Historic Preserve by a law enacted by a three-fifths vote of the members of each house of the General Assembly; and

Whereas, the General Assembly enacted the State Nature and Historic Preserve Dedication Act, Chapter 443 of the 1973 Session Laws, to prescribe the conditions and procedures under which properties may be specifically dedicated for the purposes set out in Section 5 of Article XIV of the North Carolina Constitution; and

Whereas, more than 12,350 acres have been added to the State Parks System since the last dedication and acceptance of properties as part of the State Nature and Historic Preserve pursuant to a petition of the Council of State dated May 1, 2007; and

Whereas, in accordance with G.S. 143-260.8, it is anticipated that on May 5, 2009, the Council of State will vote to petition the General Assembly to enact a law pursuant to Section 5 of Article XIV of the North Carolina Constitution to dedicate and accept properties added to the State Parks System and designated in the petition for inclusion as parts of the State Nature and Historic Preserve; and

Whereas, it is anticipated that as a part of its petition of May 5, 2009, the Council of State will request the General Assembly to remove certain properties from the State Nature and Historic Preserve; and

Whereas, G.S. 113-44.14 provides for additions to, and deletions from, the State Parks System upon authorization by the General Assembly; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-260.10 reads as rewritten:

"**§ 143-260.10. Components of State Nature and Historic Preserve.**

The following are components of the State Nature and Historic Preserve accepted by the North Carolina General Assembly pursuant to G.S. 143-260.8:

(1) All lands and waters within the boundaries of the following units of the State Parks System as of ~~1 May 2007:~~May 5, 2009: Baldhead Island State Natural Area, Bay Tree Lake State Park, Bear Paw State Natural Area, Beech Creek Bog State Natural Area, Bullhead Mountain State Natural Area, Bushy Lake State Natural Area, Carolina Beach State Park, Carvers Creek State Park,

~~Chimney Rock State Park,~~ Cliffs of the Neuse State Park, Chowan Swamp State Natural Area, Deep River State Trail, Dismal Swamp State Park, Elk Knob State Park, Fort Fisher State Recreation Area, Fort Macon State Park, Goose Creek State Park, Gorges State Park, Haw River State Park, Hammocks Beach State Park, Jones Lake State Park, Lake Norman State Park, Lea Island State Natural Area, Lower Haw River State Natural Area, Lumber River State Park, Mayo River State Park, Medoc Mountain State Park, Merchants Millpond State Park, Mitchells Millpond State Natural Area, Mount Mitchell State Park, ~~Mountain Bog State Natural Area,~~ Occoneechee Mountain State Natural Area, Pettigrew State Park, Pilot Mountain State Park, Pineola Bog State Natural Area, Raven Rock State Park, Run Hill State Natural Area, Sandy Run Savannas State Natural Area, Singletary Lake State Park, Sugar Mountain State Natural Area, Theodore Roosevelt State Natural Area, and Weymouth Woods-Sandhills Nature Preserve.

(2) All lands and waters within the boundaries of William B. Umstead State Park as of ~~1 May 2007~~ May 5, 2009, with the exception of Tract Number 65, containing 22.93140 acres as shown on a survey prepared by John S. Lawrence (RLS) and Bennie R. Smith (RLS), entitled "Property of The State of North Carolina William B. Umstead State Park", dated January 14, 1977 and filed in the State Property Office, which was removed from the State Nature and Historic Preserve by Chapter 450, Section 1 of the 1985 Session Laws. The tract excluded from the State Nature and Historic Preserve under this subdivision is deleted from the State Parks System in accordance with G.S. 113-44.14. The State of North Carolina may only exchange this land for other land for the expansion of William B. Umstead State Park or sell and use the proceeds for that purpose. The State of North Carolina may not otherwise sell or exchange this land.

(3) Repealed by Session Laws 1999-268, s. 2.

(4) All lands within the boundaries of Morrow Mountain State Park as of ~~1 May 2007~~ May 5, 2009, with the exception of the following tract: That certain tract or parcel of land at Morrow Mountain State Park in Stanly County, North Albemarle Township, containing 0.303 acres, more or less, as surveyed and platted by Thomas W. Harris R.L.S., on a map dated August 27, 1988, and filed in the State Property Office, reference to which is hereby made for a more complete description.

(5) Repealed by Session Laws 1999-268, s. 2.

(6) All land within the boundaries of Crowders Mountain State Park as of ~~1 May 2007~~May 5, 2009, with the exception of the following tracts. The tracts excluded from the State Nature and Historic Preserve under this subdivision are deleted from the State Parks System in accordance with G.S. 113-44.14. The State of North Carolina may only exchange this land for other land for the expansion of Crowders Mountain State Park or sell this land and use the proceeds for that purpose. The State may not otherwise sell or exchange this land.

a. The portion of that certain tract or parcel of land at Crowders Mountain State Park in Gaston County, Crowders Mountain Township, described in Deed Book 1939, page 800, and containing 757.28 square feet and as shown in a survey by Tanner and McConnaughey, P.A. dated July 22, 1988 and filed in the State Property Office.

b. The portion of that certain tract or parcel of land at Crowders Mountain State Park in Gaston County, east of and including the right-of-way along and across Old Peach Orchard Road, as shown in a survey by the City of Gastonia, File No. 400-194, dated November 23, 1998, and filed in the State Property Office.

c. The portion of that certain tract or parcel of land at Crowders Mountain State Park in Cleveland County, described in Deed Book 1286, Page No. 85, located on the north side of SR 2245 (Bethlehem Road) and containing 14,964 square feet as shown on the survey entitled "Survey for Crowders Mountain State Park, Deed Book 1103-107, Township 4 Kings Mountain, Cleveland County, N.C." by David W. Dickson, P.A. dated February 28, 2008.

(7) All lands owned in fee simple by the State within the boundaries of New River State Park as of ~~1 May 2007.~~ May 5, 2009.

(8) All lands and waters within the boundaries of Stone Mountain State Park as of ~~1 May 2007~~ May 5, 2009, with the exception of the following tracts: The portion of that certain tract or parcel of land at Stone Mountain State Park in Wilkes County, Traphill Township, described as parcel 33-02 in Deed Book 633-193, and more particularly described as all of the land in this parcel lying to the west of the eastern edge of the Air Bellows Road, as shown on the National Park Service Land Status Map 33 dated March 24, 1981 and filed in the State Property Office, containing approximately 72 acres. The tract excluded from the State Nature and Historic Preserve under this subdivision is deleted from the State Parks System in accordance with G.S. 113-44.14.

(9) All lands and waters located within the boundaries of the following State Historic Sites as of ~~1 May 2007:~~ May 5, 2009: Alamance Battleground, Charles B. Aycock Birthplace, Historic Bath, Bennett Place, Bentonville Battleground, Brunswick Town/Fort Anderson, C.S.S. Neuse and Governor Caswell Memorial, Charlotte Hawkins Brown Memorial, Duke Homestead, Historic Edenton, Fort Dobbs, Fort Fisher, Historic Halifax, Horne Creek Living Historical Farm, House in the Horseshoe, North Carolina Transportation Museum, James K. Polk Memorial, Reed Gold Mine, Somerset Place, Stagville, State Capitol, Town Creek Indian Mound, Tryon Palace Historic Sites & Gardens, Zebulon B. Vance Birthplace, and Thomas Wolfe Memorial.

(10), (11) Repealed by Session Laws 2001-217, s. 2, effective June 15, 2001.

(12) All lands and waters located within the boundaries of Hanging Rock State Park as of ~~1 May 2007~~ May 5, 2009, with the exception of the following tract: The portion of that tract or property at Hanging Rock State Park in Stokes County, Danbury Township, described in Deed Book 360, Page 160, for a 30-foot wide right-of-way beginning approximately 183 feet south of SR 1001 and extending in a southerly direction approximately 1,479 feet to the southwest corner of the Bobby Joe Lankford tract and more particularly shown on a survey entitled, "J. Spot Taylor Heirs Survey, Danbury Township, Stokes County, N.C.", by Grinski Surveying Company, dated June 1985, and filed in the State Property Office. The tract excluded from the State Nature and Historic Preserve under this subdivision is deleted from the State Parks System in accordance with G.S. 113-44.14.

(13) All lands and waters located within the boundaries of South Mountains State Park as of ~~1 May 2007~~ May 5, 2009, with the exception of the following

tracts. The tracts excluded from the State Nature and Historic Preserve under this subdivision are deleted from the State Parks System in accordance with G.S. 113-44.14.

a., b. Repealed by Session Laws 2007-307, s. 1, effective July 28, 2007.

c. The portions of land at South Mountains State Park that lie south of the centerline of the CCC road as shown on the drawing entitled "Land Trade between South Mountains State Park and Adjacent Game Lands along CCC Road" prepared by the Division of Parks and Recreation, dated March 15, 1999, and filed in the State Property Office and that lie within: (i) the tract or property in Burke County, Lower Fork Township, described in Deed Book 495, Page 501; (ii) the tract or property in Burke County, Lower Fork and Upper Fork Townships, described in Deed Book 715, Page 719; or, (iii) within the tracts or property in Burke County, Upper Fork Township, described in Deed Book 860, Page 341, and Deed Book 884, Page 1640. The State of North Carolina may only exchange this land for other land for the expansion of South Mountains State Park or sell this land and use the proceeds for that purpose. The State may not otherwise sell or exchange this land.

d. Repealed by Session Laws 2007-307, s. 1, effective July 28, 2007.

(14) Repealed by Session Laws 2003-234, s. 1, effective June 19, 2003.

(15) All lands and waters within the boundaries of Jockey's Ridge State Park as of ~~1 May 2007~~ May 5, 2009, with the exception of the following tracts: The portion of those certain tracts or parcels of land at Jockey's Ridge State Park in Dare County, Nags Head Township, described in Deed Book 227, Page 499, and Deed Book 227, Page 501, and containing 33,901 square feet as shown on the survey prepared by Styons Surveying Services entitled "Raw Water Well Site 13 Jockey's Ridge State Park" dated March 7, 2001, and filed in the State Property Office; the portion of that certain tract or parcel of land at Jockey's Ridge State Park in Dare County, Nags Head Township, described in Deed Book 222, Page 726, and containing 42,909 square feet as shown on the survey prepared by Styons Surveying Services entitled "Raw Water Well Site 14 Jockey's Ridge State Park" dated March 7, 2001, and filed in the State Property Office; and the portion of that certain tract or parcel of land at Jockey's Ridge State Park in Dare County, Nags Head Township, described in Deed Book 224, Page 790, and Deed Book 224, Page 794, and containing 34,471 square feet as shown on the survey prepared by Styons Surveying Services entitled "Raw Water Well Site 15 Jockey's Ridge State Park" dated March 7, 2001, and filed in the State Property Office.

(16) All lands and waters located within the boundaries of Mount Jefferson State Natural Area as of ~~1 May 2007.~~ May 5, 2009. With respect to the communications tower site on the top of Mount Jefferson and located on that certain tract or parcel of land at Mount Jefferson State Natural Area in Ashe County, West Jefferson Township, described in Deed Book F-3, Page 94, the State may provide space at the communications tower site to State public safety and emergency management agencies for the placement of antennas, repeaters, and other communications devices for public communications purposes. Notwithstanding G.S. 146-29.2, the State may lease space at the communications tower site to local governments in Ashe County for the placement of antennas, repeaters, and other communications devices for

public communications purposes. State agencies and local governments that are authorized to place communications devices at the communications tower site pursuant to this subdivision may also locate at or near the communications tower site communications equipment that is necessary for the proper operation of the communications devices. The use of the communications tower site pursuant to this subdivision is authorized by the General Assembly as a purpose other than the public purposes specified in Article XIV, Section 5, of the North Carolina Constitution, Article 25B of Chapter 143 of the General Statutes, and Article 2C of Chapter 113 of the General Statutes.

(17) All lands and waters within the Eno River State Park as of ~~1 May 2007~~ May 5, 2009, with the exception of the following ~~tract:~~tracts:

a. The portion of that certain tract or parcel of land at Eno River State Park in Durham County, Durham Outside Township, described in Deed Book 435, Page 673, and Plat Book 87, Page 66, containing 11,000 square feet and being the portion of Lot No. 2 shown as the existing scenic easement hereby removed on the drawing prepared by Sear-Brown entitled "Recombination Plat Eno Forest Subdivision" bearing the preparer's file name 00-208-07.dwg, and filed with State Property Office. The tract excluded from the State Nature and Historic Preserve under this subdivision is deleted from the State Parks System pursuant to G.S. 113-44.14. The State of North Carolina may only exchange this land for other land for the expansion of Eno River State Park or sell this land and use the proceeds for that purpose. The State may not otherwise sell or exchange this land.

b. The portion of that certain tract or parcel of land at Eno River State Park in Orange County, described in Deed Book 3878, Page 461, and Plat Book 98, Page 11, containing 5,313 square feet and required for the permanent easements for bridge replacement project B-4216 on SR 1002 (St. Mary's Road), as shown in the drawing entitled "Preliminary Plans, Project Reference No. B-4216" prepared for North Carolina Department of Transportation by Mulkey Engineers and Consultants dated March 10, 2009, and filed with the State Property Office. The tracts excluded from the State Nature and Historic Preserve under this section are deleted from the State Parks System pursuant to G.S. 113-44.14. The State of North Carolina may only exchange this land for other land for the expansion of Eno River State Park or sell this land and use the proceeds for that purpose. The State may not otherwise sell or exchange this land.

(18) All land and waters within the boundaries of Hemlock Bluffs State Natural Area as of ~~1 May 2007,~~May 5, 2009, with the exception of the following tracts: The portion of that certain tract or parcel of land at Hemlock Bluffs State Natural Area in Wake County, Swift Creek Township, described in Deed Book 2461, Page 037, containing 2,025 square feet and being the portion of this tract shown as proposed R/W on the drawing prepared by Titan Atlantic Group entitled "Right of Way Acquisition Map for Town of Cary Widening of Kildaire Farm Road (SR 1300) from Autumgate Drive to Palace Green" sheet 1 of 3 bearing the preparer's file name Town of Cary Case File No. TOC 01-37, dated 26 September 2003, and filed with the State Property Office; and the portion of those certain tracts or parcels of land at

Hemlock Bluffs State Natural Area in Wake County, Swift Creek Township, described in Deed Book 4670, Page 420, containing 24,092 square feet and being the portion of these tracts shown as proposed R/W on the drawing prepared by Titan Atlantic Group entitled "Right of Way Acquisition Map for Town of Cary Widening of Kildaire Farm Road (SR 1300) from Autumgate Drive to Palace Green" sheet 3 of 3 bearing the preparer's file name Town of Cary Case File No. TOC 01-37, dated 26 September 2003, and filed with the State Property Office. The tracts excluded from the State Nature and Historic Preserve under this subdivision are deleted from the State Parks System pursuant to G.S. 113-44.14. The State of North Carolina may only exchange this land for other land for the expansion of Hemlock Bluffs State Natural Area or sell this land and use the proceeds for that purpose. The State may not otherwise sell or exchange this land.

(19) All lands and waters within the boundaries of Lake James State Park as of ~~1 May 2007,~~May 5, 2009, with the exception of the following tracts:

a. The portion of that certain tract or parcel of land at Lake James State Park containing 13.85 acres, and being 100 feet to the east and 150 feet to the west of a centerline shown on a survey by Witherspoon Surveying PLLC, dated February 9, 2007, and filed in the State Property Office. The State of North Carolina may grant a temporary easement to Duke Energy Corporation across this tract to facilitate the Catawba Dam Embankment Seismic Stability Improvements Project. The grant of the easement within Lake James State Park to Duke Energy Corporation under this sub-subdivision constitutes authorization by the General Assembly that the described tract of land may be used for a purpose other than the public purposes specified in Article XIV, Section 5, of the North Carolina Constitution, Article 25B of Chapter 143 of the General Statutes, and Article 2C of Chapter 113 of the General Statutes. The State of North Carolina may use the proceeds from the easement only for the expansion or improvement of Lake James State Park or another State park. The State may not otherwise sell or exchange this land.

b. The portion of that certain tract or parcel of land at Lake James State Park in McDowell County, Nebo Township, described in Deed Book 377, Page 423, and also shown as Tract B on the plat of survey prepared by Kenneth D. Suttles, RLS, dated December 4, 1987, entitled "Lake James State Park," Sheet 1 of 2, recorded in Plat Book 4, Page 275 of the McDowell County Registry, for a 40-foot right-of-way beginning at the southwest corner of Tract B and continuing along the southern boundary S 86 38' 51" E for 400 feet to the now or former John D. Walker property. The State of North Carolina may grant an easement across this tract to extinguish prescriptive easements on Tract B to improve management of the State park property. The State may not otherwise sell or exchange this land. The easement excluded from the State Nature and Historic Preserve under this subdivision is deleted from the State Parks System pursuant to G.S. 113-44.14.

(20) All lands and waters within the boundaries of Lake Waccamaw State Park as of ~~May 1, 2007,~~May 5, 2009, with the exception of the following tracts: The portions of that certain tract or parcel of land at Lake Waccamaw State Park in Columbus County described in Deed Book 835, Page 590, containing

48,210 square feet and being the portion of this tract shown as new R/W and permanent utility easement on drawing prepared by State of North Carolina Department of Transportation entitled "Map of Proposed Right of Way Property of State of North Carolina (Parks and Recreation) Columbus County" for Tip B-3830 on SR 1947 (Bella Coola Road) done by John E. Kaukola, PLS No. 3999 and compiled 1-18-2008, and filed with the State Property Office. The tracts excluded from the State Nature and Historic Preserve under this section are deleted from the State Parks System pursuant to G.S. 113-44.14. The State of North Carolina may only exchange this land for other land for the expansion of Lake Waccamaw State Park or sell this land and use the proceeds for that purpose. The State may not otherwise sell or exchange this land.

(21) All lands and waters within the boundaries of Chimney Rock State Park as of May 5, 2009, with the exception of the following tract: The portion of that certain tract or parcel of land at Chimney Rock State Park in Rutherford County being a portion of Parcel 2 as described in Deed Book 933, Page 598, containing 346 square feet and being shown as proposed right-of-way for bridge replacement project B-4258 on U.S. 64 over the Broad River on drawing prepared by Kimley-Horn and Associates for the North Carolina Department of Transportation and revised October 26, 2007, and filed with the State Property Office. The tracts excluded from the State Nature and Historic Preserve under this section are deleted from the State Parks System pursuant to G.S. 113-44.14. The State of North Carolina may only exchange this land for other land for the expansion of Chimney Rock State Park or sell this land and use the proceeds for that purpose. The State may not otherwise sell or exchange this land.

(22) All State-owned land and waters within the boundaries of the Mountains-to-Sea Trail as of May 5, 2009, with the exception of the following tract: The portion of that certain tract or parcel in Johnston County described in Deed Book 3634, Page 278, containing 4.72 acres and being described as proposed easement area for Piedmont Natural Gas Company transmission line on drawing entitled "Easement Survey Prepared for Piedmont Natural Gas Company, Line 142, Easement to be Acquired from the State of North Carolina" by McKim & Creed and dated July 31, 2008, and revised March 11, 2009. The State of North Carolina may grant an easement to Piedmont Natural Gas Company across this tract to facilitate the transmission of natural gas. The grant of the easement within the Mountains-to-Sea Trail to Piedmont Natural Gas Company under this section constitutes authorization by the General Assembly that the described tract of land may be used for a purpose other than the public purposes specified in Section 5 of Article XIV of the North Carolina Constitution, Article 25B of Chapter 143 of the General Statutes, and Article 2C of Chapter 113 of the General Statutes. The State of North Carolina may use the proceeds from the easement only for the expansion or improvement of the Mountains-to-Sea Trail or another State park. The State may not otherwise sell or exchange this land."

SECTION 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H D

HOUSE BILL 1196
Committee Substitute Favorable 5/5/09
PROPOSED SENATE COMMITTEE SUBSTITUTE H1196-CSRI-37 [v.2]

6/22/2009 5:07:29 PM

Short Title: State Nat. & Hist. Pres. Addns. & Del. (Public)

Sponsors:

Referred to:

April 8, 2009

A BILL TO BE ENTITLED

AN ACT TO DEDICATE AND ACCEPT CERTAIN PROPERTIES AS PART OF THE STATE NATURE AND HISTORIC PRESERVE AND TO REMOVE CERTAIN LANDS FROM THE STATE NATURE AND HISTORIC PRESERVE.

Whereas, Section 5 of Article XIV of the North Carolina Constitution authorizes the dedication of State and local government properties as part of the State Nature and Historic Preserve upon acceptance by a law enacted by a three-fifths vote of the members of each house of the General Assembly and provides for removal of properties from the State Nature and Historic Preserve by a law enacted by a three-fifths vote of the members of each house of the General Assembly; and

Whereas, the General Assembly enacted the State Nature and Historic Preserve Dedication Act, Chapter 443 of the 1973 Session Laws, to prescribe the conditions and procedures under which properties may be specifically dedicated for the purposes set out in Section 5 of Article XIV of the North Carolina Constitution; and

Whereas, more than 15,000 acres have been added to the State Parks System since the last dedication and acceptance of properties as part of the State Nature and Historic Preserve pursuant to a petition of the Council of State dated May 1, 2007; and

Whereas, in accordance with G.S. 143-260.8, on May 5, 2009, the Council of State voted to petition the General Assembly to enact a law pursuant to Section 5 of Article XIV of the North Carolina Constitution to dedicate and accept properties added to the State Parks System and designated in the petition for inclusion as parts of the State Nature and Historic Preserve; and

Whereas, as a part of its petition of May 5, 2009, the Council of State also requested the General Assembly to remove certain properties from the State Nature and Historic Preserve; and

Whereas, G.S. 113-44.14 provides for additions to, and deletions from, the State Parks System upon authorization by the General Assembly; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-260.10 reads as rewritten:

"**§ 143-260.10. Components of State Nature and Historic Preserve.**

The following are components of the State Nature and Historic Preserve accepted by the North Carolina General Assembly pursuant to G.S. 143-260.8:

(1) All lands and waters within the boundaries of the following units of the State Parks System as of ~~1 May 2007~~:May 5, 2009: Baldhead Island State Natural Area, Bay Tree Lake State Park, Bear Paw State Natural Area, Beech Creek Bog State Natural Area, Bullhead Mountain State Natural Area, Bushy Lake State Natural Area, Carolina Beach State Park, Carvers Creek State Park, ~~Chimney Rock State Park,~~ Cliffs of the Neuse State Park, Chowan Swamp State Natural Area, Deep River State Trail, Dismal Swamp State Park, Elk Knob State Park, Fort Fisher State Recreation Area, Fort Macon State Park, Goose Creek State Park, Gorges State Park, Grandfather Mountain State Park, Haw River State Park, Hammocks Beach State Park, Jones Lake State Park, Lake Norman State Park, Lea Island State Natural Area, Lower Haw River State Natural Area, Lumber River State Park, Mayo River State Park, Medoc Mountain State Park, Merchants Millpond State Park, Mitchells Millpond State Natural Area, Mount Mitchell State Park, ~~Mountain Bog State Natural Area,~~ Occoneechee Mountain State Natural Area, Pettigrew State Park, Pilot Mountain State Park, Pineola Bog State Natural Area, Raven Rock State Park, Run Hill State Natural Area, Sandy Run Savannas State Natural Area, Singletary Lake State Park, Sugar Mountain State Natural Area, Theodore Roosevelt State Natural Area, and Weymouth Woods-Sandhills Nature Preserve.

(2) All lands and waters within the boundaries of William B. Umstead State Park as of ~~1 May 2007~~ May 5, 2009, with the exception of Tract Number 65, containing 22.93140 acres as shown on a survey prepared by John S. Lawrence (RLS) and Bennie R. Smith (RLS), entitled "Property of The State of North Carolina William B. Umstead State Park", dated January 14, 1977 and filed in the State Property Office, which was removed from the State Nature and Historic Preserve by Chapter 450, Section 1 of the 1985 Session Laws. The tract excluded from the State Nature and Historic Preserve under this subdivision is deleted from the State Parks System in accordance with G.S. 113-44.14. The State of North Carolina may only exchange this land for other land for the expansion of William B. Umstead State Park or sell and use the proceeds for that purpose. The State of North Carolina may not otherwise sell or exchange this land.

(3) Repealed by Session Laws 1999-268, s. 2.

(4) All lands within the boundaries of Morrow Mountain State Park as of ~~1 May 2007~~ May 5, 2009, with the exception of the following tract: That certain tract or parcel of land at Morrow Mountain State Park in Stanly County, North Albemarle Township, containing 0.303 acres, more or less, as surveyed and platted by Thomas W. Harris R.L.S., on a map dated August 27, 1988, and filed in the State Property Office, reference to which is hereby made for a more complete description.

(5) Repealed by Session Laws 1999-268, s. 2.

(6) All land within the boundaries of Crowders Mountain State Park as of ~~1 May 2007~~May 5, 2009, with the exception of the following tracts. The tracts excluded from the State Nature and Historic Preserve under this subdivision are deleted from the State Parks System in accordance with G.S. 113-44.14. The State of North Carolina may only exchange this land for other land for the expansion of Crowders Mountain State Park or sell this land and use the proceeds for that purpose. The State may not otherwise sell or exchange this land.

a. The portion of that certain tract or parcel of land at Crowders Mountain State Park in Gaston County, Crowders Mountain Township, described in Deed Book 1939, page 800, and containing 757.28 square feet and as shown in a survey by Tanner and McConnaughey, P.A. dated July 22, 1988 and filed in the State Property Office.

b. The portion of that certain tract or parcel of land at Crowders Mountain State Park in Gaston County, east of and including the right-of-way along and across Old Peach Orchard Road, as shown in a survey by the City of Gastonia, File No. 400-194, dated November 23, 1998, and filed in the State Property Office.

c. The portion of that certain tract or parcel of land at Crowders Mountain State Park in Cleveland County, described in Deed Book 1286, Page No. 85, located on the north side of SR 2245 (Bethlehem Road) and containing 14,964 square feet as shown on the survey entitled "Survey for Crowders Mountain State Park, Deed Book 1103-107, Township 4 Kings Mountain, Cleveland County, N.C." by David W. Dickson, P.A. dated February 28, 2008.

(7) All lands owned in fee simple by the State within the boundaries of New River State Park as of ~~1 May 2007.~~ May 5, 2009.

(8) All lands and waters within the boundaries of Stone Mountain State Park as of ~~1 May 2007~~ May 5, 2009, with the exception of the following tracts: The portion of that certain tract or parcel of land at Stone Mountain State Park in Wilkes County, Traphill Township, described as parcel 33-02 in Deed Book 633-193, and more particularly described as all of the land in this parcel lying to the west of the eastern edge of the Air Bellows Road, as shown on the National Park Service Land Status Map 33 dated March 24, 1981 and filed in the State Property Office, containing approximately 72 acres. The tract excluded from the State Nature and Historic Preserve under this subdivision is deleted from the State Parks System in accordance with G.S. 113-44.14.

(9) All lands and waters located within the boundaries of the following State Historic Sites as of ~~1 May 2007:~~ May 5, 2009: Alamance Battleground, Charles B. Aycock Birthplace, Historic Bath, Bennett Place, Bentonville Battleground, Brunswick Town/Fort Anderson, C.S.S. Neuse and Governor Caswell Memorial, Charlotte Hawkins Brown Memorial, Duke Homestead, Historic Edenton, Fort Dobbs, Fort Fisher, Historic Halifax, Horne Creek Living Historical Farm, House in the Horseshoe, North Carolina Transportation Museum, James K. Polk Memorial, Reed Gold Mine, Somerset Place, Stagville, State Capitol, Town Creek Indian Mound, Tryon Palace Historic Sites & Gardens, Zebulon B. Vance Birthplace, and Thomas Wolfe Memorial.

(10), (11) Repealed by Session Laws 2001-217, s. 2, effective June 15, 2001.

(12) All lands and waters located within the boundaries of Hanging Rock State Park as of ~~1 May 2007~~ May 5, 2009, with the exception of the following tract: The portion of that tract or property at Hanging Rock State Park in Stokes County, Danbury Township, described in Deed Book 360, Page 160, for a 30-foot wide right-of-way beginning approximately 183 feet south of SR 1001 and extending in a southerly direction approximately 1,479 feet to the southwest corner of the Bobby Joe Lankford tract and more particularly shown on a survey entitled, "J. Spot Taylor Heirs Survey, Danbury

Township, Stokes County, N.C.", by Grinski Surveying Company, dated June 1985, and filed in the State Property Office. The tract excluded from the State Nature and Historic Preserve under this subdivision is deleted from the State Parks System in accordance with G.S. 113-44.14.

(13) All lands and waters located within the boundaries of South Mountains State Park as of ~~1 May 2007~~ May 5, 2009, with the exception of the following tracts. The tracts excluded from the State Nature and Historic Preserve under this subdivision are deleted from the State Parks System in accordance with G.S. 113-44.14.

a., b. Repealed by Session Laws 2007-307, s. 1, effective July 28, 2007.

c. The portions of land at South Mountains State Park that lie south of the centerline of the CCC road as shown on the drawing entitled "Land Trade between South Mountains State Park and Adjacent Game Lands along CCC Road" prepared by the Division of Parks and Recreation, dated March 15, 1999, and filed in the State Property Office and that lie within: (i) the tract or property in Burke County, Lower Fork Township, described in Deed Book 495, Page 501; (ii) the tract or property in Burke County, Lower Fork and Upper Fork Townships, described in Deed Book 715, Page 719; or, (iii) within the tracts or property in Burke County, Upper Fork Township, described in Deed Book 860, Page 341, and Deed Book 884, Page 1640. The State of North Carolina may only exchange this land for other land for the expansion of South Mountains State Park or sell this land and use the proceeds for that purpose. The State may not otherwise sell or exchange this land.

d. Repealed by Session Laws 2007-307, s. 1, effective July 28, 2007.

(14) Repealed by Session Laws 2003-234, s. 1, effective June 19, 2003.

(15) All lands and waters within the boundaries of Jockey's Ridge State Park as of ~~1 May 2007~~ May 5, 2009, with the exception of the following tracts: The portion of those certain tracts or parcels of land at Jockey's Ridge State Park in Dare County, Nags Head Township, described in Deed Book 227, Page 499, and Deed Book 227, Page 501, and containing 33,901 square feet as shown on the survey prepared by Styons Surveying Services entitled "Raw Water Well Site 13 Jockey's Ridge State Park" dated March 7, 2001, and filed in the State Property Office; the portion of that certain tract or parcel of land at Jockey's Ridge State Park in Dare County, Nags Head Township, described in Deed Book 222, Page 726, and containing 42,909 square feet as shown on the survey prepared by Styons Surveying Services entitled "Raw Water Well Site 14 Jockey's Ridge State Park" dated March 7, 2001, and filed in the State Property Office; and the portion of that certain tract or parcel of land at Jockey's Ridge State Park in Dare County, Nags Head Township, described in Deed Book 224, Page 790, and Deed Book 224, Page 794, and containing 34,471 square feet as shown on the survey prepared by Styons Surveying Services entitled "Raw Water Well Site 15 Jockey's Ridge State Park" dated March 7, 2001, and filed in the State Property Office.

(16) All lands and waters located within the boundaries of Mount Jefferson State Natural Area as of ~~1 May 2007.~~ May 5, 2009. With respect to the communications tower site on the top of Mount Jefferson and located on that certain tract or parcel of land at Mount Jefferson State Natural Area in Ashe County, West Jefferson Township, described in Deed Book F-3, Page 94, the

State may provide space at the communications tower site to State public safety and emergency management agencies for the placement of antennas, repeaters, and other communications devices for public communications purposes. Notwithstanding G.S. 146-29.2, the State may lease space at the communications tower site to local governments in Ashe County for the placement of antennas, repeaters, and other communications devices for public communications purposes. State agencies and local governments that are authorized to place communications devices at the communications tower site pursuant to this subdivision may also locate at or near the communications tower site communications equipment that is necessary for the proper operation of the communications devices. The use of the communications tower site pursuant to this subdivision is authorized by the General Assembly as a purpose other than the public purposes specified in Article XIV, Section 5, of the North Carolina Constitution, Article 25B of Chapter 143 of the General Statutes, and Article 2C of Chapter 113 of the General Statutes.

(17) All lands and waters within the Eno River State Park as of ~~1 May 2007~~ May 5, 2009, with the exception of the following ~~tract:~~tracts:

a. The portion of that certain tract or parcel of land at Eno River State Park in Durham County, Durham Outside Township, described in Deed Book 435, Page 673, and Plat Book 87, Page 66, containing 11,000 square feet and being the portion of Lot No. 2 shown as the existing scenic easement hereby removed on the drawing prepared by Sear-Brown entitled "Recombination Plat Eno Forest Subdivision" bearing the preparer's file name 00-208-07.dwg, and filed with State Property Office. The tract excluded from the State Nature and Historic Preserve under this subdivision is deleted from the State Parks System pursuant to G.S. 113-44.14. The State of North Carolina may only exchange this land for other land for the expansion of Eno River State Park or sell this land and use the proceeds for that purpose. The State may not otherwise sell or exchange this land.

b. The portion of that certain tract or parcel of land at Eno River State Park in Orange County, described in Deed Book 3878, Page 461, and Plat Book 98, Page 11, containing 5,313 square feet and required for the permanent easements for bridge replacement project B-4216 on SR 1002 (St. Mary's Road), as shown in the drawing entitled "Preliminary Plans, Project Reference No. B-4216" prepared for North Carolina Department of Transportation by Mulkey Engineers and Consultants dated March 10, 2009, and filed with the State Property Office. The tracts excluded from the State Nature and Historic Preserve under this section are deleted from the State Parks System pursuant to G.S. 113-44.14. The State of North Carolina may only exchange this land for other land for the expansion of Eno River State Park or sell this land and use the proceeds for that purpose. The State may not otherwise sell or exchange this land.

(18) All land and waters within the boundaries of Hemlock Bluffs State Natural Area as of ~~1 May 2007,~~May 5, 2009, with the exception of the following tracts: The portion of that certain tract or parcel of land at Hemlock Bluffs State Natural Area in Wake County, Swift Creek Township, described in Deed Book 2461, Page 037, containing 2,025 square feet and being the

portion of this tract shown as proposed R/W on the drawing prepared by Titan Atlantic Group entitled "Right of Way Acquisition Map for Town of Cary Widening of Kildaire Farm Road (SR 1300) from Autumgate Drive to Palace Green" sheet 1 of 3 bearing the preparer's file name Town of Cary Case File No. TOC 01-37, dated 26 September 2003, and filed with the State Property Office; and the portion of those certain tracts or parcels of land at Hemlock Bluffs State Natural Area in Wake County, Swift Creek Township, described in Deed Book 4670, Page 420, containing 24,092 square feet and being the portion of these tracts shown as proposed R/W on the drawing prepared by Titan Atlantic Group entitled "Right of Way Acquisition Map for Town of Cary Widening of Kildaire Farm Road (SR 1300) from Autumgate Drive to Palace Green" sheet 3 of 3 bearing the preparer's file name Town of Cary Case File No. TOC 01-37, dated 26 September 2003, and filed with the State Property Office. The tracts excluded from the State Nature and Historic Preserve under this subdivision are deleted from the State Parks System pursuant to G.S. 113-44.14. The State of North Carolina may only exchange this land for other land for the expansion of Hemlock Bluffs State Natural Area or sell this land and use the proceeds for that purpose. The State may not otherwise sell or exchange this land.

(19) All lands and waters within the boundaries of Lake James State Park as of ~~1 May 2007~~May 5, 2009, with the exception of the following tracts:

a. The portion of that certain tract or parcel of land at Lake James State Park containing 13.85 acres, and being 100 feet to the east and 150 feet to the west of a centerline shown on a survey by Witherspoon Surveying PLLC, dated February 9, 2007, and filed in the State Property Office. The State of North Carolina may grant a temporary easement to Duke Energy Corporation across this tract to facilitate the Catawba Dam Embankment Seismic Stability Improvements Project. The grant of the easement within Lake James State Park to Duke Energy Corporation under this sub-subdivision constitutes authorization by the General Assembly that the described tract of land may be used for a purpose other than the public purposes specified in Article XIV, Section 5, of the North Carolina Constitution, Article 25B of Chapter 143 of the General Statutes, and Article 2C of Chapter 113 of the General Statutes. The State of North Carolina may use the proceeds from the easement only for the expansion or improvement of Lake James State Park or another State park. The State may not otherwise sell or exchange this land.

b. The portion of that certain tract or parcel of land at Lake James State Park in McDowell County, Nebo Township, described in Deed Book 377, Page 423, and also shown as Tract B on the plat of survey prepared by Kenneth D. Suttles, RLS, dated December 4, 1987, entitled "Lake James State Park," Sheet 1 of 2, recorded in Plat Book 4, Page 275 of the McDowell County Registry, for a 40-foot right-of-way beginning at the southwest corner of Tract B and continuing along the southern boundary S 86 38' 51" E for 400 feet to the now or former John D. Walker property. The State of North Carolina may grant an easement across this tract to extinguish prescriptive easements on Tract B to improve management of the State park property. The State may not otherwise sell or exchange this land. The easement excluded from the State Nature and Historic

Preserve under this subdivision is deleted from the State Parks System pursuant to G.S. 113-44.14.

(20) All lands and waters within the boundaries of Lake Waccamaw State Park as of ~~May 1, 2007,~~May 5, 2009, with the exception of the following tracts: The portions of that certain tract or parcel of land at Lake Waccamaw State Park in Columbus County described in Deed Book 835, Page 590, containing 48,210 square feet and being the portion of this tract shown as new R/W and permanent utility easement on drawing prepared by State of North Carolina Department of Transportation entitled "Map of Proposed Right of Way Property of State of North Carolina (Parks and Recreation) Columbus County" for Tip B-3830 on SR 1947 (Bella Coola Road) done by John E. Kaukola, PLS No. 3999 and compiled 1-18-2008, and filed with the State Property Office. The tracts excluded from the State Nature and Historic Preserve under this section are deleted from the State Parks System pursuant to G.S. 113-44.14. The State of North Carolina may only exchange this land for other land for the expansion of Lake Waccamaw State Park or sell this land and use the proceeds for that purpose. The State may not otherwise sell or exchange this land.

(21) All lands and waters within the boundaries of Chimney Rock State Park as of May 5, 2009, with the exception of the following tract: The portion of that certain tract or parcel of land at Chimney Rock State Park in Rutherford County being a portion of Parcel 2 as described in Deed Book 933, Page 598, containing 346 square feet and being shown as proposed right-of-way for bridge replacement project B-4258 on U.S. 64 over the Broad River on drawing prepared by Kimley-Horn and Associates for the North Carolina Department of Transportation and revised October 26, 2007, and filed with the State Property Office. The tracts excluded from the State Nature and Historic Preserve under this section are deleted from the State Parks System pursuant to G.S. 113-44.14. The State of North Carolina may only exchange this land for other land for the expansion of Chimney Rock State Park or sell this land and use the proceeds for that purpose. The State may not otherwise sell or exchange this land.

(22) All State-owned land and waters within the boundaries of the Mountains-to-Sea Trail as of May 5, 2009, with the exception of the following tract: The portion of that certain tract or parcel in Johnston County described in Deed Book 3634, Page 278, containing 4.72 acres and being described as proposed easement area for Piedmont Natural Gas Company transmission line on drawing entitled "Easement Survey Prepared for Piedmont Natural Gas Company, Line 142, Easement to be Acquired from the State of North Carolina" by McKim & Creed and dated July 31, 2008, and revised March 11, 2009. The State of North Carolina may grant an easement to Piedmont Natural Gas Company across this tract to facilitate the transmission of natural gas. The grant of the easement within the Mountains-to-Sea Trail to Piedmont Natural Gas Company under this section constitutes authorization by the General Assembly that the described tract of land may be used for a purpose other than the public purposes specified in Section 5 of Article XIV of the North Carolina Constitution, Article 25B of Chapter 143 of the General Statutes, and Article 2C of Chapter 113 of the General Statutes. The State of North Carolina may use the proceeds from the easement only for the expansion or improvement of

the Mountains-to-Sea Trail or another State park. The State may not otherwise sell or exchange this land."

SECTION 2. This act is effective when it becomes law.

HOUSE BILL 1196:
State Nat. & Hist. Pres. Addns. & Del

2009-2010 General Assembly

Committee:	Senate Ref to Agriculture/Environment/Natural Resources. If fav, re-ref to Finance	**Date:**	June 23, 2009
Introduced by:	Rep. England	**Prepared by:**	Jennifer McGinnis Committee Counsel
Analysis of:	PCS to Second Edition H1196-CSRI-37		

SUMMARY: The Proposed Committee Substitute (PCS) for House Bill 1196 would dedicate and accept certain properties as part of the State Nature and Historic Preserve (Preserve), and remove certain lands from the Preserve.

CHANGE MADE BY PCS: The PCS adds Grandfather Mountain State Park to the Preserve, as the State recently finalized acquisition of this property (closed June 4, 2009).

CURRENT LAW: Section 5 of Article XIV of the Constitution of North Carolina provides for addition of properties to and removal of properties from the State Nature and Historic Preserve by a law enacted by a three-fifths vote of the members of each house of the General Assembly. The Preserve is intended to insure that lands and waters acquired and preserved for public park, recreation, conservation, and historic preservation purposes continue to be used for these purposes. Upon inclusion in the Preserve, these lands may not be used for other purposes except as authorized by a law enacted by a vote of three-fifths of the members of each house. G.S. 113-44.14 provides conditions and procedures for additions to, and deletions from, the State Parks System that must be authorized by the General Assembly. G.S. 143-260.10 lists the current components of the Preserve.

BACKGROUND: Properties were last accepted into the Preserve in 2007. Since that time over 15,000 acres have been added to the North Carolina Park System. The Council of State met on May 5, 2009 to petition the General Assembly to accept into the Preserve various State parklands and historic sites. In its petition, the Council of State also requested that certain small parcels be deleted for various reasons in order to improve the management of units, allow for existing road relocations, or allow for utility easements.

BILL ANALYSIS: The PCS would:

- Add Bear Paw State Natural Area, Deep River State Trail, and Grandfather Mountain State Park to the Preserve (each is a new unit of the State Parks System authorized since the last dedication of State property in 2007).
- Change the designation of Mountain Bog State Natural Area to Pineola Bog State Natural Area and Sugar Mountain State Natural Area.
- Excepts from dedication and/or deletes from the State Parks System several parcels of land proposed for disposition. These are small parcels and their disposition is to improve the management of the units, to allow for existing road relocations, or to allow for utility easements.

  (6)(c) – Concerning Crowders Mountain State Park: Add language to the statute to except a parcel of land containing 14,964 square feet, which was found to be an encroachment on the property when

the State acquired the property. The parcel would be sold to the adjacent landowner and the encroachment resolved.

(17)(b) – Concerning Eno River State Park: Add language to the statute to except a parcel of land containing 5,313 square feet, which is needed for a bridge replacement project on Saint Mary's Road over Stroud's Creek in Hillsborough (allowing permanent drainage easements for the new bridge).

(21) – Concerning Chimney Rock State Park: Add language to the statute to except a parcel of land containing 346 square feet, which is needed for a bridge replacement project on US 64 over the Broad River (allowing the Department of Transportation to replace a substandard bridge).

(22) – Concerning Mountains-to-Sea Trail: Add language to allow the State to issue an easement to Piedmont Natural Gas Company for a gas transmission line across a recently acquired parcel for the Mountains-to-Sea State Trail. The tract must be removed from the Preserve as property in the Preserve may not be used for such a purpose under Section 5 of Article XIV of the Constitution of North Carolina. The underlying fee simple property will remain in the State Parks System. Disturbance to the surface will be minimized with directional boring for the gas pipeline. This is a gas line that will serve eastern Wake County and Johnston County and will be a permanent exception.

EFFECTIVE DATE: The PCS would be effective when it becomes law.

H1196-SMRI-66(CSRI-37) v2

Biofuels Center of North Carolina

North Carolina's Statewide Biofuels Initiative:
Key Content for North Carolina General Assembly
Natural and Economic Resources Appropriations Committee

25 March 2009

By policy and activity, the State of North Carolina has initiated a 15-20 year statewide endeavor to gain substantial capability for growth and production of non-petroleum based liquid transportation fuels.

Building from the legislatively mandated *North Carolina's Strategic Plan for Biofuels Leadership*, the State has established the Biofuels Center of North Carolina. It is the nation's only state-based agency directed comprehensively to all aspects of biofuels development over time. The Center is located in Oxford, Granville County, on North Carolina's Biofuels Campus, the nation's only state-based campus for biofuels development, demonstration, and technology acceleration.

Few states offer as much promise for developing a sustained and advanced biofuels sector as North Carolina. The State has unparalleled strengths in crop and forest agriculture, biotechnology, and manufacturing, all required in a unified framework. Trees and widely diverse crops yield an agronomically rich foundation for starch-, oil-, and cellulose-based fuels. Varied regional growing characteristics, climate, and terrain amplify opportunities for a widespread, sustainable, and economically solid sector.

North Carolina's commitment represents a realistic strategy to gain an entire new economic sector and enrichment of agriculture statewide – with unusually diverse outcomes possible for employment gain. In addition, a sustained biofuels endeavor shows smart foresight in a world of increasing environmental imperatives, in which transportation fuels will without fail decrease in ready availability and increase in cost.

Biofuels Center of North Carolina

Information for NER Appropriations Committee • 25 March 2009

FY 2009-2010 Funding Request, HB400 and SB tbd

3,000,000	Grants to non-profit institutions statewide for research, growing and agronomic data about biomass sources, production, commercialization, and education.
700,000	Accelerated Initiatives projects, for statewide capacity building
900,000	Trial and demonstration growing of varied feedstocks, at sites statewide and at the Williamsdale Farm biofuels facility
300,000	Education, training, and public awareness
300,000	Assistance to early stage biofuels companies, in particular for improving regional biomass capabilities
1,600,000	Phase I development, North Carolina's Biofuels Campus
1,200,000	Staff and benefits
1,000,000	Administration, facility, and site
$9,000,000	

North Carolina's Biofuels Campus, administered by the North Carolina Department of Agriculture and a key partnership activity between the Department and the Center, is a nationally unique resource. Multi-phase development over coming years will build from a commissioned site plan study, and yield a significant place for leadership and competitive advantage in four areas:

- Trial and demonstration growing, both open air and in greenhouses
- Small scale and pilot production for different conversion processes
- Company and project incubation
- Educational demonstrations, public awareness, and national meetings

Biofuels Center of North Carolina

Information for NER Appropriations Committee • 25 March 2009

Statewide Grants Awarded, 2008 and 2009

Projects strengthen capacity across North Carolina by addressing research, growing and agronomic data about biomass sources, production, commercialization, and education. Proposals are peer-reviewed by an external panel of subject matter experts. Six representative projects are listed for each year.

2008 • Fifteen of 75 received proposals were funded, totaling $2,550,291

PROJECT	RECIPIENT	COUNTY	AMOUNT
Renewable Fuels Program	Washington High School	Beaufort	$ 27,314
NC Biofuels LLC Site Development	NC's' Northeast Economic Development Foundation Inc	Chowan	$ 22,000
Blue Ridge Biofuels Biodiesel Production Expansion Project	Blue Ridge Biofuels LLC	Buncombe	$250,000
STARworks Biofuels	Central Park NC	Montgomery	$148,800
High-Value Transportation Fuels from NC Feedstocks	North Carolina State University	Wake	$200,000
Growing Duckweed on Swine Wastewater for Ethanol Production	North Carolina State University	Wake	$199.733

2009 • Seventeen of 48 received proposals were funded, totaling $2,777,921

PROJECT	RECIPIENT	COUNTY	AMOUNT
Reducing Natural Resource Impacts Related to Biodiesel Production	Carolina Land & Lakes RC&D	Haywood	$180,496
From Farms to Fuels: Renewable Energy Production	Craven County Schools	Craven	$ 49,097
Integrated Low-Cost Torrefaction-Gasification for Production of Biofuels from Forest Resources	North Carolina State University	Wake	$199,128
Energy Canes: Ideal Fuelstocks for NC's Diverse Energy Needs	Mountain Horticulture Research Station	Henderson	$171,293
Greater Charlotte Region Biofuel Facility	Centralina Council of Governments	Mecklenburg	$ 99,850
Algae Downstream Processes Automated for Commercialization	Cape Fear Resource Conservation & Development	New Hanover	$108,800



Information for NER Appropriations Committee • 25 March 2009

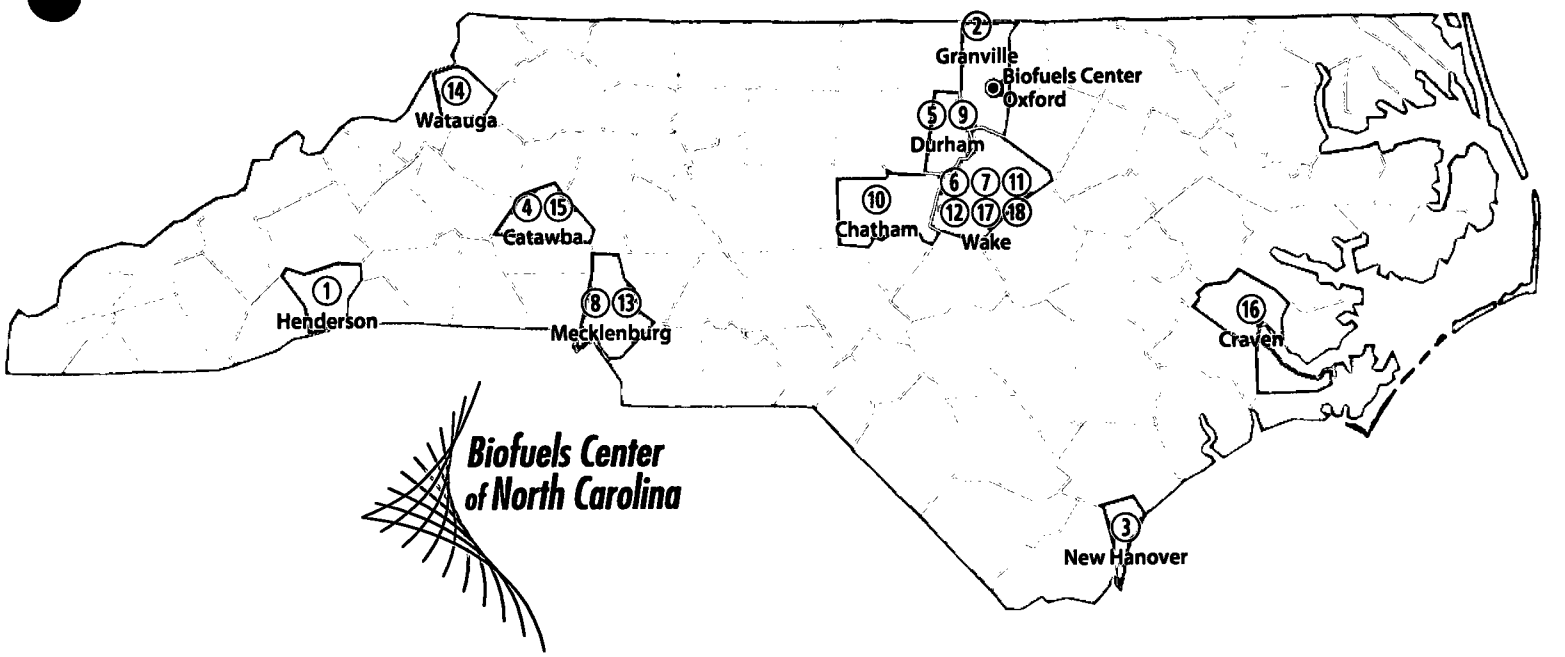
Board of Directors: March 2009

- W. Steven Burke • ***Executive Committee***
  President and CEO, Biofuels Center of North Carolina
- Jack J. Carlisle • President, Clean Burn Fuels
- Eva M. Clayton • President, Eva Clayton Associates International
- J. Keith Crisco • Secretary, North Carolina Department of Commerce
- S. Lawrence Davenport • President, JP Davenport & Son Farm Supply
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- James E. Stovall • ***Executive Committee***
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- Clay B. Thorp • General Partner, Hatteras Venture Partners
- Daniel F. Weathington • Executive Director, NC Small Grain Growers Association
- Larry B. Wooten • President, North Carolina Farm Bureau
- Johnny C. Wynne, PhD • ***Executive Committee***
  Dean & Executive Director for Agricultural Programs, NC State University

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Statewide Biofuels Development Grants Program 2009 Awards

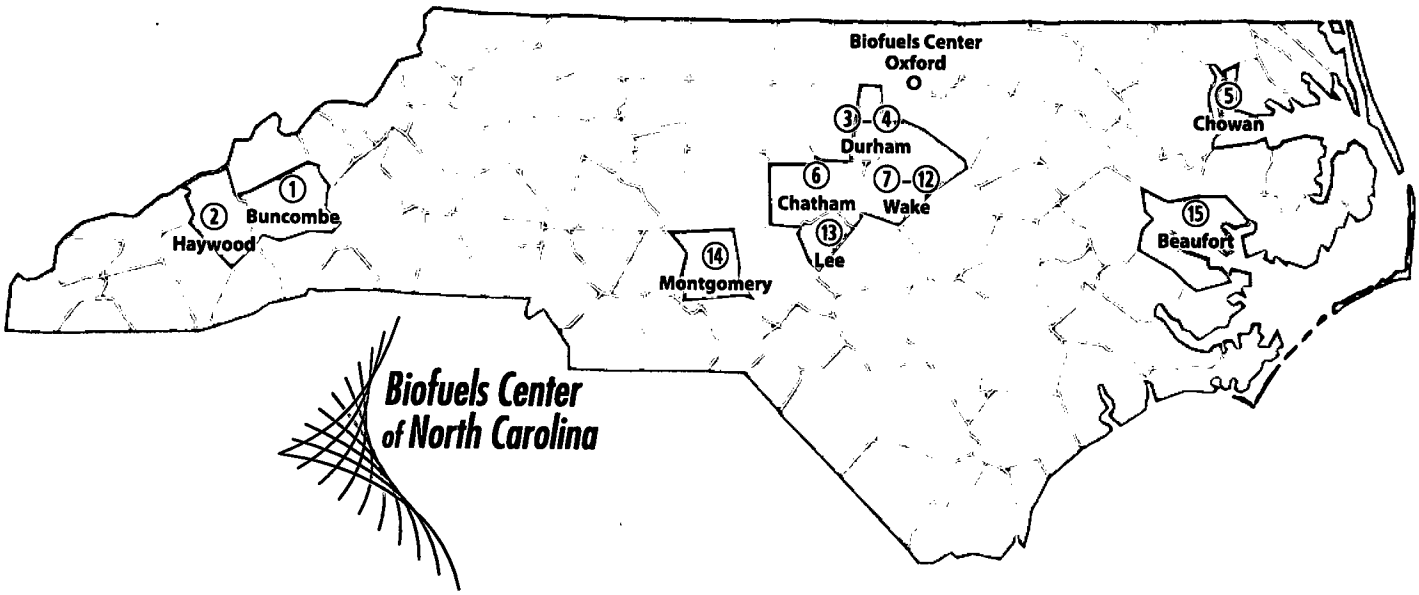


Biofuels Center of North Carolina

	AMOUNT	PROJECT	ORGANIZATION	CITY	COUNTY
①	$171,293	Energy Canes: Ideal Fuelstocks for NC's Diverse Energy Needs	North Carolina State University Mountain Horticulture Crops	Mills River	Henderson
	$35,415	Biodiesel Feedstock Research	North Carolina Department of Agriculture & Consumer Services: Division of Research Stations	Oxford	Granville
③	$108,800	Algae Downstream Processes Automated for Commercialization	Cape Fear Resource Conservation & Development	Wilmington	New Hanover
④	$180,496	Reducing Natural Resource Impacts Related to Biodiesel Production	Carolina Land & Lakes RC&D	Newton	Catawba
⑤	$200,000	Optimal NC Energy Crop Gasification Project	The Abell Foundation	Durham	Durham
⑥	$183,802	Low Cost Conversion of Industrial Sludges to Ethanol	North Carolina State University	Raleigh	Wake
⑦	$183,468	Optimizing Cultivation and Conversion Parameters for Efficient Sweet Sorghum Bioethanol	North Carolina State University	Raleigh	Wake
⑧	$150,295	Fungal Biopulping for Improved Ethanol Production from Low-cost Woody Feedstocks	University of North Carolina – Charlotte	Charlotte	Mecklenburg
⑨	$184,891	Biomass Gasification Tar Cracking Catalyst Development for Biofuels Synthesis	RTI International	Research Triangle Park	Durham
⑩	$167,061	Enzymatic Processing of Biodiesel	Chatham County Economic Development Corporation	Pittsboro	Chatham
⑪	$199,128	Integrated Low-Cost Torrefaction-Gasification for Production of Biofuels from Forest Resources	North Carolina State University	Raleigh	Wake
⑫	$162,438	Economic Analysis of Pine Biomass Feedstocks for Ethanol Production	North Carolina State University	Raleigh	Wake
⑬	$99,850	Greater Charlotte Region Biofuel Facility	Centralina Council of Governments	Charlotte	Mecklenburg
⑭	$129,133	Extraction and Refinement of Oils from Biodiesel Feedstocks	Appalachian State University	Boone	Watauga
⑮	$150,000	Feedstock Processing Station	Catawba County	Newton	Catawba
	$49,097	From Farms to Fuels: Renewable Energy Production	Craven County Schools	New Bern	Craven
	$194,375	Canola Production, Processing, and Market Development for Biodiesel	North Carolina Solar Center	Raleigh	Wake
⑱	$198,385	Biodiesel Pilot Plant Demonstration & Outreach Program	North Carolina Solar Center	Raleigh	Wake
	$2,747,927	**TOTAL**			

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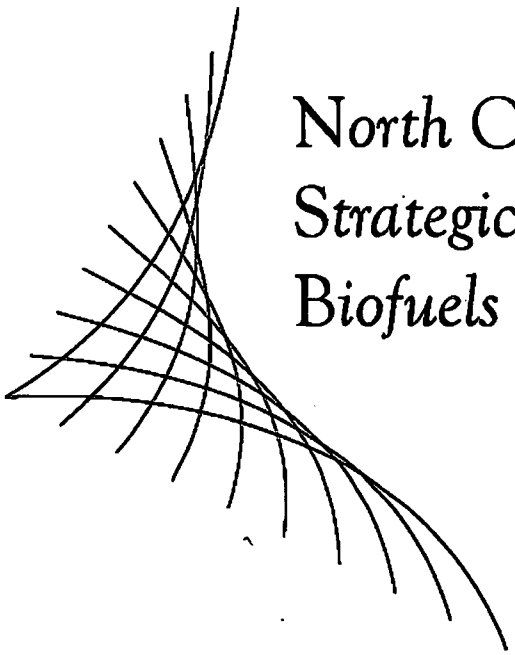
Statewide Biofuels Development Grants Program 2008 Awards



	AMOUNT	PROJECT	ORGANIZATION	CITY	COUNTY
①	$250,000	Biodiesel Production Expansion Project	Blue Ridge Biofuels, LLC	Asheville	Buncombe
②	$135,845	Biofuels Production, Education, and Training (PET) Project	Haywood Community College Foundation	Clyde	Haywood
③	$200,000	Commercialization-Focused Woody Biomass Gasification	The Abell Foundation, Inc.	Durham	Durham
④	$200,000	Expansion of the Carbon to Liquids Development Center	Southern Research Institute	Durham	Durham
⑤	$22,000	NC Biofuels LLC Site Development	North Carolina's Northeast Economic Development Foundation, Inc.	Edenton	Chowan
⑥	$250,000	Building a Bio-Refinery	Piedmont Biofuels Industrial LLC	Pittsboro	Chatham
⑦	$200,000	High-Value Transportation Fuels from North Carolina Feedstocks	North Carolina State University	Raleigh	Wake
⑧	$138,688	Developing Dekkera bruxellensis for Bio-ethanol Production	North Carolina State University	Raleigh	Wake
⑨	$198,178	Producing Ethanol from Biomass by Extracting Value Prior to Combustion	North Carolina State University	Raleigh	Wake
⑩	$187,700	Bioenergy Plantations: A Technical/Economic Study	North Carolina State University	Raleigh	Wake
⑪	$199,733	Growing Duckweed on Swine Wastewater for Ethanol Production	North Carolina State University	Raleigh	Wake
⑫	$197,033	Development and Evaluation of Industrial Sweetpotatoes	North Carolina State University	Raleigh	Wake
⑬	$195,000	Biofuels Production Laboratory Equipment	Central Carolina Community College	Sanford	Lee
⑭	$148,800	STARworks Biofuels	Yadkin-PeeDee Lakes Project, Inc. dba Central Park NC	Star	Montgomery
⑮	$27,314	Renewable Fuels Program	Washington High School	Washington	Beaufort
	$2,550,291	Total			

Contact: Ashley Jones, Director, Government and External Affairs, *ajones@biofuelscenter.org*, (919) 339-3507

09-076 BF 042709



North Carolina's Strategic Plan for Biofuels Leadership

Fueling North Carolina's Future
North Carolina's Strategic Plan for Biofuels Leadership

Submitted to the Environmental Review Commission,
North Carolina General Assembly
From
Project Co-conveners and Steering Committee

1 April 2007

Funding by the North Carolina General Assembly in 2007 created the Biofuels Center of North Carolina to implement this Strategic Plan.
www.biofuelscenter.org

Project Co-conveners

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Steering Committee Members and other engaged participants are listed on pages 8-9.

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — June 23, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Chris Starkey	Senate Intern
Will Snyderwine	CTNC
Lee Rupert	CJPC
[signature]	NCPE
L. Andrews	NCFB
Nancy Thompson	Weyerhaeuser
Ben Bradley	Intern
Tom Cors	TNC

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — June 23, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Blanca Jauregui	Agricultural Alliance of N. C.
Katrina English	NCCN
R Rogers	CWMTF
L Riegel	NHTF
Alexandra Embry	DENR
Mia Bailey	Electricities of NC, Inc.
Dan Keelan	SPO
Eric W. Moore	SPO
Carol Tingley	DENR - Parks
Elizabeth Biser	DENR

Principal Clerk ____
Reading Clerk ____

CORRECTED NOTICE: SB 515 REMOVED HB 1100 ADDED

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on **Agriculture/Environment/Natural Resources** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	June 30, 2009	11:00 AM	544 LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 569	DWQ/Bridge Culvert Standards.	Representative Gibson, III
HB 684	NC Farmland Preservation Trust Fund.	Representative Hill Representative Harrison
HB 1100	Stormwater Control BMP's for Compost/Mulch.	Representative Allen
HB 1378	Clean Marinas/Pumpout Stations.	Representative McComas

Senator Bob Atwater, Chair

Senate Agriculture/Environment/Natural Resources Committee
Tuesday, June 30, 2009, 11:00 AM
544 LOB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

HB 684	NC Farmland Preservation Trust Fund.	Representative Hill Representative Harrison
HB 569	DWQ/Bridge Culvert Standards.	Representative Gibson, III

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE REPORT
Senator Bob Atwater, Chair

Tuesday, June 30, 2009

Senator ATWATER,
submits the following with recommendations as to passage:

FAVORABLE

H.B.(CS #1) **684** NC Farmland Preservation Trust Fund.

Sequential Referral:	None
Recommended Referral:	None

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B.(CS #1) **569** DWQ/Bridge Culvert Standards.

Draft Number:	30418
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 2

Committee Clerk Comments:

Handle on Floor
HB 684 Senator Kinnaird
HB 569 Senator Weinstein

SENATE AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE
Tuesday, June 30, 2009 at 11:00 AM
Room 544, Legislative Office Building

MINUTES

The Senate Agriculture/Environment/Natural Resources Committee met at 11:00 AM on June 30, 2009, in Room 544 of the Legislative Office Building. 13 members of the committee were present. Senator Bob Atwater presided.

After Senator Atwater introduced the pages, the following bills were discussed:

- **HB 684, NC Farmland Preservation Trust Fund.**

After Representative Harrison explained the bill, **Senator Tillman moved for a favorable report for HB 684. Motion carried.**

- **HB 569, DWQ/Bridge Culvert Standards.**

Senator Weinstein moved to adopt the PCS for HB 569 for purposes of discussion. Motion carried. Representative Gibson then explained the PCS. After questions from Committee members, Mr. Tom Bean, NC Wildlife Federation and Mr. Peter Raabe, American Rivers, spoke in favor of the improved PCS. Senator Tillman then moved for an unfavorable report as to original bill, but a favorable report for the PCS for HB 569. Motion carried.

The meeting adjourned at 11:20 AM.

Bob Atwater
Senator Bob Atwater, Presiding

Carol Resar
Carol Resar, Committee Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H 2

HOUSE BILL 684*
Committee Substitute Favorable 5/13/09

Short Title: NC Farmland Preservation Trust Fund. (Public)

Sponsors:

Referred to:

March 19, 2009

A BILL TO BE ENTITLED

AN ACT TO MAKE A CHANGE TO THE MEMBERSHIP OF THE NORTH CAROLINA AGRICULTURAL DEVELOPMENT AND FARMLAND PRESERVATION TRUST FUND ADVISORY COMMITTEE, AND TO MAKE TECHNICAL CHANGES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 106-744(c) reads as rewritten:

"(c) There is established a "North Carolina Agricultural Development and Farmland Preservation Trust Fund" to be administered by the Commissioner of Agriculture. The Trust Fund shall consist of all monies received for the purpose of purchasing agricultural conservation easements or funding programs that promote the development and sustainability of farming and assist in the transition of existing farms to new farm families, or monies transferred from counties or private sources. The Trust Fund shall be invested as provided in G.S. 147-69.2 and G.S. 147-69.3. The Commissioner shall use Trust Fund monies for any of the ~~following:~~following purposes:

(1) ~~The~~ For the purchase of agricultural conservation easements, including transaction costs.

(2) ~~Public~~ For the costs of public and private enterprise programs that will promote profitable and sustainable family farms through assistance to farmers in developing and implementing plans for the production of food, fiber, and value-added products, agritourism activities, marketing and sales of agricultural products produced on the farm, and other agriculturally related business activities.

(3) To fund conservation agreements to bring into or maintain farmland in active production of food, fiber, and other agricultural products.

(4) ~~The~~ For the costs of administering the program under this Article, including the cost of staff and staff support."

SECTION 2. G.S. 106-744(c1) reads as rewritten:

"(c1) The Commissioner shall distribute Trust Fund monies for ~~such purchases,~~only the purposes under subsection (c) of this section, including transaction costs, as follows:

(1) To a private nonprofit conservation organization that matches thirty percent (30%) of the Trust Fund monies it receives with funds from sources other than the Trust Fund.

(2) To counties according to the match requirements under subsection (c2) of this section."

SECTION 3. G.S. 106-744(g)(11) reads as rewritten:

"(11) ~~The Director of the Southeast Regional Office of the American Farmland Trust or the~~ The Executive Director of the Rural Advancement Foundation International – USA or the Executive Director's designee."

SECTION 4. This act is effective when it becomes law and the change in membership of the Agricultural Development and Farmland Preservation Trust Fund Advisory Committee under G.S. 106-744, as amended by Section 3 of this act, shall occur prior to the next quarterly meeting of the Advisory Committee that occurs on or after that date.

HOUSE BILL 684:
NC Farmland Preservation Trust Fund

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	June 25, 2009
Introduced by:	Reps. Harrison, Hill	**Prepared by:**	Barbara Riley Committee Counsel
Analysis of:	Second Edition		

SUMMARY: ***This act makes technical changes and a change of membership on the Advisory Committee of the North Carolina Agricultural Development and Farmland Preservation Trust Fund This act is effective when it becomes law, with the membership change occurring at the first quarterly meeting on or after the effective date.***

[As introduced, this bill was identical to S846, as introduced by Sen. Albertson, which is currently in Senate Appropriations/Base Budget.]

BACKGROUND:

The Commissioner of Agriculture administers the North Carolina Agricultural Development and Farmland Preservation Trust Fund. The Trust Fund consists of all monies received for the purpose of purchasing agricultural conservation easements or funding programs that promote the development and sustainability of farming and assist in the transition of existing farms to new farm families, or monies transferred from counties or private sources. The Commissioner is authorized to distribute the funds to private nonprofit conservation organizations, or counties.

BILL ANALYSIS:

The act amends the membership of the Advisory Committee by deleting the Director of the Southeast Regional Office of the American Farmland Trust, and substituting the Executive Director of the Rural Advancement Foundation International--USA, or the Executive Director's designee.

EFFECTIVE DATE: This act is effective when it becomes law, and the membership change provision is to occur at the next quarterly meeting, on or after the effective date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

HOUSE BILL 569
Committee Substitute Favorable 5/12/09
Third Edition Engrossed 5/13/09

Short Title: DWQ/Bridge Culvert Standards. (Public)

Sponsors:

Referred to:

March 16, 2009

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE DIVISION OF WATER QUALITY IN THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO AUTHORIZE THE USE OF THREE-SIDED, OPEN-BOTTOM, OR BOTTOMLESS CULVERTS ON PRIVATE PROPERTY, BASED ON SOUND ENGINEERING PRACTICES, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

SECTION 1. Part 1 of Article 21 of Chapter 143 of the General Statutes is amended by adding a new section to read:

"**§ 143-215.9C. Use of certain types of culverts allowed.**

(a) The Division of Water Quality in the Department of Environment and Natural Resources shall allow the use of structures known as three-sided, open-bottom, or bottomless culverts. A culvert authorized under this section shall be designed, constructed, and installed to both:

(1) Adhere to professional engineering standards and sound engineering practices.

(2) To the extent practicable, minimize the erosive velocity of water.

(b) The Division shall allow the use of culverts authorized under this section throughout the State and may not limit their use to locations where they must be tied into bedrock. Culverts authorized under this section may only be used on private property and may not be transferred to, or operated or maintained by, the Department of Transportation.

SECTION 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H D

HOUSE BILL 569
Committee Substitute Favorable 5/12/09
Third Edition Engrossed 5/13/09
PROPOSED SENATE COMMITTEE SUBSTITUTE H569-CSSB-56 [v.1]

6/29/2009 3:33:32 PM

Short Title: DWQ/Bridge Culvert Standards. (Public)

Sponsors:

Referred to:

March 16, 2009

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE DIVISION OF WATER QUALITY IN THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO AUTHORIZE THE USE OF THREE-SIDED, OPEN-BOTTOM, OR BOTTOMLESS CULVERTS ON PRIVATE PROPERTY, BASED ON SOUND ENGINEERING PRACTICES, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

SECTION 1. Part 1 of Article 21 of Chapter 143 of the General Statutes is amended by adding a new section to read:

"**§ 143-215.9C. Use of certain types of culverts allowed.**

(a) The Division of Water Quality in the Department of Environment and Natural Resources shall allow the use of structures known as three-sided, open-bottom, or bottomless culverts. A culvert authorized under this section shall be designed, constructed, and installed so that it satisfies all of the following requirements:

(1) Adheres to professional engineering standards and sound engineering practices.

(2) To the extent practicable, minimizes the erosive velocity of water.

(3) Has an inside that is greater than or equal to 1.2 times the bankfull width of the spanned waterbody. For purposes of this subdivision, "bankfull width" means the width of the stream where over-bank flow begins during a flood event.

(b) The Division shall allow the use of culverts authorized under this section throughout the State and may not limit their use to locations where they must be tied into bedrock. Culverts authorized under this section may only be used on private property and may not be transferred to, or operated or maintained by, the Department of Transportation.

SECTION 2. This act is effective when it becomes law.

HOUSE BILL 569:
DWQ/Bridge Culvert Standards

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	June 30, 2009
Introduced by:	Representative Gibson	**Prepared by:**	Jennifer Mundt Legislative Analyst
Analysis of:	PCS to Third Edition H569-CSSB-56		

SUMMARY: The Proposed Committee Substitute (PCS) for House Bill 569 would direct the Division of Water Quality in the Department of Environment and Natural Resources to authorize the use of three-sided, open-bottom, or bottomless culverts on private property, based on sound engineering practice.

BILL ANALYSIS: The PCS for House Bill 569 would:

- Direct the Division of Water Quality (Division) in the Department of Environment and Natural Resources to allow the use of three-sided, open-bottom, or bottomless culverts that are designed, constructed, and installed so as to meet the following requirements:
  - Adheres to professional engineering standards and sound engineering practices.
  - Minimizes the erosive velocity of water to the extent practicable.
  - Has an inside that is greater than or equal to 1.2 times the bankfull width of the spanned waterbody. "Bankfull width" is defined in the bill to mean the width of the stream where over-bank flow begins during a flood event.
- Provide that the Division may not limit use of three-sided, open-bottom, or bottomless culverts to locations where they must be tied into bedrock.
- Provide that culverts authorized under this legislation may only be used on private property and may not be transferred to, or operated or maintained by, the Department of Transportation.

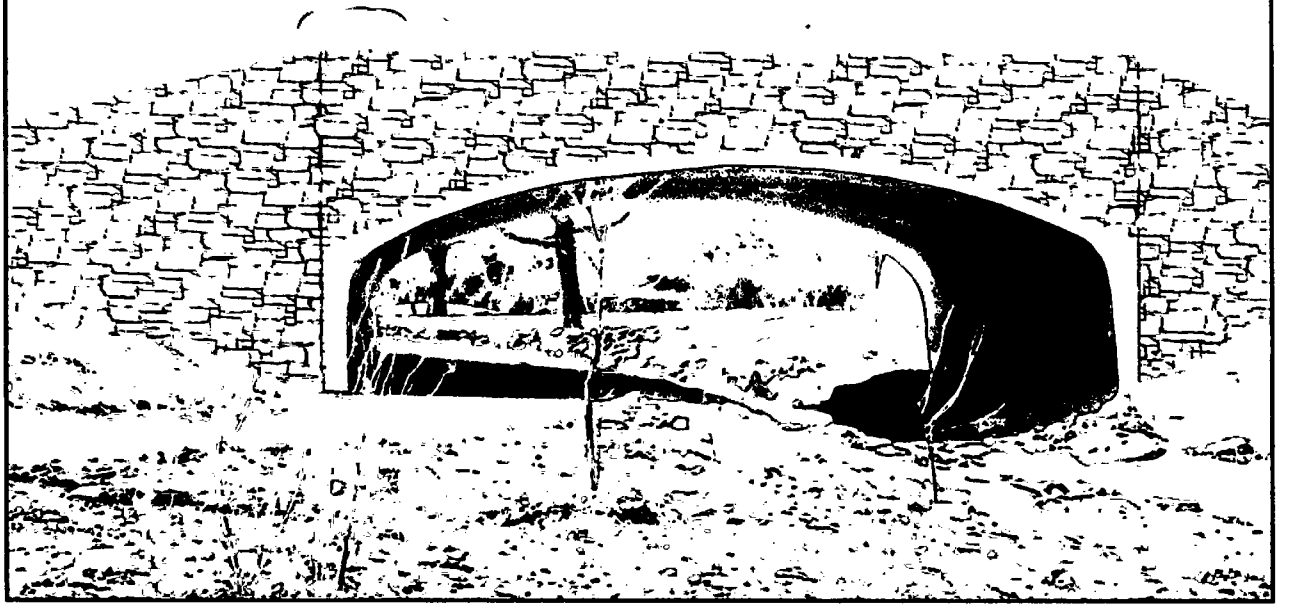
EFFECTIVE DATE: This act is effective when it becomes law.

Giles Perry, Counsel to the House Committee on Transportation, and Jeff Hudson substantially contributed to this summary.

H569-SMTA-65(CSSB-56) v1

Proposed – Not Approved by DWQ

(rendering of proposed design - not an actual photograph)



As Built – Approved by DWQ

(actual photograph of project as built)



VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — June 30, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
J Hester	NCPC
Peter Raabe	American Rivers
Alexandra Embory	DENR
Elizabeth Biser	DENR
Kevin Davis	TNC
R Rogers	CWMTF
Dan Crawford	PCNC
Grady McNeill	NC Conservation Network.
Amy Sines	DENR
Will Culpepper	Moore + Van Allen
Leslie Arndd	SOG-Daily Bulletin

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — June 30, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Bruce Thompson	Parker Poe
Bill Schrum	Republic Services
David McLeod	NCDACS
Joy Hicks	NCDA&CS
Edgar Mills	CTNC
Katheryn Westcott	ACEC/NC
Will Snyderwine	CTNC
Mia Bailey	ElectriCities
Chris Stanley	Intern
Kim Hibbard	NCLM
L. Andrews	NCFB

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — June 30, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Matt Matthews	NC DWQ
Coleen H. Sullins	DWQ/DENR
Leslie Bonnie	

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — June 30, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Sarah Clapp	NCWRC
[signature]	NCACC

Principal Clerk ____
Reading Clerk ____

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on **Agriculture/Environment/Natural Resources** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	July 7, 2009	11:00 AM	544 LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 1100	Stormwater Control BMP's for Compost/Mulch.	Representative Allen
HB 1378	Clean Marinas/Pumpout Stations.	Representative McComas
SB 1068	Permitting of Wind Energy Facilities.	Senator Albertson
SR 1105	Board of Agriculture Confirmation.	Senator Atwater

Senator Bob Atwater, Chair

Senate Agriculture/Environment/Natural Resources Committee
Tuesday, July 7, 2009, 11:00 AM
544 LOB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

SR 1105	Board of Agriculture Confirmation.	Senator Atwater
HB 1100	Stormwater Control BMP's for Compost/Mulch.	Representative Allen
HB 1378	Clean Marinas/Pumpout Stations.	Representative McComas
SB 1068	Permitting of Wind Energy Facilities.	Senator Albertson

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE REPORT
Senator Bob Atwater, Chair

Tuesday, July 07, 2009

Senator ATWATER,
submits the following with recommendations as to passage:

FAVORABLE

H.B.(CS #2) **1100** Stormwater Control BMP's for Compost/Mulch.
Sequential Referral: None
Recommended Referral: None

ADOPTION

S.R. **1105** Board of Agriculture Confirmation.
Sequential Referral: None
Recommended Referral: None

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

S.B. **1068** Permitting of Wind Energy Facilities.
Draft Number: 85258
Sequential Referral: None
Recommended Referral: None
Long Title Amended: Yes

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 2, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B.(CS #2) **1378** Clean Marinas/Pumpout Stations.
Draft Number: 70465
Sequential Referral: None
Recommended Referral: None
Long Title Amended: Yes

TOTAL REPORTED: 4

Committee Clerk Comments:

Senator Atwater will handle

SR 1105
HB 1100

SENATE AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE
Tuesday, July 7, 2009 at 11:00 AM
Room 544, Legislative Office Building

MINUTES

The Senate Agriculture/Environment/Natural Resources Committee met at 11:00 AM on July 7, 2009, in Room 544 of the Legislative Office Building. 11 members of the committee were present. Senator Bob Atwater, presided.

After Senator Charlie Albertson introduced the pages, the following bills were discussed:

- **SR 1105 Board of Agriculture Confirmation.**

Senator Atwater explained SR 1105. **Senator Tillman moved for adoption of SR 1105. Motion carried.**

Senator Atwater chaired the remainder of the meeting.

- **HB 1100, Stormwater Control BMP's for Compost/Mulch.**

Representative Allen asked Ms. Jennifer Mundt, Staff Counsel, to explain the bill. After Ms. Mundt's remarks, there was a brief discussion by the Committee members, with informational input by Ms. Elizabeth Biser, Department of Environment and Natural Resources (DENR) and Mr. Bradley Bennett, DENR Division of Water Quality. **Senator Tillman then moved for a favorable report for HB 1100. Motion carried.**

- **HB 1378, Clean Marinas/Pumpout Stations.**

Senator Albertson moved to adopt the PCS for HB 1378 for purposes of discussion. Motion carried. Representative McComas explained the PCS. **Senator Tillman moved for an unfavorable report to the original bill, but a favorable report for the PCS for HB 1378. Motion carried.**

- **SB 1068, Permitting of Wind Energy Facilities.**

Senator Queen moved to adopt the PCS for SB 1068 for purposes of discussion. Motion carried. After Senator Albertson stated that the PCS was for the coastal area only, he asked Mr. Jeff Hudson, Committee Counsel, to explain the PCS. A discussion followed by Committee

members regarding the inclusion of the mountains in the bill and the permitting process. **Senator Queen moved for an unfavorable report to the original bill, but favorable report for the PCS for SB 1068. Motion carried.**

The meeting adjourned at 11:50 AM.

Senator Bob Atwater, Presiding

Carol Resar, Committee Clerk

S 1

SENATE RESOLUTION 1105

Sponsors:	Senators Atwater and Weinstein.
Referred to:	Agriculture/Environment/Natural Resources.

July 1, 2009

A SENATE RESOLUTION PROVIDING FOR THE CONFIRMATION OF APPOINTMENTS MADE BY THE GOVERNOR TO THE BOARD OF AGRICULTURE.

Whereas, the provisions of G.S. 106-2 require that appointees to the Board of Agriculture be confirmed by the Senate of North Carolina; and

Whereas, the Governor has submitted to the presiding officer of the Senate the names of her appointees; Now, therefore,

Be it resolved by the Senate:

SECTION 1. The appointments of Elbert Ray Pitt Jr., Kirk Mathis, Casey Armstrong, and William F. Johnston to the Board of Agriculture for terms to expire May 1, 2015, are confirmed.

SECTION 2. This resolution is effective upon adoption.

SENATE SIMPLE RESOLUTION 1105: Board of Agriculture Confirmation

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	July 6, 2009
Introduced by:	Sen. Atwater	**Prepared by:**	Mariah Matheson
Analysis of:	First Edition		Research Assistant

SUMMARY: SR 1105 would confirm the appointments of Mr. Elbert Ray Pitt Jr., Mr. Jeffrey K. Mathis, Ms. Casey Armstrong, and Mr. William F. Johnston to the Board of Agriculture (Board). Their terms will expire on May 1, 2015. Pursuant to G.S. 106-2, members of the Board are appointed by the Governor and confirmed by the Senate. For each appointment, the Governor's letter of appointment, appointee resumes, and appointee evaluation letters from the Ethics Commission are before this Committee.

CURRENT LAW: G.S. 106-2 established the Board, which is comprised of the Commissioner of Agriculture and 10 other members appointed by the Governor from across the State that represent a variety of agricultural interests identified in the law. G.S. 106-2 provides that the Governor's appointments be made by and with the consent of the Senate.

RESOLUTION ANALYSIS: Pursuant to G.S. 106-2, the Governor has appointed Mr. Elbert Ray Pitt, Jr., Mr. Jeffrey K. Mathis, Ms. Casey Armstrong, and Mr. William F. Johnston to the Board for terms to expire on May 1, 2015.

EFFECTIVE DATE: Senate Resolution 1105 would become effective upon adoption.

S1105-SMTF-16(e1) v3

Referred to
Ag/Env/Nat Res.
Janet Pruitt

JUN 30 2009

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
20301 MAIL SERVICE CENTER • RALEIGH, NC 27699-0301

BEVERLY EAVES PERDUE
GOVERNOR

June 29, 2009

Ms. Janet Pruitt
Principal Clerk of the Senate
North Carolina General Assembly
2007 Legislative Building
Raleigh, NC 27601

Dear Ms. Pruitt:

Pursuant to G.S. §106-2, I hereby appoint Elbert Ray Pitt, Jr., Kirk Mathis, Casey Armstrong, and William F. Johnston to the North Carolina State Board of Agriculture and submit their names for confirmation by the North Carolina Senate. Their terms will be effective immediately pending confirmation and will expire on May 1, 2015.

Enclosed is biographical information on each of these individuals. If further information is needed or desired, please feel free to call on him or her, or contact Jackie Kohler, Director of Boards and Commissions, at (919) 715-0275.

With kindest regards, I remain

Very truly yours,

Bev Perdue

Enclosures

cc: The Honorable Walter Dalton
The Honorable Marc Basnight

JUN 29 2009

ELBERT RAY PITT, JR
5948 NC 42 W
MACCLESFIELD, NC 27852
252-827-4260

EDUCATION

- 1969 Graduate of South Edgecombe High School
- 1973 Graduate with Business Degree from Atlantic Christian College, Wilson, NC

PROFESSIONAL

- 1974 until present – full time farmer in Edgecombe County. I am the 6th generation to farm our family farm that was founded in 1825
- 1980 until present Edgecombe County Farm Bureau Board of Directors
- 1992 until present President of Edgecombe County Farm Bureau
- 1996-1998 Philip Morris Agricultural Leadership Development Program
- 1997-2000 North Carolina Farm Bureau Cotton Committee
- 2000-2003 Cotton Incorporated Board of Directors Alternate
- 1989 North Carolina Soil Conservation Farm Family of the Year
- 1989 News and Observer's Tar Heel of the Week October 1
- Member of the Edgecombe County Forestry Club

CIVIC CLUBS

- South Edgecombe Rural Fire Department current member joining in 1977, Board of Directors for 10 years
- South Edgecombe Jaycees member from 1976 until 1996 President in 1982, and numerous officer positions
- St. Lewis Ruritan Club member from 1980 until present and have held offices including President and Treasurer

PERSONAL

- Married in 1979 to Gwendolyn Boykin Pitt and have one daughter, Leah Glynn Pitt
- Member of the Pinetops United Methodist Church

JUN 2 9 2009

STATE ETHICS COMMISSION

1324 MAIL SERVICE CENTER
RALEIGH, NC 27699-1324
WWW.ETHICSCOMMISSION.NC.GOV

ROBERT L. FARMER
CHAIRMAN

PERRY Y. NEWSON
EXECUTIVE DIRECTOR

June 19, 2009

The Honorable Beverly E. Perdue
Governor of North Carolina
20301 Mail Service Center
Raleigh, NC 27699-0301

via email also

Re: Evaluation of Statement of Economic Interest Filed By **Mr. Elbert R. Pitt, Jr.**
Fruit and Truck Farmer, Board of Agriculture

Dear Governor Perdue:

I am in receipt of Mr. Elbert R. Pitt, Jr.'s, March 11, 2008 and March 4, 2009 Statements of Economic Interest as an appointee to the **North Carolina Board of Agriculture ("Board")**. I have reviewed the 2009 SEI for actual and potential conflicts of interest in accordance with G.S. Chapter 138A, the State Government Ethics Act ("the Ethics Act").

I did not find an actual conflict of interest. However, I did find the potential for a conflict of interest.

The Board of Agriculture acts as an adviser to the Commissioner of Agriculture regarding the improvement, promotion, and regulation of North Carolina agriculture. Its members, appointed by the Governor, represent various agricultural interests of the State. The Board is a policy- and rule-making body that adopts regulations for many of the programs administered by the North Carolina Department of Agriculture and Consumer Services, including rules relating to the sale of commercial fertilizers, feeds, pet foods, seeds, and food products, and the control of diseases affecting livestock and insect infestations, imposition of transportation restrictions and quarantines. The Board also establishes fees for the State Fair and for the use of State Fair lands.

The Ethics Act establishes ethical standards for certain public servants, including conflict of interest standards. G.S. 138A-31 prohibits public servants from using their positions for their financial benefit or for the benefit of a member of their extended family or a business with which they are associated. G.S. 138A-36(a) prohibits public servants from participating in certain official actions in which they have an economic interest or if the public servant, a member of the public servant's extended family, or a business with which the public servant is associated would otherwise benefit from that action.

Mr. Pitt fills the role of a fruit and truck farmer on the Board. As a farmer, Mr. Pitt and his farming business are regulated by the Board. As such, he has the potential for a conflict of interest. In light of this interest, Mr. Pitt should exercise appropriate caution should he or his business come before the Board for official action or otherwise seek to conduct business with the Board. This would include recusing himself to the extent that this interest would influence or could reasonably appear to influence his actions.

In addition to the conflicts standards noted above, G.S. 138A-32 prohibits public servants from accepting gifts, directly or indirectly (1) from anyone in return for being influenced in the discharge of their official responsibilities, (2) from a lobbyist or lobbyist principal, or (3) from a person or entity which is doing or seeking to do business with the public servant's agency, is regulated or controlled by the public servant's agency, or has particular

financial interests that may be affected by the public servant's official actions. Exceptions to the gift rule are set out in G.S. 138A-32(e).

Please contact me if you have any questions concerning my evaluation or the ethical standards governing public servants under the State Government Ethics Act.

Sincerely,

Stacey A. Phipps

Stacey A. Phipps
Attorney, SEI Unit

SAP:sdn

cc: Mr. Elbert R. Pitt, Jr.
Mr. David McLeod, Ethics Liaison
Chairman of the Board

Kirk Mathis

Kirk Mathis is a life-long farmer. He operates a family farm located in Wilkes County, NC, along with his father, Gurney, and brothers, Talmadge and Mark. The farm produces beef, broiler chickens, corn for silage and grain, and small grain silage.

Mathis graduated from Wilkes Central High School and was active in Future Farmers of America and the Wilkes County 4-H Club. He has a degree in Animal Science from Wilkes Community College. Mathis is on the Wilkes County Farm Bureau Board of Directors and currently serves as President. He also serves on the North Carolina Farm Bureau Board of Directors. Mathis is active in the Roaring River Fire Department and is an active member in Cranberry Baptist Church and with the Cranberry Community Center.

JUN 2 9 2003

STATE ETHICS COMMISSION

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ROBERT L. FARMER
CHAIRMAN

PERRY Y. NEWSON
EXECUTIVE DIRECTOR

June 19, 2009

The Honorable Beverly E. Perdue
Governor of North Carolina
20301 Mail Service Center
Raleigh, NC 27699-0301

via email also

Re: Evaluation of Statement of Economic Interest Filed By **Mr. Jeffry K. Mathis**
Poultry Farmer, Board of Agriculture

Dear Governor Perdue:

I am in receipt of Mr. Jeffrey K. Mathis' March 28, 2008 and March 23, 2009 Statements of Economic Interest as an appointee to the **North Carolina Board of Agriculture ("Board")**. I have reviewed the 2009 SEI for actual and potential conflicts of interest in accordance with G.S. Chapter 138A, the State Government Ethics Act ("the Ethics Act").

I did not find an actual conflict of interest. However, I did find the potential for a conflict of interest.

The Board of Agriculture acts as an adviser to the Commissioner of Agriculture regarding the improvement, promotion, and regulation of North Carolina agriculture. Its members, appointed by the Governor, represent various agricultural interests of the State. The Board is a policy- and rule-making body that adopts regulations for many of the programs administered by the North Carolina Department of Agriculture and Consumer Services, including rules relating to the sale of commercial fertilizers, feeds, pet foods, seeds, and food products, and the control of diseases affecting livestock and insect infestations, imposition of transportation restrictions and quarantines. The Board also establishes fees for the State Fair and for the use of State Fair lands.

The Ethics Act establishes ethical standards for certain public servants, including conflict of interest standards. G.S. 138A-31 prohibits public servants from using their positions for their financial benefit or for the benefit of a member of their extended family or a business with which they are associated. G.S. 138A-36(a) prohibits public servants from participating in certain official actions in which they have an economic interest or if the public servant, a member of the public servant's extended family, or a business with which the public servant is associated would otherwise benefit from that action.

Mr. Mathis fills the role of a poultry farmer on the Board. He is also the President of the Wilkes County Farm Bureau and a state board member of the North Carolina Farm Bureau. As such, he has the potential for a conflict of interest. In light of these interests, Mr. Mathis should exercise appropriate caution should he or his business come before the Board for official action or otherwise seek to conduct business with the Board. This would include recusing himself to the extent that these interests would influence or could reasonably appear to influence his actions.

In addition to the conflicts standards noted above, G.S. 138A-32 prohibits public servants from accepting gifts, directly or indirectly (1) from anyone in return for being influenced in the discharge of their official responsibilities, (2) from a lobbyist or lobbyist principal, or (3) from a person or entity which is doing or seeking to do business with the public servant's agency, is regulated or controlled by the public servant's agency, or has particular

financial interests that may be affected by the public servant's official actions. Exceptions to the gift rule are set out in G.S. 138A-32(e).

Please contact me if you have any questions concerning my evaluation or the ethical standards governing public servants under the State Government Ethics Act.

Sincerely,

Stacey A. Phipps

Stacey A. Phipps
Attorney, SEI Unit

SAP:sdn

cc: Mr. Jeffrey K. Mathis
Mr. David McLeod, Ethics Liaison
Chairman of the Board

Casey M. Armstrong
Post Office Box 307
Enfield, North Carolina 27823
(252) 445-5630

caseymarmstrong@aol.com

EDUCATION

1973 B.A., Meredith College, Raleigh, North Carolina Major: Sociology Deans List.

PROFESSIONAL EXPERIENCE

1999 – Present	Administrative Assistant & Financial Officer – Enfield Baptist Church
1992 – 1995	Seahorse Farm & Three Chimney's Farm, Lexington, Kentucky -Sales prep Thoroughbred yearlings
1982 – 1991	Sales Representative for Phillip Morris, USA
1981 – 1982	Police Science Instructor, Halifax Community College, Halifax, N.C.
1973 – 1980	Special Agent, North Carolina State Bureau of Investigation, Raleigh, N.C.

VOLUNTEER EXPERIENCE

1996 – Present	North Carolina Horse Council Board of Directors
2005 - 2006	President, North Carolina Horse Council
1996 – Present	Regional Equine Information Network (REINS) N.C. Ag Extension volunteer & Regional Coordinator
2003 – Present	State Animal Response Team (SART) Board of Directors
1996 – Present	N.C. Baptist Men's Disaster Relief volunteer

HOBBIES

Manage Saddlebred and Arabian horses on a small farm in Halifax County; train and exhibit in horse shows on the Tri-County and East Coast circuits.

PERSONAL DATA

DOB 8/11/51. Married to H. Lawrence Armstrong, Jr., attorney Armstrong Law, PLLC, Enfield, N.C. One daughter, Sarah Jordan Armstrong, a Meredith College student.

JUN 2 9 2009

STATE ETHICS COMMISSION

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ROBERT L. FARMER
CHAIRMAN

PERRY Y. NEWSON
EXECUTIVE DIRECTOR

June 19, 2009

The Honorable Beverly E. Perdue
Governor of North Carolina
20301 Mail Service Center
Raleigh, NC 27699-0301

Via email

Re: Evaluation of Statement of Economic Interest Filed By **Ms. Casey M. Armstrong**
Horse Farmer, Board of Agriculture

Dear Governor Perdue:

I am in receipt of Ms. Casey M. Armstrong's June 18, 2009, Statement of Economic Interest as an appointee to the **North Carolina Board of Agriculture ("Board")**. I have reviewed it for actual and potential conflicts of interest in accordance with G.S. Chapter 138A, the State Government Ethics Act ("the Ethics Act").

I did not find an actual conflict of interest, however, I did find the potential for a conflict of interest.

The Board of Agriculture acts as an adviser to the Commissioner of Agriculture regarding the improvement, promotion, and regulation of North Carolina agriculture. Its members, appointed by the Governor, represent various agricultural interests of the State. The Board is a policy- and rule-making body that adopts regulations for many of the programs administered by the North Carolina Department of Agriculture and Consumer Services, including rules relating to the sale of commercial fertilizers, feeds, pet foods, seeds, and food products, and the control of diseases affecting livestock and insect infestations, imposition of transportation restrictions and quarantines. The Board also establishes fees for the State Fair and for the use of State Fair lands.

The Ethics Act establishes ethical standards for certain public servants, including conflict of interest standards. G.S. 138A-31 prohibits public servants from using their positions for their financial benefit or for the benefit of a member of their extended family or a business with which they are associated. G.S. 138A-36(a) prohibits public servants from participating in certain official actions in which they have an economic interest or if the public servant, a member of the public servant's extended family, or a business with which the public servant is associated would otherwise benefit from that action.

Ms. Armstrong fills the role of a horse farmer on the Board; her farming activities are subject to regulation by the Board. In light of this, Ms. Armstrong should exercise appropriate caution should her farming interests come before the Board for official action or otherwise seek to conduct business with the Board. This would include recusing herself to the extent that her interests would influence or could reasonably appear to influence her actions.

In addition to the conflicts standards noted above, G.S. 138A-32 prohibits public servants from accepting gifts, directly or indirectly (1) from anyone in return for being influenced in the discharge of their official responsibilities, (2) from a lobbyist or lobbyist principal, or (3) from a person or entity which is doing or seeking to do business with the public servant's agency, is regulated or controlled by the public servant's agency, or has particular

financial interests that may be affected by the public servant's official actions. Exceptions to the gift rule are set out in G.S. 138A-32(e).

Please contact me if you have any questions concerning my evaluation or the ethical standards governing public servants under the State Government Ethics Act.

Sincerely,

Stacey A. Phipps

Stacey A. Phipps
Attorney, SEI Unit

cc: Ms. Casey M. Armstrong
Mr. David McLeod, Ethics Liaison
Chairman of the Board

1492 Jeffress Rd
Fletcher, NC 28732

828-777-7899

Billy Johnston

Objective

To use my expertise as a farmer and farming advocate to help support agribusiness development, agritourism and to address the needs of farmers. Further to support young farmers as we plant the seeds for the next generation of famers.

Experience

Current Boards and Committees:

- Avery's Creek United Methodist Church
- Buncombe County Farm Bureau President
- NCFB State Board Member
- AF BF Dairy Advisory Committee
- Buncombe County Dairy Committee Chairman
- NCFB Dairy Advisory Committee
- President NC Dairy Stain ability & Growth Committee
- Henderson County Sewer Advisory Board
- Chairman Local Southern States Board
- Little Mountaineer Scholarship Committee
- WNC Communities Livestock Market planning and oversight committee

Experience

Past Boards and Committees:

- WNC Development Association Chairman
- Dairy Commission
- Henderson County AG Advisory Committee

Education

High School Diploma:
TC Roberson High School

JUN 29 2009

STATE ETHICS COMMISSION

1324 MAIL SERVICE CENTER
RALEIGH, NC 27699-1324
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ROBERT L. FARMER
CHAIRMAN

PERRY Y. NEWSON
EXECUTIVE DIRECTOR

June 22, 2009

The Honorable Beverly E. Perdue
Governor of North Carolina
20301 Mail Service Center
Raleigh, NC 27699-0301

Via email

Re: Evaluation of Statement of Economic Interest Filed By **Mr. William F. Johnston**
Prospective Appointee, Dairy Farmer, Board of Agriculture

Dear Governor Perdue:

I am in receipt of Mr. William F. Johnston's June 15, 2009 Statement of Economic Interest as a prospective appointee to the **North Carolina Board of Agriculture ("Board")**. I have reviewed the 2009 SEI for actual and potential conflicts of interest in accordance with G.S. Chapter 138A, the State Government Ethics Act ("the Ethics Act").

I did not find an actual conflict of interest, however, I did find the potential for a conflict of interest.

The Board of Agriculture acts as an adviser to the Commissioner of Agriculture regarding the improvement, promotion, and regulation of North Carolina agriculture. Its members, appointed by the Governor, represent various agricultural interests of the State. The Board is a policy- and rule-making body that adopts regulations for many of the programs administered by the North Carolina Department of Agriculture and Consumer Services, including rules relating to the sale of commercial fertilizers, feeds, pet foods, seeds, and food products, and the control of diseases affecting livestock and insect infestations, imposition of transportation restrictions and quarantines. The Board also establishes fees for the State Fair and for the use of State Fair lands.

The Ethics Act establishes ethical standards for certain public servants, including conflict of interest standards. G.S. 138A-31 prohibits public servants from using their positions for their financial benefit or for the benefit of a member of their extended family or a business with which they are associated. G.S. 138A-36(a) prohibits public servants from participating in certain official actions in which they have an economic interest or if the public servant, a member of the public servant's extended family, or a business with which the public servant is associated would otherwise benefit from that action.

Mr. Johnston will fill the role of a dairy farmer on the Board. He is a partner in Tapproot Dairy, LLC. As a farmer, Mr. Johnston and his farming business are regulated by the Board. Thus, he has the potential for a conflict of interest. In light of this, Mr. Johnston should exercise appropriate caution should he or Tapproot Dairy come before the Board for official action or otherwise seek to conduct business with the Board. This would include recusing himself to the extent that his interests would influence or could reasonably appear to influence his actions.

In addition to the conflicts standards noted above, G.S. 138A-32 prohibits public servants from accepting gifts, directly or indirectly (1) from anyone in return for being influenced in the discharge of their official responsibilities, (2) from a lobbyist or lobbyist principal, or (3) from a person or entity which is doing or seeking to do business with the public servant's agency, is regulated or controlled by the public servant's agency, or has particular

financial interests that may be affected by the public servant's official actions. Exceptions to the gift rule are set out in G.S. 138A-32(e).

Please contact me if you have any questions concerning my evaluation or the ethical standards governing public servants under the State Government Ethics Act.

Sincerely,

Stacey A. Phipps

Stacey A. Phipps
Attorney, SEI Unit

cc: Mr. William F. Johnston
Mr. David McLeod, Ethics Liaison
Chairman of the Board

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

HOUSE BILL 1100

Committee Substitute Reported Without Prejudice 4/21/09
Committee Substitute #2 Favorable 5/13/09

Short Title: Stormwater Controls for Compost. (Public)

Sponsors:

Referred to:

April 7, 2009

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ESTABLISH STORMWATER CONTROL BEST MANAGEMENT PRACTICES AND PROCESS WATER TREATMENT PROCESSES FOR COMPOSTING OPERATIONS FOR THE PURPOSE OF PROTECTING WATER QUALITY.

The General Assembly of North Carolina enacts:

SECTION 1.(a) The Department of Environment and Natural Resources shall establish standard stormwater control best management practices and standard process water treatment processes or equivalent performance standards for composting operations that are required to be permitted by the Division of Water Quality in the Department and the Division of Waste Management in the Department. These practices, processes, and standards shall be developed for the purpose of protecting water quality by controlling and containing stormwater that is associated with composting operations, by reducing the pollutant levels of process water from composting operations, and by reducing the opportunities for generation of such waters.

SECTION 1.(b) The Division of Water Quality shall clarify that stormwater is water that does not contact anything considered a feedstock, intermediate product, or final product of composting operations. The Division of Water Quality shall clarify that wastewater is leachate and water that contacts feedstocks, intermediate products, or final product, of composting operations. The clarifications shall incorporate available scientifically valid information obtained from sampling and analyses of North Carolina composting facilities and from valid representative data from other states. In addition, the Division of Water Quality shall establish threshold quantities of feedstocks, intermediate products, and final products above which water quality permitting will be required.

SECTION 1.(c) The Department shall establish revised water quality permitting procedures for the composting industry. The revised permitting procedures shall identify the various circumstances that determine which water quality permit is required for various composting activities. The Department shall determine whether selected low-risk subsets of the composting industry may be suitable for expedited or reduced water quality permitting procedures. The determination shall include consideration of the economic impact of regulatory decisions.

SECTION 1.(d) In developing the practices, processes, and standards and the revised water quality permitting procedures required by this section, the Department shall review practices, processes, and standards and permitting procedures adopted by other states and similar federal programs.

SECTION 1.(e) The Department shall form a Compost Operation Stakeholder Advisory Group composed of representatives from the North Carolina Chapter of the United States Composting Council, the North Carolina Association of County Commissioners, the North Carolina League of Municipalities, the North Carolina State Agricultural Extension Service, the North Carolina Chapter of the American Water Works Association-Water Environment Federation, the North Carolina Pumper Group, the North Carolina Chapter of the Solid Waste Association of North America, the North Carolina Septic Tank Association, and any individual or group commenting to the Department on issues related to water quality at composting operations. The Compost Operation Stakeholder Advisory Group shall be convened periodically to provide input and assistance to the Department.

SECTION 1.(f) The practices, processes, and standards and the revised permitting procedures shall address the site size of an operation, the nature of the feedstocks composted, the type of compost production method employed, the quantity and water quality of the stormwater or process water associated with composting facilities, the water quality of the receiving waters, as well as operation and maintenance requirements for the resulting standard stormwater control best management practices and standard process water treatment processes.

SECTION 2. Not later than December 31, 2009, the Department shall report to the Environmental Review Commission on the progress of the implementation of the provisions of this act and any recommendations from the Compost Operation Stakeholder Advisory Group and other commenters. The Department shall periodically make other progress reports as the Commission may subsequently direct.

SECTION 3.(a) For the period of time between the effective date of this act and phase-in provided by Section 3(d) of this act, permits for composting facilities shall be handled as follows:

(1) The Division of Water Quality shall issue interim water quality permit extensions to all composting facilities applying for a water quality permit renewal until the revised final water quality permitting procedures are phased in, as provided in Section 3(d) of this act. The issuance of interim water quality permit extensions shall be contingent upon no significant changes to the existing quantities, feedstocks, and composting methods permitted by the Division of Waste Management. For any facility found to be causing or contributing to a violation of water quality standards, the Division of Water Quality may subsequently determine that the facility is ineligible for continued coverage under an interim water quality permit extension.

(2) For facilities renewing permits issued by the Division of Waste Management prior to the phase-in provided in Section 3(d) of this act, but operating without the appropriate water quality permits, the Division of Water Quality will work with those facilities on a case-by-case basis to establish appropriate permit coverage.

(3) New water quality permit applications filed after July 1, 2009, shall be handled on a case-by-case basis.

SECTION 3.(b) Not later than January 1, 2010, the Department shall request comments and recommendations from the Compost Operation Stakeholder Advisory Group as to standard stormwater control best management practices, standard process water treatment processes, and performance standards and the elements of the revised water quality permitting procedures.

SECTION 3.(c) Not later than January 1, 2011, the Department shall establish standard stormwater control best management practices and standard process water treatment processes or performance standards, including standard methods for the reduction in volume for both of these waters.

SECTION 3.(d) Not later than January 1, 2011, the Department shall begin the phase-in of the revised water quality permitting procedures for the composting industry. Complete phase in of the revised water quality permitting procedures shall be accomplished not later than October 1, 2012.

SECTION 3.(e) Water quality permits for the composting industry shall include a reopener clause that may be used to revise permit conditions to reflect the results of the stakeholder process.

SECTION 4. This act is effective when it becomes law.

HOUSE BILL 1100:
Stormwater Controls for Compost

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	July 7, 2009
Introduced by:	Representative Allen	**Prepared by:**	Jeff Hudson Committee Counsel
Analysis of:	Third Edition		

SUMMARY: House Bill 1100 would direct the Department of Environment and Natural Resources to establish standard stormwater control best management practices and standard process water treatment processes or equivalent performance standards for composting operations that are required to be permitted by the Department in order to protect water quality.

BILL ANALYSIS:

House Bill 1100 would direct the Department of Environment and Natural Resources (DENR) to establish standard stormwater control best management practices and standard process water treatment processes or equivalent performance standards for composting operations that are required to be permitted by the Division of Water Quality (DWQ) and the Division of Waste Management (DWM) in DENR. These practices, processes, and standards would be developed to protect water quality by controlling and containing stormwater that is associated with composting operations, by reducing the pollutant levels of process water from composting operations, and by reducing the opportunities for generation of such waters.

The bill would also direct DENR to establish revised water quality permitting procedures for the composting industry to identify the various circumstances that determine which water quality permit is required for various composting activities. The determination shall include consideration of the economic impact of regulatory decisions.

DENR would form a Compost Operation Stakeholder Advisory Group to assist it in its work. The Advisory Group would be composed of representatives from the North Carolina Chapter of the United States Composting Council, the North Carolina Association of County Commissioners, the North Carolina League of Municipalities, the North Carolina State Agricultural Extension Service, the North Carolina Chapter of the American Water Works Association-Water Environment Federation, the North Carolina Pumper Group, the North Carolina Chapter of the Solid Waste Association of North America, the North Carolina Septic Tank Association, and any individual or group commenting to the Department on issues related to water quality at composting operations.

During phase-in of the new procedures and requirements, permits for composting facilities would be handled as follows:

- DWQ would issue interim water quality permit extensions to all composting facilities applying for a water quality permit renewal.
- For facilities renewing permits issued by the DWM prior to the end of the phase-in period but operating without the appropriate water quality permits, DWQ would work with those facilities on a case-by-case basis to establish appropriate permit coverage.
- New water quality permit applications filed after July 1, 2009 would be handled on a case-by-case basis.

No later than January 1, 2011, DENR would establish standard stormwater control best management practices and standard process water treatment processes or performance standards, including standard methods for the reduction in volume for both of these waters. Also, no later than January 1, 2011, DENR would begin the phase-in of the revised water quality permitting procedures for the composting industry. Complete phase in of the revised water quality permitting procedures would be accomplished no later than October 1, 2012. Water quality permits for the composting industry would include a re-opener clause that may be used to revise permit conditions to reflect the results of the stakeholder process.

EFFECTIVE DATE: This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H 3

HOUSE BILL 1378
Committee Substitute Favorable 5/6/09
Committee Substitute #2 Favorable 5/11/09

Short Title: Clean Marinas/Pumpout Stations. (Public)

Sponsors:

Referred to:

April 13, 2009

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE OWNER OR OPERATOR OF CERTAIN MARINAS SHALL INSTALL AND MAINTAIN PUMPOUT FACILITIES BY JULY 1, 2010, TO PROHIBIT THE DISCHARGE OF EFFLUENT FROM A VESSEL INTO CERTAIN COASTAL WATERS, TO REQUIRE THE OWNER OR OPERATOR OF ANY MARINA WHO KNOWS THAT A VESSEL DOCKED AT THE MARINA HAS UNLAWFULLY DISCHARGED SEWAGE INTO COASTAL WATERS TO REPORT THE UNLAWFUL DISCHARGE TO THE APPROPRIATE LAW ENFORCEMENT AGENCY, TO REQUIRE VESSEL OWNERS AND OPERATORS TO KEEP A LOG REGARDING THE DATE AND LOCATION OF PUMPOUTS, AND TO PROVIDE THAT A PILOT PROGRAM IN NEW HANOVER COUNTY SHALL BE DESIGNED AND IMPLEMENTED BY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO BEGIN PHASING IN THE PUMPOUT STATION REQUIREMENTS.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 77 of the General Statutes is amended by adding a new Article to read:

"Article 9.
"Clean Coastal Water and Vessel Act.

"**§ 77-125. Definitions.**

The following definitions apply in this Article:

(1) Department. – Department of Environment and Natural Resources.

(2) Large vessel marina. – A marina that has docking facilities and has more than 10 wet slips for vessels of 25 feet or more that have marine sanitation devices. The term includes privately and publicly owned marinas and anchorages.

(3) Pumpout facility. – The term includes stations affixed permanently to a dock, mobile stations mounted to a golf cart or hand truck, direct slipside connections, and pumpout vessels.

(4) Vessel. – As defined in G.S. 75A-2.

"**§ 77-126. Marina pumpout facilities and services required in certain areas; marinas and local government may apply for grant funds.**

(a) The owner or operator, as appropriate, of any large vessel marina that is located on coastal waters designated as a no discharge zone by the Environmental Protection Agency or that is located in a county or municipality that has adopted a resolution to petition the Environmental Protection Agency for a no discharge zone designation shall either (i) install and

maintain an operational pumpout facility at the marina that is available to customers patronizing the marina or (ii) contract with an outside service provider to provide pumpout services on a regular basis to the marina.

(b) The owner or operator, as appropriate, of a large vessel marina may apply for any private, State, or federal grant funds that are available for the purpose of assisting with the cost of installing a pumpout facility. A county or municipality may also apply for any private, State, or federal grant funds that are available for the purpose of assisting with the cost of installing a pumpout facility.

"**§ 77-127. Department of Environment and Natural Resources establish pumpout facility criteria; inspection of pumpout facilities and vessels docked or moored at a marina.**

The Department of Environment and Natural Resources shall establish appropriate criteria for large vessel marina pumpout facilities and pumpout services. The criteria shall include requirements that the facility or services be available to the public, the pumpout facility be open during normal hours, and the pumpout facility be used for its intended purpose. The criteria shall also include a requirement that the marina maintain records regarding the pumpout facility or services. The Department shall also develop guidelines for inspections of marina pumpout facilities and of vessels that are docked or moored at a marina.

"**§ 77-128. Vessel owner and operator required to keep log of pumpout dates.**

(a) Any owner or operator of a vessel that has a marine sanitation device shall maintain a record of the date of each pumpout of the marine sanitation device and the location of the pumpout facility. Each record shall be maintained for a period of one year from the date of the pumpout.

(b) A violation of this section is punishable as a Class 3 misdemeanor. No civil penalty shall be assessed under G.S. 77-130 for a violation of this section.

"**§ 77-129. No discharge of treated or untreated sewage in coastal waters; duty of marina owner or operator to report unlawful discharge.**

(a) No person shall discharge treated or untreated sewage, including effluent produced or held by any type of marine sanitation device into coastal waters. The owner or operator of a vessel shall keep the overboard waste discharge valves locked at all times, except when lawfully discharging sewage, including effluent produced or held by a marine sanitation device at a pumpout facility.

(b) A violation of this section is punishable as a Class 1 misdemeanor and may also be assessed a civil penalty pursuant to G.S. 77-130.

(c) If the owner or operator of a large vessel marina knows that the owner or operator of any vessel docked or moored at the marina knowingly and unlawfully discharged sewage, including effluent produced or held by a marine sanitation device, in coastal waters in violation of this section, then the marina owner or operator shall report the unlawful discharge to the appropriate law enforcement agency. A marina owner or operator who fails to report an unlawful discharge pursuant to this subsection may be assessed a civil penalty pursuant to G.S. 77-130.

"**§ 77-130. Enforcement.**

(a) The following officers have authority to enforce this Article and to inspect a large vessel marina or vessel subject to this Article:

(1) Wildlife protectors.

(2) Marine fisheries inspectors.

(3) Any sworn local law enforcement officer with jurisdiction to enforce the laws in the county or municipality in which the marina or vessel is located.

(4) United States Coast Guard personnel.

(b) Officers enforcing the provisions of this Article shall report violations to the Department.

(c) Unless provided otherwise by this Article, a civil penalty of not more than ten thousand dollars ($10,000) may be assessed by the Secretary of Environment and Natural Resources against any person that violates this Article. If any action or failure for which a penalty may be assessed under this section is continuous, the Secretary of Environment and Natural Resources may assess a penalty not to exceed ten thousand dollars ($10,000) per day for so long as the violation continues.

"**§ 77-131. Application of Article.**

The provisions of this Article apply only to the following:

(1) A large vessel marina that is located on coastal waters designated by the Environmental Protection Agency as a no discharge zone or that is located in a county or municipality that has adopted a resolution to petition the Environmental Protection Agency for a no discharge zone designation.

(2) A vessel in coastal waters that are either designated as a no discharge zone or are included in a petition to the Environmental Protection Agency to be designated as a no discharge zone unless the petition has been denied by the Environmental Protection Agency.

"**§ 77-132. Rule-making authority.**

The Department shall adopt rules to implement this Article."

SECTION 2. The Division of Coastal Management of the Department of Environment and Natural Resources shall design and implement a pilot program in New Hanover County to begin phasing in the requirements of Section 1 of this act. The Department shall report to the Environmental Review Commission by December 1, 2009, regarding the design of the pilot program and shall implement the pilot program no later than January 1, 2010. The Department of Environment and Natural Resources shall report to the Environmental Review Commission by March 1, 2010, regarding the implementation of the pilot project.

SECTION 3. Section 1 of this act becomes effective July 1, 2010. The remainder of this act becomes effective July 1, 2009.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H D

HOUSE BILL 1378
Committee Substitute Favorable 5/6/09
Committee Substitute #2 Favorable 5/11/09
PROPOSED SENATE COMMITTEE SUBSTITUTE H1378-CSRI-40 [v.7]

7/6/2009 7:31:43 PM

Short Title: Clean Marinas/Pumpout Stations. (Public)

Sponsors:

Referred to:

April 13, 2009

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE OWNER OR OPERATOR OF CERTAIN MARINAS SHALL INSTALL AND MAINTAIN PUMPOUT FACILITIES BY JULY 1, 2010, TO PROHIBIT THE DISCHARGE OF SEWAGE FROM A VESSEL INTO CERTAIN COASTAL WATERS, TO REQUIRE THE OWNER OR OPERATOR OF ANY MARINA WHO KNOWS THAT A VESSEL DOCKED AT THE MARINA HAS UNLAWFULLY DISCHARGED SEWAGE INTO COASTAL WATERS TO REPORT THE UNLAWFUL DISCHARGE TO THE APPROPRIATE LAW ENFORCEMENT AGENCY, TO REQUIRE VESSEL OWNERS AND OPERATORS TO KEEP A LOG REGARDING THE DATE AND LOCATION OF PUMPOUTS OF SEWAGE FROM MARINE SANITATION DEVICES, AND TO PROVIDE THAT A PILOT PROGRAM IN NEW HANOVER COUNTY SHALL BE DESIGNED AND IMPLEMENTED BY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO BEGIN PHASING IN THE PUMPOUT STATION REQUIREMENTS.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 77 of the General Statutes is amended by adding a new Article to read:

"Article 9.
"Clean Coastal Water and Vessel Act.

"**§ 77-125. Definitions.**

The following definitions apply in this Article:

(1) Department. – Department of Environment and Natural Resources.

(2) Large vessel marina. – A marina that has docking facilities and has more than 10 wet slips for vessels of 26 feet or more that have marine sanitation devices. The term includes privately and publicly owned marinas and anchorages.

(3) Marine sanitation device. – As defined in 33 U.S.C. § 1322. The term does not include 'portable toilets' as defined in this Act.

(4) Portable toilet. – A self-contained mobile toilet facility and holding tank for sewage.

(5) Pumpout facility. – The term includes stations affixed permanently to a dock, mobile stations mounted to a golf cart or hand truck, direct slipside connections, pumpout vessels, and tanker trucks.

(4) Sewage. – Treated or untreated human waste. As used in this Act, the term includes effluent produced or held by any type of marine sanitation device.

Vessel. – As defined in G.S. 75A-2.

"**§ 77-126. Marina pumpout facilities and services required in certain areas; marinas and local government may apply for grant funds.**

(a) The owner or operator, as appropriate, of any large vessel marina that is located on coastal waters designated as a no discharge zone by the Environmental Protection Agency or that is located in a county or municipality that has adopted a resolution to petition the Environmental Protection Agency for a no discharge zone designation shall either (i) install and maintain an operational pumpout facility at the marina that is available to customers patronizing the marina or (ii) contract with an outside service provider to provide pumpout services on a regular basis to the marina.

(b) The owner or operator, as appropriate, of a large vessel marina may apply for any private, State, or federal grant funds that are available for the purpose of assisting with the cost of installing and maintaining a pumpout facility. A county or municipality may also apply for any private, State, or federal grant funds that are available for the purpose of assisting with the cost of installing and maintaining a pumpout facility.

"**§ 77-127. Department of Environment and Natural Resources establish pumpout facility criteria; inspection of pumpout facilities and vessels docked or moored at a marina.**

(a) The Department of Environment and Natural Resources shall establish appropriate criteria for pumpout facilities and pumpout services provided at large vessel marinas that offer docking services to the general public. The criteria shall include requirements that the facility or services be available to the public, the pumpout facility be open during normal hours, and the pumpout facility be used for its intended purpose. The criteria shall also include a requirement that these marinas maintain records regarding the pumpout facility or services. The Department shall also develop guidelines for inspections of pumpout facilities at such marinas and of vessels that are docked or moored at these marinas.

(b) The Department shall also establish appropriate criteria for pumpout facilities and pumpout services provided at privately owned large vessel marinas that do not offer docking services to the general public. The criteria shall include requirements that the facility or services be made reasonably available to members of the private marina, and the pumpout facility be used for its intended purpose. The criteria shall also include a requirement that these marinas maintain records regarding the pumpout facility or services. The Department shall also develop guidelines for inspections of pumpout facilities at such marinas and of vessels that are docked or moored at these marinas.

"**§ 77-128. Vessel owner and operator required to keep log of pumpout dates.**

(a) Any owner or operator of a vessel that has a marine sanitation device shall maintain a record of the date of each pumpout of the marine sanitation device and the location of the pumpout facility. Each record shall be maintained for a period of one year from the date of the pumpout.

(b) A violation of this section is punishable as a Class 3 misdemeanor. No civil penalty shall be assessed under G.S. 77-130 for a violation of this section.

"**§ 77-129. No discharge of treated or untreated sewage in coastal waters; duty of marina owner or operator to report unlawful discharge.**

(a) No person shall discharge treated or untreated sewage into coastal waters, including effluent produced or held by any type of marine sanitation device into coastal waters. The owner or operator of a vessel with a marine sanitation device shall keep the overboard waste

discharge valves of the device secure by acceptable methods set forth under 33 CFR 159.7(b) so as to prevent the discharge of treated or untreated sewage, except when lawfully discharging sewage at a pumpout facility. A violation of this section is punishable as a Class 1 misdemeanor and may also be assessed a civil penalty pursuant to G.S. 77-130.

(b) If the owner or operator of a large vessel marina knows that the owner or operator of any vessel docked or moored at the marina knowingly and unlawfully discharged sewage, including effluent produced or held by a marine sanitation device, in coastal waters in violation of this section, then the marina owner or operator shall report the unlawful discharge to the appropriate law enforcement agency. A marina owner or operator who fails to report an unlawful discharge pursuant to this subsection may be assessed a civil penalty pursuant to G.S. 77-130.

"**§ 77-130. Enforcement.**

(a) The following officers have authority to enforce this Article and to inspect a large vessel marina or vessel subject to this Article:

(1) Wildlife protectors.

(2) Marine fisheries inspectors.

(3) Any sworn local law enforcement officer with jurisdiction to enforce the laws in the county or municipality in which the marina or vessel is located.

(4) United States Coast Guard personnel.

(b) Officers enforcing the provisions of this Article shall report violations to the Department.

(c) Unless provided otherwise by this Article, a civil penalty of not more than ten thousand dollars ($10,000) may be assessed by the Secretary of Environment and Natural Resources against any person that violates this Article. If any action or failure for which a penalty may be assessed under this section is continuous, the Secretary of Environment and Natural Resources may assess a penalty not to exceed ten thousand dollars ($10,000) per day for so long as the violation continues.

"**§ 77-131. Application of Article.**

The provisions of this Article apply only to the following:

(1) A large vessel marina that is located on coastal waters designated by the Environmental Protection Agency as a no discharge zone or that is located in a county or municipality that has adopted a resolution to petition the Environmental Protection Agency for a no discharge zone designation.

(2) A vessel in coastal waters that are either designated as a no discharge zone or are included in a petition to the Environmental Protection Agency to be designated as a no discharge zone unless the petition has been denied by the Environmental Protection Agency.

"**§ 77-132. Rule-making authority.**

The Department shall adopt rules to implement this Article."

SECTION 2. The Division of Coastal Management of the Department of Environment and Natural Resources shall design and implement a pilot program in New Hanover County to begin phasing in the requirements of Section 1 of this act. The Department shall report to the Environmental Review Commission by December 1, 2009, regarding the design of the pilot program and shall implement the pilot program no later than January 1, 2010. The Department of Environment and Natural Resources shall report to the Environmental Review Commission by March 1, 2010, regarding the implementation of the pilot project.

SECTION 3. Section 1 of this act becomes effective July 1, 2010, and applies to offenses committed on or after that date. The remainder of this act becomes effective when it becomes law.

HOUSE BILL 1378:
Clean Marinas/Pumpout Stations

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	July 7, 2009
Introduced by:	Rep. McComas	**Prepared by:**	Jennifer McGinnis Committee Counsel
Analysis of:	PCS to Third Edition H1378-CSRI-40		

SUMMARY: ***The Proposed Committee Substitute for House Bill 1378 would: (i) require that owners or operators of certain marinas install and maintain pumpout facilities by July 1, 2010, (ii) prohibit the discharge of effluent from a vessel into certain coastal waters, (iii) require an owner or operator of any marina who knows that a vessel docked at the marina has unlawfully discharged sewage into coastal waters to report the unlawful discharges to the appropriate law enforcement agency; (iv) require vessel owners and operators to keep a log regarding the date and location of pumpouts; and (v) require the Division of Coastal Management (DCM) of the Department of Environment and Natural Resources (DENR) to design and implement a pilot program in New Hanover county to begin phasing in the proposed pumpout facility requirements.***

CURRENT LAW[1]: A U.S.-flagged vessel with an installed toilet on board must have and use a government-approved Marine Sanitation Device (MSD) for sewage. Depending on its design, a MSD either stores sewage on board or treats it for discharge into the water. This requirement does not apply to a U.S. vessel operating more than three miles from the coast. However, in federal waters within three miles of the shoreline, a vessel can discharge only treated sewage that has been processed through a MSD. There are three types of MSDs (see attachment for further information).

Although the general rule is that sewage processed through an approved MSD on a vessel may be disposed into U.S. waters, Section 312(f) of the federal Clean Water Act provides an option to states by which they can prohibit discharge of MSD-treated sewage from a vessel into waters of a designated area, called "no discharge zones." A no discharge zone (NDZ) is an area of a waterbody or an entire waterbody into which the discharge of sewage (whether treated or untreated) from all vessels is completely prohibited. There are currently four NDZ's in EPA's mid-Atlantic Region, two in Maryland and two in Virginia. These zones are designed to give states an additional tool to address water quality issues associated with sewage contamination.[2] A state may designate a NDZ if it determines that the protection and enhancement of the quality of the waters require greater environmental protection than current federal standards allow. Before the designation can occur, the United States Environmental Protection Agency (USEPA) must find that there are adequate facilities available to pump out sewage held on vessels. A state may also ask the EPA to ban any discharge of sewage (treated or untreated) from a vessel into specified waters that have environmental importance in order to protect human health, sensitive habitats, aquatic organisms, birds, and other animals using the water from adverse impacts of vessel sewage. A third basis for the designation of a NDZ is that the specified waters serve as drinking water intakes.

[1] Information from the Passenger Vessel Association, see http://passengervessel.com/documents/leg_sewage.aspx
[2] http://www.epa.gov/reg3wapd/nodischarge/index.htm

G.S. 75A-10 currently prohibits discharge of raw sewage into waters of the State - a violation is punishable as a Class 3 misdemeanor.[3]

BILL ANALYSIS: The PCS would, effective July 1, 2010:

- Require owners or operators of certain marinas[4] located on coastal waters designated as NDZs by USEPA, or located in jurisdictions that have adopted a resolution to petition USEPA for a NDZ, to:
  - Install or maintain an operational pumpout facility at the marina; or
  - Contract with an outside service provider to provide pumpout services at the marina on a regular basis.
- Require DENR to establish appropriate criteria for pumpout facilities and services.
- Require owners of vessels with MSDs to maintain records of pumpouts - violation of the provision would be a Class 3 misdemeanor.
- Prohibit anyone from discharging treated or untreated sewage into coastal waters – violation of the provision would be a Class 1 misdemeanor.[5] Marina owners or operators who know of unlawful discharges would be required to report them to law enforcement or be subject to civil penalties (see next bullet).
- Provide for assessment of civil penalties of not more than $10,000 against owners or operators and vessel owners for violations as applicable, and provide that if the violations are continuing, that amount may be assessed per day.
- Authorize wildlife inspectors, marine fisheries inspectors, sworn law enforcement officers with jurisdiction, and U.S. Coast Guard personnel to enforce the provisions contained in the bill.

The PCS would also require DCM to implement a pilot program in New Hanover County to begin phasing in the provisions above.

H1378-SMRI-72(CSRI-40) v2

[3] See G.S. 75A-18. The presumptive range of punishment for a Class 3 misdemeanor when there are no prior convictions is 1 – 10 days of community punishment

[4] marinas that have docking facilities and have more than 10 wet slips for vessels of 26 feet or more that have marine sanitation devices. The term includes privately and publicly owned marinas and anchorages

[5] The presumptive range of punishment for a Class 1 misdemeanor when there are no prior convictions is 1 – 45 days of community punishment

Types of Marine Sanitation Devices

Sewage Treatment Device	Vessel Length	Standard
Type I Flow-through device (maceration and disinfection)	equal to or less than 65 feet in length	The effluent produced must not have a fecal coliform bacteria count greater than 1000 per 100 milliliters and have no visible floating solids.
Type II Flow-through device (maceration and disinfection)	greater than 65 feet in length	The effluent produced must not have a fecal coliform bacteria count greater than 200 per 100 milliliters and suspended solids not greater than 150 milligrams per liter.
Type III Holding tank	any length	This MSD is designed to prevent the overboard discharge of treated or untreated sewage.

A Type I MSD relies on maceration (softening by soaking) and disinfection for treatment of the waste prior to its discharge into the water. A Type II MSD is similar but provides an advanced form of the same type of treatment and discharges wastes with lower fecal coliform counts and reduced suspended solids. A Type III MSD is commonly called a holding tank because the sewage flushed from the marine head is deposited into a tank containing deodorizers and other chemicals. The contents of the holding tank are stored until it can be properly disposed of at a shore-side pumpout facility. A Type III MSD can be equipped with a discharge option, usually called a Y-valve, which allows the vessel to direct the sewage from the head either into the holding tank or directly overboard. Discharging the contents directly overboard is legal only at least three miles from shore.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

SENATE BILL 1068*

Short Title:	Permitting of Wind Energy Facilities.	(Public)
Sponsors:	Senators Albertson; Atwater, Davis, Dorsett, Goss, Jenkins, Kinnaird, Purcell, and Weinstein.	
Referred to:	Agriculture/Environment/Natural Resources.	

March 31, 2009

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A SYSTEM OF PERMITS TO BE ISSUED BY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES FOR THE SITING OF WIND ENERGY FACILITIES.

Whereas, S.L. 2007-398 established a Renewable Energy and Energy Efficiency Portfolio Standard (REPS) to diversify the resources used to reliably meet the energy needs of consumers in the State; and

Whereas, wind energy generation is a critical component for the State to meet the requirements established by the REPS; and

Whereas, North Carolina has abundant wind resources in both the coastal and mountain regions; and

Whereas, wind energy facilities are large structures that are highly visible features on the landscape and have the potential to cause adverse environmental impacts; and

Whereas, it is the policy of the State to promote the development of wind energy in a manner compatible with environmental protection, sustainable development, and the efficient use of resources; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113A-103 is amended by adding a new subdivision to read:

"(12) "Wind energy facility" means the turbines, accessory buildings, transmission facilities, and any other equipment necessary for the operation of the facility that cumulatively with any other wind energy facility whose turbines are located within one-half mile of one another have a rated capacity in excess of two megawatts of energy."

SECTION 2. Part 4 of Article 7 of Chapter 113A of the General Statutes is amended by adding a new section to read:

"**§ 113A-118.3. Permits for wind energy facilities.**

(a) In addition to the requirements of G.S. 113A-118, no person shall undertake development associated with a wind energy facility anywhere in the coastal area without first obtaining a permit from the Commission.

(b) A person applying for a permit for a wind energy facility shall include all of the following in an application for the permit:

(1) A narrative description of the proposed facility.

(2) A map showing the location of the proposed facility.

(3) The capacity of proposed energy generation.

(4) A copy of a deed, purchase agreement, lease agreement, or other legal instrument demonstrating the right to develop the property.

(5) Certification of adjacent property owner notification.
(6) A study of the noise impacts of the proposed facility.
(7) A study on shadow flicker impacts of the proposed facility.
(8) A study on avian and bat impacts of the proposed facility.
(9) A study on viewshed impacts of the proposed facility.
(10) An explanation of the how the proposed facility would be consistent with the requirements in subsection (c) of this section.
(11) The application fee as required under subsection (e) of this section.
(12) Such other data or information the Commission may reasonably require.

(c) The Commission shall deny an application for a permit for a wind energy facility if the Commission finds any one or more of the following:

(1) Construction or operation of the facility would result in significant adverse impacts to ecological systems, natural resources, cultural sites, recreation areas, or historic sites of more than local significance. Recreation areas under this subdivision include, but are not limited to, national or State parks or forests; wilderness areas; historic sites; recreation areas; segments of the natural and scenic rivers system; wildlife refuges; preserves and management areas; areas that provide habitat for threatened or endangered species; and primary nursery areas and critical fisheries habitat designated by the Marine Fisheries Commission.
(2) Construction or operation of the facility would obstruct major navigation channels or create a significant obstacle to navigation in coastal waters. For purposes of this section, a wind energy facility in the coastal area is a water dependent use.
(3) Construction or operation of the facility would have a significant adverse impact on fish or wildlife.
(4) Construction or operation of the facility would have a significant adverse impact on views from any State or national park, wilderness area, significant natural heritage area, or other designated public lands or dedicated private conservation lands with high recreational values.
(5) A permit for the facility would be denied under any other criteria set out in G.S. 113A-120.
(6) The cumulative impact of the proposed facility with other existing or proposed wind energy facilities would result in significant adverse impacts to ecological systems, natural resources, cultural sites, recreation areas, or historic sites of more than local significance.

(d) The Commission may include as a condition of a permit for a wind energy facility a requirement that the permit holder mitigate any adverse impacts.

(e) An applicant for a permit for a wind energy facility under this section shall submit with the application under subsection (b) of this section an application fee of two thousand dollars ($2,000).

(f) The Commission shall require an applicant for a permit for a wind energy facility to provide a plan regarding the action to be taken upon the decommissioning and removal of the wind energy facility. The plan shall include estimates of monetary costs and the proposed site condition after decommissioning. The Commission may require a bond, guarantee, insurance, or other financial instrument to provide for the decommissioning and the removal of structures that comprise the wind energy facility. The Commission shall consider the size of the wind energy facility, the location of the facility, and the financial qualifications of the applicant in making its determination to grant or deny the permit.

(g) The Commission shall hold a public hearing in the county in which the proposed wind energy facility is to be located within 60 days of receipt of a complete application for a

wind energy facility. The Commission shall give a minimum of 30 days notice of the public hearing.

(h) The issuance of a permit under this section shall not preclude the applicant from the requirement to obtain any and all other applicable local, State or federal permits, licenses, or approvals.

(j) The Commission may adopt rules implementing this section. The Commission shall consult with the Department to ensure consistent statewide permitting requirements within and outside of the coastal area to the extent practicable."

SECTION 3. Article 21 of Chapter 143 of the General Statutes is amended by adding a new Part to read:

"Part 12. Permitting of Wind Energy Facilities.

"**§ 143-215.74R. Definitions.**

(1) Department. – The Department of Environment and Natural Resources.

(2) Wind energy facility. – Defined in G.S. 113A-103.

"**§ 143-215.74S. Permit to site wind energy facilities outside the coastal counties.**

(a) No person shall undertake development associated with a wind energy facility anywhere outside the coastal area without first obtaining a permit from the Department.

(b) A person applying for a permit for a wind energy facility shall include all of the following in an application for the permit:

(1) A narrative description of the proposed facility.

(2) A map showing the location of the proposed facility.

(3) The capacity of proposed energy generation.

(4) A copy of a deed, purchase agreement, lease agreement, or other legal instrument demonstrating the right to develop the property.

(5) Certification of adjacent property owner notification.

(6) A study of the noise impacts of the proposed facility.

(7) A study on shadow flicker impacts of the proposed facility.

(8) A study on avian and bat impacts of the proposed facility.

(9) A study on viewshed impacts of the proposed facility.

(10) An explanation of the how the facility would be consistent with the requirements in subsection (c) of this section.

(11) The application fee as required under subsection (e) of this section.

(12) Such other data or information the Department may reasonably require.

(c) The Department shall deny an application for a permit for a wind energy facility if the Department finds any one or more of the following:

(1) Construction or operation of the facility would be inconsistent with or violate rules adopted by the Department.

(2) Construction or operation of the facility would result in significant adverse impacts to ecological systems, natural resources, cultural sites, recreation areas, or historic sites of more than local significance. Recreation areas under this subdivision include, but are not limited to, national or State parks or forests; wilderness areas; historic sites; recreation areas; segments of the natural and scenic rivers system; wildlife refuges; preserves and management areas; areas that provide habitat for threatened or endangered species; and primary nursery areas and critical fisheries habitat designated by the Marine Fisheries Commission.

(3) Construction or operation of the facility would have a significant adverse impact on fish or wildlife.

(4) Construction or operation of the facility would have a significant adverse impact on views from any State or national park, wilderness area, significant

natural heritage area, or other designated public lands or dedicated private conservation lands with high recreational values.

(5) The proposed facility would be located in a high hazard area, including areas identified as being at a high risk of landslides.

(6) The cumulative impact of the proposed facility with other existing or proposed wind energy facilities would result in significant adverse impacts to ecological systems, natural resources, cultural sites, recreation areas, or historic sites of more than local significance.

(d) The Department may include as a condition of a permit for a wind energy facility a requirement that the permit holder mitigate any adverse impacts.

(e) An applicant for a permit for a wind energy facility under this section shall submit with the application under subsection (b) of this section an application fee of two thousand dollars ($2,000).

(f) The Department shall require an applicant for a permit for a wind energy facility to provide a plan regarding the action to be taken upon the decommissioning and removal of the wind energy facility. The plan shall include estimates of monetary costs and the proposed site condition after decommissioning. The Department may require a bond, guarantee, insurance, or other financial instrument to provide for decommissioning and removal of any structures that comprise the facility. The Department shall consider the size of the wind energy facility, the location of the facility, and the financial qualifications of the applicant in making its determination to grant or deny the permit.

(g) The Department shall hold a public hearing in the county in which the proposed wind energy facility is to be located within 60 days of receipt of a complete application for a wind energy facility. The Department shall give a minimum of 30 days notice of the public hearing.

(h) The issuance of a permit under this section shall not preclude the applicant from the requirement to obtain any and all other applicable local, State, or federal permits, licenses, or approvals.

(i) The Department may adopt rules governing the siting of wind energy facilities that are subject to the permit requirements of this section. The Department shall consult with the Coastal Resources Commission to ensure consistent statewide permitting requirements within and outside the coastal area to the extant practicable.

"**§ 143-215.74T. Civil penalties.**

(a) The Secretary of Environment and Natural Resources may impose an administrative penalty on a person who constructs a wind energy facility without obtaining a permit under this Part or who constructs a wind energy facility in violation of its permit terms and conditions. Each day of a continuing violation shall constitute a separate violation. The penalty shall not exceed ten thousand dollars ($10,000) per day.

(b) The Secretary of Environment and Natural Resources, irrespective of all other remedies at law, may institute an action for injunctive relief against a person who constructs a wind energy facility without obtaining a permit under this Part or who constructs or operates a wind energy facility in violation of its permit terms and conditions.

"**§ 143-215.74U. Local ordinances authorized.**

(a) Nothing in this Part shall be interpreted to limit the ability of a city or county to plan for and regulate the siting of a wind energy facility in accordance with land use regulations authorized under Chapter 160A and Chapter 153A of the General Statutes.

(b) Any person who proposes to construct or operate a wind energy facility within the planning jurisdiction of a city or county must demonstrate compliance with any local ordinances concerning land use and any applicable permitting processes."

SECTION 4. G.S. 113A-206 reads as rewritten:

"**§ 113A-206. Definitions.**

Within the meaning of this Article:

...

(3) "Tall buildings or structures" include any building, structure or unit within a multiunit building with a vertical height of more than 40 feet measured from the top of the foundation of said building, structure or unit and the uppermost point of said building, structure or unit; provided, however, that where such foundation measured from the natural finished grade of the crest or the natural finished grade of the high side of the slope of a ridge exceeds 3 feet, then such measurement in excess of 3 feet shall be included in the 40-foot limitation described herein; provided, further, that no such building, structure or unit shall protrude at its uppermost point above the crest of the ridge by more than 35 feet. "Tall buildings or structures" do not include:

a. Water, radio, telephone or television towers or any equipment for the transmission of electricity or communications or both.

b. Structures of a relatively slender nature and minor vertical projections of a parent building, including chimneys, flagpoles, flues, spires, steeples, belfries, cupolas, antennas, poles, wires, or ~~windmills.~~windmills, including wind turbines for the generation of electricity having less than 100 kilowatts rated capacity, cumulatively with any other turbines within one-half mile, and wind turbines of 100 kilowatts capacity and above, cumulatively with any other turbines within one-half mile, to the extent allowed by a city or county ordinance regulating the siting of wind turbines.

c. Buildings and structures designated as National Historic Sites on the National Archives Registry.

...."

SECTION 5. This act becomes effective January 1, 2010, and applies to wind energy facilities, as defined in G.S. 113A-103, as enacted by Section 1 of this act, that are constructed on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 1068*
PROPOSED COMMITTEE SUBSTITUTE S1068-CSTAf-26 [v.6]

7/7/2009 9:35:39 AM

Short Title: Permitting of Wind Energy Facilities. (Public)

Sponsors:

Referred to:

March 31, 2009

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A SYSTEM OF PERMITS TO BE ISSUED BY THE COASTAL RESOURCES COMMISSION FOR THE SITING AND OPERATION OF WIND ENERGY FACILITIES.

Whereas, S.L. 2007-398 established a Renewable Energy and Energy Efficiency Portfolio Standard (REPS) to diversify the resources used to reliably meet the energy needs of consumers in the State; and

Whereas, wind energy generation is a critical component for the State to meet the requirements established by the REPS; and

Whereas, North Carolina has abundant wind resources in the coastal region; and

Whereas, it is the policy of the State to promote the development of wind energy in a manner compatible with environmental protection, sustainable development, and the efficient use of resources; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113A-103 is amended by adding a new subdivision to read:

"(12) "Wind energy facility" means the turbines, accessory buildings, transmission facilities, and any other equipment necessary for the operation of the facility that cumulatively, with any other wind energy facility whose turbines are located within one-half mile of one another, have a rated capacity of three megawatts or more of energy."

SECTION 2. Part 4 of Article 7 of Chapter 113A of the General Statutes is amended by adding a new section to read:

"**§ 113A-118.3. Permits for wind energy facilities.**

(a) No person shall undertake development associated with a wind energy facility anywhere in the coastal area without first obtaining a permit from the Commission.

(b) A person applying for a permit for a wind energy facility shall include all of the following in an application for the permit:

(1) A narrative description of the proposed facility.

(2) A map showing the location of the proposed facility.

(3) The capacity of proposed energy generation.

(4) A copy of a deed, purchase agreement, lease agreement, or other legal instrument demonstrating the right to develop the property.

(5) Certification of adjacent property owner notification to the maximum extent practicable.

(6) A study of the noise impacts of the turbines to be associated with the proposed facility, unless the turbines will be located in a sound or in offshore waters at least 0.60 miles from a shoreline.

(7) A study on shadow flicker impacts of the turbines to be associated with the proposed facility, unless the turbines will be located in a sound or in offshore waters at least 1.6 miles from a shoreline.

(8) A study on avian and bat impacts of the proposed facility.

(9) A study on viewshed impacts of the proposed facility.

(10) An explanation of the how the proposed facility would be consistent with the requirements in subsection (c) of this section.

(11) The application fee required by subsection (e) of this section.

(12) Other data or information the Commission may reasonably require.

(c) The Commission shall deny an application for a permit for a wind energy facility if the Commission finds any one or more of the following:

(1) Construction or operation of the facility would be inconsistent with or violate rules adopted by the Commission.

(2) Construction or operation of the facility would result in significant adverse impacts to ecological systems, natural resources, cultural sites, recreation areas, or historic sites of more than local significance, including national or State parks or forests; wilderness areas; historic sites; recreation areas; segments of the natural and scenic rivers system; wildlife refuges; preserves and management areas; areas that provide habitat for threatened or endangered species; primary nursery areas designated by the Marine Fisheries Commission and the Wildlife Resources Commission; and critical fisheries habitat identified pursuant to the Coastal Habitat Protection Plan.

(3) Construction or operation of the facility would obstruct major navigation channels or create a significant obstacle to navigation in coastal waters. For purposes of this section, a wind energy facility in the coastal area is a water dependent use.

(4) Construction or operation of the facility would have a significant adverse impact on fish or wildlife.

(5) Construction or operation of the facility would have a significant adverse impact on views from any State or national park, wilderness area, significant natural heritage area as compiled by the North Carolina Natural Heritage Program, or other public lands or private conservation lands designated or dedicated due to their high recreational values.

(6) Construction or operation of the facility would interfere with air navigation routes, air traffic control areas, military training routes, or special use airspace.

(7) A permit for the facility would be denied under any other criteria set out in G.S. 113A-120.

(8) The cumulative impact of the proposed facility with other existing or proposed wind energy facilities would result in significant adverse impacts to ecological systems, natural resources, cultural sites, recreation areas, or historic sites of more than local significance.

(d) The Commission may include, as a condition of a permit for a wind energy facility, a requirement that the permit holder mitigate any adverse impacts.

(e) An applicant for a permit for a wind energy facility under this section shall submit with the application under subsection (b) of this section an application fee of two thousand dollars ($2,000).

(f) The Commission shall require an applicant for a permit for a wind energy facility to provide a plan regarding the action to be taken upon the decommissioning and removal of the wind energy facility. The plan shall include an estimate of the cost to decommission and remove the wind energy facility. The plan shall also include a proposed description of the condition of the site once the wind energy facility has been decommissioned and removed. The Commission may require a bond, guarantee, insurance, or other financial instrument to provide for the decommissioning and the removal of structures that comprise the wind energy facility. The Commission shall consider the size of the wind energy facility, the location of the facility, and the financial qualifications of the applicant in making its determination to grant or deny the permit.

(g) The Commission shall hold a public hearing in the county in which the proposed wind energy facility is to be located within 75 days of receipt of a completed application for a wind energy facility. The Commission shall give a minimum of 30 days notice of the public hearing. The Commission shall make a final decision on a permit application within 150 days following receipt of a completed application. If the Commission determines that an application for a wind energy facility fails to meet the requirements for a permit under this section, the Commission shall deny the application, and the application shall be returned to the applicant accompanied by a written statement of the reasons for the denial. If the Commission fails to act within any time period set forth in this subsection, the applicant may treat the failure to act as a denial of the permit and may challenge the denial as provided under Chapter 150B of the General Statutes.

(h) The issuance of a permit under this section shall not obviate the need for the applicant to obtain any and all other applicable local, State, or federal permits, licenses, or approvals.

(i) Nothing in this section shall be interpreted to limit: (i) the application of Article 7 of Chapter 113A of the General Statutes to facilities permitted under this section, including the permitting requirements of G.S. 113A-118; or (ii) the ability of a city or county to plan for and regulate the siting of a wind energy facility in accordance with land use regulations authorized under Chapter 160A and Chapter 153A of the General Statutes.

(j) Any person who proposes to construct or operate a wind energy facility within the planning jurisdiction of a city or county must demonstrate compliance with any local ordinances concerning land use and any applicable permitting processes.

(k) The Commission may adopt rules implementing this section. The Commission shall consult with the Department to ensure consistent statewide permitting requirements within and outside of the coastal area to the extent practicable."

SECTION 3. This act becomes effective January 1, 2010, and applies to wind energy facilities, as defined in G.S. 113A-103, as enacted by Section 1 of this act, that are constructed on or after that date.

SENATE BILL 1068:
Permitting of Wind Energy Facilities

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	July 7, 2009
Introduced by:	Senator Albertson	**Prepared by:**	Jennifer Mundt Legislative Analyst
Analysis of:	PCS to First Edition S1068-CSTAf-26 [v.6]		

SUMMARY: ***The Proposed Committee Substitute for Senate Bill 1068 would establish a system of permits for the siting of wind energy facilities in the coastal areas of the State.***

[As introduced, this bill was identical to H809, as introduced by Reps. Harrison, Fisher, Owens, which is currently in House Energy and Energy Efficiency, if favorable, Environment and Natural Resources, if favorable, Finance.]

BILL ANALYSIS: The PCS for Senate Bill 1068 would establish a permitting system to be administered by the Coastal Resources Commission (Commission) for the siting of wind energy facilities in the coastal areas of the State. "*Wind energy facility*" is defined in Section 1 of the bill to mean:

> The turbines, accessory buildings, transmission facilities, and any other equipment necessary for the operation of the facility that cumulatively, with any other wind energy facility whose turbines are located within one-half mile of one another, have a rated capacity of three megawatts or more of energy.

A wind energy facility permit application must include all of the following:

1) A narrative description of the proposed facility.
2) A map showing the location of the proposed facility.
3) The capacity of proposed energy generation.
4) A copy of a deed, purchase agreement, lease agreement, or other legal instrument demonstrating the right to develop the property.
5) Certification of adjacent property owner notification to the maximum extent practicable.
6) A study of noise impacts only if the proposed turbines will be located in a sound or in offshore waters less than 0.60 miles from a shoreline.
7) A study of shadow flicker[1] impacts only if the proposed turbines will be located in a sound or in offshore waters less than 1.6 miles from a shoreline.
8) A study on avian and bat impacts of the proposed facility.
9) A study on viewshed impacts of the proposed facility.

[1] Shadow flicker from wind turbines is the effect resulting from the shadows cast by the rotating blades of the turbine on sunny days. The effect may be more or less pronounced depending on the intensity of the sun/shadow contrast and the distance from the turbines to a receptor. From: Maine Department of Environmental Protection.

10) An explanation of the how the proposed facility (considering the cumulative impact of the proposed facility with other existing or proposed wind energy facilities) would not result in: significant adverse impacts to ecological systems, natural resources, cultural sites, recreation areas, or historic sites of more than local significance, fish and wildlife, views from any State or national park, wilderness area, or significant natural heritage area; interference with air navigation routes, air traffic control areas, military training routes, or special use airspace; or obstruction of major navigation channels or creation of a significant obstacle to navigation in coastal waters.

11) Other data or information the Commission may reasonably require.

12) An application fee of $2,000.

Additional wind energy facility permit conditions

- The Commission may include, as a condition of the permit for a wind energy facility, a requirement that the permit holder mitigate any adverse impacts.
- Permit applicants must supply the Commission with a plan to decommission and remove the wind energy facility that includes an estimate of the cost to decommission and remove the facility. The plan must also include a proposed description of the condition of the site once the facility has been decommissioned and removed.
- The Commission may require a bond, guarantee, insurance, or other financial instrument to provide for decommissioning and the removal of wind energy facility structures.
- Obtaining a wind energy facility permit would not obviate the need for the applicant to obtain any and all other applicable local, State, or federal permits, licenses, or approvals.
- This act must not be interpreted to limit the ability of a city or county to plan for and regulate the siting of a wind energy facility in accordance with land use regulations authorized under Chapter 160A and Chapter 153A of the General Statutes.

Requirements for public hearing and permit decisions

- The Commission must hold a public hearing in the county in which the proposed wind energy facility is to be located within 75 days of receipt of a completed permit application and provide a minimum of 30 days notice of the public hearing.
- The Commission must make a final determination on a permit application within 150 days of receipt of a complete application.
- Permit denials must be accompanied by a written explanation for the denial to the applicant.
- If the Commission does not act within the time periods prescribed above, the applicant may treat the failure to act as a denial of the permit and may challenge the denial as provided under the Administrative Procedure Act.
- In its determination to grant or deny the permit for a wind energy facility, the Commission must consider the size and location of the facility and financial qualifications of the applicant.

Criteria for denial of permit application

The Commission must deny a permit application for a wind energy facility that would:

- Result in a significant adverse impact or interference to those areas described in item 10) above.
- Be denied under criteria set out in G.S. 113A-120 (Grant or denial of CAMA permit applications).

EFFECTIVE DATE: Except as noted above, this act would become effective January 1, 2010 and apply to wind energy facilities that are constructed on or after that date.

S1068-SMTA-69(CSTAf-26 v6) v1

Wind Turbine Generator heights relative to North Carolina Buildings & Structures

Residential-scale wind turbine:
Bergey XL
- 10kW rating
- 7.0m diameter
- ~30m hub height
- In class 4 wind resource, enough electricity for approx. 1.5 homes
- Cost: ~$60,000 (turnkey installation)

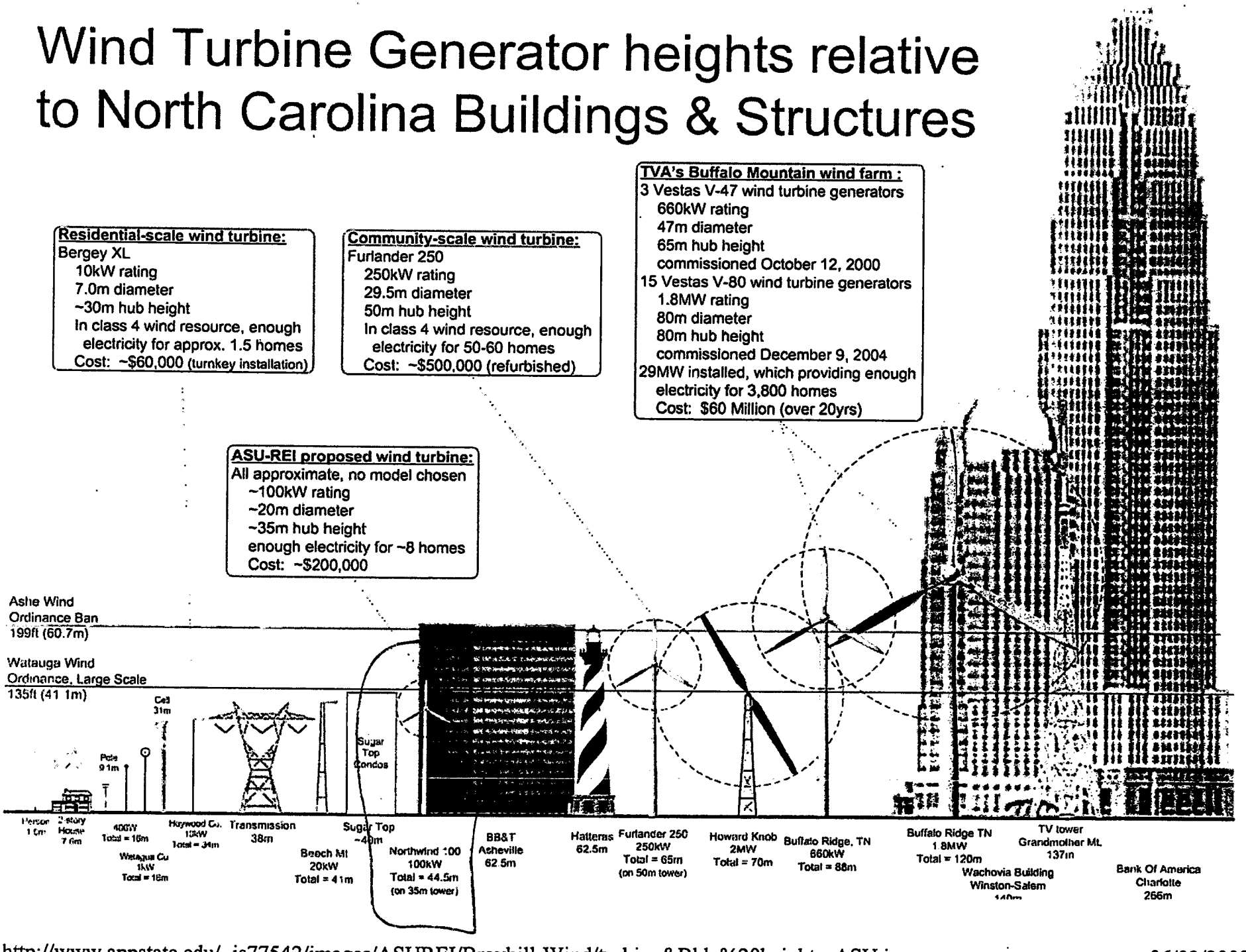
Community-scale wind turbine:
Furlander 250
- 250kW rating
- 29.5m diameter
- 50m hub height
- In class 4 wind resource, enough electricity for 50-60 homes
- Cost: ~$500,000 (refurbished)

TVA's Buffalo Mountain wind farm :
3 Vestas V-47 wind turbine generators
- 660kW rating
- 47m diameter
- 65m hub height
- commissioned October 12, 2000

15 Vestas V-80 wind turbine generators
- 1.8MW rating
- 80m diameter
- 80m hub height
- commissioned December 9, 2004

29MW installed, which providing enough electricity for 3,800 homes
Cost: $60 Million (over 20yrs)

ASU-REI proposed wind turbine:
All approximate, no model chosen
- ~100kW rating
- ~20m diameter
- ~35m hub height
- enough electricity for ~8 homes
- Cost: ~$200,000



http://www.appstate.edu/~js77542/images/ASUREI/Broyhill-Wind/turbine&Bldg%20heights_ASU.jpg

06/03/2009

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — July 7, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Kasey Ginsberg	Civitas Institute 100 S. Hamington St. Raleigh
Amy Simms	DENR
Alexandra Embry	DENR
Steve Wall	DENR
Scott Geis	DENR DCM
Helene Cser	EDF
Kris Cobacini	EDF
Ken Pickle	NCDENR, DWQ
Bethany Georgoulizs	NCDENR, DWQ
Bradley Bennett	NCDENR, DWQ
Dan Conrad	NCCN

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — July 7, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Ventrina English	NCCN
Will Snyderwine	CTNC
Kevin Davis	TNC
Tom Cecil	TNC
David Knight	DENR
Stan Williams	NCS

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — July 7, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Paul Quinlan	NC Sustainable Energy Assoc.
Quint David	ASU Energy Center
Erin Shaun	NCSC
Brian O'Hara	Copernican Companies, Inc.
Brian Miles	NC State
John Murowski	N&O
Anthony Brown	NAACP
Jack Pritchett	CAA
Mary Maclean Asbill	Kilpatrick Stockton
Mia D. Bailey	Electricities of NC, Inc.
April Montgomery	Circa, Inc.

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — July 7, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Henry Camper	Parker Poe, 150 Fayetteville St. Ral
Kennie Ellis	Public Staff NCUC
Dianna Downey	Public Staff NCUC
L. Andrews	NCFB
P. Sherman	NCFB
Anjre Whitener	NCPC
Will Culpepper	Moore + Van Allen
Chris Stanley	Intern
Allen Hardison	CRSWMA
Michael Hiley	DOC
JWilson	DNHS

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — July 7, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Laura Pisoni	NC Sust. Energy Ass'n
FRANK FRANCHOSI	NC COMPOSTING COUNCIL

Principal Clerk
Reading Clerk

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on **Agriculture/Environment/Natural Resources** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	July 14, 2009	11:00 AM	544 LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 106	Clarify Interstate Wildlife Violator Compact.	Senator Albertson

Senator Bob Atwater, Chair

Senate Agriculture/Environment/Natural Resources Committee
Tuesday, July 14, 2009, 11:00 AM
544 LOB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

SB 106	Moratorium on EMC Rule Making.	Senator Albertson

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE REPORT
Senator Bob Atwater, Chair

Tuesday, July 14, 2009

Senator ATWATER,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

S.B. **106** Clarify Interstate Wildlife Violator Compact.

Draft Number:	55477
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 1

Committee Clerk Comments:

SENATE AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE
Tuesday, July 14, 2009 at 11:00 AM
Room 544,

MINUTES

The Senate Agriculture/Environment/Natural Resources Committee met at 11:00 AM on July 14, 2009, in Room 544 of the LOB. 10 members of the committee were present. Senator Bob Atwater presided.

After Senator Atwater introduced the pages, the following bill was discussed:

SB 106, Clarify Interstate Wildlife Violator Compact.

Senator Weinstein moved to adopt a PCS for SB 106 for purposes of discussion. Motion carried. Senator Albertson explained the PCS. After his remarks, Senator Kinnaird voiced concern over the broad scope of the bill and asked if it could be narrowed so the Environmental Management Commission (EMC) would not be so severely hampered. Senator Queen concurred. Senator Albertson responded that the bill sets up exception if a serious issue arose and felt that the EMC should act only when it has good science to back it up. Further, he stated that the water quality problem is not in the middle of hog country. Senator Tillman, Senator Brown and Senator Brock spoke in agreement to Senator Albertson's remarks.

Ms. Robin Smith, Assistant Secretary of the Department of Environment and Natural Resources (DENR), told the Committee that DENR did not take a position on the PCS but she felt there may be unforeseen consequences on pending requests for reclaimed water as a result of the PCS.

After Ms. Smith's comments, **Senator Tillman moved for an unfavorable report to the original bill and a favorable report for the PCS. Motion carried**

The meeting adjourned at 11:35 AM.

Bob Atwater
Senator Bob Atwater, Presiding

Carol Resar
Carol Resar, Committee Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 106*

Short Title:	Clarify Interstate Wildlife Violator Compact.	(Public)
Sponsors:	Senator Albertson.	
Referred to:	Agriculture/Environment/Natural Resources.	

February 11, 2009

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT THE INTERSTATE WILDLIFE VIOLATOR COMPACT INCLUDES VIOLATIONS OF MARINE RESOURCES LAW, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE.

The General Assembly of North Carolina enacts:

SECTION 1. Subdivision (15) of Article II of G.S. 113-300.6 reads as rewritten:

"(15) "Wildlife" means all species of animals, including but not necessarily limited to mammals, birds, fish, reptiles, amphibians, mollusks, and crustaceans, which are defined as "wildlife" and are protected or otherwise regulated by statute, law, regulation, ordinance, or administrative rule in a party state. "Wildlife" includes all species of animals that are protected or regulated by the Wildlife Resources Commission, the Marine Fisheries Commission, or the Division of Marine Fisheries in the Department of Environment and Natural Resources. "Wildlife" also means food fish and shellfish as defined by statute, law, regulation, ordinance, or administrative rule in a party state. Species included in the definition of "wildlife" vary from state to state and determination of whether a species is "wildlife" for the purposes of this compact shall be based on local law."

SECTION 2. G.S. 113-300.7 reads as rewritten:

"**§ 113-300.7. Appointment of Compact Administrator; implementation; rules; amendments.**

(a) The Chair of the Wildlife Resources ~~Commission.~~ Commission, in consultation with the Chair of the Marine Fisheries Commission and the Fisheries Director, shall appoint the Compact Administrator for North Carolina. The Compact Administrator shall serve at the pleasure of the Chair of the Wildlife Resources Commission.

(b) The Wildlife Resources ~~Commission~~ Commission, the Secretary of Environment and Natural Resources, and the Division of Marine Fisheries may suspend or revoke the license, privilege, or right of any person to hunt, fish, trap, possess, or transport wildlife in this State to the extent that the license, privilege, or right has been suspended or revoked by another compact member under the provisions of this Article.

(c) The Wildlife Resources ~~Commission~~ Commission and the Marine Fisheries Commission shall adopt rules necessary to carry out the purposes of this Article.

(d) Any proposed amendment to the Compact shall be submitted to the General Assembly as an amendment to G.S. 113-300.6. In order to be endorsed by the State of North Carolina as provided by subsection (b) of Article IX of the Compact, a proposed amendment to the Compact must be enacted into law."

SECTION 3. This act becomes effective October 1, 2009.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S D

SENATE BILL 106*
PROPOSED COMMITTEE SUBSTITUTE S106-CSSB-63 [v.2]

7/14/2009 9:15:23 AM

Short Title: Moratorium on EMC Rule Making. (Public)

Sponsors:

Referred to:

February 11, 2009

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE ENVIRONMENTAL MANAGEMENT COMMISSION FROM ADOPTING PERMANENT RULES FROM THE EFFECTIVE DATE OF THIS ACT UNTIL JULY 1, 2011, EXCEPT UNDER CERTAIN CIRCUMSTANCES.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding any other provision of law and except as provided in Section 2 of this act, the Environmental Management Commission shall not adopt any permanent rule for the period beginning the day this act becomes law and ending July 1, 2011.

SECTION 2. Notwithstanding the moratorium on the adoption of permanent rules established by Section 1 of this act, the Environmental Management Commission may adopt a permanent rule during the moratorium period if the adoption of the rule is required by one or more of the following:

(1) A serious and unforeseen threat to public health, safety, welfare, the environment, or natural resources.
(2) An act of the General Assembly or the United States Congress specifically directing the Commission to adopt a rule.
(3) A change in federal or State budgetary policy.
(4) A federal regulation.
(5) A court order.

SECTION 3. This act is effective when it becomes law.

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — July 14, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Leslie Arnold	SOG Daily Bulletin
Dan McLawhorn	City of Raleigh
Chris Stanley	Intern
[signature]	NCPC
L. Andrews	NCFB
Kelly Blandford	Duke Nicholas Institute

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — July 14, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Betsy McCorkle	CCNC
Sarah Clapp	NCWRC
Katrina English	NCCN
Lindsay Culpton	Gov's office
Alexandra Embrey	DENR
Glenn H. Sullins	DENR/DWQ
Robin Smith	DENR
Steve Wall	DENR
Dan Conrad	NCCN
Tom Bean	NC EDF, NC SEA, NCWF

Principal Clerk ____
Reading Clerk ____

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on **Agriculture/Environment/Natural Resources** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	July 21, 2009	11:00 AM	544 LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 1335	Alternative Air Toxics Compliance.	Representative Gibson, III

Senator Bob Atwater, Chair

Senate Agriculture/Environment/Natural Resources Committee
Tuesday, July 21, 2009, 11:00 AM
544 LOB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

HB 1335	Alternative Air Toxics Compliance.	Representative Gibson, III

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE REPORT
Senator Bob Atwater, Chair

Tuesday, July 21, 2009

Senator ATWATER,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 2, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B.(CS #2) **1335** Alternative Air Toxics Compliance.

Draft Number:	30434
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 1

Committee Clerk Comments:

Senator Albertson will handle on floor

SENATE AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE
Tuesday, July 21, 2009 at 11:00 AM
Room 544, Legislative Office Building

MINUTES

The Senate Agriculture/Environment/Natural Resources Committee met at 11:00 AM on July 21, 2009, in Room 544 of the Legislative Office Building. 12 members of the committee were present. Senator Bob Atwater, presided.

Senator Atwater introduced the pages and then the following bill was discussed:

HB 1335, Alternative Air Toxics Compliance.

Senator Weinstein moved to adopt the PCS for HB 1335 for purposes of discussion. Motion carried. Senator Albertson told the Committee that the PCS for HB 1335 was the same as the PCS for SB 106 that the Committee approved at the July 14, 2009 meeting, but the House bill could go directly back to the House after full Senate approval, but SB 106 had to go to Senate Finance and could be further held up. He then briefly explained the PCS. After his remarks, Ms. Robin Smith, Assistant Secretary for the Department of Environment and Natural Resources, spoke in opposition of the PCS. Ms. Smith stated that there was a list of non-controversial rules that would be affected by the bill. Also speaking in opposition to the PCS were Molly Diggins, Sierra Club, and Elizabeth Ouzts, Environment North Carolina.

Senator Tillman spoke in favor of the PCS. Senator Queen, Senator Davis and Senator Kinnaird all had concerns about the broad scope of the bill and suggested that it be narrowed. After Senator Albertson responded, **Senator Weinstein moved for an unfavorable report as to bill and a favorable report to the PCS. Motion carried.**

The meeting adjourned at 11:25 AM.

Bob Atwater
Senator Bob Atwater, Presiding

Carol Resar
Carol Resar, Committee Clerk

HOUSE BILL 1335

Committee Substitute Favorable 5/12/09
Committee Substitute #2 Favorable 5/13/09

Short Title: Alternative Air Toxics Compliance. (Public)

Sponsors:

Referred to:

April 9, 2009

A BILL TO BE ENTITLED

AN ACT TO PROVIDE AN ALTERNATIVE METHOD OF DEMONSTRATING THAT A NEW OR MODIFIED SOURCE OF HAZARDOUS AIR POLLUTANT EMISSIONS WILL NOT RESULT IN AN EXCEEDANCE OF HAZARDOUS AIR POLLUTANT EMISSION CONTROL STANDARDS THROUGH A MODELING ANALYSIS OR THROUGH ANOTHER METHOD APPROVED BY THE COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-215.108 reads as rewritten:

"**§ 143-215.108. Control of sources of air pollution; permits required.**

(a) Except as provided in subsections (a1) and (a2) of this section, no person shall do any of the following things or carry out any of the following activities that contravene or will be likely to contravene standards established pursuant to G.S. 143-215.107 or set out in G.S. 143-215.107D unless that person has obtained a permit for the activity from the Commission and has complied with any conditions of the permit:

(1) Establish or operate any air contaminant source, except as provided in G.S. 143-215.108A.

(2) Build, erect, use, or operate any equipment that may result in the emission of an air contaminant or that is likely to cause air pollution, except as provided in G.S. 143-215.108A.

(3) Alter or change the construction or method of operation of any equipment or process from which air contaminants are or may be emitted.

(4) Repealed by Session Laws 2003-428, s. 1, effective August 19, 2003.

(a1) The Commission may by rule establish procedures that meet the requirements of section 502(b)(10) of Title V (42 U.S.C. § 7661a(b)(10)) and 40 Code of Federal Regulations § 70.4(b) (12) (1 July 1993 Edition) to allow a permittee to make changes within a permitted facility without requiring a revision of the permit.

(a2) The Commission may adopt rules that provide for a minor modification of a permit. At a minimum, rules that provide for a minor modification of a permit shall meet the requirements of 40 Code of Federal Regulations § 70.7(e)(2) (1 July 1993 Edition). If the Commission adopts rules that provide for a minor modification of a permit, a permittee shall not make a change in the permitted facility while the application for the minor modification is under review unless the change is authorized under the rules adopted by the Commission.

(a3) An air emission source that is subject to hazardous air pollutant emission control standards under 40 C.F.R. Pts. 61 and 63 (July 1, 2008 editions) and that is a Title V source subject to 40 C.F.R. § 70.3(a)(1) (July 1, 2008 edition) may demonstrate that a new or modified source of hazardous air pollutant emissions will not result in an exceedance of hazardous air

pollutant emission control standards through a modeling analysis or through another method approved by the Commission.

...."

SECTION 2. This act becomes effective July 1, 2009.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H D

HOUSE BILL 1335
Committee Substitute Favorable 5/12/09
Committee Substitute #2 Favorable 5/13/09
PROPOSED SENATE COMMITTEE SUBSTITUTE H1335-CSSB-71 [v.3]

7/20/2009 2:51:00 PM

Short Title: Moratorium on EMC Rule Making. (Public)

Sponsors:

Referred to:

April 9, 2009

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE ENVIRONMENTAL MANAGEMENT COMMISSION FROM ADOPTING PERMANENT RULES FROM THE EFFECTIVE DATE OF THIS ACT UNTIL JULY 1, 2011, EXCEPT UNDER CERTAIN CIRCUMSTANCES.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding any other provision of law and except as provided in Section 2 of this act, the Environmental Management Commission shall not adopt any permanent rule for the period beginning the day this act becomes law and ending July 1, 2011.

SECTION 2. Notwithstanding the moratorium on the adoption of permanent rules established by Section 1 of this act, the Environmental Management Commission may adopt a permanent rule during the moratorium period if the adoption of the rule is required by one or more of the following:

(1) A serious and unforeseen threat to public health, safety, welfare, the environment, or natural resources.
(2) An act of the General Assembly or the United States Congress specifically directing the Commission to adopt a rule.
(3) A change in federal or State budgetary policy.
(4) A federal regulation.
(5) A court order.

SECTION 3. This act is effective when it becomes law.

DENR
July 21, 2009

RULES PENDING BEFORE THE ENVIRONMENTAL MANAGEMENT COMMISSION

1. Reclassification of water bodies for water supply purposes; nine local governments have reclassification requests to allow use of a new water source as a public water supply pending before the EMC:

   Polk County (Green River/Lake Adger)
   Greensboro (Haw River)
   Hendersonville (French Broad River)
   Johnston County (Neuse River)
   Boone (New River)
   Roxboro (Dan River)
   Johnston County (Little River quarry)
   Eden (Dan River)
   Hamlet (City Lake in Yadkin-PeeDee Basin) Caldwell County (Upper Yadkin)

2. Amendments to consolidate and simplify buffer rules.
3. Amendments to rules governing use of reclaimed water to allow broader uses of reclaimed water for water supply purposes.
4. Simplification of rules concerning pretreatment of waste by municipal wastewater treatment plants.
5. Amendments to mitigation rules to allow more options to satisfy existing stream and wetland mitigation requirements.
6. Revisions to the existing state groundwater standards, including changes to the standard for arsenic which is a known carcinogen.
7. Rules governing toxic air emissions from municipal waste incinerators.
8. Amendments to clarify open burning rules.
9. Rules to reduce nitrogen oxide emissions to address future ozone nonattainment (all or part of 41 counties are not meeting the new 2008 ozone standard – adopting federal measures may not be enough for NC to come back into attainment).
10. Amendments to simplify air toxics rules for unpermitted sources.

None of the rules listed above would qualify as rules addressing a "serious and unforeseen threat" to public health, safety, welfare, the environment or natural resources. Similar language in the Administrative Procedures Act to authorize emergency rules has been interpreted very narrowly to apply only to sudden and unanticipated circumstances. The rules listed above do not respond to a mandate under federal rules or a court order.

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — July 21, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Christy Hamad	NCACC
Ed Lindsey	BSI
Chris Stanley	Intern
Leslie Arnold	SOG-Daily Bulletin
Doug Heron	Williams Mullen
Lisa Perry	Duke Energy Carolinas
Preston Howard	MCIC
Andrew Meeker	NCAEC
Carmen Hooker	Electricities of NC
Daniel Baum	K+L Gates
John Goodman	KC Chamber
Joy Hicks	NCDAICS
JC Pennington	MCIC
Mana Thompson	Weyerhaeuser

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — July 21, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
David Illgen	NCCF
Mike Giles	NC Coastal Federation
Steve Wood/12	N CFB
PC.	
Angie white	NCPC
L. Andrews	NCPB
Tracy Kimbrell	Parker Poe
Michael A Thompson	Dominion
Steve Metcalf	NCPC
DAVID BARNES	Poyner Spruill
Jim Hardesty	NC Pork Council
Kim Hibbard	NCLM
BRUCE THOMPSON	PARKER POE

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — July 21, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Sarah Clapp	NCWRC
Dan Crawford	CCNC
Betsy McCorkle	CCNC
Katrina English	NCCN
Sean Quinn	Sierra Club
AJ	Gov Office
Gary Robertson	AP
[illegible]	
Mia Bailey	Electricities of NC, Inc.
Henri McClees	McClees Consulting

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — July 21, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Coleen H. Sullins	NC DWQ / DENR
Jim Bowyer	NC DAQ / DENR
Keith Overcash	NC DAQ
Lori Cherry	NC DAQ
Elizabeth Biser	DENR
Robin Smith	DENR
Tom Cors	TNC
David Mickey	BREAC
Tom BEAN	NC EDF NCWF
Elizabeth Watson	Environment NC
Dan Conrad	NCCN

Principal Clerk ____
Reading Clerk ____

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on **Agriculture/Environment/Natural Resources** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	August 4, 2009	11:00 AM	544 LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 760	Disposal of Pesticide Containers.	Representative Gibson, III
HB 1099	Amend Environmental Laws 2009.	Representative Allen Representative Gibson, III
HB 1236	Promote Water Use Efficiency.	Representative Gibson, III Representative Wilkins, Jr.

Senator Bob Atwater, Chair

Senate Agriculture/Environment/Natural Resources Committee
Tuesday, August 4, 2009, 11:00 AM
544 LOB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

HB 760	Disposal of Pesticide Containers.	Representative Gibson, III
HB 1099	Amend Environmental Laws 2009.	Representative Allen Representative Gibson, III
HB 1236	Promote Water Use Efficiency.	Representative Gibson, III Representative Wilkins, Jr.

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE REPORT
SenatorAlbertson

Tuesday, August 04, 2009

Senator Albertson,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B. **760** Disposal of Pesticide Containers.

Draft Number:	30446
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B.(CS #1) **1236** Promote Water Use Efficiency.

Draft Number:	50782
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 2

Committee Clerk Comments:

HB 760 and HB 1236 will be handled by Sen. Clodfelter

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE REPORT
Senator Albertson

Tuesday, August 04, 2009

Senator Albertson,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 2, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B.(CS #2) **1099** Amend Environmental Laws 2009.

Draft Number:	70478
Sequential Referral:	Finance
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 1

Committee Clerk Comments:

Sen. Clodfelter will handle HB 1099 on the floor

SENATE AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE
Tuesday, August 4, 2009 at 11:00 AM
Room 544, Legislative Office Building

MINUTES

The Senate Agriculture/Environment/Natural Resources Committee met at 11:00 AM on August 4, 2009, in Room 544 of the Legislative Office Building. 13 members of the committee were present. Senator Charlie Albertson, Committee Vice-Chair, presided.

After Senator Albertson introduced the pages, the following bills were discussed:

- **HB 760, Disposal of Pesticide Containers.**

Senator Clodfelter moved to adopt a PCS for purposes of discussion. Motion carried. After Representative Gibson's explanation of the bill, **Senator Tillman moved for an unfavorable report to the original bill and a favorable report for the PCS. Motion carried.**

- **HB 1236, Promote Water Efficiency.**

Senator Weinstein moved for to adopt a PCS for purposes of discussion. Motion carried. After Representative Gibson explained the bill, **Senator Tillman moved for an unfavorable report to the original bill and a favorable report for the PCS. Motion carried.**

- **HB 1099, Amend Environmental Laws.**

Senator Clodfelter moved to adopt a PCS for purposes of discussion. Motion carried. Representative Gibson gave a brief overview of the PCS and Mr. Jeff Hudson and Ms. Jennifer Mundt, Staff Counsels, explained the PCS section by section. At the conclusion of their presentations, there was a lengthy discussion of the bill with questions and comments from the committee members. Senator Stein and Representative Lucy Allen also spoke in support of this bill. Robin Smith, Assistance Secretary of the Department of Environment and Natural Resources, spoke in favor of the bill. Lisa Martin with the NC Home Builders Association spoke in favor of the bill with some reservations concerning temporary rules. Senator Stein addressed her concerns and assured her that several senators had all worked together on this bill. Ann Coan, NC Farm Bureau, was recognized and stated the agriculture people had some concerns. These concerns will be addressed in conference. Alissa Bierma, Neuse River Keeper, spoke in support of the bill.

Senator Queen offered an amendment to the bill and after discussion with Senator Clodfelter speaking in support of the amendment and Representative Allen, Senator Hartsell and Senator Tillman speaking in opposition, **Senator Queen moved to adopt the amendment. Motion carried. Senator Clodfelter then moved for an unfavorable report to the original bill and a favorable report for the PCS, as amended. Motion carried and the bill was referred to Senate Finance.**

The meeting was adjourned at 12 noon.

Senator Albertson, Presiding

Evelyn Hartsell, Committee Clerk

HOUSE BILL 760

Short Title:	Disposal of Pesticide Containers.	(Public)
Sponsors:	Representative Gibson.	
Referred to:	Environment and Natural Resources, if favorable, Judiciary III.	

March 25, 2009

A BILL TO BE ENTITLED

AN ACT TO EXEMPT PESTICIDE CONTAINERS FROM THE PROHIBITION ON DISPOSAL OF RIGID PLASTIC CONTAINERS IN LANDFILLS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 130A-309.10(f) reads as rewritten:

"(f) No person shall knowingly dispose of the following solid wastes in landfills:

...

(11) Recyclable rigid plastic containers that are required to be labeled as provided in subsection (e) of this section, that have a neck smaller than the body of the container, and that accept a screw top, snap cap, or other closure. The prohibition on disposal of recyclable rigid plastic containers in landfills does not apply to rigid plastic containers that are intended for use in the sale or distribution of motor ~~oil.~~oil or pesticides. Pesticide containers shall be rinsed in accordance with label instructions prior to disposal in a landfill.

...."

SECTION 2. This act becomes effective October 1, 2009.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H D

HOUSE BILL 760
PROPOSED SENATE COMMITTEE SUBSTITUTE H760-CSRI-53 [v.1]

7/31/2009 9:10:17 AM

Short Title: Disposal of Pesticide Containers. (Public)

Sponsors:

Referred to:

March 25, 2009

A BILL TO BE ENTITLED

AN ACT TO EXEMPT PESTICIDE CONTAINERS FROM THE PROHIBITION ON DISPOSAL OF RIGID PLASTIC CONTAINERS IN LANDFILLS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 130A-309.10(f) reads as rewritten:

"(f) No person shall knowingly dispose of the following solid wastes in landfills:

...

(11) Recyclable rigid plastic containers that are required to be labeled as provided in subsection (e) of this section, that have a neck smaller than the body of the container, and that accept a screw top, snap cap, or other closure. The prohibition on disposal of recyclable rigid plastic containers in landfills does not apply to rigid plastic containers that are intended for use in the sale or distribution of motor ~~oil.~~oil or pesticides.

...."

SECTION 2. This act becomes effective October 1, 2009.

HOUSE BILL 760:
Disposal of Pesticide Containers

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	August 4, 2009
Introduced by:	Rep. Gibson	**Prepared by:**	Jennifer McGinnis Committee Counsel
Analysis of:	PCS to First Edition H760-CSRI-53		

SUMMARY: ***House Bill 760 would exempt plastic containers intended for use in the sale or distribution of pesticides from the ban on disposal of plastic containers in landfills. The ban is scheduled to become effective October 1, 2009.***

CURRENT LAW: G.S. 130A-309.10(f) prohibits the disposal in landfills of recyclable rigid plastic containers that have a neck smaller than the body of the container, and that accept a screw top, snap cap, or other closure. Plastic containers intended for use in the sale or distribution of motor oil are exempt from the ban. The ban is scheduled to become effective October 1, 2009.

The statute sets forth a list of other items banned from disposal in landfills. These items include:

- Used oil.
- Yard trash.
- White goods.
- Antifreeze.
- Aluminum cans.
- Whole scrap tires
- Lead-acid batteries.
- Beverage containers that are required to be recycled by ABC permittees.
- Motor vehicle oil filters (Effective October 1, 2009).
- Wooden pallets, except that wooden pallets may be disposed of in a landfill that is permitted to only accept construction and demolition debris (Effective October 1, 2009).
- Oyster shells.
- Discarded computer equipment (Effective January 1, 2011).
- Discarded televisions (Effective January 1, 2011).

A violation of the statute is punishable as a Class 1 misdemeanor[1]. The statute provides that accidental or occasional disposal of small amounts of prohibited solid waste in a landfill is not to be construed as a violation.

BILL ANALYSIS: The bill would exempt plastic containers intended for use in the sale or distribution of pesticides from the ban on disposal of plastic containers in landfills, which is scheduled to become effective October 1, 2009.

EFFECTIVE DATE: The bill would become effective October 1, 2009.

H760-SMRI-80(CSRI-53) v1

[1] The range of punishment for a Class 1 misdemeanor, assuming no prior convictions, is 1-45 days community punishment.

HOUSE BILL 1099

Committee Substitute Favorable 5/7/09
Committee Substitute #2 Favorable 5/12/09

Short Title: Amend Environmental Laws 2009. (Public)

Sponsors:

Referred to:

April 7, 2009

A BILL TO BE ENTITLED

AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO: (1) REPEAL THE REQUIREMENT THAT SEASONAL STATE PARK EMPLOYEES WEAR A UNIFORM VEST; (2) REQUIRE ELECTRONIC REPORTING OF ENVIRONMENTAL LEAD TEST RESULTS AND BLOOD LEAD TEST RESULTS; (3) CLARIFY THE FEE STRUCTURE FOR FOOD AND LODGING PERMITS; (4) REVISE THE SUNSET PROVISION FOR NUTRIENT OFFSET PAYMENTS; (5) AMEND THE SOLID WASTE DISPOSAL TAX TO STREAMLINE THE PROCESS WHEN A LOCAL GOVERNMENT IS SERVED BY A SOLID WASTE MANAGEMENT AUTHORITY; AND (6) EXTEND BY ONE YEAR THE DEADLINE FOR THE DEVELOPMENT AND IMPLEMENTATION OF A NUTRIENT MANAGEMENT STRATEGY FOR CERTAIN DRINKING WATER SUPPLY RESERVOIRS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113-35.1 is repealed.

SECTION 2. G.S. 130A-131.8 reads as rewritten:

"**§ 130A-131.8. Laboratory ~~Reports~~ reports.~~of blood levels in children.~~**

(a) All laboratories doing business in this State shall report to the Department all environmental lead test results and blood lead test results for children less than six years of age and for individuals whose ages are unknown at the time of testing. Reports shall be made by electronic submission within five working days after test ~~completion on forms provided by the Department or on self-generated forms containing:~~ completion.

(b) Reports of blood lead test results shall contain all of the following:

(1) ~~the~~ The child's full name, date of birth, sex, race, ethnicity, address, and Medicaid number, if ~~any;~~ any.

(2) ~~the~~ The name, address, and telephone number of the requesting health care ~~provider;~~ provider.

(3) ~~the~~ The name, address, and telephone number of the testing ~~laboratory;~~ laboratory.

(4) ~~the~~ The laboratory results, whether the specimen ~~type—~~type is venous or capillary; the laboratory sample number, and the dates the sample was collected and analyzed. ~~The reports may be made by electronic submissions.~~

(c) Reports of environmental lead test results shall contain all of the following:

(1) The address where the samples were collected.

(2) Sample type, such as dust, paint, soil, or water.

(3) Surface type, such as floor, window sill, or window trough.

(4) Collection location.
(5) The name, address, and telephone number of the testing laboratory.
(6) The laboratory results, unit of measurement, the laboratory sample number, and the dates the sample was collected and analyzed."

SECTION 3. G.S. 130A-248(d) reads as rewritten:

"(d) The Department shall charge each establishment subject to this section, except nutrition programs for the elderly administered by the Division of Aging of the Department of Health and Human Services, establishments that prepare and sell meat food products or poultry products, and public school ~~cafeterias, an annual fee of fifty dollars ($50.00).~~ cafeterias, a fee of fifty dollars ($50.00) for each permit issued. This fee shall be reassessed annually for permits that do not expire. The Commission shall adopt rules to implement this subsection. Fees collected under this subsection shall be used for State and local food, lodging, and institution sanitation programs and activities. No more than thirty-three and one-third percent (33 1/3%) of the fees collected under this subsection may be used to support State health programs and activities."

SECTION 4.(a) Section 2 of S.L. 2007-438 reads as rewritten:

"**SECTION 2.** No later than ~~1 September 2009,~~September 1, 2010, the Department of Environment and Natural Resources shall 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. The new program shall use the least cost alternative for providing nutrient offset credits consistent with rules adopted by the Environmental Management Commission for implementation of nutrient management strategies in the Neuse River Basin and the Tar-Pamlico River Basin."

SECTION 4.(b) Section 5 of S.L. 2007-438 reads as rewritten:

"**SECTION 5.** This act becomes effective 1 September 2007 and applies to all nutrient offset payments, including those set out in 15A NCAC 2B .0240, as adopted by the Environmental Management Commission on 12 January 2006. The fee schedule set out in Section 1 of this act expires ~~1 September 2009.~~ September 1, 2010."

SECTION 5. G.S. 105-187.63 reads as rewritten:

"**§ 105-187.63. Use of tax proceeds.**

From the taxes received pursuant to this Article, the Secretary may retain the costs of collection, not to exceed two hundred twenty-five thousand dollars ($225,000) a year, as reimbursement to the Department. The Secretary must credit or distribute taxes received pursuant to this Article, less the cost of collection, on a quarterly basis as follows:

(1) Fifty percent (50%) to the Inactive Hazardous Sites Cleanup Fund established by G.S. 130A-310.11.
(2) Thirty-seven and one-half percent (37.5%) to cities and counties in the State on a per capita basis, using the most recent annual estimate of population certified by the State Budget Officer. One-half of this amount must be distributed to cities, and one-half of this amount must be distributed to counties. For purposes of this distribution, the population of a county does not include the population of a city located in the county.

A city or county is excluded from the distribution under this subdivision if it does not provide solid waste management programs and services and is not responsible by contract for payment for these programs and services. ~~services, unless it is served by a regional solid waste management authority established under Article 22 of Chapter 153A of the General Statutes.~~ The Department of Environment and Natural Resources must provide the Secretary with a list of the cities and counties that are excluded under this subdivision. The list must be provided by May 15 of each year and applies to distributions made in the fiscal year that begins on July 1 of that year.

Funds distributed under this subdivision must be used by a city or county solely for solid waste management programs and services. ~~A city or county that receives funds under this subdivision and is served by a regional solid waste management authority must forward the amount it receives to that authority.~~

(3) Twelve and one-half percent (12.5%) to the Solid Waste Management Trust Fund established by G.S. 130A-309.12."

SECTION 6.(a) Section 3(c) of S.L. 2005-190, as amended by Section 31(a) of S.L. 2006-259, reads as rewritten:

"**SECTION 3.(c) Nutrient management strategy.** – The Environmental Management Commission shall develop a nutrient management strategy for drinking water supply reservoirs to which this section applies by ~~1 July 2009.~~July 1, 2010. The nutrient management strategy shall be based on a calibrated nutrient response model that meets the requirement of G.S. 143-215.1(c5). The nutrient management strategy shall include specific mandatory measures to achieve the reduction goals. The Commission shall consider the cost of the proposed measures in relation to the effectiveness of the measures. These measures could include, but are not limited to, buffers, erosion and sedimentation control requirements, post-construction stormwater management, agricultural nutrient reduction measures, the addition of nutrient removal treatment processes to point source permitted wastewater treatment plants, the removal of point source discharging wastewater treatments through regionalization and conversion to non-discharge treatment technologies, and any other measures that the Commission determines to be necessary to meet the nutrient reduction goals. To the extent that one or more other State programs already mandate any of these measures, the nutrient management strategy shall incorporate the mandated measures and any extension of those measures and any additional measures that may be necessary to achieve the nutrient reduction goals. In making a nutrient loading allocation to a permit holder, the Commission shall, to the extent allowed by federal and State law, give consideration to all voluntary efforts taken by the permit holder to protect water quality prior to the development of the nutrient management strategy."

SECTION 6.(b) Section 3(e) of S.L. 2005-190, as amended by Section 31(b) of S.L. 2006-259, reads as rewritten:

"**SECTION 3.(e) Implementation; rulemaking.** – The Environmental Management Commission shall adopt permanent rules to implement the nutrient management strategies required by this section by ~~1 July 2009.~~July 1, 2010. The rules shall require that reductions in nutrient loading from all sources begin no later than five years after the rules become effective."

SECTION 7. Sections 3, 5, and 6 of this act become effective July 1, 2009. Sections 1, 2, 4, and 7 of this act are effective when this act becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H D

HOUSE BILL 1099
Committee Substitute Favorable 5/7/09
Committee Substitute #2 Favorable 5/12/09
PROPOSED SENATE COMMITTEE SUBSTITUTE H1099-PCS70478-TAf-28

Short Title: Amend Environmental Laws 2009. (Public)

Sponsors:

Referred to:

April 7, 2009

A BILL TO BE ENTITLED

AN ACT TO AMEND CERTAIN ENVIRONMENTAL LAWS TO: (1) EXTEND BY ONE YEAR THE IMPLEMENTATION OF WATER SYSTEM EFFICIENCY CRITERIA FOR ELIGIBILITY FOR STATE WATER INFRASTRUCTURE FUNDS; (2) PROHIBIT THE USE OF HIGH ARSENIC CONTENT GLASS BEADS WHEN MARKING STATE OR MUNICIPAL ROADS OR PUBLIC VEHICULAR AREAS; (3) AMEND THE BERNARD ALLEN MEMORIAL EMERGENCY DRINKING WATER FUND; (4) PROVIDE THAT CITY AND COUNTY BUILDING INSPECTORS MAY RELY UPON A THIRD-PARTY CERTIFICATION FOR PARKING LOTS AND ANY BIORETENTION AREAS DESIGNED AND CONSTRUCTED TO COMPLY WITH G.S. 113A-71; (5) MODIFY THE NUTRIENT MANAGEMENT STRATEGY AND ADOPT A SEDIMENTATION STRATEGY FOR CERTAIN DRINKING WATER SUPPLY RESERVOIRS; (6) PROTECT AND RESTORE WATER QUALITY AND QUANTITY IN THE UPPER NEUSE RIVER BASIN, FALLS LAKE, AND OTHER DRINKING WATER SUPPLY RESERVOIRS BY DIRECTING THE ENVIRONMENTAL MANAGEMENT COMMISSION TO PROVIDE CREDIT TO LOCAL GOVERNMENTS, LANDOWNERS, AND OTHERS WHO REDUCE WATER POLLUTION IN THE UPPER NEUSE RIVER BASIN BEFORE PERMANENT RULES ARE ADOPTED; (7) DIRECT THE REVENUE LAWS STUDY COMMITTEE AND THE ENVIRONMENTAL REVIEW COMMISSION TO CONDUCT A STUDY OF REVENUE GENERATING OPPORTUNITIES ASSOCIATED WITH ENTITIES USING CERTAIN NATURAL RESOURCES OF THE STATE IN ORDER TO FUND ACTIVITIES THAT WILL PROTECT AND ENHANCE PUBLIC HEALTH AND THE ENVIRONMENT; AND (8) LIMIT TRANSFERS OF WATER FROM THE CATAWBA RIVER BASIN UNDER THE CONCORD AND KANNAPOLIS INTERBASIN TRANSFER CERTIFICATE.

The General Assembly of North Carolina enacts:

SECTION 1. Section 21 of S.L. 2008-143 reads as rewritten:

"**SECTION 21.** Sections 3, 4, 5, 6, 7, 8, 10, 12, 13, 14, 15, 16, 17, 18, 20, and 21 of this act are effective when this act becomes law. Water Shortage Response Plans revised to comply with G.S. 143-355.2, as enacted by Section 5 of this act, shall be submitted no later than 1 July 2009. Subsection (c) of Section 14 of this act expires when rules adopted pursuant to subsection

(b) of Section 14 of this act become effective. Sections 1, 2, and 19 of this act become effective 1 October 2008. Section 11 of this act becomes effective 1 December 2008 and applies to offenses committed on or after that date. Section 9 of this act becomes effective ~~1 July 2009.~~1 July 2010."

SECTION 2.(a) The General Assembly finds and declares that inorganic arsenic is a hazardous substance and is recognized by the United States Environmental Protection Agency and the United States Occupational Safety and Health Administration as a human carcinogen; that release of this substance into the environment may lead to contamination of soil and water; that the ingestion or inhalation of soil, water, plant material, or animal tissues contaminated with inorganic arsenic may lead to lung cancer, damage to the nervous system, or, in extreme cases, death from systemic poisoning; that reflective glass beads are used to reflect light when applied to roadway markers; that glass beads that contain more than 75 parts per million inorganic arsenic may represent a danger to workers who handle and apply them and a contamination potential to soil and water surrounding roadways. The General Assembly therefore determines that it is in the public interest to prohibit the use of glass beads containing more than 75 parts per million inorganic arsenic used to reflect light when applied to markings on roadways.

SECTION 2.(b) Chapter 136 of the General Statutes is amended by adding a new section to read:

"**§ 136-30.2. Prohibit the use of high content arsenic glass beads in paint used for pavement marking.**

No pavement markings shall be placed on or along any road in the State highway system, in any municipal street system, or on any public vehicular area, as defined in G.S. 20-4.01, that is made from paint that has been mixed, in whole or in part, with reflective glass beads containing more than 75 parts per million inorganic arsenic, as determined by the United States Environmental Protection Agency Method 6010B in conjunction with the United States Environmental Protection Agency Method 3052 modified."

SECTION 3. G.S. 87-98 reads as rewritten:

"**§ 87-98. Bernard Allen Memorial Emergency Drinking Water Fund.**

(a) The Bernard Allen Memorial Emergency Drinking Water Fund is established under the control and direction of the Department. The Fund shall be a nonreverting, interest-bearing fund consisting of monies appropriated by the General Assembly or made available to the Fund from any other source and investment interest credited to the Fund.

(b) The Fund may be used to pay ~~for notification, to the extent practicable, of persons aged 18 and older who reside in any dwelling unit, and the senior official in charge of any business, at which drinking water is supplied from a private drinking water well or improved spring that is located within 1,500 feet of, and at risk from, known groundwater contamination. The senior official in charge of the business shall take reasonable measures to notify all employees of the business of the groundwater contamination, including posting a notice of the contamination in a form and at a location that is readily accessible to the employees of the business.~~ the personnel and other direct costs associated with developing regional groundwater quality assessments based on groundwater quality from water supply wells, additional testing data indicated by emerging contamination issues, and other sources of groundwater data. The purposes of such groundwater quality assessments shall be to improve public policy for groundwater protection, to develop groundwater quality plans in accordance with G.S. 143-215.8A, and to increase public awareness of the quality of the groundwater supply and the occurrence of groundwater contamination. The Fund may also be used by the Department to pay the costs of testing of private drinking water wells and improved springs for suspected contamination up to once every three years upon request by a person who uses the well and for the temporary or permanent provision of alternative drinking water supplies to persons whose drinking water well or improved spring is contaminated. Under this subsection,

an alternative drinking water supply includes the repair or replacement of a contaminated well or the connection to a public water supply.

(c) Up to fifty percent (50%) of the funds available each year may be allocated to developing groundwater quality assessments in accordance with subsection (b) of this section and groundwater quality plans in accordance with G.S. 143-215.8A. The Department shall disburse monies from the Fund for covering the costs for alternative drinking water supplies based only on financial need and on the risk to public health posed by groundwater contamination and shall give priority to the provision of services under this section to instances when an alternative source of funds is not available. The Fund shall not be used to provide alternative water supply to households with incomes greater than three hundred percent (300%) of the current federal poverty level. The Fund may be used to provide alternative drinking water supplies if the Department determines that the concentration of one or more contaminants in the private drinking water well or improved spring exceeds the federal maximum contaminant level, or the federal drinking water action level as defined in 40 Code of Federal Regulations § 141.1 through § 141.571 (1 July 2007) and 40 Code of Federal Regulations § 143.3 (1 July 2007). For a contaminant for which a federal maximum contaminant level or drinking water action level has not been established, the State groundwater standard established by the Environmental Management Commission for the concentration of that contaminant shall be used to determine whether the Fund may be used to provide alternative drinking water supplies. The Fund may also be used to provide alternative drinking water supplies as provided in this section if the Department determines that the concentration of one or more contaminants in a private drinking water well is increasing over time and that there is a significant risk that the concentration of a contaminant will exceed the federal maximum contaminant level or drinking water action level, or the State groundwater standard. A determination of the concentration of a contaminant shall be based on a sample of water collected from the private drinking water well within the past 12 months.

(c1) In disbursing monies from the ~~Fund,~~Fund for alternative drinking water supplies, the Department shall give preference to provision of permanent replacement water supplies by connection to public water supplies and repair or replacement of contaminated wells over the provision of temporary water supplies. In providing alternative drinking water supplies, the Department shall give preference to connection to a public water supply system or to construction of a new private drinking water well over the use of a filtration system if the Department determines that the costs of periodic required maintenance of the filtration system would be cost-prohibitive for users of the alternative drinking water supply.

(c2) If the Department provides an alternative drinking water supply by extension of a waterline, the Department may disburse from the Fund no more than ten thousand dollars ($10,000) per household or other service connection. No more than one-third of the total cost of the project may be paid from the ~~Fund.~~ Fund for any project totaling more than fifty thousand dollars ($50,000). The Department may combine monies from the Fund with monies from other sources in order to pay the total cost of the project.

(c3) The Fund shall be used to provide alternative drinking water supplies only if the Department determines that the person or persons who are responsible for the contamination of the private drinking water well is or are not financially viable or cannot be identified or located and if the Department determines that one of the following applies:

(1) The contamination of the private drinking water well is naturally occurring.

(2) The owner of the property on which the private drinking water well is located did not cause or contribute to the contamination or control the source of the contamination.

(3) The source of the contamination is the application or disposal of a hazardous substance or pesticide that occurred without the consent of the owner of the property on which the private drinking water well is located.

(c4) The Department may use up to one hundred thousand dollars ($100,000) of the monies in the Fund to pay the personnel and other direct costs associated with the implementation of this section.

(c5) The Fund shall not be used for remediation of groundwater contamination.

(c6) Nothing in this section expands, contracts, or modifies the obligation of responsible parties under Article 9 or 10 of Chapter 130A of the General Statutes, this Article, or Article 21A of this Chapter to assess contamination, identify receptors, or remediate groundwater or soil contamination.

(d) The Department shall establish criteria by which the Department is to evaluate applications and disburse monies from this Fund and may adopt any rules necessary to implement this section.

(e) The Department, in consultation with the Commission for Public Health and local health departments, shall report no later than 1 October of each year to the Environmental Review Commission, the House of Representatives and Senate Appropriations Subcommittees on Natural and Economic Resources, and the Fiscal Research Division of the General Assembly on the implementation of this section. The report shall include the purpose and amount of all expenditures from the Fund during the prior fiscal year, a discussion of the benefits and deficiencies realized as a result of implementation of the section, the progress of regional groundwater quality assessments and groundwater quality plans, any recommendations for additional testing parameters for private drinking water wells indicated by regional groundwater assessments, and may also include recommendations for any legislative action."

SECTION 4.(a) G.S. 153A-357(d) reads as rewritten:

"(d) No permit shall be issued pursuant to subsection (a) of this section for any land-disturbing activity that is subject to, but does not comply with, the requirements of G.S. 113A-71. For purposes of this subsection, the inspector may rely upon a third-party certification, provided by the applicant, that the parking lot and any stormwater bioretention area are properly designed and constructed to comply with G.S. 113A-71 in accordance with the guidelines developed by the Department of Environment and Natural Resources. Certification must be provided under seal by a licensed professional engineer or other licensed professional who is recognized as having expertise in the design and construction of pervious parking areas or stormwater bioretention areas, as appropriate."

SECTION 4.(b) G.S. 160A-417(c) reads as rewritten:

"(c) No permit shall be issued pursuant to subsection (a) of this section for any land-disturbing activity that is subject to, but does not comply with, the requirements of G.S. 113A-71. For purposes of this subsection, the inspector may rely upon a third-party certification, provided by the applicant, that the parking lot and any stormwater bioretention area are properly designed and constructed to comply with G.S. 113A-71 in accordance with the guidelines developed by the Department of Environment and Natural Resources. Certification must be provided under seal by a licensed professional engineer or other licensed professional who is recognized as having expertise in the design and construction of pervious parking areas or stormwater bioretention areas, as appropriate."

SECTION 5.(a) Section 3 of S.L. 2005-190, as amended by Section 31 of S.L. 2006-259, reads as rewritten:

"**SECTION 3.(a) Applicability of section to certain reservoirs.** – This section applies only to drinking water supply reservoirs that meet all of the following criteria as of 1 July 2005:

(1) The reservoir serves a population greater than 300,000 persons.

(2) The Environmental Management Commission has classified all or any part of the water in the reservoir as a nutrient sensitive water (NSW).

(3) Water quality monitoring data indicates that water quality in the reservoir violates the chlorophyll A standard.

(4) The Division of Water Quality of the Department of Environment and Natural Resources has not prepared or updated a calibrated nutrient response model for the reservoir since 1 July 2002.

"**SECTION 3.(b) Temporary limitation on increased nutrient loading.** – If the Environmental Management Commission determines either that water quality in all or in any part of a drinking water supply reservoir to which this section applies does not meet current water quality standards or that it is likely that water quality will not meet water quality standards at any time prior to 1 July 2010, the Commission shall not make any new or increased nutrient loading allocation to any person who is required to obtain a permit under G.S. 143-215 for an individual wastewater discharge directly or indirectly into that reservoir. This limitation on new or increased nutrient loading allocation shall not be construed to prohibit a person who holds a permit for a wastewater discharge into a drinking water supply reservoir from purchasing a nutrient loading allocation from another person who holds a permit for a wastewater discharge into the same drinking water supply reservoir. This subsection expires with respect to a drinking water supply reservoir when permanent rules adopted by the Commission to implement the nutrient management strategy for that reservoir become effective.

"**SECTION 3.(c) Nutrient management strategy.** – The Environmental Management Commission shall develop a nutrient management strategy for drinking water supply reservoirs to which this section applies by ~~1 July 2009.~~15 January 2011. The nutrient management strategy shall be based on a calibrated nutrient response model that meets the requirement of G.S. 143-215.1(c5). The nutrient management strategy shall include specific mandatory measures to achieve the reduction goals. ~~The Commission shall consider the cost of the proposed measures in relation to the effectiveness of the measures.~~In developing the nutrient management strategy, the Commission shall consider the effectiveness of measures previously implemented in the watershed and the cost of the proposed measures in relation to their effectiveness. These measures could include, but are not limited to, buffers, erosion and sedimentation control requirements, post-construction stormwater management, agricultural nutrient reduction measures, the addition of nutrient removal treatment processes to point source permitted wastewater treatment plants, the removal of point source discharging wastewater treatments through regionalization and conversion to non-discharge treatment technologies, measures to address nutrient inputs from on-site wastewater treatment systems, control of atmospheric deposition, allowing the sale and purchase of nutrient offsets, allowing trading of nutrient loading allocations and credits for nutrient reductions, and any other measures that the Commission determines to be necessary to meet the nutrient reduction goals. To the extent that one or more other State programs already mandate any of these measures, the nutrient management strategy shall incorporate the mandated measures and any extension of those measures and any additional measures that may be necessary to achieve the nutrient reduction goals. In making a nutrient loading allocation to a permit holder, the Commission shall, to the extent allowed by federal and State law, give consideration to all voluntary efforts taken by the permit holder to protect water quality prior to the development of the nutrient management strategy.

"**SECTION 3.(d) Eligibility under the Clean Water Revolving Loan and Grant Act.** – The definitions set out in G.S. 159G-3 apply to this subsection. The operator of a wastewater treatment works that is owned by an agency of the State may apply for a loan or grant under Chapter 159G of the General Statutes on the same basis as any other applicant if the operator is a local government unit and if the local government unit operates the wastewater treatment works pursuant to a contract with the State agency that contemplates that the local government unit will eventually acquire ownership of the wastewater treatment works.

"**SECTION 3.(e) Implementation; rulemaking.** – The Environmental Management Commission shall adopt permanent rules to implement the nutrient management strategies

required by this section by ~~1 July 2009.~~15 January 2011. The rules shall require that reductions in nutrient loading from all sources begin no later than five years after the rules become effective. The rules shall require that stormwater management programs to reduce nutrient loading from new development be implemented no later than 30 months after the rules become effective.

"**SECTION 3.(f) Reports.** – The Environmental Management Commission shall report its progress in implementing this section to the Environmental Review Commission as a part of each quarterly report it makes pursuant to G.S. 143B-282(b)."

SECTION 5.(b) S.L. 2005-190, as amended by Section 31 of S.L. 2006-259, is amended by adding three new subsections to read:

"**SECTION 3.(g) Compensatory mitigation for riparian buffer loss; nutrient offset purchases.** – Compensatory mitigation for riparian buffer loss in the watershed of a drinking water supply to which this section applies must be performed in the watershed of the drinking water supply. The Environmental Management Commission may further limit the area in which compensatory mitigation for riparian buffer loss must be performed in the watershed of a drinking water supply to which this section applies. Any nutrient offset purchased to offset loading in the watershed of a drinking water supply to which this section applies may only be obtained from an offset project located in the watershed of the drinking water supply. The Environmental Management Commission may further limit the area from which nutrient offsets may be obtained in the watershed of a drinking water supply to which this section applies.

"**SECTION 3.(h) Additional standards for land disturbing activities in the water supply watershed.** – In addition to any other requirements of State, federal, and local law, land-disturbing activity in the watershed of the water supply reservoir to which this section applies shall meet all of the following design standards for sedimentation and erosion control:

(1) Erosion and sedimentation control measures, structures, and devices shall be planned, designed, and constructed to provide protection from the runoff of the 25-year storm that produces the maximum peak rate of runoff as calculated according to procedures set out in the United States Department of Agriculture Soil Conservation Service's "National Engineering Field Manual for Conservation Practices" or according to procedures adopted by any other agency of the State or the United States or any generally recognized organization or association.

(2) Sediment basins shall be planned, designed, and constructed so that the basin will have a settling efficiency of at least 70 percent (70%) for the 40 micron size soil particle transported into the basin by the runoff of the two-year storm that produces the maximum peak rate of runoff as calculated according to procedures in the United States Department of Agriculture Soil Conservation Service's "National Engineering Field Manual for Conservation Practices" or according to procedures adopted by any other agency of the State or the United States or any generally recognized organization or association.

(3) Newly constructed open channels shall be planned, designed, and constructed with side slopes no steeper than two horizontal to one vertical if a vegetative cover is used for stabilization unless soil conditions permit steeper slopes or where the slopes are stabilized by using mechanical devices, structural devices, or other acceptable ditch liners. In any event, the angle for side slopes shall be sufficient to restrain accelerated erosion.

(4) For an area of land-disturbing activity where grading activities have been completed, temporary or permanent ground cover sufficient to restrain erosion shall be provided as soon as practicable, but in no case later than seven days after completion of grading. For an area of land-disturbing

activity where grading activities have not been completed, temporary groundcover shall be provided for the area if it has not been disturbed for a period of nine days.

"**SECTION 3.(i)** The Department of Environment and Natural Resources, in consultation with the Environmental Management Commission, shall identify improvements needed in the design, operation, and siting of septic tank systems in order to reduce excess nutrient loading from septic tank systems in the watershed of a drinking water supply to which this section applies. The Department shall report its findings and recommendations for specific changes to standards adopted by the Commission for Public Health pursuant to G.S. 130A-355 to the Commission for Public Health and to the Environmental Review Commission no later than March 1, 2010."

SECTION 6.(a) Concurrent with the permanent rule making required by Section 3 of S.L. 2005-190, as amended by Section 31 of S.L. 2006-259 and Section 5(a) of this act, and pursuant to G.S. 143-215.8B, the Environmental Management Commission shall adopt temporary rules. The Commission shall adopt the temporary rules required by this section by January 15, 2011.

SECTION 6.(b) No later than December 31, 2011, the Sedimentation Control Commission shall adopt rules of statewide applicability for the control of erosion and sedimentation resulting from land-disturbing activities in the watersheds of water supply reservoirs. In developing the rules, the Commission shall consider the standards established pursuant to Section 3(h), as enacted by Section 5(b) of this act.

SECTION 7.(a) Definition. – For purposes of this section, the term "Upper Neuse River Basin" is that portion of the Neuse River Basin upstream of the Falls Dam, including Falls Lake.

SECTION 7.(b) Credit for Early Adoption. – The Environmental Management Commission shall encourage local governments, landowners, and others to develop, adopt, and implement policies and practices to reduce the runoff and discharge of nitrogen, phosphorus, sediment, and other pollutants into the surface waters and drinking water supply reservoirs in the Upper Neuse River Basin before it adopts permanent rules to implement the nutrient management strategy and the turbidity strategy for Upper Falls Lake. The Environmental Management Commission shall, in its permanent rules, provide credit for the early implementation of the nutrient management strategy for the Upper Neuse River Basin and the turbidity strategy for Falls Lake to local governments, landowners, and others who implement policies and practices after January 1, 2007, to reduce runoff and discharge of nitrogen, phosphorus, and sediment in the Upper Neuse River Basin.

SECTION 7.(c) Reports. – The Environmental Management Commission shall report its progress in implementing Section 7 of this act to the Environmental Review Commission as part of each quarterly report it makes pursuant to G.S. 143B-282(b).

SECTION 8.(a) The Revenue Laws Study Committee and the Environmental Review Commission shall jointly study revenue generating opportunities associated with entities in the State that are large-scale users of certain natural resources of the State. In particular, the Committee and Commission shall study all of the following issues:

(1) Impact on the State's citizens and its natural resources from large-scale users of water resources.
(2) The value of the State's water resources.
(3) The feasibility and advisability of imposition of a tax or license upon large-scale users of the State's natural resources.
(4) Potential uses of revenue generated from such a tax or license, including funding river basin modeling activities, flood plain mapping activities, needed public water and sewer improvements, cleanup of contaminated sites, and funding of the Clean Water Management Trust Fund.

SECTION 8.(b) The North Carolina Utilities Commission, the Department of Revenue, and the Department of Environment and Natural Resources shall provide technical expertise and assistance as requested in the conduct of this study.

SECTION 8.(c) The Committee and Commission shall jointly submit a report to the 2009 General Assembly no later than April 1, 2010. This report shall include findings and recommendations, including a proposal for legislation to generate revenue as identified by the study.

SECTION 9. Concord and Kannapolis may not transfer water from the Catawba River Basin pursuant to the Certificate Authorizing the Cities of Concord and Kannapolis to Transfer Water from the Catawba River and Yadkin River Basins to the Rocky River Basin under the Provisions of G.S. 143-215.22I, approved by the Environmental Management Commission on January 10, 2007, and signed into effect on January 25, 2007, unless the Department of Environment and Natural Resources determines that both of the following conditions are met:

(1) Concord and Kannapolis are transferring 10 million gallons per day from the Yadkin River Basin to the Rocky River Basin pursuant to the Interbasin Transfer Certificate.

(2) There are no other practicable water supplies available to Concord and Kannapolis.

SECTION 10. Section 2 of this act becomes effective October 1, 2009, and applies to any contracts for road projects entered into, or any pavement remarking that takes place, on or after that date. Section 4 of this act is effective retroactively to April 1, 2009. Section 3(h) of S.L. 2005-190, as enacted by Section 5(b) of this act, becomes effective January 1, 2010, applies to land-disturbing activities begun on or after January 1, 2010, and expires on the date that rules adopted pursuant to Section 6(b) of this act become effective. The remaining sections of this act are effective when this act becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1099

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

H1099-ARI-30 [v.2]

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

Date _____,2009

Senator Queen

moves to amend the bill on page 1, line 19, by deleting the word "AND";

and on page 1, line 24, by rewriting that line to read:

"ENVIRONMENT; AND (8) BY LIMITING TRANSFERS OF WATER FROM THE CATAWBA RIVER BASIN UNDER THE CONCORD AND KANNAPOLIS INTERBASIN TRANSFER CERTIFICATE.";

and on page 8, lines 9 and 10,
by inserting between those lines:

"**SECTION 9.** Concord and Kannapolis may not transfer water from the Catawba River basin pursuant to the Certificate Authorizing the Cities of Concord and Kannapolis to Transfer Water from the Catawba River and Yadkin River Basins to the Rocky River Basin under the Provisions of G.S. 143-215.22I, approved by the Environmental Management Commission on January 10, 2007, and signed into effect on January 25, 2007, unless the Department of Environment and Natural Resources determines that both of the following conditions are met:

(1) Concord and Kannapolis are transferring 10 million gallons per day from the Yadkin River basin to the Rocky River basin pursuant to the Interbasin Transfer Certificate.

(2) There are no other practicable water supplies available to Concord and Kannapolis.";

and by renumbering the remaining section accordingly.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1099

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

H1099-ARI-30 [v.2]

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

HOUSE BILL 1099:
Amend Environmental Laws 2009

2009-2010 General Assembly

Committee:	Senate Ref to Agriculture/Environment/Natural Resources. If fav, re-ref to Finance	**Date:**	August 4, 2009
Introduced by:	Representatives Allen, Gibson	**Prepared by:**	Jennifer Mundt Legislative Analyst
Analysis of:	PCS to Third Edition H1099-CSTAf-28		

SUMMARY: The Proposed Committee Substitute (PCS) for House Bill 1099 would make several changes to environmental laws.

BILL ANALYSIS: The PCS for House Bill 1099 would make the following changes to environmental laws:

Section 1 would extend the date by one year to July 1, 2010 for the implementation of water system efficiency programs by local government water systems and large community water systems in order to be eligible for State water infrastructure funds.

Section 2 would add a new section to Chapter 136 of the General Statutes (Roads and Highways) to prohibit the use of high content arsenic glass beads in paint that is used for pavement marking. This Section would become effective October 1, 2009 and apply to any contracts for road projects entered into, or any pavement re-marking that takes place, on or after that date.

Section 3 would amend the Bernard Allen Emergency Drinking Water Fund to provide that up to 50% of the funds available each year be allocated to the development of groundwater quality assessments and groundwater quality plans by the Department of Environment and Natural Resources (Department). The Section would also provide that no more than one-third of the total cost of the project may be paid from the Fund for any project totaling more than $50,000.

Section 4 would provide that city and county building inspectors may rely upon a third-party certification, provided by an applicant, that a parking lot and any bioretention area are properly designed and constructed to comply with G.S. 113A-71 (Vehicular surface areas) and are done so in accordance with guidelines developed by the Department. The certification must be provided under seal by a licensed professional engineer or other licensed professional that is recognized as having expertise in the design and construction of pervious parking areas or stormwater bioretention areas, as appropriate. This section is effective retroactively to April 1, 2009.

Sections 5 and 6 would do the following:

- Extend the deadline for the Environmental Management Commission (EMC) to develop and implementation of a nutrient management strategy for certain drinking water supply reservoirs from July 1, 2009 to January 15, 2011. This section would also direct the EMC to adopt temporary rules concurrent with permanent rules by January 15, 2011.
- Clarify that the rules adopted pursuant to the nutrient management strategy to reduce nutrient loading from new development be implemented no more than 30 months after the rules become effective.

- Authorize compensatory mitigation for riparian buffer loss and nutrient offset purchases in a watershed of a drinking water supply provided the mitigation or offset is performed or purchased within that watershed.
- Implement additional sedimentation and erosion control standards for land-disturbing activities in the water supply watershed. This subsection would become effective January 1, 2010.
- Require the Department, in consultation with the EMC, to identify improvements needed in the design, operation, and siting of septic tank systems in order to reduce nutrient loading from those systems to the water supply watershed. The Department must report its findings and recommendations to the Commission for Public Health and the Environmental Review Commission by March 1, 2010.
- Require the Sedimentation Control Commission to adopt rules of statewide applicability for the control of erosion and sedimentation resulting from land-disturbing activities in watersheds of water supply reservoirs no later than December 31, 2011.

Section 7 would direct the EMC to encourage local governments, landowners, and others to develop, adopt, and implement policies and practices to reduce the runoff and discharge of nitrogen, phosphorus, and sediment into the surface waters and drinking water supply reservoirs of the Upper Neuse River Basin (Basin) before it adopts permanent rules to implement the nutrient management strategy for Falls Lake. The bill would require the EMC, in its permanent rules, to provide credit to local governments, landowners, and others who implement policies and practices after January 1, 2007 to reduce runoff and discharge of nutrients and sediment in the Basin. This section would also direct the EMC to report its progress in implementing the credit for early adoption to the Environmental Review Commission as part of its quarterly reporting as required by statute.

Section 8 would direct the Revenue Laws Study Committee and the Environmental Review Commission to jointly study revenue generating opportunities associated with entities of the State that are large-scale users of certain natural resources of the State. The Committee and Commission would be required to jointly submit a report to the 2009 General Assembly no later than April 1, 2010. The report must include findings and recommendations, including a proposal for legislation to generate revenue as identified by the study.

EFFECTIVE DATE: Except as noted above, this act is effective when it becomes law.

H1099-SMTA-75(CSTAf-28) v3

HOUSE BILL 1236
Committee Substitute Favorable 5/6/09
Third Edition Engrossed 5/13/09

Short Title: Promote Water Use Efficiency. (Public)

Sponsors:

Referred to:

April 9, 2009

A BILL TO BE ENTITLED

AN ACT TO PROMOTE VOLUNTARY, YEAR-ROUND WATER CONSERVATION AND WATER USE EFFICIENCY MEASURES BY COMMERCIAL AND INDUSTRIAL WATER USERS.

Whereas, North Carolina recognizes that water is our most basic and precious natural resource; and

Whereas, North Carolina has experienced extreme drought in the past several years and expects to experience extreme drought in the future; and

Whereas, the efficient use of water is of utmost importance; and

Whereas, the best and least expensive source of "new" water is improved efficiency in water use; and

Whereas, North Carolina should reward and promote best management practices and leadership efforts in water efficiency; and

Whereas, there are voluntary efforts underway that encourage and promote water use efficiency; and

Whereas, there are commercial and industrial water users that are currently utilizing water conservation measures to the maximum extent possible; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-355.2 is amended by adding a new subsection to read:

"(h1) An industry-specific trade or professional organization representing users of water for commercial or industrial purposes may establish a voluntary water conservation and water use efficiency certification program to encourage and promote the use of year-round water conservation and water use efficiency measures as follows:

(1) A water conservation and water use efficiency certification may only be issued to a person that demonstrates that water use from its water consuming processes is reduced by and maintained at twenty percent (20%) or more below the yearly average water use for the calendar year preceding application for certification. In order to receive and maintain certification, a person must have its facility inspected on an annual basis by a licensed plumbing contractor or a licensed irrigation contractor who will measure water flow and inspect equipment for leaks to determine if the applicant is in compliance with the standards of the certification program.

(2) A unit of local government that provides public water service or a large community water system shall recognize and credit a commercial or industrial water user that has met the standards of a certification program for

at least six months prior to the most recent extreme drought designation for water conservation achieved under the program. To the extent that a tiered response stage in the water shortage response plan requires commercial or industrial users to implement a percentage reduction in use, a user certified under a certification program shall be credited with the percentage reduction achieved by measures implemented under the certification program. Users certified under a program shall not be required to reduce consumption more than any other class of commercial or industrial water users during a water shortage emergency.

(3) If a unit of local government that provides public water service or a large community water system believes that a certification program or a person certified under a certification program is not complying with the terms and standards of the certification program, it may ask the Division of Water Resources in the Department of Environment and Natural Resources to investigate. If the Division determines that the program or person certified under the program is not complying with the terms and standards of the certification program, the local government may refuse to recognize and credit conservation measures as provided in subdivision (2) of this subsection."

SECTION 2. This act becomes effective January 1, 2010.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1236
Committee Substitute Favorable 5/6/09
Third Edition Engrossed 5/13/09
PROPOSED SENATE COMMITTEE SUBSTITUTE H1236-CSRI-49 [v.4]

8/3/2009 5:41:10 PM

Short Title: Promote Water Use Efficiency. (Public)

Sponsors:

Referred to:

April 9, 2009

A BILL TO BE ENTITLED

AN ACT TO PROMOTE VOLUNTARY, YEAR-ROUND WATER CONSERVATION AND WATER USE EFFICIENCY MEASURES BY COMMERCIAL CAR WASHES.

Whereas, North Carolina recognizes that water is our most basic and precious natural resource; and

Whereas, North Carolina has experienced extreme drought in the past several years and expects to experience extreme drought in the future; and

Whereas, the efficient use of water is of utmost importance; and

Whereas, the best and least expensive source of "new" water is improved efficiency in water use; and

Whereas, North Carolina should reward and promote best management practices and leadership efforts in water efficiency; and

Whereas, there are voluntary efforts underway that encourage and promote water use efficiency; and

Whereas, there are commercial car washes that are currently utilizing water conservation measures to the maximum extent possible; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-355.2 is amended by adding a new subsection to read:

"(h1) A trade or professional organization representing commercial car washes may establish a voluntary water conservation and water use efficiency certification program to encourage and promote the use of year-round water conservation and water use efficiency measures as follows:

(1) A water conservation and water use efficiency certification may only be issued to a person that demonstrates that water use from its water consuming processes is reduced by and maintained at twenty percent (20%) or more below the yearly average water use for the calendar year preceding application for certification. In order to receive and maintain certification, a person must have its facility inspected on an annual basis by a licensed plumbing contractor who will confirm that the applicant is in compliance with the standards of the certification program.

(2) A unit of local government that provides public water service or a large community water system shall recognize and credit a commercial car wash

that has met the standards of a certification program for at least six months prior to the most recent extreme drought designation for water conservation achieved under the program. To the extent that a tiered response stage in the water shortage response plan requires commercial or industrial users to implement a percentage reduction in use, a car wash certified under a program shall be credited with the percentage reduction achieved by measures implemented under the program. Car washes certified under a program shall not be required to reduce consumption more than any other class of commercial or industrial water users during a water shortage emergency.

(3) To qualify as an approved water conservation and water use efficiency certification program, the Department of Environment and Natural Resources shall determine that the program effectively utilizes industry best management practices for the efficient use of water and achieves year-round reductions in water use. Best management practices may include, but are not limited to, recycling, reclaiming, or reusing a portion of the water in the consuming processes. If a unit of local government that provides public water service or a large community water system determines that a person certified under such a program is not complying with the terms and standards of the certification program, it may refuse to recognize and credit the conservation measures."

SECTION 2. This act becomes effective January 1, 2010.

HOUSE BILL 1236:
Promote Water Use Efficiency

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	August 4, 2009
Introduced by:	Reps. Gibson, Wilkins	**Prepared by:**	Jennifer McGinnis Committee Counsel
Analysis of:	PCS to Third Edition H1236-CSRI-49		

SUMMARY: ***The Proposed Committee Substitute (PCS) for House Bill 1236 would allow trade or professional organizations representing commercial car washes to establish voluntary water conservation and water use efficiency certification programs. A car wash certified under such a program could receive credit for its voluntary conservation measures if a local government implements mandatory water conservation measures.***

CURRENT LAW: Under current law, each unit of local government that provides public water service and each large community water system must develop and implement water conservation measures to respond to drought or other water shortage conditions. These measures must be set out in a water shortage response plan and submitted to the Department of Environment and Natural Resources (DENR) for review and approval. For a plan to be approved by DENR, it must include tiered levels of water conservation measures or other response actions based on the severity of water shortage conditions.

BILL ANALYSIS: The PCS for House Bill 1236 would allow trade or professional organizations representing commercial car washes to establish voluntary water conservation and water use efficiency certification programs.

A water conservation and water use efficiency certification could only be issued to a person that demonstrates that water use from its water consuming processes is reduced by and maintained at twenty percent (20%) or more below the yearly average water use for the calendar year preceding application for certification. In order to receive and maintain certification and to ensure compliance, a person must have its facility inspected on an annual basis by a licensed plumbing contractor.

A unit of local government that provides public water service or a large community water system would recognize and credit a commercial or industrial water user that has met the standards of a certification program for at least six months prior to the most recent extreme drought designation for water conservation achieved under the program. Car washes certified under such a program would not be required to reduce consumption more than any other class of commercial or industrial water users during a water shortage emergency.

If a unit of local government that provides public water service or a large community water system believes that a certification program or a person certified under a certification program is not complying with the terms and standards of the certification program, it may refuse to recognize and credit conservation measures

EFFECTIVE DATE: This act would become effective January 1, 2010.

Jeff Hudson and Jennifer Mundt, staff to this Committee, substantially contributed to this summary.

H1236-SMRI-81(CSRI-49) v1

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — August 4, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
John Shaw	Wake UP Wake Co.
Henry Wade	NCDACS
Cam Crew	BPMHL
Lib Hutchby	Cary, N.C.
Scott Mason	Lowe's
[illegible]	SA
Edgar Miller	CTNC
David Crawford	AIA NC
Doug Mishew	Capstrat
DAVID BARNES	Bayer Sprint
L. Andrews	NCFB

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — August 4, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Tom Fransen	NC DWR
Anne Coan	NC Farm Bureau
Mitch Peele	NC Farm Bureau
Robin Smith	DENR
[illegible]	ag alliance of N.C.
Allison Fowler	NC State Grange
Lisa Martin	NC Home Builders
R. Paul Wilms	WGR
David McLeod	NCDACS
John Lemon	NC DENR
Francis M. Nesbitt	NCDENR

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — August 4, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Elizabeth Biser	DENR
Alexandra Embony	DENR
Steve Wall	DENR
Reid Wilson	Conservation Trust for NC
Dan Conrad	NCCN
Alissa Bierma	Neuse River Keeper Fdn.
Elizabeth Oneto	Environment North Carolina
Chuck Wakild	DENR/DWQ
Ashley	BioFuels of NC
Gary	DENR/DPPEP
Amy McLoma	NCDOR

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — August 4, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Dan Crawford	CCNC
Peter Raabe	American Rivers
Tich Gannon	NC DWQ
John Hussman	NC DWQ

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources — August 4, 2009

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
John Maddux	R. City of Raleigh
Dan McLawhorn	City of Raleigh
Sarah Clapp	NCWRC
Sam Brewer	Brewer Fuel Solutions / Carolina Biodiesel
Andy McDaniel	NCDOT
Dale Reynolds	NCPCWA

Principal Clerk ____
Reading Clerk ____

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on **Agriculture/Environment/Natural Resources** will meet at the following time:

DAY	DATE	TIME	ROOM
Wednesday	August 5, 2009	11:00 AM	544 LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 1068	Permitting of Wind Energy Facilities.	Senator Albertson

Senator Bob Atwater, Chair

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE REPORT
Senator Weinstein, Vice Chair

Wednesday, August 05, 2009

Senator Weinstein,
submits the following with recommendations as to passage:

FAVORABLE

S.B.(CS #2) **1068** Permitting of Wind Energy Facilities.
Sequential Referral: None
Recommended Referral: None

TOTAL REPORTED: 1

Committee Clerk Comments:

Sen. Albertson will handle on the floor - SB 1068

SENATE AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE
Wednesday, August 5, 2009 at 11:00 AM
Room 544, Legislative Office Building

MINUTES

The Senate Agriculture/Environment/Natural Resources Committee met at 11:00 AM on August 5, 2009, in Room 544 of the Legislative Office Building. Ten (10) members of the committee were present. Senator Weinstein, Committee Vice-Chair, presided. After Senator Weinstein introduced the pages, the following bill was discussed:

SB 1068 – Permitting of Wind Energy Facilities

Senator Albertson was recognized to explain the bill. After a brief review, Jeff Hudson, Staff Counsel, was asked by Senator Albertson to give a detailed explanation of the bill. After his presentation, Senator Goss was recognized by Vice Chairman Weinstein to offer an amendment to the bill. Senator Goss is not a member of the Committee but this bill will have an impact on his district and he had previously offered the same amendment on the Senate floor. The bill had been pulled from the Senate calendar and re-referred to the Senate Agriculture/environment/Natural Resources Committee. After Senator Goss's explanation of the amendment, there was a general discussion among the Committee members. Senators Queen and Clodfelter both spoke in opposition to the amendment. Representative Phil Frye, who represents the area affected by the amendment, was recognized and spoke in favor of the amendment. **The Chairman called for a vote on the amendment and it was defeated.**

Elizabeth Ouzts, Environment North Carolina, was recognized and spoke in favor of the bill. Senator Albertson asked that the Chair recognize Michael Thompson, representing Dominion, to address the committee on the wind turbines being erected in Virginia and West Virginia and how they are affecting the area.

At the conclusion of Mr. Thompson's presentation, **Senator Tillman moved for a favorable report for the bill. Motion carried.**

The meeting was adjourned at 11:40.

David F. Weinstein
Senator David Weinstein, Presiding

Evelyn Hartsell
Evelyn Hartsell, Committee Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 1068*

Agriculture/Environment/Natural Resources Committee Substitute Adopted 7/7/09
Finance Committee Substitute Adopted 7/14/09

Short Title: Permitting of Wind Energy Facilities. (Public)

Sponsors:

Referred to:

March 31, 2009

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A SYSTEM OF PERMITS FOR THE SITING AND OPERATION OF WIND ENERGY FACILITIES.

Whereas, S.L. 2007-398 established a Renewable Energy and Energy Efficiency Portfolio Standard (REPS) to diversify the resources used to reliably meet the energy needs of consumers in the State; and

Whereas, wind energy generation is a critical component for the State to meet the requirements established by the REPS; and

Whereas, North Carolina has abundant wind resources in the coastal and mountain regions; and

Whereas, it is the policy of the State to promote the development of wind energy in a manner compatible with environmental protection, sustainable development, and the efficient use of resources; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113A-103 is amended by adding a new subdivision to read:

"(12) "Wind energy facility" means the turbines, accessory buildings, transmission facilities, and any other equipment necessary for the operation of the facility that cumulatively, with any other wind energy facility whose turbines are located within one-half mile of one another, have a rated capacity of three megawatts or more of energy."

SECTION 2. Part 4 of Article 7 of Chapter 113A of the General Statutes is amended by adding a new section to read:

"**§ 113A-118.3. Permits for wind energy facilities.**

(a) No person shall undertake development associated with a wind energy facility anywhere in the coastal area without first obtaining a permit from the Commission.

(b) A person applying for a permit for a wind energy facility shall include all of the following in an application for the permit:

(1) A narrative description of the proposed facility.

(2) A map showing the location of the proposed facility.

(3) The capacity of proposed energy generation.

(4) A copy of a deed, purchase agreement, lease agreement, or other legal instrument demonstrating the right to develop the property.

(5) Certification of adjacent property owner notification to the maximum extent practicable.

(6) A study of the noise impacts of the turbines to be associated with the proposed facility, unless the turbines will be located in a sound or in offshore waters at least 0.60 miles from a shoreline.

(7) A study on shadow flicker impacts of the turbines to be associated with the proposed facility, unless the turbines will be located in a sound or in offshore waters at least 1.6 miles from a shoreline.

(8) A study on avian and bat impacts of the proposed facility.

(9) A study on viewshed impacts of the proposed facility.

(10) An explanation of how the proposed facility would be consistent with the requirements in subsection (c) of this section.

(11) The application fee required by subsection (e) of this section.

(12) Other data or information the Commission may reasonably require.

(c) The Commission shall deny an application for a permit for a wind energy facility if the Commission finds any one or more of the following:

(1) Construction or operation of the facility would be inconsistent with or violate rules adopted by the Commission.

(2) Construction or operation of the facility would result in significant adverse impacts to ecological systems, natural resources, cultural sites, recreation areas, or historic sites of more than local significance, including national or State parks or forests; wilderness areas; historic sites; recreation areas; segments of the natural and scenic rivers system; wildlife refuges; preserves and management areas; areas that provide habitat for threatened or endangered species; primary nursery areas designated by the Marine Fisheries Commission and the Wildlife Resources Commission; and critical fisheries habitat identified pursuant to the Coastal Habitat Protection Plan.

(3) Construction or operation of the facility would obstruct major navigation channels or create a significant obstacle to navigation in coastal waters. For purposes of this section, a wind energy facility in the coastal area is a water dependent use.

(4) Construction or operation of the facility would have a significant adverse impact on fish or wildlife.

(5) Construction or operation of the facility would have a significant adverse impact on views from any State or national park, wilderness area, significant natural heritage area as compiled by the North Carolina Natural Heritage Program, or other public lands or private conservation lands designated or dedicated due to their high recreational values.

(6) Construction or operation of the facility would interfere with air navigation routes, air traffic control areas, military training routes, or special use airspace.

(7) A permit for the facility would be denied under any other criteria set out in G.S. 113A-120.

(8) The cumulative impact of the proposed facility with other existing or proposed wind energy facilities would result in significant adverse impacts to ecological systems, natural resources, cultural sites, recreation areas, or historic sites of more than local significance.

(d) The Commission may include, as a condition of a permit for a wind energy facility, a requirement that the permit holder mitigate any adverse impacts.

(e) An applicant for a permit for a wind energy facility under this section shall submit with the application under subsection (b) of this section an application fee of two thousand dollars ($2,000).

(f) The Commission shall require an applicant for a permit for a wind energy facility to provide a plan regarding the action to be taken upon the decommissioning and removal of the wind energy facility. The plan shall include an estimate of the cost to decommission and remove the wind energy facility. The plan shall also include a proposed description of the condition of the site once the wind energy facility has been decommissioned and removed. The Commission may require a bond, guarantee, insurance, or other financial instrument to provide for the decommissioning and the removal of structures that comprise the wind energy facility. The Commission shall consider the size of the wind energy facility, the location of the facility, and the financial qualifications of the applicant in making its determination to grant or deny the permit.

(g) The Commission shall hold a public hearing in the county in which the proposed wind energy facility is to be located within 75 days of receipt of a completed application for a wind energy facility. The Commission shall give a minimum of 30 days' notice of the public hearing. The Commission shall make a final decision on a permit application within 150 days following receipt of a completed application. If the Commission determines that an application for a wind energy facility fails to meet the requirements for a permit under this section, the Commission shall deny the application, and the application shall be returned to the applicant accompanied by a written statement of the reasons for the denial. If the Commission fails to act within any time period set forth in this subsection, the applicant may treat the failure to act as a denial of the permit and may challenge the denial as provided under Chapter 150B of the General Statutes.

(h) The issuance of a permit under this section shall not obviate the need for the applicant to obtain any and all other applicable local, State, or federal permits, licenses, or approvals.

(i) Nothing in this section shall be interpreted to limit: (i) the application of Article 7 of Chapter 113A of the General Statutes to facilities permitted under this section, including the permitting requirements of G.S. 113A-118 or (ii) the ability of a city or county to plan for and regulate the siting of a wind energy facility in accordance with land-use regulations authorized under Chapter 160A and Chapter 153A of the General Statutes. In developing a plan for regulation of the siting of a wind energy facility, a city or county shall consider the information, factors, and criteria set out in subsections (b) and (c) of this section.

(j) Any person who proposes to construct or operate a wind energy facility within the planning jurisdiction of a city or county must demonstrate compliance with any local ordinances concerning land use and any applicable permitting processes.

(k) The Commission may adopt rules implementing this section. The Commission shall consult with the Department to ensure consistent statewide permitting requirements within and outside of the coastal area to the extent practicable.

(l) The Secretary of Environment and Natural Resources may impose an administrative penalty on a person who constructs a wind energy facility without obtaining a permit under this section or who constructs or operates a wind energy facility in violation of its permit terms and conditions. Each day of a continuing violation shall constitute a separate violation. The penalty shall not exceed ten thousand dollars ($10,000) per day. The Secretary of Environment and Natural Resources, irrespective of all other remedies at law, may institute an action for injunctive relief against a person who constructs a wind energy facility without obtaining a permit under this section or who constructs or operates a wind energy facility in violation of its permit terms and conditions."

SECTION 3. Article 21 of Chapter 143 of the General Statutes is amended by adding a new Part to read:

"Part 12. Permitting of Wind Energy Facilities.

"**§ 143-215.74R. Definitions.**

(1) Department. – The Department of Environment and Natural Resources.

(2) Wind energy facility. – Has the same meaning as defined in G.S. 113A-103.

"**§ 143-215.74S. Permit to site wind energy facilities outside the coastal counties.**

(a) No person shall undertake development associated with a wind energy facility anywhere outside the coastal area without first obtaining a permit from the Department.

(b) A person applying for a permit for a wind energy facility shall include all of the following in an application for the permit:

(1) A narrative description of the proposed facility.

(2) A map showing the location of the proposed facility.

(3) The capacity of proposed energy generation.

(4) A copy of a deed, purchase agreement, lease agreement, or other legal instrument demonstrating the right to develop the property.

(5) Certification of adjacent property owner notification to the maximum extent practicable.

(6) A study of the noise impacts of the proposed facility.

(7) A study on shadow flicker impacts of the proposed facility.

(8) A study on avian and bat impacts of the proposed facility.

(9) A study on viewshed impacts of the proposed facility.

(10) An explanation of how the proposed facility would be consistent with the requirements in subsection (c) of this section.

(11) The application fee required by subsection (e) of this section.

(12) Other data or information the Department may reasonably require.

(c) The Department shall deny an application for a permit for a wind energy facility if the Department finds any one or more of the following:

(1) Construction or operation of the facility would be inconsistent with or violate rules adopted by the Commission.

(2) Construction or operation of the facility would result in significant adverse impacts to ecological systems, natural resources, cultural sites, recreation areas, or historic sites of more than local significance, including national or State parks or forests; wilderness areas; historic sites; recreation areas; segments of the natural and scenic rivers system; wildlife refuges; preserves and management areas; areas that provide habitat for threatened or endangered species; and primary nursery areas designated by the Wildlife Resources Commission.

(3) Construction or operation of the facility would have a significant adverse impact on fish or wildlife.

(4) Construction or operation of the facility would have a significant adverse impact on views from any State or national park, wilderness area, significant natural heritage area as compiled by the North Carolina Natural Heritage Program, or other public lands or private conservation lands designated or dedicated due to their high recreational values.

(5) Construction or operation of the facility would interfere with air navigation routes, air traffic control areas, military training routes, or special use airspace.

(6) The proposed facility would be located in an area designated with a slide hazard ranking of 'moderate' or 'high' on a Stability Index Map prepared by the North Carolina Geological Survey.

(7) Construction of the facility would be prohibited under Article 14 of Chapter 113A of the General Statutes, the Mountain Ridge Protection Act of 1983.

(8) The cumulative impact of the proposed facility with other existing or proposed wind energy facilities would result in significant adverse impacts

to ecological systems, natural resources, cultural sites, recreation areas, or historic sites of more than local significance.

(d) The Department may include as a condition of a permit for a wind energy facility a requirement that the permit holder mitigate any adverse impacts.

(e) An applicant for a permit for a wind energy facility under this section shall submit with the application under subsection (b) of this section an application fee of two thousand dollars ($2,000).

(f) The Department shall require an applicant for a permit for a wind energy facility to provide a plan regarding the action to be taken upon the decommissioning and removal of the wind energy facility. The plan shall include estimates of monetary costs and the proposed site condition after decommissioning. The Department may require a bond, guarantee, insurance, or other financial instrument to provide for decommissioning and removal of any structures that comprise the facility. The Department shall consider the size of the wind energy facility, the location of the facility, and the financial qualifications of the applicant in making its determination to grant or deny the permit.

(g) The Department shall hold a public hearing in the county in which the proposed wind energy facility is to be located within 75 days of receipt of a completed application for a wind energy facility. The Department shall give a minimum of 30 days' notice of the public hearing. The Department shall make a final decision on a permit application within 150 days following receipt of a completed application. If the Department determines that an application for a wind energy facility fails to meet the requirements for a permit under this section, the Department shall deny the application, and the application shall be returned to the applicant accompanied by a written statement of the reasons for the denial. If the Department fails to act within any time period set forth in this subsection, the applicant may treat the failure to act as a denial of the permit and may challenge the denial as provided under Chapter 150B of the General Statutes.

(h) The issuance of a permit under this section shall not preclude the applicant from the requirement to obtain any and all other applicable local, State, or federal permits, licenses, or approvals.

(i) The Department may adopt rules governing the siting of wind energy facilities that are subject to the permit requirements of this section. The Department shall consult with the Coastal Resources Commission to ensure consistent statewide permitting requirements within and outside the coastal area to the extent practicable.

"**§ 143-215.74T. Civil penalties.**

(a) The Secretary of Environment and Natural Resources may impose an administrative penalty on a person who constructs a wind energy facility without obtaining a permit under this Part or who constructs or operates a wind energy facility in violation of its permit terms and conditions. Each day of a continuing violation shall constitute a separate violation. The penalty shall not exceed ten thousand dollars ($10,000) per day.

(b) The Secretary of Environment and Natural Resources, irrespective of all other remedies at law, may institute an action for injunctive relief against a person who constructs a wind energy facility without obtaining a permit under this Part or who constructs or operates a wind energy facility in violation of its permit terms and conditions.

"**§ 143-215.74U. Local ordinances authorized.**

(a) Nothing in this Part shall be interpreted to limit the ability of a city or county to plan for and regulate the siting of a wind energy facility in accordance with land use regulations authorized under Chapter 160A and Chapter 153A of the General Statutes. In developing a plan for regulation of the siting of a wind energy facility, a city or county shall consider the information, factors, and criteria set out in G.S. 143-215.74S(b) and (c).

(b) Any person who proposes to construct or operate a wind energy facility within the planning jurisdiction of a city or county must demonstrate compliance with any local ordinances concerning land use and any applicable permitting processes."

SECTION 4. G.S. 113A-206 reads as rewritten:

"**§ 113A-206. Definitions.**

Within the meaning of this Article:

...

(3) "Tall buildings or structures" include any building, structure or unit within a multiunit building with a vertical height of more than 40 feet measured from the top of the foundation of said building, structure or unit and the uppermost point of said building, structure or unit; provided, however, that where such foundation measured from the natural finished grade of the crest or the natural finished grade of the high side of the slope of a ridge exceeds 3 feet, then such measurement in excess of 3 feet shall be included in the 40-foot limitation described herein; provided, further, that no such building, structure or unit shall protrude at its uppermost point above the crest of the ridge by more than 35 feet. "Tall buildings or structures" do not include:

a. Water, radio, telephone or television towers or any equipment for the transmission of electricity or communications or both.

b. Structures of a relatively slender nature and minor vertical projections of a parent building, including chimneys, flagpoles, flues, spires, steeples, belfries, cupolas, antennas, poles, wires, or ~~windmills.~~windmills, if the windmill is associated with a residence, the primary purpose of the windmill is to generate electricity for use within the residence, and the windmill is no more than 100 feet from the base to the turbine hub.

c. Buildings and structures designated as National Historic Sites on the National Archives Registry.

...."

SECTION 5. This act becomes effective January 1, 2010, and applies to wind energy facilities, as defined in G.S. 113A-103, as enacted by Section 1 of this act, that are constructed on or after that date.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 1068*

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

S1068-ASB-20 [v.1]

Comm. Sub. [YES]
Amends Title [NO]
Third Edition

Date _____,2009

Senator Goss

moves to amend the bill on page 4, lines 47 through 49,
by rewriting those lines to read:

"(7) The cumulative impact of the proposed facility with other existing or" and

on page 6, lines 23 through 26,
by rewriting those lines to read:

"~~windmills.~~windmills, including wind turbines for the generation of electricity having less than 100 kilowatts rated capacity, cumulatively with any other turbines within one-half mile, and wind turbines of 100 kilowatts capacity and above, cumulatively with any other turbines within one-half mile, to the extent allowed by a city or county ordinance regulating the siting of wind turbines.".

SIGNED Sten Goss
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

SENATE BILL 1068:
Permitting of Wind Energy Facilities

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	August 5, 2009
Introduced by:	Senator Albertson	**Prepared by:**	Jennifer Mundt Legislative Analyst
Analysis of:	Third Edition		

SUMMARY: ***Senate Bill 1068 would establish a parallel system of permits for the siting of wind energy facilities in the coastal area and for locations outside the coastal area of the State and would make changes regarding windmills in the Mountain Ridge Protection Act.***

[As introduced, this bill was identical to H809, as introduced by Reps. Harrison, Fisher, Owens, which is currently in House Energy and Energy Efficiency, if favorable, Environment and Natural Resources, if favorable, Finance.]

BILL ANALYSIS: Senate Bill 1068 would establish a system of permits for the siting of wind energy facilities in North Carolina. "*Wind energy facility*" is defined in **Section 1** of the bill to mean:

> The turbines, accessory buildings, transmission facilities, and any other equipment necessary for the operation of the facility that cumulatively with any other wind energy facility whose turbines are located within one-half mile of one another have a rated capacity of three megawatts or more of energy.

Sections 2 and 3 of the bill would establish a parallel permitting process for wind energy facilities based on the proposed location of the facility, either in the coastal area (as defined in G.S. 113A-103), or in areas of the State located outside the coastal area. Permits for wind energy facilities in the coastal area of the State would be reviewed and acted upon by the Coastal Resources Commission (CRC), while permits for wind energy facilities in areas of the State located outside the coastal area would be reviewed and acted upon by the Department of Environment and Natural Resources (Department). The following permitting processes and criteria would be the same for proposed wind energy facilities located within or outside the coastal area of North Carolina:

A wind energy facility permit application must include:

1) A narrative description of the proposed facility.
2) A map showing the location of the proposed facility.
3) The capacity of proposed energy generation.
4) A copy of a deed, purchase agreement, lease agreement, or other legal instrument demonstrating the right to develop the property.
5) Certification of adjacent property owner notification to the maximum extent practicable.
6) A study of the noise impacts of the proposed facility.
7) A study on shadow flicker[1] impacts of the proposed facility.

[1] Shadow flicker from wind turbines is the effect resulting from the shadows cast by the rotating blades of the turbine on sunny days. The effect may be more or less pronounced depending on the intensity of the sun/shadow contrast and the distance from the turbines to a receptor. From: Maine Department of Environmental Protection.

8) A study on avian and bat impacts of the proposed facility.

9) A study on viewshed impacts of the proposed facility.

10) An explanation of how the proposed facility (considering the cumulative impact of the proposed facility with other existing or proposed wind energy facilities) would not result in significant adverse impacts to ecological systems, natural resources, cultural sites, recreation areas, or historic sites of more than local significance, fish and wildlife, views from any State or national park, wilderness area, significant natural heritage area, or interference with air navigation routes, air traffic control areas, military training routes, or special use airspace.

11) Other data or information the CRC or the Department may reasonably require.

12) An application fee of $2,000.

Additional criteria specific to permits for proposed wind energy facilities located in the **coastal area of the State**

- The applicant must explain how the construction and operation of the proposed facility will be consistent with rules adopted by the CRC.
- A study of noise impacts is required unless the proposed turbines will be located in a sound or in offshore waters at least 0.60 miles from a shoreline.
- A study of shadow flicker impacts is required unless the proposed turbines will be located in a sound or in offshore waters at least 1.6 miles from a shoreline.
- The applicant must explain how the construction and operation of the proposed facility will not obstruct major navigation channels or create a significant obstacle to navigation in coastal waters.

Additional criteria specific to permits for proposed wind energy facilities located **outside the coastal area of the State**

- The applicant must explain how the construction and operation of the proposed facility will be consistent with rules adopted by the Environmental Management Commission.
- Among other factors, the Department must deny a permit application if the proposed facility would be located in an area designated with a slide hazard ranking of "moderate" or "high" on a Stability Map Index prepared by the North Carolina Geological Survey.

Wind energy facility permitting conditions

- The CRC or the Department may include, as a condition of the permit for a wind energy facility, a requirement that the permit holder mitigate any adverse impacts.
- Permit applicants must supply the CRC or the Department with a plan to decommission and remove the wind energy facility that includes an estimate of the cost to decommission and remove the facility. The plan must also include a proposed description of the condition of the site once the facility has been decommissioned and removed.
- The CRC or the Department may require a bond, guarantee, insurance, or other financial instrument to provide for decommissioning and the removal of wind energy facility structures.

- Obtaining a wind energy facility permit would not obviate the need for the applicant to obtain any and all other applicable local, State, or federal permits, licenses, or approvals.
- This act must not be interpreted to limit the ability of a city or county to plan for and regulate the siting of a wind energy facility in accordance with land use regulations authorized under Chapter 160A and Chapter 153A of the General Statutes. In developing a plan for regulation of the siting of a wind energy facility, a city or county must consider the information, factors, and criteria set out above.

CRC/Department actions on wind energy facility permit applications

- The CRC or the Department must hold a public hearing in the county in which the proposed wind energy facility is to be located within 75 days of receipt of a completed permit application and provide a minimum of 30 days notice of the public hearing.
- The CRC or the Department must make a final determination on a permit application within 150 days of receipt of a complete application.
- Permit denials must be accompanied by a written explanation for the denial to the applicant.
- If the CRC or the Department does not act within the time periods prescribed above, the applicant may treat the failure to act as a denial of the permit and may challenge the denial as provided under the Administrative Procedure Act.

In its determination to grant or deny the permit for a wind energy facility, the CRC or the Department must consider the size and location of the facility and financial qualifications of the applicant.

The CRC or the Department must deny a permit application for a wind energy facility that would result in a significant adverse impact or interference to those areas described in item 10) and the additional criteria listed above.

Both the CRC and the Department may adopt rules governing the siting of wind energy facilities that would be subject to the permitting requirements under this act. The CRC and the Department must consult with one another to ensure consistent statewide permitting requirements within and outside the coastal area to the extent practicable.

Section 4 of the bill would amend the Mountain Ridge Protection Act of 1983 (Ridge Law) to clarify that windmills, when associated with a residence, employed for the primary purpose of generating electricity for use within the residence, and no more than 100 feet from the base to the turbine hub, are not considered to be "tall buildings or structures" for the purposes of the Ridge Law.

EFFECTIVE DATE: Except as noted above, this act would become effective January 1, 2010 and applies to wind energy facilities that are constructed on or after that date.

S1068-SMTA-79(e3) v1

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources
Name of Committee

5/5/09
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
John Shaw	PCS
Elizabeth Oates	Environment N. Carolina
Rob Black	Teamsters

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources
Name of Committee

8/5/09
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
TOM BEAN	NC EDF NC 3GA

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE REPORT
Senator Bob Atwater, Chair

Thursday, August 06, 2009

Senator Weinstein,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B. **709** Environmental Technical Corrections 2009.

Draft Number:	80503
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 1

Committee Clerk Comments:

HB 709 - Senator Weinstein will handle on the Floor.

SENATE AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE
Thursday, August 6, 2009
3:00 P.M.
On The Senate Floor

MINUTES

The Senate Agriculture/Environment/Natural Resources Committee met at 3:00 P.M. on August 6, 2009 on the Senate floor. All committee members who were present for session were in attendance. Senator Weinstein, Committee Vice-Chair presided. The following bill was discussed:

HB 709 – Environmental Technical Corrections 2009

Senator Jenkins was recognized to explain the bill. **Senator Albertson moved to adopt a PCS for purposes of discussion and the motion carried.** At the conclusion of Senator Jenkins's presentation, **Senator Tillman moved for an unfavorable report for the bill, and favorable report for the PCS. Motion carried.**

Meeting was adjourned at 3:15 P.M.

David F. Weinstein
Senator David Weinstein, Presiding

Evelyn Hartsell
Evelyn Hartsell, Committee Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H 1

HOUSE BILL 709*

Short Title:	Environmental Technical Corrections 2009.	(Public)
Sponsors:	Representatives Allen and Gibson (Primary Sponsors).	
Referred to:	Environment and Natural Resources.	

March 23, 2009

A BILL TO BE ENTITLED

AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 120-70.61(c) reads as rewritten:

"**§ 120-70.61. Membership; cochairs; vacancies; quorum.**

(c) Except as otherwise provided in this section, a legislative member of the Commission shall continue to serve for so long as the member remains a member of the General Assembly and no successor has been appointed. A member of the General Assembly who does not seek reelection or is not reelected to the General Assembly may complete a term of service on the Commission until the day on which a new General Assembly convenes. A legislative member of the Commission who resigns or is removed from service in the General Assembly shall be deemed to have resigned or been removed from office on the Commission. Any vacancy that occurs on the Commission shall be filled in the same manner as the original appointment."

SECTION 2. G.S. 146-64 reads as rewritten:

"**§ 146-64. Definitions.**

As used in this Chapter:

...

(8) "Swamplands" means lands too wet for cultivation except by drainage, and includes

a. All State lands which have been or are known as "swamp" or "marsh" lands, "pocosin bay," "briary bay" or "savanna," and which are a part of one swamp exceeding 2,000 acres in area, or which are a part of one swamp 2,000 acres or less in area which has been surveyed by the State; and

b. All State lands which are covered by the waters of any state-owned lake or pond.

(9) "Vacant and unappropriated lands" means all State lands title to which is vested in the State as sovereign, and land acquired by the State by virtue of being sold for taxes, except ~~swamplands as hereinafter defined.~~swamplands.

..."

SECTION 3. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H D

HOUSE BILL 709*
PROPOSED SENATE COMMITTEE SUBSTITUTE H709-PCS80503-SB-81

Short Title: Address Erosion Control Issues. (Public)

Sponsors:

Referred to:

March 23, 2009

A BILL TO BE ENTITLED

AN ACT TO IMPOSE A MORATORIUM ON CERTAIN ACTIONS OF THE COASTAL RESOURCES COMMISSION RELATED TO TEMPORARY EROSION CONTROL STRUCTURES AND TO DIRECT THE COASTAL RESOURCES COMMISSION TO STUDY THE FEASIBILITY AND ADVISABILITY OF THE USE OF A TERMINAL GROIN AS AN EROSION CONTROL DEVICE.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Definitions and Concepts. – The following definitions and concepts apply to Sections 1 of this act and its implementation:

(1) "Temporary erosion control structure" means a sandbag structure placed above mean high water and parallel to the shore.

(2) A community is considered to be actively pursuing a beach nourishment or inlet relocation project under any of the following circumstances:

a. The community has a current and valid Coastal Area Management Act permit for the project.

b. The community has been identified by a U.S. Army Corps of Engineers' Beach Nourishment Reconnaissance Study, General Reevaluation Report, Coastal Storm Damage Reduction Study, or an ongoing feasibility study by the U.S. Army Corps of Engineers.

c. The community has received a favorable economic evaluation report on a federal project or is in the planning stages of a project that (i) has been designed by the U.S. Army Corps of Engineers or persons meeting applicable State occupational licensing requirements and (ii) has been initiated by a local government or community working toward the identification and adoption of a mechanism to provide the necessary local or State funds to construct the project.

SECTION 1.(b) Moratorium Established. – Notwithstanding Article 7 of Chapter 113A of the General Statutes and rules adopted pursuant to Article 7, there is hereby established a moratorium on certain actions of the Coastal Resources Commission related to temporary erosion control structures. The Commission shall not order the removal of a temporary erosion control structure that has been permitted under Article 7 of Chapter 113A of the General Statutes in a community that is actively pursuing a beach nourishment project or an inlet relocation project on or before the effective date of this act.

SECTION 1.(c) Exceptions. – The moratorium on certain actions by the Coastal Resources Commission related to temporary erosion control structures shall not prohibit the Commission from undertaking any of the following actions:

(1) Granting permit modifications to allow the replacement, within the originally permitted dimensions, of temporary erosion control structures that have been damaged or destroyed.

(2) Requiring the removal of temporary erosion control structures installed in violation of Article 7 of Chapter 113A of the General Statutes and rules adopted pursuant to Article 7.

(3) Requiring that a temporary erosion control structure that has been modified in violation of Article 7 of Chapter 113A of the General Statutes and rules adopted pursuant to Article 7 be brought back into compliance with permit conditions.

(4) Requiring the removal of a temporary erosion control structure that no longer protects an imminently threatened road and associated right-of-way or an imminently threatened building and associated septic system.

SECTION 2.(a) Study. – The Coastal Resources Commission, in consultation with the Division of Coastal Management, the Division of Land Resources, and the Coastal Resources Advisory Commission, shall conduct a study of the feasibility and advisability of the use of a terminal groin as an erosion control device at the end of a littoral cell or the side of an inlet to limit or control sediment passage into the inlet channel. For the purpose of this study, a littoral cell is defined as any section of coastline that has its own sediment sources and is isolated from adjacent coastal reaches in terms of sediment movement.

SECTION 2.(b) Specific Considerations. – In conducting the study, the Commission shall specifically consider all of the following:

(1) Scientific data regarding the effectiveness of terminal groins constructed in North Carolina and other states in controlling erosion. Such data will include consideration of the effect of terminal groins on adjacent areas of the coastline.

(2) Scientific data regarding the impact of terminal groins on the environment and natural wildlife habitats.

(3) Information regarding the engineering techniques used to construct terminal groins, including technological advances and techniques that minimize the impact on adjacent shorelines.

(4) Information regarding the current and projected economic impact to the State, local governments, and the private sector from erosion caused by shifting inlets, including loss of property, public infrastructure, and tax base.

(5) Information regarding the public and private monetary costs of the construction and maintenance of terminal groins.

(6) Whether the potential use of terminal groins should be limited to navigable, dredged inlet channels.

SECTION 2.(c) Public Input. – In conducting the study, the Commission shall hold at least three public hearings where interested parties and members of the general public will have the opportunity to present views and written material regarding the feasibility and advisability of the use of a terminal groin as an erosion control device at the end of a littoral cell or the side of an inlet to limit or control sediment passage into the inlet channel.

SECTION 2.(d) Report. – No later than April 1, 2010, the Commission shall report its findings and recommendations to the Environmental Review Commission and the General Assembly.

SECTION 3. This act is effective when it becomes law. Section 1 of this act expires September 1, 2010.

Box #12 Contents - Standing Committee Minutes Item 25894

12	2010	Senate	Agriculture/Environment/Nat. Res. (cont'd)
12	2009-2010	Senate	Appropriations
12	2009-2010	Senate	Commerce
12	2009-2010	Senate	Education/Higher Education

2010

SENATE AGRICULTURE COMMITTEE - 2009-2010 SESSION

MEMBER	LOCATION	PHONE	LEGISLATIVE ASST.
Atwater, Bob, **Chair**	312-LOB	5-3036	Carol Resar
Allran, Austin, **Vice Chair**	516-LOB	3-5876	Carole Walker
Davis, Don, **Vice Chair**	525-LOB	3-5621	Monica Yelverton
Kinnaird, Ellie, **Vice Chair**	2115-LB	3-5804	Kathie Young
Michael Walters, **Vice Chair**	2108-LB	3-5651	Vickie Spears
Albertson, Charles W.	525-LOB	3-5705	Cindy Brooks Davis
Bingham, Stan	2117-LB	3-5665	Judy Chriscoe
Brock, Andrew	1101-LB	5-0690	Janet Black
Brown, Harry	521-LOB	5-3034	Suzanne Gunter
Clodfelter, Dan	408-LOB	5-8331	Wanda Joyner
Hartsell, Fletcher	518-LOB	3-7223	Gerry Johnson
Preston, Jean	313-LOB	3-6275	Suzanne Castleberry
Queen, Joe Sam	1121-LB	3-3460	Lisa Nelson
Rouzer, David	520-LOB	3-5748	Judy Edwards
Snow, John (Jr.)	517-LOB	3-5875	Rebecca Butler
Tillman, Jerry	628-LOB	3-5870	Yvonne Hall

Committee Counsel

Tim Dodge	**LOB-545**	**3-2578**
Hudson, Jeffrey	**LOB-545**	**3-2578**
Jennifer Mundt	**LOB-545**	**3-2578**
Jennifer L. McGinnis	**LOB-545**	**3-2578**
Mariah Matheson	**LOB-545**	**3-2578**
Lanier McRee	**LOB-619**	**3-4910**

Bill	Introducer	Short Title		Latest Action	In Date	Out Date
H0097	Killian	ACTIVE DUTY HUNTING/ FISHING LICENSE EXEMPTION.	SR	Ch. SL 2009-25	04-07-09	04-30-09
H0105=	Wainwright	CLARIFY INTERSTATE WILDLIFE VIOLATOR COMPACT.	SR	Ch. SL 2009-15	03-25-09	04-01-09
H0239=	Allen	RESTORE WATER QUALITY IN JORDAN RESERVOIR.	*SR	Ch. SL 2009-216	05-14-09	06-09-09
H0461	Hill	EXTEND ANIMAL WASTE OPERATION INSPECTION PGM.	SR	Ch. SL 2009-84	04-27-09	05-28-09
H0569	Gibson	DWQ/BRIDGE CULVERT STANDARDS.	*SR	Ch. SL 2009-478	05-19-09	06-30-09
H0588	Owens	ADOPT OFFICIAL NC POTATO FESTIVAL.	*SR	Ch. SL 2009-24	04-21-09	05-07-09
H0684=	Harrison	NC FARMLAND PRESERVATION TRUST FUND.	*SR	Ch. SL 2009-303	05-19-09	06-30-09
H0709=	Allen	ADDRESS EROSION CONTROL ISSUES.	*SR	Ch. SL 2009-479	05-19-09	08-06-09
H0759	Gibson	ABC RECYCLING STAY EXTENSION.	SR	Ch. SL 2009-105	04-16-09	06-02-09
H0760	Gibson	DISPOSAL OF PESTICIDE CONTAINERS.	*SR	Ch. SL 2009-499	05-04-09	06-02-09
H0760	Gibson	DISPOSAL OF PESTICIDE CONTAINERS.	*SR	Ch. SL 2009-499	06-03-09	08-04-09
H0857	Lucas	BALLISTICS STANDARDS/ TAKING BIG GAME.	*SF	Failed 2nd Reading	05-19-09	06-17-09
H0972	Tarleton	CREATE UWHARRIE REGIONAL RESOURCES COMM'N.	*SR	Ch. SL 2010-176	05-19-09	07-08-10
H1083	Hill	EXTEND STATE VET'S ANIMAL DISEASE AUTHORITY.	SR	Ch. SL 2009-103	05-20-09	06-02-09
H1099	Allen	CLARIFY EFFECTIVE DATE FOR SEPA EXEMPTION.	*SR	Ch. SL 2010-188	05-19-09	08-04-09
H1100	Allen	STORMWATER CONTROLS FOR COMPOST.	*SR	Ch. SL 2009-322	05-19-09	07-07-09
H1103	Hill	UPDATE SEED LAW/ INCREASE SEED LICENSE FEES.	*SR	Ch. SL 2009-455	05-28-09	06-16-09
H1104	Hill	UPDATE NC MEAT INSPECTION ACT.	SR	Ch. SL 2009-102	05-20-09	06-02-09
H1108	Hill	CLARIFY LICENSE REQ/ OUT OF STATE WEIGHMASTERS.	SR	Ch. SL 2009-87	05-19-09	05-28-09
H1118	Haire	STANDARDIZE WILD BOAR SEASONS/SWINE STUDY.	*SR	Ch. SL 2009-89	05-05-09	05-28-09
H1175	Hill	UPDATE NPDES PERMITTING FOR CAFOS.	SR	Ch. SL 2009-92	05-14-09	05-28-09
H1196	England	STATE NAT. & HIST. PRES. ADDNS. & DEL.	*SR	Ch. SL 2009-503	05-19-09	06-23-09
H1236	Gibson	PROMOTE WATER USE EFFICIENCY.	*SR	Ch. SL 2009-480	05-20-09	08-04-09
H1335	Gibson	MORATORIUM ON EMC	*S	Ref To Com On	05-20-09	07-21-09

'$' indicates the bill is an appropriation bill.
A bold line indicates the bill is an appropriation bill.
'*' indicates that the text of the original bill was changed by some action.
'=' indicates that the original bill is identical to another bill.

Bill	Introducer	Short Title		Latest Action	In Date	Out Date
		RULE MAKING.		Rules, Calendar, and Operations of the House		
H1378	McComas	CLEAN MARINAS/PUMPOUT STATIONS.	*SR	Ch. SL 2009-345	05-14-09	07-07-09
H1388	Fisher	BROWNFIELDS PROPERTY NOTIFICATIONS.	*SR	Ch. SL 2009-181	05-20-09	06-16-09
H1399	Braxton	CAPACITY USE AREAS ENFORCEMENT.	*SR	Ch. SL 2009-134	05-20-09	06-02-09
H1419	Cleveland	BAT PROTECTION ACT.	*SR	Ch. SL 2009-219	05-14-09	06-23-09
H1708	McComas	CLEAN MARINAS AMENDMENTS.	*S	Engrossed	06-28-10	07-01-10
H1710=	Wainwright	FISHERY MANAGEMENT PLAN SUPPLEMENTS.	*SR	Ch. SL 2010-15	06-10-10	06-15-10
H1713=	Wainwright	IMPROVE SUCCESS OF FMPS.	SR	Ch. SL 2010-13	06-01-10	06-15-10
H1714=	Wainwright	SUSPENSION AND REVOCATION OF FISHING LICENSES.	*SR	Ch. SL 2010-145	06-14-10	07-01-10
H1715=	Wainwright	OBSERVER COVERAGE GEAR PERMITS.	S	Ref to Agriculture/ Environment/ Natural Resources. If fav, re-ref to Finance	06-15-10	
H1743=	Crawford	IMPROVE RIVER BASIN MODELING.	*SR	Ch. SL 2010-143	06-14-10	06-29-10
H1744=	Crawford	MODIFY WATER FUNDING PRIORITIES	*SR	Ch. SL 2010-151	06-10-10	06-29-10
H1746=	Crawford	WATER INFRASTRUCTURE INFORMATION NEEDS.	*SR	Ch. SL 2010-144	06-21-10	06-29-10
H1747=	Crawford	WATER SUPPLY SYSTEM CAPACITY PLANNING.	*SR	Ch. SL 2010-150	06-21-10	06-29-10
H1748=	Crawford	CONSERVE & PROTECT AG WATER RESOURCES.	*SR	Ch. SL 2010-149	06-22-10	06-29-10
H1765=	Gibson	AMEND WQ/IBT LAWS	*SR	Ch. SL 2010-155	07-01-10	07-06-10
H1766=	Gibson	AMEND ENVIRONMENTAL LAWS 2010.	*SR	Ch. SL 2010-180	07-08-10	07-08-10
H1802=	Harrison	ENR REPORTS CONSOL./ TECH. CORRECTS 2010.	*SR	Ch. SL 2010-142	06-28-10	07-01-10
H1824	Williams	COYOTE CONTROLS.	*SR	Ch. SL 2010-156	06-22-10	06-30-10
H1824	Williams	COYOTE CONTROLS.	*SR	Ch. SL 2010-156	07-06-10	07-08-10
S0089=	Joe Sam Queen	AUTHORIZE GRANDFATHER MTN. AS STATE PARK.	*SR	Ch. SL 2009-12	02-26-09	03-05-09
S0101	Fletcher L. Hart	INTERCONNECTION OF PUBLIC WATER SYSTEMS.	S	Ref To Com On Agriculture/ Environment/ Natural Resources	02-11-09	
S0105=	Charles W. Alber	SUSPENSION AND REVOCATION OF FISHING LICENSES.	*S	Re-ref Com On Finance	02-11-09	05-07-09
S0106=	Charles W. Alber	MORATORIUM ON EMC RULE MAKING.	*S	Re-ref Com On Finance	02-11-09	07-14-09
S0107=	Charles W. Alber	IMPLEMENT SHELLFISH FMP RECOMMENDATIONS.	*SR	Ch. SL 2009-433	02-11-09	05-07-09

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Bill	Introducer	Short Title		Latest Action	In Date	Out Date
S0108=	Charles W. Alber	MANAGEMENT OF THE STRIPED BASS FISHERY.	S	Re-ref Com On Ways & Means	02-11-09	02-26-09
S0126	Philip E. Berger	AMEND DRINKING WATER TESTING/PRIVATE WELLS.	S	Ref To Com On Agriculture/ Environment/ Natural Resources	02-12-09	
S0141=	John Snow	LIMIT WELL WATER TESTING FOR VOC'S.	*SR	Ch. SL 2009-124	02-12-09	02-19-09
S0166=	Tony Foriest	DISAPPROVE JORDAN LAKE RULES.	S	Re-ref Com On Rules and Operations of the Senate	02-16-09	02-17-09
S0457=	John Snow	ADD DEFINITION OF BIODIESEL.	*SR	Ch. SL 2009-237	03-09-09	04-01-09
S0467=	Floyd B. McKissi	RECOVER PETS/RELIEVE OVERCROWDING AT SHELTERS.	*SR	Ch. SL 2009-304	03-09-09	05-07-09
S0473=	David F. Weinste	CERTIFIED TECHNICIANS FOR ANIMAL EUTHANASIA.	S	Ref To Com On Agriculture/ Environment/ Natural Resources	03-10-09	
S0515=	Neal Hunt	PROHIBIT PENNING OF WILDLIFE.	S	Ref To Com On Agriculture/ Environment/ Natural Resources	03-11-09	
S0524=	Julia Boseman	DISAPPROVE COASTAL SETBACK RULE.	S	Ref To Com On Agriculture/ Environment/ Natural Resources	03-11-09	
S0600=	Daniel G. Clodfe	CONDEMNATION OF CONSERVATION EASEMENTS.	*SR	Ch. SL 2009-439	03-16-09	05-05-09
S0636=	Harry Brown	REIMBURSE BEACH NUISANCE ABATEMENT COST.	*S	Re-ref Com On Appropriations	03-18-09	04-28-09
S0699=	Julia Boseman	CEMENT PLANT MORATORIUM AND STUDY.	S	Re-ref Com On Appropriations/ Base Budget	03-19-09	05-13-09
S0706=	A. B Swindell	AMEND ON-SITE WASTEWATER CONTRACTOR LAWS.	S	Re-ref Com On Appropriations/ Base Budget	03-24-09	04-16-09
S0719	Daniel G. Clodfe	AMEND ENVIRONMENTAL LAWS 2009.	*S	Re-ref Com On Finance	03-24-09	05-07-09
S0739=	Vernon Malone	PROHIBIT PENNING OF WILDLIFE.	S	Ref To Com On Agriculture/ Environment/ Natural Resources	03-24-09	
$ S0753	**Daniel G. Clodfe**	**WATER INFRASTRUCTURE COMMN/COORDINATE FUNDS.**	**S**	**Ref To Com On Agriculture/ Environment/ Natural Resources**	**03-24-09**	
S0755	Daniel G. Clodfe	PROMOTE MITIGATION BANKS.	*SR	Ch. SL 2009-337	03-24-09	05-05-09
S0757	Daniel G. Clodfe	STATEWIDE WATER PLAN/ PROG. EVAL. RECOMMEND.	S	Ref To Com On Agriculture/ Environment/	03-24-09	

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Bill	Introducer	Short Title		Latest Action	In Date	Out Date
				Natural Resources		
S0760=	Floyd B. McKissi	PER DIEM EROSION CONTROL PENALTIES.	*S	Re-ref Com On Finance	03-24-09	05-04-09
S0778	R. C. Soles, Jr.	APPLICATION OF SEPA TO INCENTIVES.	*SR	Ch. SL 2010-186	03-25-09	05-04-09
$ S0785	**David F. Weinste**	**EQUINE INDUSTRY COMMISSION.**	**S**	**Re-ref Com On Appropriations/ Base Budget**	**04-01-09**	**04-16-09**
S0792	Fletcher L. Hart	WATER INFRASTRUCTURE AUTHORITY/WATER GRANTS.	S	Ref to Agriculture/ Environment/ Natural Resources. If fav, re-ref to Appropriations/ Base Budget	03-25-09	
S0832	Julia Boseman	CRC MAY PERMIT TERMINAL GROIN.	*S	Ref to the Com on Environment and Natural Resources, if favorable, State Government/State Personnel, if favorable, Rules, Calendar, and Operations of the House	03-25-09	04-29-09
S0833	Daniel G. Clodfe	DELINEATE RIVER BASINS.	S	Held by Senate	03-25-09	04-16-09
S0835	Charles W. Alber	EXTEND CLIMATE CHANGE COMMISSION.	*SR	Ch. SL 2009-306	03-25-09	04-01-09
S0836=	Charles W. Alber	OIL SPILL LIABILITY, RESPONSE, & PREPAREDNESS	*SR	Ch. SL 2010-179	03-25-09	05-07-09
S0838=	Charles W. Alber	AMENDMENTS TO ENVIRONMENTAL LAWS 2009.	*SR	Ch. SL 2009-484	03-25-09	05-07-09
S0865	David W. Hoyle	NO STATE REGULATION OF TOXIC TITLE V SOURCES.	S	Ref To Com On Agriculture/ Environment/ Natural Resources	03-26-09	
S0866=	David W. Hoyle	RETIRING OF STATE FLAGS.	*SR	Ch. SL 2010-189	03-26-09	05-12-09
S0876	Daniel G. Clodfe	STUDY CONSOLIDATED ENVIRONMENTAL COMMISSION.	S	Ref To Com On Agriculture/ Environment/ Natural Resources	03-26-09	
S0881=	Bob Atwater	AGRELIEF ACT/COST SHARE PROGRAM.	*S	Re-ref Com On Finance	03-26-09	05-04-09
S0881=	Bob Atwater	AGRELIEF ACT/COST SHARE PROGRAM.	*S	Re-ref Com On Finance	05-13-09	05-13-09
S0885	Don Vaughan	PROTECT OYSTER SANCTUARIES.	S	Ref To Com On Agriculture/ Environment/ Natural Resources	03-26-09	
S0886=	Don Vaughan	CLEANFIELDS ACT OF	*SR	Ch. SL 2010-195	03-26-09	05-07-09

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Bill	Introducer	Short Title		Latest Action	In Date	Out Date
		2010.				
S0896	Fletcher L. Hart	ANALYSIS OF AGRICULTURAL RESEARCH STATIONS.	S	Ref To Com On Agriculture/ Environment/ Natural Resources	03-26-09	
S0907=	Daniel G. Clodfe	WATER RESOURCE POLICY ACT OF 2009.	S	Ref To Com On Agriculture/ Environment/ Natural Resources	03-26-09	
S0919	Stan Bingham	STUDY INTERBASIN TRANSFER NETTING.	S	Ref To Com On Agriculture/ Environment/ Natural Resources	03-26-09	
S0992	Don Davis	PYROTECHNICS OPERATOR'S LICENSE.	*SR	Ch. SL 2010-22	05-14-09	05-14-09
S0998	Clark Jenkins	MORATORIUM ON CERTAIN SANDBAG REMOVALS.	*S	Ref to the Com on Environment and Natural Resources, if favorable, Rules, Calendar, and Operations of the House	03-26-09	05-04-09
S1010	A. B Swindell	MIGRATORY GAME BIRD SEASON AUTHORITY.	*SR	Ch. SL 2009-221	03-26-09	05-05-09
S1011	A. B Swindell	AMEND TRAP SIZES.	*SR	Ch. SL 2009-120	03-26-09	05-05-09
S1018=	Josh Stein	BAN CERTAIN SINGLE-USE BAGS.	*SR	Ch. SL 2009-163	03-26-09	05-04-09
S1020	Josh Stein	IMPROVE UPPER NEUSE BASIN WATER QUALITY.	*SR	Ch. SL 2009-486	03-26-09	05-12-09
S1035	Andrew C. Brock	GOV/GA/COS PAY REDUCTION.	S	Ref To Com On Agriculture/ Environment/ Natural Resources	03-31-09	
S1067	Charles W. Alber	SUSTAINABLE LOCAL FOOD POLICY COUNCIL/ GOAL.	*SR	Ch. SL 2009-530	03-31-09	05-12-09
S1068=	Charles W. Alber	PERMITTING OF WIND ENERGY FACILITIES.	*S	Ref to the Com on Energy and Energy Efficiency, if favorable, Finance	03-31-09	07-07-09
S1068=	Charles W. Alber	PERMITTING OF WIND ENERGY FACILITIES.	*S	Ref to the Com on Energy and Energy Efficiency, if favorable, Finance	07-15-09	08-05-09
S1080	John Snow	MINING PERMIT APPLICATION REVIEW BY LOCALS.	S	Ref To Com On Agriculture/ Environment/ Natural Resources	03-31-09	
S1105	Bob Atwater	BOARD OF AGRICULTURE CONFIRMATION.	S	Adopted	07-01-09	07-07-09
S1162=	Fletcher L. Hart	ENVIRONMENTAL TECHNICAL CORRECTIONS 2010.	S	Ref To Com On Agriculture/ Environment/ Natural Resources	05-18-10	
S1163=	Fletcher L. Hart	ENR REPORTS	S	Ref To Com On	05-18-10	

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Bill	Introducer	Short Title		Latest Action	In Date	Out Date
		CONSOLIDATION 2010.		Agriculture/ Environment/ Natural Resources		
S1167=	Daniel G. Clodfe	AMEND ENVIRONMENTAL LAWS 2010.	S	Ref To Com On Agriculture/ Environment/ Natural Resources	05-18-10	
S1169=	Daniel G. Clodfe	AMEND IBT ENFORCEMENT AND NOTICE.	S	Ref To Com On Agriculture/ Environment/ Natural Resources	05-18-10	
S1170=	Daniel G. Clodfe	IMPROVE RIVER BASIN MODELING.	S	Ref To Com On Agriculture/ Environment/ Natural Resources	05-18-10	
S1221=	Josh Stein	ESTABLISH NC COMMISSION ON CLIMATE CHANGE.	S	Ref To Com On Agriculture/ Environment/ Natural Resources	05-19-10	
$ S1223=	**Josh Stein**	**NC CLIMATE CHANGE ADAPTATION STRATEGY.**	**S**	**Ref To Com On Agriculture/ Environment/ Natural Resources**	**05-19-10**	
S1259=	John Snow	DELAY BOYLSTON CREEK RECLASS./PUB. MEETINGS.	*SR	Ch. SL 2010-157	05-20-10	06-15-10
S1269=	Charles W. Alber	SUSPENSION AND REVOCATION OF FISHING LICENSES.	S	Ref To Com On Agriculture/ Environment/ Natural Resources	05-20-10	
S1273=	Charles W. Alber	DUPLIN FOX TRAPPING.	S	Ref To Com On Agriculture/ Environment/ Natural Resources	05-20-10	
S1275=	Charles W. Alber	IMPROVE SUCCESS OF FMPS.	S	Ref To Com On Agriculture/ Environment/ Natural Resources	05-20-10	
S1276=	Charles W. Alber	OBSERVER COVERAGE GEAR PERMITS.	S	Ref To Com On Agriculture/ Environment/ Natural Resources	05-20-10	
S1277=	Charles W. Alber	FISHERY MANAGEMENT PLAN SUPPLEMENTS.	S	Ref To Com On Agriculture/ Environment/ Natural Resources	05-20-10	
S1278=	Charles W. Alber	WATER INFRASTRUCTURE DATABASE/TASK FORCE.	S	Ref To Com On Agriculture/ Environment/ Natural Resources	05-20-10	
S1279=	Charles W. Alber	SURVEY AG. WATER INFRASTRUCTURE NEEDS.	S	Ref To Com On Agriculture/ Environment/ Natural Resources	05-20-10	
S1283=	Charles W. Alber	LOCAL GOVERNMENT COMM. REVIEW WATER	S	Ref To Com On Agriculture/	05-20-10	

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Bill	Introducer	Short Title		Latest Action	In Date	Out Date
		SYSTEMS.		Environment/ Natural Resources		
S1291=	David W. Hoyle	WATER INFRASTRUCTURE NEEDS/CLOSE INFO GAPS.	*S	Ref to the Com on Water Resources and Infrastructure, if favorable, Environment and Natural Resources	05-20-10	06-01-10
S1292=	David W. Hoyle	WATER SUPPLY SYSTEM CAPACITY PLANNING.	*S	Ref to the Com on Water Resources and Infrastructure, if favorable, Environment and Natural Resources	05-20-10	06-01-10
S1293=	David W. Hoyle	WATER FUNDING PRIORITIES.	S	Ref To Com On Agriculture/ Environment/ Natural Resources	05-20-10	
S1294=	David W. Hoyle	CONSERVE & PROTECT AG WATER RESOURCES.	*S	Ref to the Com on Water Resources and Infrastructure, if favorable, Agriculture	05-20-10	06-01-10
S1317=	Don Vaughan	AMEND ELECTRONICS RECYCLING REQUIREMENTS.	S	Ref to Agriculture/ Environment/ Natural Resources. If fav, re-ref to Finance	05-20-10	
S1337=	Don Davis	UST OPERATOR TRAINING PROGRAM.	*SR	Ch. SL 2010-154	05-20-10	06-01-10

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Principal Clerk ____
Reading Clerk ____

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on **Agriculture/Environment/Natural Resources** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	June 1, 2010	11:00 AM	544 LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 1221	Establish NC Commission on Climate Change.	Senator Stein
SB 1291	Water Infrastructure Needs/Close Info Gaps.	Senator Hoyle
SB 1292	Water Supply System Capacity Planning.	Senator Hoyle
SB 1294	Conserve & Protect Ag Water Resources.	Senator Hoyle
SB 1337	UST Operator Training Program.	Senator Davis

Senator Bob Atwater, Chair

Senate Agriculture/Environment/Natural Resources Committee
Tuesday, June 1, 2010, 11:00 AM
544 LOB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

SB 1291	Water Infrastructure Needs/Close Info Gaps.	Senator Hoyle
SB 1292	Water Supply System Capacity Planning.	Senator Hoyle
SB 1294	Conserve & Protect Ag Water Resources.	Senator Hoyle
SB 1337	UST Operator Training Program.	Senator Davis

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE REPORT
Senator Bob Atwater, Chair

Tuesday, June 01, 2010

Senator ATWATER,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

S.B. **1291** Water Infrastructure Needs/Close Info Gaps.

Draft Number:	85358
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

S.B. **1292** Water Supply System Capacity Planning.

Draft Number:	55611
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

S.B. **1294** Conserve & Protect Ag Water Resources.

Draft Number:	55610
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

S.B. **1337** UST Operator Training Program.

Draft Number:	55609
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 4

Committee Clerk Comments:

Janet:
I will let you know if Sen. Hoyle
IS NOT going to handle his bills

SENATE AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE
Tuesday, June 1, 2010 at 11:00 AM
Room 544, Legislative Office Building

MINUTES

The Senate Agriculture/Environment/Natural Resources Committee met at 11:00 AM on June 1, 2010, in Room 544 of the Legislative Office Building. 14 members of the committee were present. Senator Bob Atwater presided.

Pages present at this meeting were: Paul Williams from Raleigh sponsored by Senator Blue; Joseph Curry from Angier sponsored by Senator Blake; Be Bradley from Wilson sponsored by Senator Swindell; Emily Rangel, Jayne Langmeyer, Lizzy Thomas all from Greensboro and sponsored by Senator Phil Berger; Marie Gentry and Kristin Rose both from Greensboro and sponsored by Senator Tillman; Katherine Sanders from Garner sponsored by Senator Rouzer; and Courtney Speight from Fremont sponsored by Senator Swindell.

After Senator Atwater introduced the pages, the following bills were discussed:

- **SB 1291, Water Infrastructure Needs/Close Info Gaps.**

Senator Albertson moved to adopt the Propose Committee Substitute (PCS) for SB 1291 for purposes of discussions. Motion carried. Senator Albertson then explained the PCS in the absence of Senator Hoyle, the bill sponsor. **Senator Clodfelter then moved for an unfavorable report for SB 1291 and a favorable report for the PCS for SB 1291. Motion carried.**

- **SB 1292, Water Supply System Capacity Planning.**

Senator Rouser moved to amend the bill. After Mr. Tim Dodge, Committee Counsel, explained the amendment, the motion carried. In the absence of Senator Hoyle, the bill sponsor, Mr. Dodge explained the bill as amended. After a brief discussion, **Senator Davis moved for a favorable report for SB 1292 as amended. Motion carried.**

- **SB 1294, Conserve & Protect Ag Water Resources.**

Senator Albertson moved to adopt the Propose Committee Substitute (PCS) for SB 1294 for purposes of discussions. Motion carried. Senator Albertson then explained the PCS in the absence of Senator Hoyle, the bill sponsor. After a brief discussion, **Senator Tillman moved for an unfavorable report for SB 1294 and a favorable report for the PCS for SB 1294. Motion carried.**

- **SB 1337, UST Operator Training Program.**

Senator Davis moved to adopt the Propose Committee Substitute (PCS) for SB 1337 for purposes of discussions. Motion carried. Ms. Jennifer McGinnis, Committee Counsel, then explained the PCS. After a discussion between Committee members and Ms. Ruth Strauss and Mr. Grover Nicholson with the Underground Storage Tanks (UTS) Program in the North Carolina Department of Environment and Natural Resources, **Senator Albertson moved for an unfavorable report for SB 1337 and a favorable report for the PCS for SB 1337. Motion carried.**

There being no further business, the meeting was adjourned at 11:40 AM.

Senator Bob Atwater, Chairman

Carol Resar, Committee Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S 1

SENATE BILL 1291*

Short Title:	Water Infrastructure Needs/Close Info Gaps.	(Public)
Sponsors:	Senators Hoyle, Albertson; and Atwater.	
Referred to:	Agriculture/Environment/Natural Resources.	

May 20, 2010

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, IN CONJUNCTION WITH OTHERS, TO DEVELOP A STATEWIDE SURVEY TO SUPPLEMENT THE CURRENT INFORMATION USED TO ASSESS THE STATE'S WATER AND WASTEWATER INFRASTRUCTURE NEEDS AND TO DEVELOP A PLAN FOR INCORPORATING THE INFORMATION COMPILED FROM THE ENVIRONMENTAL PROTECTION AGENCY SURVEYS INTO THE STATE WATER SUPPLY PLAN, AS RECOMMENDED BY THE LEGISLATIVE STUDY COMMISSION ON WATER AND WASTEWATER INFRASTRUCTURE.

Whereas, the data currently available to determine the State's water and wastewater needs are the Environmental Protection Agency surveys of publicly owned water and wastewater systems conducted every four years by the Department of Environment and Natural Resources and the North Carolina Rural Economic Development Center Water 2030 report; and

Whereas, the Water 2030 report, completed in 2005, provides a snapshot of projected water and wastewater infrastructure needs through 2030, but was funded as a onetime overview, and has not been updated since 2005; and

Whereas, while both the EPA surveys and Water 2030 are useful tools, there continue to be gaps in the information used to determine the State's water and wastewater infrastructure needs, particularly with regard to economic development and growth related infrastructure needs, water system efficiency measures, and costs related to the development of new water sources; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1.(a) Statewide survey of water and wastewater infrastructure needs to supplement EPA survey. – The Department of Environment and Natural Resources, in conjunction with the Environmental Finance Center at the School of Government at the University of North Carolina at Chapel Hill and the Rural Economic Development Center, shall establish a task force to develop a statewide survey to build on the base of the existing Environmental Protection Agency water and wastewater infrastructure survey process that will provide a more accurate assessment of statewide water and wastewater infrastructure needs. The task force may also consider requesting information required to update the Water 2030 report as part of the survey design. The Department of Environment and Natural Resources shall be the lead agency in this group effort.

The survey shall be designed to obtain information relevant to and that addresses the following information gaps that have been identified in the current databases:

(1) Information on water and wastewater infrastructure needs related to economic development and population growth.

(2) Information on water and wastewater system service areas.
(3) Information on drinking water needs relevant to determining the need and the cost of proposed reservoir construction.
(4) Information on infrastructure needed to address failing water and wastewater systems.
(5) Information on the infrastructure needs related to water system efficiency to address the issue of water loss.

SECTION 1.(b) Update and reporting of survey information. – When designing the survey described in subsection (a) of this section, the task force shall also consider how often the information provided by the survey should be updated. The task force shall also consider how the survey results can be formulated and summarized to provide an updated and easily understood report for use by the General Assembly on combined water and wastewater infrastructure needs and shall develop a model and format for that report.

SECTION 1.(c) Reporting requirement for statewide survey plan. – The task force shall report its findings and recommendations and shall present the proposed statewide survey and the proposed methodology for conducting the survey to the Legislative Study Commission on Water and Wastewater Infrastructure by November 1, 2010. The report shall include the estimated cost to implement the survey and shall also include any legislative changes that may be needed to implement the proposed survey.

SECTION 2.(a) Plan to incorporate information from needs survey into State water supply plan. – The Department of Environment and Natural Resources shall develop a plan to incorporate relevant information obtained from the Environmental Protection Agency surveys into the State water supply plan which is based on information provided by local water supply plans prepared pursuant to G.S. 143-355.1. In devising the plan to incorporate the needs survey information into the State water supply plan, the Department may consider whether there are modifications regarding the information collected as part of the local water supply plans or the methodology used to prepare the local water supply plans that would make it easier to incorporate the needs survey information into the State water supply plans, and if so, what those modifications would be.

SECTION 2.(b) Reporting requirement for plan to incorporate infrastructure needs survey information into State water supply plan. – The Department of Environment and Natural Resources shall present its plan for incorporating the information from the Environmental Protection Agency water and wastewater infrastructure needs surveys into the State water supply plan to the Legislative Study Commission on Water and Wastewater Infrastructure by November 1, 2010. The Department of Environment and Natural Resources shall include in its presentation the estimated cost of the plan and any legislative changes that may be required to implement the plan.

SECTION 3. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S D

SENATE BILL 1291*
PROPOSED COMMITTEE SUBSTITUTE S1291-CSSY-6 [v.4]

5/31/2010 11:02:55 PM

Short Title: Water Infrastructure Needs/Close Info Gaps. (Public)

Sponsors:

Referred to:

May 20, 2010

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, IN CONJUNCTION WITH OTHER INTERESTED PARTIES, TO DEVELOP A STATEWIDE SURVEY TO SUPPLEMENT THE CURRENT INFORMATION USED TO ASSESS THE STATE'S WATER AND WASTEWATER INFRASTRUCTURE NEEDS AND TO DEVELOP A PLAN FOR INCORPORATING THE INFORMATION COMPILED FROM THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY SURVEYS INTO THE STATE WATER SUPPLY PLAN, AS RECOMMENDED BY THE LEGISLATIVE STUDY COMMISSION ON WATER AND WASTEWATER INFRASTRUCTURE.

Whereas, the two primary sources of data currently available to determine the State's water and wastewater needs include the United States Environmental Protection Agency surveys of publicly owned water and wastewater systems conducted every four years by the Department of Environment and Natural Resources and the North Carolina Rural Economic Development Center Water 2030 Initiative; and

Whereas, the Water 2030 Initiative, completed in 2005, provides a snapshot of projected water and wastewater infrastructure needs through 2030, but was funded as a one-time overview, and has not been fully updated since 2005; and

Whereas, while both the United States Environmental Protection Agency surveys and Water 2030 Initiative are useful tools, there continue to be gaps in the information used to determine the State's water and wastewater infrastructure needs, particularly with regard to economic development and growth related infrastructure needs, water system efficiency measures, and costs related to the development of new water sources; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1.(a) Statewide survey of water and wastewater infrastructure needs to supplement current surveys. – The Department of Environment and Natural Resources, in conjunction with the Environmental Finance Center at the School of Government at the University of North Carolina at Chapel Hill and the Rural Economic Development Center, shall establish a task force to develop a statewide survey to build on the base of the existing United States Environmental Protection Agency water and wastewater infrastructure survey process that will provide a more accurate assessment of statewide water and wastewater infrastructure needs. The task force may also consider requesting information required to update the Water 2030 Initiative as part of the survey design. The Department of Environment and Natural Resources shall be the lead agency of the task force.

The survey shall be designed to obtain information relevant to and that addresses the following information gaps that have been identified in the current information sources:

(1) Information on water and wastewater infrastructure needs related to economic development and population growth.

(2) Information on water and wastewater system service areas.

(3) Information on drinking water needs relevant to determining the need and the cost of proposed reservoir construction.

(4) Information on infrastructure needs to address failing water and wastewater systems.

(5) Information on the infrastructure needs related to water system efficiency to address the issue of water loss.

SECTION 1.(b) Update and reporting of survey information. – When designing the survey described in subsection (a) of this section, the task force shall also consider how often the information provided by the survey should be updated. The task force shall also consider how the survey results can be formulated and summarized to provide an updated and easily understood report for use by the General Assembly on combined water and wastewater infrastructure needs and shall develop a model format for that report.

SECTION 1.(c) Reporting requirement for statewide survey plan. – The task force shall report its findings and recommendations, including the proposed statewide survey and the proposed methodology for conducting the survey, to the Legislative Study Commission on Water and Wastewater Infrastructure by November 1, 2010. The report shall include the estimated cost to implement the survey and any legislative changes required to implement the survey.

SECTION 2.(a) Plan to incorporate information from needs survey into State water supply plan. – The Department of Environment and Natural Resources shall develop a plan to incorporate relevant information obtained from the United States Environmental Protection Agency surveys into the State water supply plan developed pursuant to G.S. 143-355(m). In devising the plan to incorporate the needs survey information into the State water supply plan, the Department shall consider possible modifications to the information collected as part of the local water supply plans or the methodology used to prepare the local water supply plans that would make it easier to incorporate the needs survey information into the State water supply plans.

SECTION 2.(b) Reporting requirement for plan to incorporate infrastructure needs survey information into State water supply plan. – The Department of Environment and Natural Resources shall report its plan for incorporating the information from the United Stated Environmental Protection Agency water and wastewater infrastructure needs surveys into the State water supply plan to the Legislative Study Commission on Water and Wastewater Infrastructure by November 1, 2010. The report shall include the estimated cost to implement the plan and any legislative changes required to implement the plan.

SECTION 3. This act is effective when it becomes law.

SENATE BILL 1291:
Water Infrastructure Needs/Close Info Gaps.

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	June 1, 2010
Introduced by:	Sen. Hoyle	**Prepared by:**	Tim Dodge Committee Counsel
Analysis of:	PCS to First Edition S1291-CSSY-6 [v.4]		

SUMMARY: ***Senate Bill 1291 directs the Department of Environment and Natural Resources (DENR), in conjunction with other interested parties, to develop a statewide survey to supplement the current information used to assess the State's water and wastewater infrastructure needs and to develop a plan for incorporating the information compiled from the United States Environmental Protection Agency (USEPA) surveys into the State water supply plan. The proposed committee substitute (PCS) makes technical corrections to the bill.***

Senate Bill 1291 is a recommendation of the Legislative Study Commission on Water and Wastewater Infrastructure. As introduced, this bill was identical to H1749, as introduced by Reps. Crawford, Gillespie, Owens, Tarleton, which is currently in House Water Resources and Infrastructure, if favorable, Environment and Natural Resources.

BILL ANALYSIS: Survey of State water and wastewater infrastructure needs: The PCS directs DENR, in conjunction with the Environmental Finance Center at the School of Government at the University of North Carolina at Chapel Hill and the Rural Economic Development Center, to establish a task force to develop a statewide survey to build on the base of the existing USEPA water and wastewater infrastructure survey process that will provide a more accurate assessment of statewide water and wastewater infrastructure needs. The task force may also consider requesting information to update the Water 2030 report as part of the survey design. DENR shall be the lead agency of the task force. The task force shall report its findings and recommendations to the Legislative Study Commission on Water and Wastewater Infrastructure no later than November 1, 2010.

Plan to incorporate information from needs survey into State water supply plan. The PCS would also direct DENR to develop a plan to incorporate information form the USEPA needs survey into the State water supply plan. DENR shall report its findings to the Legislative Study Commission on Water and Wastewater Infrastructure no later than November 1, 2010.

EFFECTIVE DATE: The PCS would become effective when it becomes law.

BACKGROUND: As part of the federal Safe Drinking Water Act, USEPA conducts the Drinking Water Infrastructure Needs Survey and Assessment every four years to assess public water system capital improvement needs. State agencies assist EPA in conducting the assessment and are primarily responsible for the data collection portion of the USEPA survey.

The Rural Center began implementation of the Water 2030 initiative in 2004. The purpose of Water 2030 was to determine North Carolina's water resource needs for the next 25 years and to provide sound information on which to make policy decisions. The Initiative included broad data collection efforts, water supply and demand projections, analysis of available funding, and public education and outreach.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S 1

SENATE BILL 1292*

Short Title:	Water Supply System Capacity Planning.	(Public)
Sponsors:	Senators Hoyle and Albertson.	
Referred to:	Agriculture/Environment/Natural Resources.	

May 20, 2010

A BILL TO BE ENTITLED

AN ACT TO REQUIRE A LOCAL GOVERNMENT THAT PROVIDES PUBLIC WATER SERVICE OR A COMMUNITY WATER SYSTEM TO REVISE ITS LOCAL WATER SUPPLY PLAN TO ADDRESS FORESEEABLE FUTURE WATER NEEDS WHEN EIGHTY PERCENT OF THE WATER SYSTEM'S AVAILABLE WATER SUPPLY HAS BEEN ALLOCATED OR WHEN SEASONAL DEMAND EXCEEDS NINETY PERCENT, AS RECOMMENDED BY THE LEGISLATIVE STUDY COMMISSION ON WATER AND WASTEWATER INFRASTRUCTURE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-355(l) reads as rewritten:

"(l) Local Water Supply Plans. – Each unit of local government that provides public water service or that plans to provide public water service and each large community water system shall, either individually or together with other units of local government and large community water systems, prepare a local water supply plan and submit it to the Department for approval. The Department shall provide technical assistance with the preparation of plans to units of local government and large community water systems upon request and to the extent that the Department has resources available to provide assistance. At a minimum, each unit of local government and large community water system shall include in local water supply plans all information that is readily available to it. Plans shall include present and projected population, industrial development, and water use within the service area; present and future water supplies; an estimate of the technical assistance that may be needed at the local level to address projected water needs; current and future water conservation and water reuse programs; a description of how the local government or large community water system will respond to drought and other water shortage emergencies and continue to meet essential public water supply needs during the emergency; and any other related information as the Department may require in the preparation of a State water supply plan. A unit of local government or large community water system shall submit a revised plan that specifies how the water system intends to address foreseeable future water needs when eighty percent (80%) of the water system's available water supply based on average daily demand has been allocated to current or prospective water users or the seasonal demand exceeds ninety percent (90%). Local plans shall be revised to reflect changes in relevant data and projections at least once each five years unless the Department requests more frequent revisions. The revised plan shall include the current and anticipated reliance by the local government unit or large community water system on surface water transfers as defined by G.S. 143-215.22G. Local plans and revised plans shall be submitted to the Department once they have been approved by each unit of local government and large community water system that participated in the preparation of the plan."

SECTION 2. This act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. 1st

H. B. No. _____ DATE 6/1/10

S. B. No. 1292 Amendment No. _____ (to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.) Albertson

Sen.)

moves to amend the bill on page 1, line 29

( ) WHICH CHANGES THE TITLE

by ~~inserting below~~ rewriting that line to read:

"System's available water supply based on calendar year average daily demand has been allocated to current or".

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

SENATE BILL 1292:
Water Supply System Capacity Planning

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	June 1, 2010
Introduced by:	Sen. Hoyle	**Prepared by:**	Tim Dodge
Analysis of:	First Edition		Committee Counsel

SUMMARY: ***Senate Bill 1292 would require a local government that provides public water service or a community water system to revise its local water supply plan to address foreseeable future water needs when 80 percent of the water system's available water supply has been allocated or when seasonal demand exceeds 90 percent.***

Senate Bill 1292 was recommended by the Legislative Study Commission on Water and Wastewater Infrastructure. As introduced, this bill was identical to House Bill 1747, as introduced by Reps. Crawford, Gillespie, Owens, Tarleton, which is currently in House Water Resources and Infrastructure, if favorable, Environment and Natural Resources.

CURRENT LAW: G.S. 143-355(l) requires all units of local government that provide or plan to provide public water service to prepare a local water supply plan and submit the plan to the Department of Environment and Natural Resources (DENR) for approval. In addition, all community water systems that regularly serve 1,000 or more service connections or serve more than 3,000 people are required to prepare a local water supply plan. The local plan must include the following information:

- Current and projected population, industrial development, and water use within the service area.
- Current and future water supplies.
- An estimate of the technical assistance that may be needed from DENR to address projected water needs.
- Current and future water conservation and water reuse programs.
- A description of how the local government or large community water system will respond to drought and other water shortage emergencies and continue to meet essential public water supply needs during the emergency (water shortage response plan).
- Any other related information that DENR may require in the preparation of the State water supply plan.

The local plans must be revised to reflect changes in data and projections at least once every five years, but DENR may request more frequent revisions if necessary.

BILL ANALYSIS: Senate Bill 1292 would require a local government that provides public water service or a large community water system to revise its local water supply plan to address foreseeable future water needs when 80 percent of the water system's available water supply based on average daily demand has been allocated or when seasonal demand exceeds 90 percent.

EFFECTIVE DATE: The bill would become effective when it becomes law.

BACKGROUND:

State and Local Water Supply Plans: The goal of the local water supply plan program is to encourage local governments to look current and future needs to better manage water supplies, plan for water supply system improvements, and prepare for a variety of water shortage situations. In addition, the Division of Water Resources of DENR utilizes the local water supply plans in the development of the State Water Supply Plan, which provides a comprehensive assessment of water supply needs, water use, and water availability across the State, identifies the major water supply issues facing the State now and in the near future, and provides guidance for sound water supply planning.

G.S. 130A-315 authorizes the Commission for Public Health (Commission) to adopt drinking water rules to regulate public water systems, with DENR responsible for enforcing the rules. Specifically, G.S. 130A-315(b1)(4a) authorizes the Commission to adopt rules that would limit the number of service connections to a public water system based on the quantity of water available to the public water system, provided that the number of service connections shall not be limited for a public water system operating in accordance with a local water supply plan that meets the requirements of G.S. 143-355(l).

Requirements for Wastewater Planning: The Commission has adopted similar rules related to wastewater treatment planning to ensure that treatment facilities do not exceed their hydraulic treatment capabilities. 15A NCAC 02T .0118, sometimes referred to as the "80-90 Rule" details what actions must be taken when treatment plants reach average flows of 80 percent or 90 percent of their permitted capacity. Prior to exceeding 80 percent of a wastewater treatment system's permitted hydraulic capacity, the system must submit an engineering evaluation of their future wastewater treatment, utilization, and disposal needs, as well as a specific plan for meeting the future needs by either expansion of the existing system, elimination or reduction of extraneous flows, or water conservation. In addition, the evaluation must include the proposed source of funding for the improvements. Prior to exceeding 90 percent of a system's permitted hydraulic capacity, the system must obtain all permits needed for the expansion of the wastewater treatment system and, if construction is needed, submit approvable final plans and specifications for expansion, including a construction schedule.

S1292-SMSY-7(e1) v2

SENATE BILL 1294*

Short Title:	Conserve & Protect Ag Water Resources.	(Public)
Sponsors:	Senators Hoyle, Albertson; and Atwater.	
Referred to:	Agriculture/Environment/Natural Resources.	

May 20, 2010

A BILL TO BE ENTITLED

AN ACT DIRECTING THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES AND THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO DESIGN A COST SHARE PROGRAM TO ASSIST FARMERS AND LANDOWNERS WHO IMPLEMENT BEST MANAGEMENT PRACTICES TO CONSERVE AND PROTECT WATER RESOURCES RELATED TO AGRICULTURAL USE, AS RECOMMENDED BY THE LEGISLATIVE STUDY COMMISSION ON WATER AND WASTEWATER INFRASTRUCTURE.

The General Assembly of North Carolina enacts:

SECTION 1. The General Assembly recognizes the important role that farmers and individual landowners can play in helping to protect current and future water resources. Therefore, the General Assembly directs the Department of Agriculture and Consumer Services and the Department of Environment and Natural Resources to work with farmers and landowners to encourage voluntary practices that conserve water use, increase the efficiency of private water use, and increase the water storage capacity by landowners. The General Assembly further directs the Department of Agriculture and Consumer Services and the Department of Environment and Natural Resources to jointly design a cost-share program to provide technical and financial support to farmers and landowners who want to implement best management practices to protect water resources related to agricultural use. The Department of Agriculture and Consumer Services and the Department of Environment and Natural Resources shall report to the Legislative Study Commission on Water and Wastewater Infrastructure by November 1, 2010, regarding their progress in designing a cost-share program. The report shall include the estimated cost of establishing and maintaining such a program and any legislative changes that may be needed to implement the program.

SECTION 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 1294*
PROPOSED COMMITTEE SUBSTITUTE S1294-CSSY-5 [v.2]

5/31/2010 12:02:22 PM

Short Title: Conserve & Protect Ag Water Resources. (Public)

Sponsors:

Referred to:

May 20, 2010

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES AND THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO: (1) TO CONTINUE TO WORK WITH THE NORTH CAROLINA FARM BUREAU FEDERATION, OTHER AGRICULTURAL ORGANIZATIONS, AND FARMERS IN THE STATE TO DEVELOP A PLAN TO IDENTIFY AND REPORT AGRICULTURAL WATER INFRASTRUCTURE NEEDS; (2) ENCOURAGE VOLUNTARY PRACTICES THAT CONSERVE AND PROTECT WATER RESOURCES; AND (3) DESIGN A COST SHARE PROGRAM TO ASSIST FARMERS AND AGRICULTURAL LANDOWNERS WHO IMPLEMENT BEST MANAGEMENT PRACTICES TO CONSERVE AND PROTECT WATER RESOURCES RELATED TO AGRICULTURAL USE, AS RECOMMENDED BY THE LEGISLATIVE STUDY COMMISSION ON WATER AND WASTEWATER INFRASTRUCTURE.

Whereas, North Carolina recognizes that water is our most basic and precious natural resource; and

Whereas, North Carolina has experienced several years of extreme drought over the past decade and will likely continue to experience extreme drought in the future; and

Whereas, North Carolina should identify and promote best management practices and leadership efforts in water efficiency and water conservation; and

Whereas, agriculture is one of the largest industries in the State, with an annual economic impact of over $70 billion each year and employing over 640,000 people; and

Whereas, agriculture suffers acutely from the effects of water scarcity and drought, while at the same time playing an important role in the sustainable management of available water resources; and

Whereas, farmers and agricultural landowners can play an important role in helping to protect current and future water resources; and

Whereas, the United States Environmental Protection Agency conducts an assessment of the national public water system capital improvement needs every four years as part of its Drinking Water Infrastructure Needs Survey and Assessment, but this survey does not consider agricultural water infrastructure needs; and

Whereas, the Department of Agriculture and Consumer Services, in conjunction with the Division of Soil and Water Conservation of the Department of Environment and Natural Resources, the North Carolina Farm Bureau Federation, other agricultural

organizations, and farmers are currently in the process of developing a strategic plan for protecting agricultural water resources; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. The Department of Agriculture and Consumer Services and the Division of Soil and Water Conservation of the Department of Environment and Natural Resources shall continue to work with the North Carolina Farm Bureau Federation, other agricultural organizations, and farmers to develop a plan that will identify agricultural water infrastructure needs that are not accounted for in the surveys of water infrastructure needs conducted by the United States Environmental Protection Agency. The plan shall include the following:

(1) A mechanism for reporting the results of the data gathered to the General Assembly in a manner that is helpful in assessing legislative and budgetary issues that the General Assembly may need to address.

(2) Methods to identify current and future agricultural water use needs and methods to ensure that those needs are met.

(3) Methods to identify best management practices for water conservation and water efficiency by agricultural water users in the State.

(4) A schedule to update the plan on a regular basis.

SECTION 2. The Department of Agriculture and Consumer Services and the Department of Environment and Natural Resources shall work with farmers and agricultural landowners to encourage voluntary practices that conserve water, increase the efficiency of private water use, and increase the water storage capacity of agricultural lands. The Department of Agriculture and Consumer Services and the Department of Environment and Natural Resources shall jointly design a cost-share program to provide technical and financial support to farmers and agricultural landowners who want to implement best management practices to protect water resources related to agricultural use.

SECTION 3. The Department of Agriculture and Consumer Services and the Department of Environment and Natural Resources shall report to the Legislative Study Commission on Water and Wastewater Infrastructure by November 1, 2010, on the development of the agricultural water infrastructure needs survey, the identification of best management practices for water conservation and water efficiency by agricultural water users in the State, and the design of the cost-share program. The report shall include the estimated costs of the survey and cost-share program, the proposed methodology and time frame for implementing the survey and cost-share program, possible sources of funding for the survey and cost-share program, and any legislative changes needed to implement the survey and cost-share program.

SECTION 4. This act is effective when it becomes law.

SENATE BILL 1294:
Conserve & Protect Ag. Water Resources.

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	June 1, 2010
Introduced by:	Sen. Hoyle	**Prepared by:**	Tim Dodge Committee Counsel
Analysis of:	PCS to First Edition S1294-CSSY-5 [v.2]		

SUMMARY: ***The proposed committee substitute (PCS) for Senate Bill 1294 directs the Department of Agriculture and Consumer Services and the Department of Environment and Natural Resources (DENR) to: (1) continue to work with the North Carolina Farm Bureau Federation, other agricultural organizations, and farmers to develop a plan to identify and report agricultural water infrastructure needs; (2) encourage voluntary practices that conserve and protect water resources; and (3) design a cost-share program to assist farmers and agricultural landowners who implement best management practices to conserve and protect water resources related to agricultural use.***

Senate Bill 1294 was recommended by the Legislative Study Commission on Water and Wastewater Infrastructure. As introduced, this bill was identical to H1748, as introduced by Reps. Crawford, Gillespie, Owens, Tarleton, which is currently in House Water Resources and Infrastructure, if favorable, Agriculture.

BILL ANALYSIS: SB 1294 (1st Edition) directs the Department of Agriculture and Consumer Services and DENR to encourage voluntary practices that conserve and protect water resources. The bill also directs the Department of Agriculture and Consumer Services and DENR to design a cost-share program to assist farmers and agricultural landowners who implement best management practices to conserve and protect water resources related to agricultural use. The Department of Agriculture and Consumer Services and DENR would report to the Legislative Study Commission on Water and Wastewater Infrastructure by November 1, 2010, on their progress in designing the cost-share program.

CHANGES MADE IN THE PCS: The PCS would additionally direct the Department of Agriculture and Consumer Services and DENR to continue to work with the North Carolina Farm Bureau Federation, other agricultural organizations, and farmers to develop a plan to survey and report on agricultural water infrastructure needs. *(This provision was also recommended by the Legislative Study Commission on Water and Wastewater Infrastructure and introduced as SB 1279 (Survey Ag. Water Infrastructure Needs, introduced by Sen. Albertson)).* The survey plan would include the following:

1. A mechanism for reporting the results of the data gathered to the General Assembly in a manner that is helpful in assessing legislative and budgetary issues that the General Assembly may need to address.
2. Methods to identify current and future agricultural water use needs and methods to ensure that those needs are met.

3. Methods to identify best management practices for water conservation and water efficiency by agricultural water users in the State.
4. A schedule to update the plan on a regular basis.

The PCS directs the Department of Agriculture and Consumer Services and DENR to report to the Legislative Study Commission on Water and Wastewater Infrastructure by November 1, 2010, on the development of the survey plan, the identification of best management practices for water conservation and water efficiency by agricultural water users in the State, and the design of the cost-share program. The report shall include the estimated costs of the survey and cost-share program, the proposed methodology and time frame for implementing the survey and cost-share program, possible sources of funding for the survey and cost-share program, and any legislative changes needed to implement the survey and cost-share program.

EFFECTIVE DATE: The PCS would become effective when it becomes law.

BACKGROUND: As part of the federal Safe Drinking Water Act, the United States Environmental Protection Agency (EPA) conducts the Drinking Water Infrastructure Needs Survey and Assessment every four years to assess public water system capital improvement needs. This survey does not consider agricultural water infrastructure needs.

The General Assembly enacted G.S. 106-24(b) in 2008 as part of its response to the drought the State was experiencing in 2007-2008. The statute requires the Department of Agriculture and Consumer Services to annually collect by survey information on water use by a person who withdraws 10,000 gallons of water per day or more for agricultural activities. This information is reported annually to the Environmental Review Commission.

S1294-SMSY-6(CSSY-5) v4

SENATE BILL 1337*

Short Title:	UST Operator Training Program.	(Public)
Sponsors:	Senators Davis, Atwater and Kinnaird.	
Referred to:	Agriculture/Environment/Natural Resources.	

May 20, 2010

A BILL TO BE ENTITLED

AN ACT TO REQUIRE TRAINING OF OPERATORS OF UNDERGROUND STORAGE TANKS (USTS) IN ORDER TO COMPLY WITH A REQUIREMENT OF THE FEDERAL ENERGY POLICY ACT OF 2005, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-215.94KK through G.S. 143-215.94MM are reserved for future codification purposes.

SECTION 2. Article 21A of Chapter 143 of the General Statutes is amended by adding a new Part to read:

"Part 2D. Training of Underground Storage Tank Operators.

"**§ 143-215.94NN. Applicability.**

The requirements of this Part apply to underground storage tank systems regulated under Subtitle I of the Resource Conservation and Recovery Act of 1976, Pub. L. 94-580, 90 Stat. 2795, 42 United States Code § 6901, et seq. as amended, except those excluded by regulation at 40 Code of Federal Regulations 280.10(b) and those deferred by regulation at 40 Code of Federal Regulations 280.10(c).

"**§ 143-215.94OO. Definitions.**

Unless a different meaning is required by the context or unless a different meaning is set out in this section, the definitions in G.S. 143-212, 143-215.94A and 143-215.94L apply in this Part.

(1) "Primary operator" means a person having primary responsibility for the daily on-site operation and maintenance of an underground storage tank system.

(2) "Emergency response operator" means an on-site employee whose responsibilities include addressing emergencies presented by a spill or release, or responding to alarms or releases from an underground storage tank system. For an unmanned facility, "emergency response operator" means the person responsible for responding to emergencies or alarms or releases at the facility.

(3) "Underground storage tank" means any one or combination of tanks (including underground pipes connected thereto) that is used to contain an accumulation of regulated substances, and the volume of which (including the volume of the underground pipes connected thereto) is ten percent (10%) or more beneath the surface of the ground.

(4) "Underground storage tank system" or "tank system" means an underground storage tank, connected underground piping, underground ancillary equipment, dispenser, and containment system, if any.

"**§ 143-215.94PP. Designation of operators to be trained.**

(a) The owner of an underground storage tank system shall designate the primary operator of the underground storage tank system. The person designated shall be the underground storage tank operator, as defined in 40 Code of Federal Regulations Part 280, or the employee of the underground storage tank operator. There shall be a designated primary operator of the underground storage tank system at all times, until the underground storage tank system has been permanently closed. If the owner fails to designate a primary operator, the owner shall be deemed to be the primary operator of the underground storage tank system for purposes of this Part.

(b) The primary operator shall designate one or more emergency response operators. There shall be at least one emergency response operator at the site and at all times during which a regulated substance is being withdrawn from, or is capable of being withdrawn from, the underground storage tank system. For an unmanned facility, the primary operator shall designate the person who is on-call to respond to emergencies or alarms at the facility. The unmanned facility shall have an automated notification system in place that will alert the designated emergency response operator of an emergency or activated alarm at the facility. If the primary operator fails to designate one or more emergency response operators, the primary operator shall be deemed to be the emergency response operator of the underground storage tank system.

(c) A person may act as both the primary operator and the emergency response operator of the underground storage tank system.

"**§ 143-215.94QQ. Training requirements for primary operators.**

(a) The Department shall develop and implement a training program for primary operators. The training program shall provide instruction on the proper operation and maintenance of the underground storage tank system at the facility, principles of construction and safety, and all regulatory requirements associated with the underground storage tank system. The training may consist of a combination of on-site evaluation and testing, as well as in-class or online instruction and testing. At a minimum, the training shall require the primary operator to demonstrate all of the following:

(1) Knowledge of the requirements for spill prevention, overfill prevention, release detection, corrosion protection, emergency response, and product compatibility.

(2) Site-specific knowledge of the equipment used at the facility and the components of the underground storage tank system, and the methods of release detection and release prevention applied to the underground storage tank components.

(3) Knowledge of the requirements for demonstrating financial responsibility.

(4) Understanding of notification requirements associated with the underground storage tank system, and the requirements for reporting releases and suspected releases.

(5) Understanding of the requirements for the temporary and permanent closure of underground storage tank systems.

(6) Knowledge of the emergency response operator training requirements, and the actions to be taken in response to emergencies and alarms.

(b) A primary operator shall be retrained if an inspection at the facility reveals that the underground storage tank system is not in substantial compliance with the requirements for: release detection, release prevention, financial responsibility, emergency response, suspected release reporting and investigation, the proximity of the underground storage tank system to

water supply wells and surface water, and permitting. A primary operator who is required to be retrained shall complete the retraining within a reasonable time as determined by the Department. The retraining shall include training in the areas for which the underground storage tank system was not in compliance.

(c) The primary operator shall maintain documentation to show that the operator has satisfactorily completed all training required by this section.

"**§ 143-215.94RR. Training requirements for emergency response operators.**

(a) The Department shall develop a training program for emergency response operators. At a minimum, the training shall require the primary operator to demonstrate all of the following:

(1) General understanding of the underground storage tank system at the facility, and knowledge of the location and proper operation of the safety and emergency response equipment.

(2) Understanding of the actions to be taken in response to an emergency, including situations posing an immediate danger or threat to the public or to the environment and requiring immediate action.

(3) Understanding of leak detection alarms and preparations needed to respond to alarms before a release has occurred.

(4) Recognition of unusual operating conditions, equipment failures, or environmental conditions that may indicate a release, and knowledge of the steps to take in response to a suspected release.

(5) Knowledge of immediate steps to take in response to a confirmed release to stop further release and to contain spills before they reach the environment.

(b) The primary operator is responsible for implementing the training program developed by the Department for emergency response operators. The primary operator shall train each emergency response operator of the underground storage tank system at the facility. Prior to training an emergency response operator, the primary operator shall have satisfactorily completed all training required by this section. The primary operator shall maintain documentation of training provided to emergency response operators.

"**§ 143-215.94SS. Enforcement.**

This Part may be enforced as provided in G.S. 143-215.94W, 143-215.94X, and G.S. 143-215.94Y.

"**§ 143-215.94TT. Effect on other laws.**

The requirements of this Part are in addition to, and not in lieu of, any other requirements applicable to underground storage tank owners or operators, as defined in 40 Code of Federal Regulations Part 280, under law."

SECTION 3. Each designated primary operator and emergency response operator shall complete the training required by this section no later than August 8, 2012. For primary operators designated after August 8, 2012, the owner shall notify the Department of the designation, and the primary operator shall be trained within 30 days after assuming operation and maintenance responsibilities for the underground storage tank system. After August 8, 2012, no person may assume the responsibilities of emergency response operator without having first satisfactorily completed emergency response operator training, and the primary operator shall ensure that no person assumes the responsibilities of emergency response operator, unless the person has satisfactorily completed emergency response operator training.

SECTION 4. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 1337*
PROPOSED COMMITTEE SUBSTITUTE S1337-CSRI-62 [v.4]

5/31/2010 8:44:50 AM

Short Title: UST Operator Training Program. (Public)

Sponsors:

Referred to:

May 20, 2010

A BILL TO BE ENTITLED

AN ACT TO REQUIRE TRAINING OF OPERATORS OF UNDERGROUND STORAGE TANKS (USTS) IN ORDER TO COMPLY WITH A REQUIREMENT OF THE FEDERAL ENERGY POLICY ACT OF 2005, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-215.94KK through G.S. 143-215.94MM are reserved for future codification purposes.

SECTION 2. Article 21A of Chapter 143 of the General Statutes is amended by adding a new Part to read:

"Part 2D. Training of Underground Storage Tank Operators.

"**§ 143-215.94NN. Applicability.**

The requirements of this Part apply to underground storage tank systems regulated under Subtitle I of the Resource Conservation and Recovery Act of 1976, Pub. L. 94-580, 90 Stat. 2795, 42 U.S.C. § 6901, et seq. as amended, except those excluded by regulation at 40 Code of Federal Regulations 280.10(b) and those deferred by regulation at 40 Code of Federal Regulations 280.10(c).

"**§ 143-215.94OO. Definitions.**

Unless a different meaning is required by the context, the definitions in G.S. 143-212 and 143-215.94A apply in this Part.

(1) "Primary operator" means a person having primary responsibility for the daily on-site operation and maintenance of an underground storage tank system.

(2) "Emergency response operator" means an on-site employee whose responsibilities include addressing emergencies presented by a spill or release, or responding to alarms or releases from an underground storage tank system. For an unmanned facility, "emergency response operator" means the person responsible for responding to emergencies or alarms or releases at the facility.

(3) "Underground storage tank" means: (i) any one or combination of tanks (including underground pipes connected thereto) that is used to contain an accumulation of regulated substances, and the volume of which (including the volume of the underground pipes connected thereto) is ten percent (10%)

or more beneath the surface of the ground; and (ii) to which this Part applies pursuant to G.S. 143-215.94NN.

(4) "Underground storage tank system" or "tank system" means an underground storage tank, connected underground piping, underground ancillary equipment, dispenser, and containment system, if any.

"**§ 143-215.94PP. Designation of operators to be trained.**

(a) The owner of an underground storage tank system shall designate the primary operator of the underground storage tank system. The person designated shall be the underground storage tank operator, as defined in 40 Code of Federal Regulations Part 280, or an employee of the underground storage tank operator. There shall be a designated primary operator of the underground storage tank system at all times, until the underground storage tank system has been permanently closed. If the owner fails to designate a primary operator, the owner shall be deemed to be the primary operator of the underground storage tank system for purposes of this Part.

(b) The primary operator shall designate one or more emergency response operators. There shall be at least one emergency response operator at the site at all times during which a regulated substance is being withdrawn from, or is capable of being withdrawn from, the underground storage tank system. For an unmanned facility, the primary operator shall designate a person who is on-call to respond to emergencies or alarms at the facility. The unmanned facility shall have an automated notification system in place that will alert the designated emergency response operator of an emergency or activated alarm at the facility. If the primary operator fails to designate one or more emergency response operators, the primary operator shall be deemed to be the emergency response operator of the underground storage tank system.

(c) A person may act as both the primary operator and the emergency response operator of the underground storage tank system.

"**§ 143-215.94QQ. Training requirements for primary operators.**

(a) The Department shall develop and implement a training program for primary operators. The training program shall provide instruction on the proper operation and maintenance of the underground storage tank system at the facility, principles of construction and safety, and all regulatory requirements associated with the underground storage tank system. The training may consist of a combination of on-site evaluation and testing, as well as in-class or online instruction and testing. At a minimum, the training shall require the primary operator to demonstrate all of the following:

(1) Knowledge of the requirements for spill prevention, overfill prevention, release detection, corrosion protection, emergency response, and product compatibility.

(2) Site-specific knowledge of the equipment used at the facility and the components of the underground storage tank system, and the methods of release detection and release prevention associated with the underground storage tank components.

(3) Knowledge of the requirements for demonstrating financial responsibility.

(4) Understanding of notification requirements associated with the underground storage tank system, including requirements for reporting releases and suspected releases.

(5) Understanding of the requirements for the temporary and permanent closure of underground storage tank systems.

(6) Knowledge of the emergency response operator training requirements, and the actions to be taken in response to emergencies and alarms.

(b) A primary operator shall be retrained if an inspection at the facility reveals that the underground storage tank system is not in substantial compliance with the requirements for:

release detection, release prevention, financial responsibility, emergency response, suspected release reporting and investigation, the proximity of the underground storage tank system to water supply wells and surface water, and permitting. A primary operator who is required to be retrained shall complete the retraining within a reasonable time as determined by the Department. The retraining shall include training in the areas for which the underground storage tank system was not in compliance.

(c) The primary operator shall maintain documentation to show that the operator has satisfactorily completed all training required by this section.

"**§ 143-215.94RR. Training requirements for emergency response operators.**

(a) The Department shall develop a training program for emergency response operators. At a minimum, the training shall require the emergency response operator to demonstrate all of the following:

(1) General understanding of the underground storage tank system at the facility, and knowledge of the location and proper operation of the safety and emergency response equipment.

(2) Understanding of the actions to be taken in response to an emergency, including situations posing an immediate danger or threat to the public or to the environment and requiring immediate action.

(3) Understanding of leak detection alarms and preparations needed to respond to alarms before a release has occurred.

(4) Recognition of unusual operating conditions, equipment failures, or environmental conditions that may indicate a release, and knowledge of the steps to take in response to a suspected release.

(5) Knowledge of immediate steps to take in response to a confirmed release to stop further release and to contain spills before they reach the environment.

(b) The primary operator is responsible for implementing the training program developed by the Department for emergency response operators. The primary operator shall train each emergency response operator of the underground storage tank system at the facility. Prior to training an emergency response operator, the primary operator shall have satisfactorily completed all training required by this section. The primary operator shall maintain documentation of training provided to emergency response operators.

"**§ 143-215.94SS. Enforcement.**

This Part may be enforced as provided in G.S. 143-215.94W, 143-215.94X, and G.S. 143-215.94Y.

"**§ 143-215.94TT. Effect on other laws.**

The requirements of this Part are in addition to, and not in lieu of, any other requirements applicable to underground storage tank owners or operators, as defined in 40 Code of Federal Regulations Part 280, under law."

SECTION 3. Each designated primary operator and emergency response operator shall complete the training required by this section no later than August 8, 2012. For primary operators designated after August 8, 2012, the owner shall notify the Department of the designation, and the primary operator shall be trained within 30 days after assuming operation and maintenance responsibilities for the underground storage tank system. After August 8, 2012, no person may assume the responsibilities of emergency response operator without having first satisfactorily completed emergency response operator training, and the primary operator shall ensure that no person assumes the responsibilities of emergency response operator, unless the person has satisfactorily completed emergency response operator training.

SECTION 4. This act is effective when it becomes law.

SENATE BILL 1337:
UST Operator Training Program

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	June 1, 2010
Introduced by:	Sen. Davis	**Prepared by:**	Jennifer McGinnis Committee Counsel
Analysis of:	PCS to First Edition S1337-CSRI-62 [v.4]		

SUMMARY: ***Senate Bill 1337 would create training requirements for operators of regulated underground storage tank (UST) systems[1], in order to comply with provisions of the federal Energy Policy Act of 2005. Specifically, the bill requires that: (i) primary and emergency response operators be designated for USTs; (ii) the Department of Environment and Natural Resources (DENR) design and implement a training program for primary and emergency response operators; and (iii) current operators be trained by August 8, 2012.***

The Proposed Committee Substitute (PCS) makes technical, clarifying, and conforming changes to the First Edition of the bill.

Senate Bill 1337 is a recommendation of the Environmental Review Commission.

[As introduced, this bill was identical to H1760, as introduced by Reps. Gibson, Harrison, Tucker, which is currently in House Energy and Energy Efficiency, if favorable, Environment and Natural Resources.]

BACKGROUND AND CURRENT LAW:

The General Assembly established the UST program within DENR in 1985 in response to a federal mandate to regulate USTs. The State's UST program enforces the federal regulatory standards for commercial USTs, oversees site cleanup of UST incidents, and manages operations for the Commercial and Noncommercial Leaking Petroleum UST Trust Funds. Federal funding for USTs comes from the Leaking UST Trust Fund in the form of a cooperative agreement grant for cleaning up leaking tanks and a grant for administering the regulation of commercial tanks. The United States Environmental Protection Agency distributes grant funds based on a formula that considers minimum distribution amounts, state need, and program performance. In FY 2008-09, the State's UST program received $2.6 million in federal grants, which were used to support program administration.

The federal Energy Policy Act of 2005 requires that states which receive federal funding for UST programs implement a training program for operators of USTs on proper operation and maintenance. Under the Act, training of current operators must be completed by August 8, 2012.

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[1] A tank (or a combination of tanks) and connected piping having at least 10% of their combined volume underground. The following types of tanks do not have to meet federal UST regulations: farm and residential tanks of 1,100 gallons or less capacity holding motor fuel used for noncommercial purposes; tanks storing heating oil used on the premises where it is stored; tanks on or above the floor of underground areas, such as basements or tunnels; tanks of 110 gallons or less capacity; and emergency spill and overfill tanks.

BILL ANALYSIS: Senate Bill 1337 would require that:

- UST system owners designate a primary operator for the UST system.
- A primary operator must designate one or more emergency response operators for the system. There must be at least one emergency response operator at the site at all times during which a regulated substance is being withdrawn from, or is capable of being withdrawn from, the UST system. For an unmanned facility, the primary operator must designate a person who is on-call to respond to emergencies or alarms at the facility. The unmanned facility must have an automated notification system in place that will alert the designated emergency response operator of an emergency or activated alarm at the facility. A person may act as both the primary operator and the emergency response operator for the system.
- DENR design and implement a training program for primary and emergency response operators.

  The training program for primary operators must require that the operator demonstrate understanding and/or knowledge of a specified list of issues associated with the proper operation and maintenance of the UST system at the facility, principles of construction and safety, and regulatory requirements associated with the system. The training may consist of a combination of on-site evaluation and testing, as well as in-class or online instruction and testing. If an inspection at the facility reveals that the system is not in substantial compliance with certain requirements, the operator must be retrained.

  The training program for emergency response operators must require that the operator demonstrate understanding and/or recognition of: the facility's system, and the location and proper operation of the safety and emergency response equipment; actions to be taken in response to an emergency; leak detection alarms and preparations needed to respond to alarms before a release has occurred; unusual operating conditions, equipment failures, or environmental conditions that may indicate a release, and steps to take in response to a suspected release; immediate steps to take in response to a confirmed release in order to stop further release and to contain spills before they reach the environment.

- By August 8, 2012, DENR train primary operators, and primary operators train their emergency response operators. (Operators designated after August 8, 2012, would need to be trained within 30 days of assuming responsibilities for operations and maintenance of a UST).

EFFECTIVE DATE: The bill would be effective when it becomes law.

S1337-SMRI-90(CSRI-62) v6

CURTIS DOWD
WADE ANDERS
STAN JOHNSON
JON FITCHETT

PAGES ATTENDING

Date: 6-1 11AM

Committee: Agriculture/Environ. **Room:** 544 LOB

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Page Name	Hometown	Sponsoring Senator
1 Paul Williams	Raleigh	Senator Blue
2 Joseph Curry	Angier	Senator Blake
3 Ben Bradley	Wilson	Senator Swindell
4 Emily Rangel	Greensboro	Sen. P. Berger
5 Jayne Langmeyer	"	P. Berger
6 Lizzy Thomas	"	P. Berger
7 Marie Gentry	"	Sen. Tillman
8 Kristin Rose	"	Sen. Tillman
9 Katherine Sanders	Garner	Sen. Rouzer
Courtney Speight	Fremont	Sen. A.B. Swindell

Do not add additional names below the grid.

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Senate Ag/Environment/Natural Resources — June 1, 2010

Name of Committee — **Date**

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Nick Tosco	NCLM
Grover Nicholson	DENR-UST
Amy Simes	DENR
LISA RIEGEL	NHTF
Gray Wilson	Fiscal Research
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Senate Ag/Environment/Natural Resources — June 1, 2010

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K Gordon	Sen. Goodall
[illegible]	Biojuel Ctr of NC
Andrew Cagle	DLC
Preston Howard	NCIC
Lee Ann Payne	DLC
Ruth Harms	Weyerhaeuser
DAVID BARNES	Poyner Spruill
Mitch Peele	NC Farm Bureau
J Daisley	NPPC / Cattlemen Assoc.

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Senate Ag/Environment/Natural Resources — June 1, 2010

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Tommy Stevens	NCPC
L Andrews	NCFB
P. Page	NCFB
Jim Blackburn	county commissioners Association
Sara Stuckey	NCRC
Patrick Woodie	NCRC
Kimberly Rankin	Sierra Club
Carl Mackenzie	Sierra Club
Thomas Milliser	Freedom House
Sally Migliore	NC Center for Nonprofits
Trisha Lester	NC Center for Nonprofits

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Senate Ag/Environment/Natural Resources — June 1, 2010

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Tom Cors	TNC
Jim Lowry	NC Utility Contractors Associati

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Senate Ag/Environment/Natural Resources — June 1, 2010

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Pat Harris	DSWC, NCDENR
David Williams	DENR- Soil & Water Cons.
Chris Stanley	Intern
Vernon Cox	NCDA&CS
Janine Nicholson	NC DENR
Ruth Strauss	NC DENR
[illegible]	NCDENR
Jessica Mutz	NCDENR
Elizabeth Biser	DENR
Robin Smith	DENR

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Senate Ag/Environment/Natural Resources — June 1, 2010

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Michael Thompson	Dominion

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Corrected: HB 1744 REMOVED

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on **Agriculture/Environment/Natural Resources** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	June 15, 2010	11:00 AM	544 LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 1710	Fishery Management Plan Supplements.	Representative Underhill Representative Wainwright
HB 1713	Improve Success of FMPs.	Representative Underhill Representative Spear Representative Wainwright
SB 1259	Disapprove Boylston Creek Reclassification.	Senator Snow

Senator Bob Atwater, Chair

Senate Agriculture/Environment/Natural Resources Committee
Tuesday, June 15, 2010, 11:00 AM
544 LOB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

HB 1710	Fishery Management Plan Supplements.	Representative Underhill Representative Wainwright
HB 1713	Improve Success of FMPs.	Representative Underhill Representative Spear Representative Wainwright
SB 1259	Disapprove Boylston Creek Reclassification.	Senator Snow

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE REPORT
Senator Bob Atwater, Chair

Tuesday, June 15, 2010

Senator ATWATER,
submits the following with recommendations as to passage:

FAVORABLE

S.B. **1259** Disapprove Boylston Creek Reclassification.
Sequential Referral: None
Recommended Referral: None

H.B.(CS #1) **1710** Fishery Management Plan Supplements.
Sequential Referral: None
Recommended Referral: None

H.B. **1713** Improve Success of FMPs.
Sequential Referral: None
Recommended Referral: None

TOTAL REPORTED: 3

Committee Clerk Comments:

Handle on the floor:

HB 1710 Senator Albertson
HB 1713 Senator Albertson

SENATE AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE
Tuesday, June 15, 2010 at 11:00 AM
Room 544, Legislative Office Building

MINUTES

The Senate Agriculture/Environment/Natural Resources Committee met at 11:00 AM on June 15, 2010, in Room 544 of the Legislative Office Building. 14 members of the committee were present. Senator Bob Atwater presided.

Pages present for this meeting were: Ty Hamby from Cary and Taylor Hill from Winterville both sponsored by Senator Hoyle; Joe Calder from Raleigh and Harrison Wicker from Sanford both sponsored by Senator Atwater; John Purcell from Cary sponsored by Senator Basnight; William Bass from Nashville sponsored by Senator Swindell; and Zachery Thomas from Garner sponsored by Senator Blue.

After Senator Atwater introduced the pages, the following bills were discussed:

- **HB 1710, Fishery Management Plan Supplements.**

Representative Wainwright explained the bill. **Senator Hartsell moved for a favorable report for HB 1710. Motion carried.**

- **HB 1713, Improve Success of FMPs.**

Representative Wainwright asked Mr. Jeff Hudson, Committee Counsel, to explain the bill. After a brief discussion, **Senator Bingham moved for a favorable report for HB 1713. Motion carried.**

- **SB 1259, Disapprove Boylston Creek Reclassification.**

Senator Snow explained the bill. Representative Guice spoke in favor of the bill because he has a companion bill in the House. After a brief discussion, including comments by Mr. Jeff Manning with the Division of Water Quality in the North Carolina Department of Environment and Natural Resources, the following people spoke against the bill: Ms. Molly Diggins, Director of North Carolina Sierra Club; Elizabeth Ouzts, State Director of Environment North Carolina. Ms. Paula Gupton Page with the North Carolina Farm Bureau spoke in favor of the bill.

Senator Tillman moved for a favorable report for SB 1259. Motion carried.

There being no further business, the meeting was adjourned at 11:50 AM.

Senator Bob Atwater, Chairman

Carol Resar, Committee Clerk

HOUSE BILL 1710
Committee Substitute Favorable 5/26/10

Short Title: Fishery Management Plan Supplements. (Public)

Sponsors:

Referred to:

May 17, 2010

A BILL TO BE ENTITLED

AN ACT TO PROVIDE AN EXPEDITED PROCESS BY WHICH THE MARINE FISHERIES COMMISSION MAY SUPPLEMENT FISHERY MANAGEMENT PLANS, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113-182.1 reads as rewritten:

"**§ 113-182.1. Fishery Management Plans.**

(a) The Department shall prepare proposed Fishery Management Plans for adoption by the Marine Fisheries Commission for all commercially or recreationally significant species or fisheries that comprise State marine or estuarine resources. Proposed Fishery Management Plans shall be developed in accordance with the Priority List, Schedule, and guidance criteria established by the Marine Fisheries Commission under G.S. 143B-289.52.

(b) The goal of the plans shall be to ensure the long-term viability of the State's commercially and recreationally significant species or fisheries. Each plan shall be designed to reflect fishing practices so that one plan may apply to a specific fishery, while other plans may be based on gear or geographic areas. Each plan shall:

(1) Contain necessary information pertaining to the fishery or fisheries, including management goals and objectives, status of relevant fish stocks, stock assessments for multiyear species, fishery habitat and water quality considerations consistent with Coastal Habitat Protection Plans adopted pursuant to G.S. 143B-279.8, social and economic impact of the fishery to the State, and user conflicts.

(2) Recommend management actions pertaining to the fishery or fisheries.

(3) Include conservation and management measures that will provide the greatest overall benefit to the State, particularly with respect to food production, recreational opportunities, and the protection of marine ecosystems, and that will produce a sustainable harvest.

(4) Specify a time period, not to exceed 10 years from the date of the adoption of the plan, for ending overfishing and achieving a sustainable harvest. This subdivision shall only apply to a plan for a fishery that is overfished. This subdivision shall not apply to a plan for a fishery where the biology of the fish or environmental conditions make ending overfishing and achieving a sustainable harvest within 10 years impracticable.

(c) To assist in the development of each Fishery Management Plan, the Chair of the Marine Fisheries Commission shall appoint a fishery management plan advisory committee. Each fishery management plan advisory committee shall be composed of commercial

fishermen, recreational fishermen, and scientists, all with expertise in the fishery for which the Fishery Management Plan is being developed.

(c1) The Department shall consult with the regional advisory committees established pursuant to G.S. 143B-289.57(e) regarding the preparation of each Fishery Management Plan. Before submission of a plan for review by the Joint Legislative Commission on Seafood and Aquaculture, the Department shall review any comment or recommendation regarding the plan that a regional advisory committee submits to the Department within the time limits established in the Schedule for the development and adoption of Fishery Management Plans established by G.S. 143B-289.52. ~~The Commission shall consult with the regional advisory committees regarding the development of any temporary management measure that the Commission determines to be necessary to ensure the viability of the species or fishery while the plan is being developed and regarding the development of any management measure to implement the plan.~~ Before the Commission adopts ~~a temporary management measure or~~ a management measure to implement a plan, the Commission shall review any comment or recommendation regarding the management measure that a regional advisory committee submits to the Commission.

(d) Each Fishery Management Plan shall be reviewed at least once every five years. The Marine Fisheries Commission may revise the Priority List and guidance criteria whenever it determines that a revision of the Priority List or guidance criteria will facilitate or improve the development of Fishery Management Plans or is necessary to restore, conserve, or protect the marine and estuarine resources of the State. The Marine Fisheries Commission may not revise the Schedule for the development of a Fishery Management Plan, once adopted, without the approval of the Secretary of Environment and Natural Resources.

(e) The Secretary of Environment and Natural Resources shall monitor progress in the development and adoption of Fishery Management Plans in relation to the Schedule for development and adoption of the plans established by the Marine Fisheries Commission. The Secretary of Environment and Natural Resources shall report to the Joint Legislative Commission on Seafood and Aquaculture on progress in developing and implementing the Fishery Management Plans on or before 1 September of each year. The Secretary of Environment and Natural Resources shall report to the Joint Legislative Commission on Seafood and Aquaculture within 30 days of the completion or substantial revision of each proposed Fishery Management Plan. The Joint Legislative Commission on Seafood and Aquaculture shall review each proposed Fishery Management Plan within 30 days of the date the proposed Plan is submitted by the Secretary. The Joint Legislative Commission on Seafood and Aquaculture may submit comments and recommendations on the proposed Plan to the Secretary within 30 days of the date the proposed Plan is submitted by the Secretary.

(e1) If the Secretary determines that it is in the interest of the long-term viability of a fishery, the Secretary may authorize the Commission to develop temporary management measures to supplement an existing Fishery Management Plan pursuant to this subsection. Development of temporary management measures pursuant to this subsection is exempt from subsections (c), (c1), and (e) of this section and the Priority List, Schedule, and guidance criteria established by the Marine Fisheries Commission under G.S. 143B-289.52. During the next review period for a Fishery Management Plan supplemented pursuant to this subsection, the Commission shall either incorporate the temporary management measures into the revised Fishery Management Plan or the temporary management measures shall expire on the date the revised Fishery Management Plan is adopted.

(f) The Marine Fisheries Commission shall adopt rules to implement Fishery Management Plans in accordance with Chapter 150B of the General Statutes.

(g) To achieve sustainable harvest under a Fishery Management Plan, the Marine Fisheries Commission may include in the Plan a recommendation that the General Assembly limit the number of fishermen authorized to participate in the fishery. The Commission may

recommend that the General Assembly limit participation in a fishery only if the Commission determines that sustainable harvest cannot otherwise be achieved. In determining whether to recommend that the General Assembly limit participation in a fishery, the Commission shall consider all of the following factors:

(1) Current participation in and dependence on the fishery.
(2) Past fishing practices in the fishery.
(3) Economics of the fishery.
(4) Capability of fishing vessels used in the fishery to engage in other fisheries.
(5) Cultural and social factors relevant to the fishery and any affected fishing communities.
(6) Capacity of the fishery to support biological parameters.
(7) Equitable resolution of competing social and economic interests.
(8) Any other relevant considerations."

SECTION 2. This act is effective when it becomes law.

HOUSE BILL 1710:
Fishery Management Plan Supplements

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	June 15, 2010
Introduced by:	Representatives Wainwright, Underhill	**Prepared by:**	Jeff Hudson Committee Counsel
Analysis of:	Second Edition		

SUMMARY: ***House Bill 1710 would provide an expedited process by which the Marine Fisheries Commission could supplement Fishery Management Plans.***

House Bill 1710 is a recommendation of the Joint Legislative Commission on Seafood and Aquaculture.

[As introduced, this bill was identical to S1277, as introduced by Sen. Albertson, which is currently in Senate Agriculture/Environment/Natural Resources.]

CURRENT LAW:

Under current law, the Marine Fisheries Commission (MFC) adopts Fishery Management Plans (FMPs) for all commercially or recreationally significant marine fisheries. The FMPs must be reviewed by the MFC at least once every 5 years. Development of FMPs includes the following steps:

- The Chair of the MFC must appoint a fishery management plan advisory committee to assist with the development of the FMP.
- The Department of Environment and Natural Resources (DENR) must consult with regional advisory committees.
- The MFC must review comments or recommendations submitted by the regional advisory committees.
- The Secretary of Environment and Natural Resources (Secretary) must report to the Joint Legislative Commission on Seafood and Aquaculture (Seafood and Aquaculture) within 30 days of the completion or substantial revision of a FMP and Seafood and Aquaculture has 30 days within which to comment on the FMP.

BILL ANALYSIS:

House Bill 1710 would provide that if the Secretary determines that it is in the interest of the long-term viability of a fishery, the Secretary may authorize the MFC to develop temporary management measures to supplement an existing FMP without going through the steps outlined above. During the next review period for a FMP supplemented by temporary management measures, the MFC would either have to incorporate the temporary management measures into the FMP or the temporary management measures would automatically expire.

EFFECTIVE DATE: This act is effective when it becomes law.

HOUSE BILL 1713*

Short Title:	Improve Success of FMPs.	(Public)
Sponsors:	Representatives Wainwright, Spear, Underhill (Primary Sponsors); Hill, Hughes, Pierce, and Rapp.	
Referred to:	Marine Resources and Aquaculture.	

May 17, 2010

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT EACH FISHERY MANAGEMENT PLAN MUST SPECIFY TIME PERIODS FOR ENDING OVERFISHING AND ACHIEVING A SUSTAINABLE HARVEST AND INCLUDE A STANDARD OF AT LEAST FIFTY PERCENT PROBABILITY OF ACHIEVING A SUSTAINABLE HARVEST, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113-182.1(b) reads as rewritten:

"(b) The goal of the plans shall be to ensure the long-term viability of the State's commercially and recreationally significant species or fisheries. Each plan shall be designed to reflect fishing practices so that one plan may apply to a specific fishery, while other plans may be based on gear or geographic areas. Each plan shall:

(1) Contain necessary information pertaining to the fishery or fisheries, including management goals and objectives, status of relevant fish stocks, stock assessments for multiyear species, fishery habitat and water quality considerations consistent with Coastal Habitat Protection Plans adopted pursuant to G.S. 143B-279.8, social and economic impact of the fishery to the State, and user conflicts.

(2) Recommend management actions pertaining to the fishery or fisheries.

(3) Include conservation and management measures that will provide the greatest overall benefit to the State, particularly with respect to food production, recreational opportunities, and the protection of marine ecosystems, and that will produce a sustainable harvest.

~~(4) Specify a time period, not to exceed 10 years from the date of the adoption of the plan, for ending overfishing and achieving a sustainable harvest. This subdivision shall only apply to a plan for a fishery that is overfished. This subdivision shall not apply to a plan for a fishery where the biology of the fish or environmental conditions make ending overfishing and achieving a sustainable harvest within 10 years impracticable.~~

(5) Specify a time period, not to exceed two years from the date of the adoption of the plan, for ending overfishing. This subdivision shall only apply to a plan for a fishery that is not producing a sustainable harvest.

(6) Specify a time period, not to exceed 10 years from the date of the adoption of the plan, for achieving a sustainable harvest. This subdivision shall not apply if the Fisheries Director determines that the biology of the fish,

environmental conditions, or lack of sufficient data make implementing the requirements of this subdivision incompatible with professional standards for fisheries management.

(7) Include a standard of at least fifty percent (50%) probability of achieving sustainable harvest for the fishery or fisheries. This subdivision shall not apply if the Fisheries Director determines that the biology of the fish, environmental conditions, or lack of sufficient data make implementing the requirements of this subdivision incompatible with professional standards for fisheries management."

SECTION 2. This act is effective when it becomes law.

HOUSE BILL 1713:
Improve Success of FMPs

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	June 15, 2010
Introduced by:	Representatives Wainwright, Spear, Underhill	**Prepared by:**	Jeff Hudson Committee Counsel
Analysis of:	First Edition		

SUMMARY: ***House Bill 1713 would provide that each Fishery Management Plan must specify a time period for ending overfishing and achieving a sustainable harvest and include a standard of at least fifty percent probability of achieving sustainable harvest.***

House Bill 1713 is a recommendation of the Joint Legislative Commission on Seafood and Aquaculture.

[As introduced, this bill was identical to S1275, as introduced by Sen. Albertson, which is currently in Senate Agriculture/Environment/Natural Resources.]

CURRENT LAW:

Under current law, the Department of Environment and Natural Resources (DENR) must develop and the Marine Fisheries Commission (MFC) must adopt Fishery Management Plans (FMPs) for all commercially or recreationally significant marine fisheries. Among other things, each FMP must specify a time period, not to exceed 10 years from the date of the adoption of the plan, for ending overfishing and achieving a sustainable harvest. This requirement only applies to fisheries that are overfished and does not apply to fisheries where the biology of the fish or environmental conditions make ending overfishing and achieving a sustainable harvest within 10 years impracticable.

BILL ANALYSIS:

House Bill 1713 would provide that each FMP must:

- Specify a time period, **not to exceed two years** from the date of the adoption of the plan, for **ending overfishing**. This requirement only applies to fisheries that are not producing a sustainable harvest.
- Specify a time period, **not to exceed 10 years** from the date of the adoption of the plan, **for achieving a sustainable harvest**. This requirement does not apply to fisheries where the Fisheries Director determines that the biology of the fish, environmental conditions, or lack of sufficient data make implementing the requirement incompatible with professional standards for fisheries management.
- Include a standard of at least fifty percent (50%) probability of achieving sustainable harvest for the fishery or fisheries. This requirement does not apply to fisheries where the Fisheries Director determines that the biology of the fish, environmental conditions, or lack of sufficient data make implementing the requirement incompatible with professional standards for fisheries management.

EFFECTIVE DATE: This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S 1

SENATE BILL 1259

Short Title:	Disapprove Boylston Creek Reclassification.	(Public)
Sponsors:	Senator Snow.	
Referred to:	Agriculture/Environment/Natural Resources.	

May 20, 2010

A BILL TO BE ENTITLED

AN ACT TO DISAPPROVE A RULE TO CHANGE THE WATER QUALITY CLASSIFICATION OF BOYLSTON CREEK.

The General Assembly of North Carolina enacts:

SECTION 1. Pursuant to G.S. 150B-21.3(b1), French Broad River Basin Rule 15A NCAC 02B .0304, as adopted by the Environmental Management Commission on March 12, 2009, and approved by the Rules Review Commission on April 16, 2009, is disapproved.

SECTION 2. This act is effective when it becomes law.

SENATE BILL 1259:
Disapprove Boylston Creek Reclassification

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	June 15, 2010
Introduced by:	Senator Snow	**Prepared by:**	Jeff Hudson Committee Counsel
Analysis of:	First Edition		

SUMMARY: ***Senate Bill 1259 would disapprove French Broad River Basin Rule 15A NCAC 02B .0304, which reclassifies Boylston Creek for purposes of water quality standards.***

[As introduced, this bill was identical to H1677, as introduced by Rep. Guice, which is currently in House Environment and Natural Resources, if favorable, Judiciary I.]

BACKGROUND:

The watershed portion of Boylston Creek subject to the reclassification by French Broad River Basin Rule 15A NCAC 02B .0304 (Boylston Creek Reclassification Rule) is an 8.3 square mile area known as the Upper Boylston Creek Watershed. The current landuse in this area is forest and agriculture lands, with some active pasture and grazing, rural residential development, and commercial and small businesses.

CURRENT LAW:

Under current water quality law, Boylston Creek is classified as a Class C water. Class C waters are protected for recreation, fishing, wildlife, fish, aquatic life, including propagation, survival, and maintenance of biological integrity, and agriculture.

BILL ANALYSIS:

Senate Bill 1259 would disapprove the Boylston Creek Reclassification Rule, which reclassifies Boylston Creek from a Class C water to a Class C Trout water.

Class C Trout waters are protected for the same uses as Class C water bodies with additional protections for natural trout propagation and the survival of stocked trout. The main additional regulatory requirement for Class C Trout waters is the maintenance of a minimum 25-foot undisturbed buffer zone between land-disturbing activity and the Class C Trout water. This requirement does not apply to activities on agricultural land for the production of plants and animals, activities on forest land for the production and harvesting of timber conducted in accordance Forest Practice Guidelines Related to Water Quality, and certain mining related activities. The Sedimentation Control Commission may also allow temporary and minimal disturbances to occur within the buffer.

EFFECTIVE DATE: This act is effective when it becomes law.

Background and water quality classification information was obtained from the October 9, 2008 Hearing Officer Report on the Proposed Reclassification of a Segment of Boylston Creek. Report available at:

http://h2o.enr.state.nc.us/admin/emc/documents/AttachmentAto09-15FINALDRAFTROPBOYLSTONCR.pdf

PAGES ATTENDING

Date: 6-15

Committee: Agriculture... **Room:** 544 LOB 11 AM

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1 Ty Hamby	Cary	Hoyle
2 Taylor Hill	Winterville	Hoyle
3 Joe Calder	Raleigh	Atwater
4 Harrison Wicker	Sanford	Atwater
5 ~~Brandon Patton~~	~~Youngsville~~	~~Foriester~~
6 John Purcell	Cary	Basnight
7 William Bass	Nashville	Swindell
8 Zachery Thomas	Garner	Blue
9		

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Senate Ag/Environment/Natural Resources — June 15, 2010

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Jim Blackburn	Association of County Commissioners
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Kimberley Rankin	Sierra Club
Carl Mackenzie	Sierra Club
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Senate Ag/Environment/Natural Resources — June 15, 2010

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Tommy Stevens	NEPC
BRIAN DEMPSEY	MWC
Paul Fogleman	Jmfm
Joyce Peters	JPAssoc
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Senate Ag/Environment/Natural Resources — June 15, 2010

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Annie Miller	PAC of Wayne County
Julia D. Best	(Political Awareness PAC) PAC of Wayne County
James E. Lewis	P.A.C. of Wayne County
Helen Best	P.A.C. of Wayne County
Shaddeus Best	P.A.C. of Wayne County
Mildred M. Ross	PAC of Wayne County
Dorothy Best	PAC of Wayne County
Colon H. Sullins	DENR / DWQ
LEON BURDEN	PAC OF WAYNE COUNTY
Peter Gehred	CCNC
David Knight	DENR

VISITOR REGISTRATION SHEET

Senate Ag/Environment/Natural Resources — June 15, 2010

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jeff Manning	DWQ
Betty Huskins	NC Assoc. Regional Councils
Sherman E. Best	Political Aware PAC Wayne Co.
Tom Cors	TNC
Hassan Khan	NCCN
Dan Conrad	NCCN
Dan Crawford	CCNC
Margaret Hartzell	Environment North Carolina
Elizabeth Ouzts	Environment North Carolina
Peter Gorry	CCNC
Lydia Burden	PAC of Wayne Co.

VISITOR REGISTRATION SHEET

Senate Ag/Environment/Natural Resources — June 15, 2010

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Gabrielle Vires	Environment North Carolina
Molly Diggins	Sierra Club

Principal Clerk ____
Reading Clerk ____

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on **Agriculture/Environment/Natural Resources** will meet at the following time:

DAY	DATE	TIME	ROOM
Thursday	June 24, 2010	9:00 AM	643 LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 1170	Improve River Basin Modeling.	Senator Clodfelter

Senator Bob Atwater, Chair

Senate Agriculture/Environment/Natural Resources Committee
Thursday, June 24, 2010, 9:00 AM
643 LOB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

SB 1170	Improve River Basin Modeling.	Senator Clodfelter

Presentations

Other Business

Adjournment

SENATE AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE
Thursday, June 24, 2010 at 9:00 AM
Room 643, Legislative Office Building

MINUTES

The Senate Agriculture/Environment/Natural Resources Committee met at 9:00 AM on June 24, 2010, in Room 643 of the Legislative Office Building. Seven (7) members of the committee were present. Senator Atwater presided.

Pages present for the meeting were: Alex Sewell from Marshall, NC, sponsored by Senator Queen, Marquenette Fuller, from Manteo, NC, sponsored by Senator Basnight, Philip James from Raleigh, NC, sponsored by Senator Hunt and Jane Smith, Chapel Hill, NC, sponsored by Senator Kinnaird.

The meeting was called to order and at the request of Senator Clodfelter, the sponsor of SB 1170 – Improve River Basin Modeling – the bill was pulled from the agenda.

The meeting adjourned at 9:10 A.M.

Senator Bob Atwater, Presiding

Evelyn S. Hartsell, Committee Clerk

SENATE BILL 1170*

Short Title:	Improve River Basin Modeling.	(Public)
Sponsors:	Senators Clodfelter and Kinnaird.	
Referred to:	Agriculture/Environment/Natural Resources.	

May 18, 2010

A BILL TO BE ENTITLED

AN ACT TO IMPROVE THE DEVELOPMENT OF BASINWIDE HYDROLOGIC MODELS, TO IMPROVE PUBLIC ACCESS TO WATER AND WATER RESOURCES FUNDING INFORMATION, AND TO PROVIDE FOR REPORTING ON WATER USE EFFICIENCY IN THE STATE, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-350 reads as rewritten:

"**§ 143-350. Definitions.**

As used in this Article:

(1) "Commission" means the Environmental Management Commission.

(2) "Department" means the Department of Environment and Natural Resources.

(2a) "Ecological flow" means the stream flow necessary to protect ecological integrity.

(2b) "Ecological integrity" means the ability of an aquatic system to support and maintain a balanced, integrated, adaptive community of organisms having a species composition, diversity, and functional organization comparable to natural conditions and, when subject to disruption, to recover and continue to provide the natural goods and services that normally accrue from the system.

(3) "Essential water use" means the use of water necessary for firefighting, health, and safety; water needed to sustain human and animal life; and water necessary to satisfy federal, State, and local laws for the protection of public health, safety, welfare, the environment, and natural resources; and a minimum amount of water necessary to maintain the economy of the State, region, or area.

(3a) "Groundwater resource" means any water flowing or lying under the surface of the earth or contained within an aquifer.

(4) "Large community water system" means a community water system, as defined in G.S. 130A-313(10), that regularly serves 1,000 or more service connections or 3,000 or more individuals.

(4a) "Surface water resource available yield" means the amount of surface water that can be withdrawn at a given location without violating the ecological integrity of the river basin in which the water resource is located and without impeding other allocated or permitted withdrawals in the river basin. Surface water resource available yield includes consideration of the connections

between surface water and groundwater resources in a given geographic area.

(4b) "Surface water resource" means any lake, pond, river, stream, creek, run, spring, or other water flowing or lying on the surface of the earth.

(5) "Unit of local government" means a county, city, consolidated city-county, sanitary district, or other local political subdivision or authority or agency of local government.

(6) "U.S. Drought Monitor" means the national drought map that designates areas of drought using the following categories D0-Abnormally Dry, D1-Moderate, D2-Severe, D3-Extreme, and D4-Exceptional. The U.S. Drought Monitor is developed and maintained by the Joint Agricultural Weather Facility, the Climate Prediction Center, the National Climatic Data Center, and the National Drought Mitigation Center with input from the United States Geological Survey, the National Water and Climate Center, the Climate Diagnostics Center, the National Weather Service, state climatologists, and state water resource agencies.

(7) "Water shortage emergency" means a water shortage resulting from prolonged drought, contamination of the water supply, damage to water infrastructure, or other unforeseen causes that presents an imminent threat to public health, safety, and welfare or to the environment."

SECTION 2. G.S. 143-355 is amended by adding three new subsections to read:

"(o) Basinwide Hydrologic Models. – The Department shall develop a basinwide hydrologic model for each of the 17 major river basins in the State as provided in this subsection.

(1) Schedule. – The Department shall develop a schedule for basinwide hydrologic model development. In developing the schedule, the Department shall consider the need to give priority to river basins or portions of river basins that the Department determines are likely to have an unacceptable risk of water shortages.

(2) Model. – Each basinwide hydrologic model shall:

a. Include surface water resources within the river basin, groundwater resources within the river basin to the extent known by the Department, transfers into and out of the river basin that are required to be registered under G.S. 143-215.22H, other withdrawals, ecological flow and other instream flow requirements, projections of future withdrawals, an estimate of return flows within the river basin, inflow data, local water supply plans, and other scientific and technical information the Department deems relevant.

b. Be designed to predict the flows and available yield of each surface water resource within the basin that serves as a source of water for a withdrawal registered under G.S. 143-215.22H.

c. Be based solely on data that is of public record and open to public review and comment.

(3) Determination of unacceptable risk of water shortage. – The Department shall determine whether any river basin or portion of a river basin faces an unacceptable risk of water shortage. The Department shall develop risk criteria for the determination of unacceptable risk of water shortages. One of the risk criteria shall be whether the river basin hydrologic model demonstrates or projects that the river basin or portion of the river basin does not or will not have sufficient surface water resource available yield to meet the needs of water withdrawers and instream water uses, including

ecological flow. This risk determination may consider any approved water shortage response plans and permitted alternative water sources. The risk determination shall project water supply and demand at each model node for a period to be determined by the Department, but in no event less than 30 years.

(4) Protection of ecological integrity. – The Department shall develop, in consultation with the North Carolina Wildlife Resources Commission, the North Carolina Marine Fisheries Commission, the United States Fish and Wildlife Service, and the National Marine Fisheries Service, ecological criteria that will protect the ecological integrity of each river basin and each river subbasin in the State.

(5) Interstate cooperation. – To the extent practicable, the Department shall work with neighboring states to develop basinwide hydrologic models for each river basin shared by North Carolina and another state.

(6) Report. – The Department shall report to the Environmental Review Commission on the development of basinwide hydrologic models no later than November 1 of each year.

(p) Public Access to Water Resource and Water Infrastructure Funding Information. – The Department, in conjunction with the North Carolina League of Municipalities, the North Carolina Association of County Commissioners, and interested private water systems, and with the assistance of the Environmental Finance Center of the University of North Carolina at Chapel Hill, shall develop and implement a plan to provide greater public access to water resource and water infrastructure funding information.

(q) Water Efficiency Report. – The Department and the Department of Agriculture and Consumer Services shall jointly report to the Environmental Review Commission no later than April 1 of each year on implementation of water efficiency measures required under Section 9 of S.L. 2008-143 and other water efficiency efforts that are being implemented in the State."

SECTION 3. The first report required by G.S. 143-355(o), as enacted by Section 2 of this act, is due no later than November 1, 2011. The first report shall include the Department's recommended schedule for river basin model development, the recommended criteria for determining unacceptable risk of water shortage, the recommended criteria for ensuring that the ecological integrity of river basins is protected, and a schedule to integrate river basin hydrologic models and river basin water quality plans. The first report shall also include an assessment of the resources needed to implement the provisions of this act.

SECTION 4. This act is effective when it becomes law.

Never Brought Forward

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S D

SENATE BILL 1170*
PROPOSED COMMITTEE SUBSTITUTE S1170-CSSB-97 [v.2]

6/23/2010 12:20:38 PM

Short Title: Improve River Basin Modeling. (Public)

Sponsors:

Referred to:

May 18, 2010

A BILL TO BE ENTITLED

AN ACT TO IMPROVE THE DEVELOPMENT OF BASINWIDE HYDROLOGIC MODELS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-350 reads as rewritten:

"**§ 143-350. Definitions.**

As used in this Article:

(1) "Commission" means the Environmental Management Commission.

(2) "Department" means the Department of Environment and Natural Resources.

(2a) "Ecological impact" means an effect on the ability of an aquatic system to support and maintain a balanced, integrated, adaptive community of organisms having a species composition, diversity, and functional organization comparable to prevailing ecological conditions and, when subject to disruption, to recover and continue to provide the natural goods and services that normally accrue from the system.

(3) "Essential water use" means the use of water necessary for firefighting, health, and safety; water needed to sustain human and animal ~~life;~~life and prevent significant adverse ecological impacts; and water necessary to satisfy federal, State, and local laws for the protection of public health, safety, welfare, the environment, and natural resources; and a minimum amount of water necessary to maintain the economy of the State, region, or area.

(3a) "Groundwater resource" means any water flowing or lying under the surface of the earth or contained within an aquifer.

(4) "Large community water system" means a community water system, as defined in G.S. 130A-313(10), that regularly serves 1,000 or more service connections or 3,000 or more individuals.

(4a) "Prevailing ecological conditions" means the ecological conditions determined by reference to the period of record of the United States Geological Survey stream gauge data, excluding data collected when stream flow is temporarily affected by in-stream construction activity.

(4b) "Surface water resource" means any lake, pond, river, stream, creek, run, spring, or other water flowing or lying on the surface of the earth.

(5) "Unit of local government" means a county, city, consolidated city-county, sanitary district, or other local political subdivision or authority or agency of local government.

(6) "U.S. Drought Monitor" means the national drought map that designates areas of drought using the following categories D0-Abnormally Dry, D1-Moderate, D2-Severe, D3-Extreme, and D4-Exceptional. The U.S. Drought Monitor is developed and maintained by the Joint Agricultural Weather Facility, the Climate Prediction Center, the National Climatic Data Center, and the National Drought Mitigation Center with input from the United States Geological Survey, the National Water and Climate Center, the Climate Diagnostics Center, the National Weather Service, state climatologists, and state water resource agencies.

(7) "Water shortage emergency" means a water shortage resulting from prolonged drought, contamination of the water supply, damage to water infrastructure, or other unforeseen causes that presents an imminent threat to public health, safety, and welfare or to the environment."

SECTION 2. G.S. 143-352 reads as rewritten:

"**§ 143-352. ~~Purpose of Article.~~Declaration of policy and purpose.**

(a) It is the policy of the State to manage the surface water resources of the State to:

(1) Ensure an adequate and safe supply of drinking water to meet current needs and projected future population growth.

(2) Provide adequate water supply for firefighting and other public safety purposes to serve current and projected future population growth.

(3) Maintain water supply for agricultural production and energy and industrial use.

(4) Prevent significant adverse ecological impacts.

(b) State decisions affecting use of water resources, including but not limited to permitting of water supply infrastructure, issuance of interbasin transfer certificates, and water supply planning, shall give consideration to maintenance of a consistent, sustainable 30-year drinking water supply. State water supply planning and permitting related to use of water resources shall give particular attention to the cumulative effects of multiple water withdrawals in a river basin to ensure that those uses are sustainable without long-term adverse impacts to the river basin's essential water use.

(c) The purpose of this Article is to create a State agency to coordinate the State's water resource activities; to devise plans and policies and to perform the research and administrative functions necessary for a more beneficial use of the water resources of the State, in order to insure improvements in the methods of conserving, developing and using those resources."

SECTION 3. G.S. 143-355 is amended by adding a new subsection to read:

"(o) Basinwide Hydrologic Models. – The Department shall develop a basinwide hydrologic model for each of the 17 major river basins in the State as provided in this subsection.

(1) Schedule. – The Department shall develop a schedule for basinwide hydrologic model development. In developing the schedule, the Department shall consider the need to give priority to developing hydrologic models for river basins or portions of river basins that are experiencing or are likely to experience water supply shortages or significant adverse ecological impacts.

(2) Model. – Each basinwide hydrologic model shall:

a. Include surface water resources within the river basin, groundwater resources within the river basin to the extent known by the Department, transfers into and out of the river basin that are required to be registered under G.S. 143-215.22H, other withdrawals,

instream flow requirements, projections of future withdrawals, an estimate of return flows within the river basin, inflow data, local water supply plans, and other scientific and technical information the Department deems relevant.

b. Be designed to simulate the flows and predict the available yield of each surface water resource within the basin that is identified as a source of water for a withdrawal registered under G.S. 143-215.22H in response to different variables, conditions, and scenarios.

c. Be based solely on data that is of public record and open to public review and comment.

(3) Natural ecology and ecological impacts. – The Department shall characterize the natural ecology in the different river basins and identify the ecological impacts of different flow scenarios. The Department shall create a Science Advisory Board to assist the Department in characterizing the natural ecology of the river basins and identifying ecological impacts. The Science Advisory Board shall include representatives from the Divisions of Water Resources and Water Quality of the Department, the North Carolina Wildlife Resources Commission, the North Carolina Marine Fisheries Commission, and the Natural Heritage Program. The Department shall also invite participation by the United States Fish and Wildlife Service, the National Marine Fisheries Services, and other individuals or organizations with expertise in aquatic ecology and habitat. The Department shall ask the Science Advisory Board to review any report or study submitted to the Department for consideration that is relevant to characterizing the natural ecology of the river basins and identifying ecological impacts. The Department shall consider such other information, including site specific analyses, that either the Board or the Department considers relevant to characterizing the natural ecology of the river basins and identifying the ecological impacts.

(4) Interstate cooperation. – To the extent practicable, the Department shall work with neighboring states to develop basinwide hydrologic models for each river basin shared by North Carolina and another state.

(5) Approval and modification of hydrologic models. –

a. Upon completion of a hydrologic model, the Department shall:

1. Submit the model to the Commission for approval.
2. Publish in the North Carolina Register notice of its recommendation that the Commission approve the model and of a 60 day period for providing comment on the model.
3. Provide electronic notice to persons who have requested electronic notice of the notice published in the North Carolina Register.

b. Upon receipt of a hydrologic model, the Commission shall:

1. Receive comment on the model for the 60 day period noticed in the North Carolina Register.
2. Act on the model following the 60 day comment period.

c. The Department shall submit any significant modification to an approved hydrologic model to the Commission for review and approval under the process used for initial approval of the model.

d. A hydrologic model is not a rule and Article 2A of Chapter 150B of the General Statutes does not apply to the development of a hydrologic model.

(6) Existing hydrologic models. – The Department may use an existing hydrologic model or information derived from an existing hydrologic model to satisfy the requirements of this subsection if the existing model meets the requirements of this subsection.

(7) Construction of subsection. – Nothing in this subsection shall be construed to impose any additional regulatory requirements related to water quality or water resources.

(8) Report. – The Department shall report to the Environmental Review Commission on the development of basinwide hydrologic models no later than November 1 of each year.

SECTION 4. The first report required by G.S. 143-355(o), as enacted by Section 2 of this act, is due no later than November 1, 2011.

SECTION 5. This act is effective when it becomes law.

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources
Name of Committee

Thursday June 24, 2010
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Richard Whisnant	VNL-CH
Mike Boyd	Charlotte

VISITOR REGISTRATION SHEET

Senate Ag/Env/Nat. Resources
Name of Committee

Thursday June 24, 2010
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Peter Rabbe	American Rivers
Sam Pearsall	EDF
Jessica Ritter	EDF
David Kelly	EDF

PAGES ATTENDING

Date: 6-24

Committee: Agriculture **Room:** 9 AM 643 LOB

MAR-QUIN-ETT **PLEASE PRINT LEGIBILY!!!!!**

	Page Name SUE-EL	Hometown	Sponsoring Senator
1	Alex Sewell	Marshall	Queen
2	[redacted]	[redacted]	[redacted]
3	[redacted]	[redacted]	[redacted]
4	marquenette fuller	manteo	Basnight
5	[redacted]	[redacted]	[redacted]
6	Philip James	Raleigh	Hunt
7	[redacted]	[redacted]	[redacted]
8	Jane Smith	Chapel Hill	Kinnaird
9			

Do not add additional names below the grid.

Pages: Please present this form to either the Committee Clerk at the Meeting or a Sgt. at Arms.

Principal Clerk ____
Reading Clerk ____

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on **Agriculture/Environment/Natural Resources** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	June 29, 2010	11:00 AM	544 LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 1743	Denr/lgc Evaluate Water System Operations	Representative Tarleton Representative Crawford, Jr. Representative Gillespie Representative Owens, Jr.
HB 1744	Modify Water Funding Priorities	Representative Tarleton Representative Crawford, Jr. Representative Gillespie Representative Owens, Jr.
HB 1746	Water Infrastructure Information Needs.	Representative Tarleton Representative Crawford, Jr. Representative Gillespie Representative Owens, Jr.
HB 1747	Water Supply System Capacity Planning.	Representative Tarleton Representative Crawford, Jr. Representative Gillespie Representative Owens, Jr.
HB 1748	Conserve & Protect Ag Water Resources.	Representative Tarleton Representative Crawford, Jr. Representative Gillespie Representative Owens, Jr.

Senator Bob Atwater, Chair

Senate Agriculture/Environment/Natural Resources Committee
Tuesday, June 29, 2010, 11:00 AM
544 LOB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

HB 1743	Denr/lgc Evaluate Water System Operations	Representative Tarleton Representative Crawford, Jr. Representative Gillespie Representative Owens, Jr.
HB 1744	Modify Water Funding Priorities	Representative Tarleton Representative Crawford, Jr. Representative Gillespie Representative Owens, Jr.
HB 1746	Water Infrastructure Information Needs.	Representative Tarleton Representative Crawford, Jr. Representative Gillespie Representative Owens, Jr.
HB 1747	Water Supply System Capacity Planning.	Representative Tarleton Representative Crawford, Jr. Representative Gillespie Representative Owens, Jr.
HB 1748	Conserve & Protect Ag Water Resources.	Representative Tarleton Representative Crawford, Jr. Representative Gillespie Representative Owens, Jr.

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE REPORT
Senator Bob Atwater, Chair

Tuesday, June 29, 2010

Senator ATWATER,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 2, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B.(CS #2) **1743** Denr/lgc Evaluate Water System Operations

Draft Number:	50955
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B.(CS #1) **1744** Modify Water Funding Priorities

Draft Number:	70579
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 2, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B.(CS #2) **1746** Water Infrastructure Information Needs.

Draft Number:	60094
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 3

Committee Clerk Comments:

Handle on the Floor:

HB 1743 Senator Clodfelter
HB 1744 Senator Albertson
HB 1746 Senator Albertson

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE REPORT
Senator Bob Atwater, Chair

Tuesday, June 29, 2010

Senator ATWATER,
submits the following with recommendations as to passage:

FAVORABLE

H.B.(CS #1) **1747** Water Supply System Capacity Planning.
Sequential Referral: None
Recommended Referral: None

H.B.(CS #2) **1748** Conserve & Protect Ag Water Resources.
Sequential Referral: None
Recommended Referral: None

TOTAL REPORTED: 2

Committee Clerk Comments:

Handle on Floor:
HB 1747 Senator Albertson
HB 1748 Senator Albertson

SENATE AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE
Tuesday, June 29, 2010 at 11:00 AM
Room 544, Legislative Office Building

MINUTES

The Senate Agriculture/Environment/Natural Resources Committee met at 11:00 AM on June 29, 2010, in Room 544 of the Legislative Office Building. 12 members of the committee were present. Senator Bob Atwater presided.

Pages present for this meeting were: Katherine Selix from Marvin sponsored by Senator Goodall; Lillian Badgett from Statesville sponsored by Senator Forrester; Vivlick Rodgers from Washington sponsored by Senator Basnight; Bryant Dowd from Raleigh sponsored by Senator Dickson; Matthew Quesenberry from Raleigh sponsored by Senator Preston; Thomas Sigmon from Raleigh sponsored by Senator Hunt; and Margot de St. Aubin from Siler City sponsored by Senator Preston.

After Senator Atwater introduced the pages, the following bills were discussed:

- **HB 1744, Modify Water Funding Priorities.**

Senator Albertson moved to adopt the Propose Committee Substitute (PCS) for HB 1744 for purposes of discussions. Motion carried. Representative Crawford then explained the PCS. **Senator Clodfelter then moved for an unfavorable report for HB 1744 and a favorable report for the PCS for HB 1744. Motion carried.**

- **HB 1746, Water Infrastructure Information Needs.**

Senator Clodfelter moved to adopt the Propose Committee Substitute (PCS) for HB 1746 for purposes of discussions. Motion carried. Representative Crawford then explained the PCS. **Senator Clodfelter then moved for an unfavorable report for HB 1746 and a favorable report for the PCS for HB 1746. Motion carried.**

- **HB 1747, Water Supply System Capacity Planning.**

Representative Crawford explained the bill. **Senator Albertson moved for a favorable report for HB 1747. Motion carried.**

- **HB 1748, Conserve & Protect Ag Water Resources.**

Representative Crawford explained the bill. **Senator Hartsell moved for a favorable report for HB 1748. Motion carried.**

- **HB 1743, Denr/lgc Evaluate Water System Operations.**

Senator Albertson moved to adopt the Propose Committee Substitute (PCS) for HB 1743 for purposes of discussions. Motion carried. Senator Clodfelter explained the PCS. **Senator Clodfelter moved to amend the PCS.** After Senator Clodfelter explained the amendment, **Senator Hartsell moved to adopt the amendment.**

Motion carried. After a brief discussion, **Senator Hartsell moved for an unfavorable report for HB 1746 and a favorable report for the PCS for HB 1746, as amended. Motion carried.** The amendment will be rolled into a new PCS.

There being no further business, the meeting was adjourned at 11:40 AM.

Senator Bob Atwater, Chairman

Carol Resar, Committee Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H 2

HOUSE BILL 1744
Committee Substitute Favorable 5/26/10

Short Title: Modify Water Funding Priorities. (Public)

Sponsors:

Referred to:

May 18, 2010

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE COMMON CRITERIA APPLICABLE TO LOANS AND GRANTS FOR WATER AND WASTEWATER INFRASTRUCTURE PROJECTS TO: (1) CLARIFY THAT LEAKING WATERLINES ARE A PRIORITY FOR BOTH WATER QUANTITY AND WATER QUALITY PURPOSES; (2) INCLUDE ASSET MANAGEMENT PLANNING, REGIONALIZATION, STATE WATER SUPPLY PLANNING, AND DROUGHT MANAGEMENT IN THE LIST OF COMMON CRITERIA THAT RECEIVE PRIORITY FOR FUNDING; (3) ESTABLISH A SLIDING SCALE SYSTEM FOR DETERMINING THE PRIORITY GIVEN TO PROJECTS THAT EXCEED THE HIGH-UNIT-COST THRESHOLD; AND (4) PROVIDE THAT A PROJECT THAT DEMONSTRATES IT IS NOT PRACTICABLE FOR THE PROJECT TO PURSUE REGIONALIZATION BASED ON TOPOGRAPHY OR OTHER FACTORS SHALL BE GIVEN THE SAME PRIORITY FOR REGIONALIZATION AS A PROJECT THAT INCLUDES REGIONALIZATION, AS RECOMMENDED BY THE LEGISLATIVE STUDY COMMISSION ON WATER AND WASTEWATER INFRASTRUCTURE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 159G-20 is amended by adding a new subdivision to read:

"(28) Asset management plan. – The strategic and systematic application of management practices applied to the infrastructure assets of a local government unit in order to minimize the total costs of acquiring, operating, maintaining, improving, and replacing the assets while at the same time maximizing the efficiency, reliability, and value of the assets."

SECTION 2. G.S. 159G-23 reads as rewritten:

"**§ 159G-23. Common criteria for loan or grant from Wastewater Reserve or Drinking Water Reserve.**

The criteria in this section apply to a loan or grant from the Wastewater Reserve or the Drinking Water Reserve. The Division of Water Quality and the Division of Environmental Health must each establish a system of assigning points to applications based on the following criteria:

(1) Public necessity. – An applicant must explain how the project promotes public health and protects the environment. A project that improves a system that is not in compliance with permit requirements or is under orders from the Department, enables a moratorium to be lifted, or replaces failing septic tanks with a wastewater collection system has priority.

(2) Effect on impaired waters. – A project that improves designated impaired waters of the State has priority.

(3) Efficiency. – A project that achieves efficiencies in meeting the State's water infrastructure needs or reduces vulnerability to drought consistent with Part 2A of Article 21 and Article 38 of Chapter 143 of the General Statutes by one of the following methods has priority:

a. The combination of two or more wastewater or public water systems into a regional wastewater or public water system by merger, consolidation, or another means.

b. Conservation or reuse of water, including bulk water reuse facilities and waterlines to supply reuse water for irrigation and other approved uses.

c. Construction of an interconnection between water systems intended for use in drought or other water shortage emergency.

d. Repair or replacement of leaking ~~waterlines.~~waterlines to improve water conservation and efficiency or to prevent contamination.

e. Replacement of meters and installation of new metering systems.

(4) Comprehensive land-use plan. – A project that is located in a city or county that has adopted or has taken significant steps to adopt a comprehensive land-use plan under Article 18 of Chapter 153A of the General Statutes or Article 19 of Chapter 160A of the General Statutes has priority over a project located in a city or county that has not adopted a plan or has not taken steps to do so. The existence of a plan has more priority than steps taken to adopt a plan, such as adoption of a zoning ordinance. A plan that exceeds the minimum State standards for protection of water resources has more priority than one that does not. A project is considered to be located in a city or county if it is located in whole or in part in that unit. A land-use plan is not considered a comprehensive land-use plan unless it has provisions that protect existing water uses and ensure compliance with water quality standards and classifications in all waters of the State affected by the plan.

(5) Flood hazard ordinance. – A project that is located in a city or county that has adopted a flood hazard prevention ordinance under G.S. 143-215.54A has priority over a project located in a city or county that has not adopted an ordinance. A plan that exceeds the minimum standards under G.S. 143-215.54A for a flood hazard prevention ordinance has more priority than one that does not. A project is considered to be located in a city or county if it is located in whole or in part in that unit. If no part of the service area of a project is located within the 100-year floodplain, the project has the same priority under this subdivision as if it were located in a city or county that has adopted a flood hazard prevention ordinance. The most recent maps prepared pursuant to the National Flood Insurance Program or approved by the Department determine whether an area is within the 100-year floodplain.

(6) Sound management. – A project submitted by a local government unit that has demonstrated a willingness and ability to meet its responsibilities through sound fiscal policies and efficient operation and management has priority.

(6a) Asset management plan. – A project submitted by a local government unit with more than 1,000 service connections that has developed and is implementing an asset management plan has priority over a project submitted by a local government unit with more than 1,000 service connections that has not developed or is not implementing an asset management plan.

(7) Capital improvement plan. – A project that implements the applicant's capital improvement plan for the wastewater system or public water system it manages has priority over a project that does not implement a capital improvement plan. To receive priority, a capital improvement plan must set out the applicant's expected water infrastructure needs for at least 10 years.

(8) Coastal habitat protection. – A project that implements a recommendation of a Coastal Habitat Protection Plan adopted by the Environmental Management Commission, the Coastal Resources Commission, and the Marine Fisheries Commission pursuant to G.S. 143B-279.8 has priority over other projects that affect counties subject to that Plan.

(9) High-unit-cost threshold. – A high-unit-cost project has priority over projects that are not high-unit-cost projects. The priority given to a high-unit-cost project shall be set using a sliding scale based on the amount by which the applicant exceeds the high-unit-cost threshold.

(10) Regionalization. – A project to provide for the planning of regional public water and wastewater systems, to provide for the orderly coordination of local actions relating to public water and wastewater systems, or to help realize economies of scale in regional public water and wastewater systems through consolidation, merger, or interconnection of public water and wastewater systems has priority. A project that demonstrates it is not practicable for the project to pursue regionalization based on topography or other factors shall be given the same priority for regionalization as a project that includes regionalization.

(11) State water supply plan. – A project that addresses a potential conflict between local plans or implements a measure in which local water supply plans could be better coordinated, as identified in the State water supply plan pursuant to G.S. 143-355(m), has priority.

(12) Water conservation measures for drought. – A project that includes adoption of water conservation measures by a local government unit that are more stringent than the minimum water conservation measures required pursuant to G.S. 143-355.2 has priority."

SECTION 3. This act becomes effective July 1, 2010, and applies to applications for loans and grants submitted on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H D

HOUSE BILL 1744
Committee Substitute Favorable 5/26/10
PROPOSED SENATE COMMITTEE SUBSTITUTE H1744-CSSY-19 [v.2]

6/28/2010 3:21:30 PM

Short Title: Modify Water Funding Priorities. (Public)

Sponsors:

Referred to:

May 18, 2010

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE COMMON CRITERIA APPLICABLE TO LOANS AND GRANTS FOR WATER AND WASTEWATER INFRASTRUCTURE PROJECTS TO: (1) CLARIFY THAT LEAKING WATERLINES ARE A PRIORITY FOR BOTH WATER QUANTITY AND WATER QUALITY PURPOSES; (2) INCLUDE ASSET MANAGEMENT PLANNING, REGIONALIZATION, STATE WATER SUPPLY PLANNING, AND DROUGHT MANAGEMENT IN THE LIST OF COMMON CRITERIA THAT RECEIVE PRIORITY FOR FUNDING; (3) ESTABLISH A SLIDING SCALE SYSTEM FOR DETERMINING THE PRIORITY GIVEN TO PROJECTS THAT EXCEED THE HIGH-UNIT-COST THRESHOLD; AND (4) PROVIDE THAT A PROJECT THAT DEMONSTRATES IT IS NOT FEASIBLE TO REGIONALIZE SHALL BE GIVEN THE SAME PRIORITY AS A PROJECT THAT INCLUDES REGIONALIZATION, AS RECOMMENDED BY THE LEGISLATIVE STUDY COMMISSION ON WATER AND WASTEWATER INFRASTRUCTURE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 159G-20 is amended by adding a new subdivision to read:

"(28) Asset management plan. – The strategic and systematic application of management practices applied to the infrastructure assets of a local government unit in order to minimize the total costs of acquiring, operating, maintaining, improving, and replacing the assets while at the same time maximizing the efficiency, reliability, and value of the assets."

SECTION 2. G.S. 159G-23 reads as rewritten:

"**§ 159G-23. Common criteria for loan or grant from Wastewater Reserve or Drinking Water Reserve.**

The criteria in this section apply to a loan or grant from the Wastewater Reserve or the Drinking Water Reserve. The Division of Water Quality and the Division of Environmental Health must each establish a system of assigning points to applications based on the following criteria:

(1) Public necessity. – An applicant must explain how the project promotes public health and protects the environment. A project that improves a system that is not in compliance with permit requirements or is under orders from the Department, enables a moratorium to be lifted, or replaces failing septic tanks with a wastewater collection system has priority.

(2) Effect on impaired waters. – A project that improves designated impaired waters of the State has priority.

(3) Efficiency. – A project that achieves efficiencies in meeting the State's water infrastructure needs or reduces vulnerability to drought consistent with Part 2A of Article 21 and Article 38 of Chapter 143 of the General Statutes by one of the following methods has priority:

a. The combination of two or more wastewater or public water systems into a regional wastewater or public water system by merger, consolidation, or another means.

b. Conservation or reuse of water, including bulk water reuse facilities and waterlines to supply reuse water for irrigation and other approved uses.

c. Construction of an interconnection between water systems intended for use in drought or other water shortage emergency.

d. Repair or replacement of leaking ~~waterlines.~~waterlines to improve water conservation and efficiency or to prevent contamination.

e. Replacement of meters and installation of new metering systems.

(4) Comprehensive land-use plan. – A project that is located in a city or county that has adopted or has taken significant steps to adopt a comprehensive land-use plan under Article 18 of Chapter 153A of the General Statutes or Article 19 of Chapter 160A of the General Statutes has priority over a project located in a city or county that has not adopted a plan or has not taken steps to do so. The existence of a plan has more priority than steps taken to adopt a plan, such as adoption of a zoning ordinance. A plan that exceeds the minimum State standards for protection of water resources has more priority than one that does not. A project is considered to be located in a city or county if it is located in whole or in part in that unit. A land-use plan is not considered a comprehensive land-use plan unless it has provisions that protect existing water uses and ensure compliance with water quality standards and classifications in all waters of the State affected by the plan.

(5) Flood hazard ordinance. – A project that is located in a city or county that has adopted a flood hazard prevention ordinance under G.S. 143-215.54A has priority over a project located in a city or county that has not adopted an ordinance. A plan that exceeds the minimum standards under G.S. 143-215.54A for a flood hazard prevention ordinance has more priority than one that does not. A project is considered to be located in a city or county if it is located in whole or in part in that unit. If no part of the service area of a project is located within the 100-year floodplain, the project has the same priority under this subdivision as if it were located in a city or county that has adopted a flood hazard prevention ordinance. The most recent maps prepared pursuant to the National Flood Insurance Program or approved by the Department determine whether an area is within the 100-year floodplain.

(6) Sound management. – A project submitted by a local government unit that has demonstrated a willingness and ability to meet its responsibilities through sound fiscal policies and efficient operation and management has priority.

(6a) Asset management plan. – A project submitted by a local government unit with more than 1,000 service connections that has developed and is implementing an asset management plan has priority over a project submitted by a local government unit with more than 1,000 service

connections that has not developed or is not implementing an asset management plan.

(7) Capital improvement plan. – A project that implements the applicant's capital improvement plan for the wastewater system or public water system it manages has priority over a project that does not implement a capital improvement plan. To receive priority, a capital improvement plan must set out the applicant's expected water infrastructure needs for at least 10 years.

(8) Coastal habitat protection. – A project that implements a recommendation of a Coastal Habitat Protection Plan adopted by the Environmental Management Commission, the Coastal Resources Commission, and the Marine Fisheries Commission pursuant to G.S. 143B-279.8 has priority over other projects that affect counties subject to that Plan.

(9) High-unit-cost threshold. – A high-unit-cost project has priority over projects that are not high-unit-cost projects. The priority given to a high-unit-cost project shall be set using a sliding scale based on the amount by which the applicant exceeds the high-unit-cost threshold.

(10) Regionalization. – A project to provide for the planning of regional public water and wastewater systems, to provide for the orderly coordination of local actions relating to public water and wastewater systems, or to help realize economies of scale in regional public water and wastewater systems through consolidation, management, merger, or interconnection of public water and wastewater systems has priority. If an applicant demonstrates that it is not feasible for the project to include regionalization, the funding agency shall assign the project the same priority as a project that includes regionalization.

(11) State water supply plan. – A project that addresses a potential conflict between local plans or implements a measure in which local water supply plans could be better coordinated, as identified in the State water supply plan pursuant to G.S. 143-355(m), has priority.

(12) Water conservation measures for drought. – A project that includes adoption of water conservation measures by a local government unit that are more stringent than the minimum water conservation measures required pursuant to G.S. 143-355.2 has priority."

SECTION 3. This act becomes effective July 1, 2010, and applies to applications for loans and grants submitted on or after that date.

HOUSE BILL 1744:
Modify Water Funding Priorities

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	June 29, 2010
Introduced by:	Reps. Crawford, Gillespie, Owens, Tarleton	**Prepared by:**	Tim Dodge Committee Counsel
Analysis of:	PCS to Second Edition H1744-CSSY-19 [v.2]		

SUMMARY: ***House Bill 1744 would modify the common criteria applicable to loans and grants for water and wastewater infrastructure projects as follows: (1) clarify that leaking waterlines are a priority for both water quantity and water quality purposes; (2) include asset management planning, regionalization, State water supply planning, and drought management in the list of common criteria that receive priority for funding; (3) establish a sliding scale system for determining the priority given to projects that exceed the high-unit-cost threshold; and (4) provide that a project that demonstrates it is not feasible for the project to include regionalization shall be given the same priority for regionalization as a project that includes regionalization.***

House Bill 1744 was recommended by the Legislative Study Commission on Water and Wastewater Infrastructure. As introduced, this bill was identical to S1293, as introduced by Sen. Hoyle, which is currently in Senate Agriculture/Environment/Natural Resources.

CURRENT LAW: G.S. 159G-23 establishes common criteria that apply to loans and grants from the following State agencies:

- The Drinking Water Reserve administered by the Public Water Supply Section of the Division of Environmental Health of the North Carolina Department of Environment and Natural Resources (DENR).
- The Wastewater Reserve administered by the Construction Grants and Loans Section of the Division of Water Quality of DENR.
- The Clean Water Management Trust Fund.[1]
- The North Carolina Rural Economic Development Center (Rural Center).[2]

The common criteria include the following:

1. Public Necessity.
2. Flood Hazard Ordinance.

[1] G.S. 113A-254 provides that "the common criteria for water projects set in G.S. 159G-23 and the criteria set out in this section ... apply to wastewater collection system projects, wastewater treatment works projects, and stormwater quality projects [seeking funding from the Clean Water Management Trust Fund]."

[2] See, e.g., S.L. 2008-107, Sec. 13.8.(f), and S.L. 2007-323, Sec. 13.13A.(f), which both read: "the criteria in G.S. 159G-23, the criteria set out in this section, and any other criteria established by the Board of Directors of the Rural Center shall apply to a grant provided under this section."

3. Effect on Impaired Waters.
4. Sound Management.
5. Efficiency.
6. Capital Improvement Plan.
7. Comprehensive Land Use Plan.
8. Coastal Habitat Protection.

In addition, each of the funding agencies also develops separate funding criteria for their programs, based on additional criteria provided by federal agencies, the General Assembly, or by their governing boards.

BILL ANALYSIS: HB 1744 amends G.S. 159G-23 to modify the common criteria applicable to loans and grants for water and wastewater infrastructure projects as follows:

- Leaking waterlines: The bill clarifies that the repair or replacement of leaking waterlines is a priority in situations where the line repair or replacement is being done to either improve water conservation and efficiency or to prevent contamination.
- Asset management plans: The bill defines an asset management to mean "the strategic and systematic application of management practices applied to the infrastructure assets of a local government unit in order to minimize the total costs of acquiring, operating, maintaining, improving, and replacing the assets while at the same time maximizing the efficiency, reliability, and value of the assets." The bill then provides that a project submitted by a local government unit with more than 1,000 service connections that has developed and is implementing an asset management plan has priority over a project submitted by a local government unit with more than 1,000 service connections that has not developed or is not implementing an asset management plan.
- High-unit-cost threshold: The bill establishes that a high-unit cost project has priority over non-high-unit-cost projects. In addition, the bill establishes a sliding scale system for determining the priority given to projects that exceed the high unit cost threshold.[3]
- Regionalization: The bill gives priority to those projects that promote the consolidation, management, merger, or interconnection of water systems. If an applicant demonstrates it is not feasible for the project to include regionalization, the funding agency shall assign the project the same priority as a project that includes regionalization.
- State water supply plan: G.S. 143-355(l) directs each local government unit in the State to develop and submit a local water supply plan to DENR at least once every five years. Pursuant to G.S. 143-355(m), DENR then utilizes the information contained in the local water supply plans to create a State water supply plan. DENR is directed to identify potential conflicts among the various local plans and ways in which local water supply programs could be better coordinated. The bill gives priority to a project that addresses a potential conflict between local plans or implements a measure in which local water supply plans could be better coordinated.

[3] The high-unit-cost threshold is defined in G.S. 159G-20(10) as either 1.5% of the median household income in an area that receives both water and sewer service, or 0.75% of the median household income in an area that receives only water service or only sewer service. The median household income is based on data from the most recent federal decennial census and updated by the U.S. Department of Housing and Urban Development's annual estimated income adjustment factors.

- Water conservation measures for drought: G.S. 143-355.2 requires local government units to adopt certain minimum water conservation measures to respond to drought or other water shortage conditions, but subsection (h) allows local governments to adopt more stringent standards. The bill gives priority to those projects that adopt more stringent water conservation measures.

EFFECTIVE DATE: The bill would become effective July 1, 2010, and apply to applications for loans and grants submitted on or after that date.

CHANGES MADE IN THE PCS: The Proposed Committee Substitute (PCS) would modify the list of methods used to promote regionalization to include management. The PCS would also require an applicant to demonstrate to the satisfaction of the appropriate funding agency (DENR, Clean Water Management Trust Fund, and/or the Rural Center) that it is not feasible for the project to include regionalization in order to receive the same priority as a project that includes regionalization.

BACKGROUND: House Bill 1744 was recommended by the Legislative Study Commission on Water and Wastewater Infrastructure. The Study Commission, established in Sec. 43 of S.L. 2009-574, was charged with, among other items, reviewing "infrastructure funding priorities currently set out in State law to determine whether the priorities appropriately reflect the State's most pressing needs in light of future growth projections, and recommend[ing] changes to infrastructure funding priorities and appropriations processes to ensure that funds are used to meet the State's most pressing needs." (§43.3(4) and (5)).

H1744-SMSY-31(CSSY-19) v2

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H 3

HOUSE BILL 1746*
Committee Substitute Favorable 6/9/10
Committee Substitute #2 Favorable 6/16/10

Short Title: Water Infrastructure Information Needs. (Public)

Sponsors:

Referred to:

May 18, 2010

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, IN CONJUNCTION WITH OTHER INTERESTED PARTIES, TO ESTABLISH A TASK FORCE TO: (1) DEVELOP A STATEWIDE SURVEY TO SUPPLEMENT THE CURRENT INFORMATION USED TO ASSESS THE STATE'S WATER AND WASTEWATER INFRASTRUCTURE NEEDS; (2) DEVELOP A PLAN FOR INCORPORATING THE INFORMATION COMPILED FROM THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY SURVEY INTO THE STATE WATER SUPPLY PLAN; AND (3) DEVELOP RECOMMENDATIONS REGARDING A STATEWIDE WATER AND WASTEWATER INFRASTRUCTURE RESOURCE AND FUNDING DATABASE, AS RECOMMENDED BY THE LEGISLATIVE STUDY COMMISSION ON WATER AND WASTEWATER INFRASTRUCTURE.

Whereas, the two primary sources of data currently available to determine the State's water and wastewater needs include the United States Environmental Protection Agency surveys of publicly owned water and wastewater systems conducted every four years by the Department of Environment and Natural Resources and the North Carolina Rural Economic Development Center Water 2030 Initiative; and

Whereas, the Water 2030 Initiative, completed in 2005, provides a snapshot of projected water and wastewater infrastructure needs through 2030, but was funded as a onetime overview, and has not been fully updated since 2005; and

Whereas, while both the United States Environmental Protection Agency surveys and Water 2030 Initiative are useful tools, there continue to be gaps in the information used to determine the State's water and wastewater infrastructure needs, particularly with regard to economic development and growth-related infrastructure needs, water system efficiency measures, and costs related to the development of new water sources; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. Task Force. – The Department of Environment and Natural Resources, the Department of Commerce, the Department of State Treasurer, the Clean Water Management Trust Fund, the State Water Infrastructure Commission, the Office of Information Technology Services, the North Carolina League of Municipalities, the North Carolina Association of County Commissioners, the Rural Economic Development Center, and the Environmental Finance Center at the School of Government at the University of North Carolina at Chapel Hill shall establish a task force to improve the collection and utilization of information related to State water and wastewater infrastructure needs. The Department of Environment and Natural Resources shall be the lead agency for the task force. The task force

may also work with other interested stakeholders in its discretion. The responsibilities and duties of the task force shall include all of the following:

(1) To develop a statewide survey to build on the base of the existing United States Environmental Protection Agency water and wastewater infrastructure survey process that will provide a more accurate assessment of statewide water and wastewater infrastructure needs.

a. The survey shall be designed to address the following information gaps that have been identified in the current information sources:

1. Information on water and wastewater infrastructure needs related to economic development and population growth.
2. Information on water and wastewater system service areas.
3. Information on drinking water needs relevant to determining the need and the cost of proposed reservoir construction.
4. Information on infrastructure needs to address failing water and wastewater systems.
5. Information on the infrastructure needs related to water system efficiency to address the issue of water loss.

b. The task force shall consider how often the information provided by the survey should be updated.

c. The task force shall consider requesting information to update the Water 2030 Initiative as part of the survey design.

d. The task force shall consider how often to update the survey, and how best to formulate and summarize the survey results on the State's combined water and wastewater infrastructure needs in a concise and easily understood format for use by the General Assembly. The task force shall prepare a model report based on this format.

(2) To develop a plan to incorporate relevant information obtained from the existing United States Environmental Protection Agency survey and any statewide survey developed pursuant to subdivision (1) of this section into the State water supply plan developed pursuant to G.S. 143-355(m). In devising the plan to incorporate the needs survey information into the State water supply plan, the task force shall consider possible modifications to the information collected as part of the local water supply plans or the methodology used to prepare the local water supply plans that would make it easier to incorporate the needs survey information into the State water supply plan.

(3) To recommend a plan for the establishment and maintenance of a statewide water and wastewater infrastructure resource and funding database, or alternative information systems or processes that are capable of consolidating and integrating statewide information on water and wastewater infrastructure needs, resources, and funding and making this information more accessible to applicants, government agencies, and policymakers. The task force shall consider the relative merits of a database and any proposed alternatives, taking into account estimated costs and the ability of each to meet the goals outlined in this section. In analyzing a database, the task force shall identify options for database system design and structure and delineate the categories of information to be compiled and indexed.

SECTION 2. Report. – The Department of Environment and Natural Resources shall report the findings and recommendations of the task force to the Legislative Study Commission on Water and Wastewater Infrastructure by November 1, 2010. The report shall

include the estimated cost to implement the recommendations and any legislative changes required to implement the recommendations.

SECTION 3. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H D

HOUSE BILL 1746*
Committee Substitute Favorable 6/9/10
Committee Substitute #2 Favorable 6/16/10
PROPOSED SENATE COMMITTEE SUBSTITUTE H1746-CSSY-22 [v.1]

6/28/2010 8:25:46 PM

Short Title: Water Infrastructure Information Needs. (Public)

Sponsors:

Referred to:

May 18, 2010

A BILL TO BE ENTITLED

AN ACT TO: (1) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, IN CONJUNCTION WITH OTHER INTERESTED PARTIES, TO ESTABLISH A TASK FORCE TO DEVELOP A STATEWIDE SURVEY TO SUPPLEMENT THE CURRENT INFORMATION USED TO ASSESS THE STATE'S WATER AND WASTEWATER INFRASTRUCTURE NEEDS, DEVELOP A PLAN FOR INCORPORATING THE INFORMATION COMPILED FROM THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY SURVEY INTO THE STATE WATER SUPPLY PLAN, AND DEVELOP RECOMMENDATIONS REGARDING A STATEWIDE WATER AND WASTEWATER INFRASTRUCTURE RESOURCE AND FUNDING DATABASE; AND (2) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND THE LOCAL GOVERNMENT COMMISSION OF THE DEPARTMENT OF STATE TREASURER TO JOINTLY EVALUATE THE POTENTIAL BENEFITS OF MONITORING THE FINANCIAL CONDITION OF PUBLIC WATER SYSTEMS AND WASTEWATER SYSTEMS, AS RECOMMENDED BY THE LEGISLATIVE STUDY COMMISSION ON WATER AND WASTEWATER INFRASTRUCTURE.

Whereas, the two primary sources of data currently available to determine the State's water and wastewater needs include the United States Environmental Protection Agency surveys of publicly owned water and wastewater systems conducted every four years by the Department of Environment and Natural Resources and the North Carolina Rural Economic Development Center Water 2030 Initiative; and

Whereas, the Water 2030 Initiative, completed in 2005, provides a snapshot of projected water and wastewater infrastructure needs through 2030, but was funded as a onetime overview, and has not been fully updated since 2005; and

Whereas, while both the United States Environmental Protection Agency surveys and Water 2030 Initiative are useful tools, there continue to be gaps in the information used to determine the State's water and wastewater infrastructure needs, particularly with regard to economic development and growth-related infrastructure needs, water system efficiency measures, and costs related to the development of new water sources; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1.(a) Task Force. – The Department of Environment and Natural Resources, the Department of Commerce, the Department of State Treasurer, the Clean Water Management Trust Fund, the State Water Infrastructure Commission, the Office of Information Technology Services, the North Carolina League of Municipalities, the North Carolina Association of County Commissioners, the Rural Economic Development Center, and the Environmental Finance Center at the School of Government at the University of North Carolina at Chapel Hill shall establish a task force to improve the collection and utilization of information related to State water and wastewater infrastructure needs. The Department of Environment and Natural Resources shall be the lead agency for the task force. The task force may also work with other interested stakeholders in its discretion. The responsibilities and duties of the task force shall include all of the following:

(1) To develop a statewide survey to build on the base of the existing United States Environmental Protection Agency water and wastewater infrastructure survey process that will provide a more accurate assessment of statewide water and wastewater infrastructure needs.
   a. The survey shall be designed to address the following information gaps that have been identified in the current information sources:
      1. Information on water and wastewater infrastructure needs related to economic development and population growth.
      2. Information on water and wastewater system service areas.
      3. Information on drinking water needs relevant to determining the need and the cost of proposed reservoir construction.
      4. Information on infrastructure needs to address failing water and wastewater systems.
      5. Information on the infrastructure needs related to water system efficiency to address the issue of water loss.
   b. The task force shall consider how often the information provided by the survey should be updated.
   c. The task force shall consider requesting information to update the Water 2030 Initiative as part of the survey design.
   d. The task force shall consider how often to update the survey, and how best to formulate and summarize the survey results on the State's combined water and wastewater infrastructure needs in a concise and easily understood format for use by the General Assembly. The task force shall prepare a model report based on this format.

(2) To develop a plan to incorporate relevant information obtained from the existing United States Environmental Protection Agency survey and any statewide survey developed pursuant to subdivision (1) of this section into the State water supply plan developed pursuant to G.S. 143-355(m). In devising the plan to incorporate the needs survey information into the State water supply plan, the task force shall consider possible modifications to the information collected as part of the local water supply plans or the methodology used to prepare the local water supply plans that would make it easier to incorporate the needs survey information into the State water supply plan.

(3) To recommend a plan for the establishment and maintenance of a statewide water and wastewater infrastructure resource and funding database, or alternative information systems or processes that are capable of consolidating and integrating statewide information on water and wastewater infrastructure needs, resources, and funding and making this information more accessible to applicants, government agencies, and policymakers. The

task force shall consider the relative merits of a database and any proposed alternatives, taking into account estimated costs and the ability of each to meet the goals outlined in this section. In analyzing a database, the task force shall identify options for database system design and structure and delineate the categories of information to be compiled and indexed.

SECTION 1.(b) Task force report. – The Department of Environment and Natural Resources shall report the findings and recommendations of the task force to the Legislative Study Commission on Water and Wastewater Infrastructure by November 1, 2010. The report shall include the estimated cost to implement the recommendations and any legislative changes required to implement the recommendations.

SECTION 2.(a) The Department of Environment and Natural Resources and the Local Government Commission of the Department of State Treasurer shall jointly evaluate the costs and benefits of requiring each public water system or wastewater system in the State to demonstrate that the system raises sufficient revenue to cover the costs associated with proper operation of the system, including the costs of maintenance, repair, and replacement of collection, treatment, and distribution infrastructure.

(1) The Department of Environment and Natural Resources and the Local Government Commission shall specifically consider increasing their oversight role to include the following actions:
   a. Review grant applications submitted by a system to determine the portion of the proposed grant match that is funded from local revenues as opposed to another grant.
   b. Develop benchmarks that a system must meet to ensure that the system is operating in a financially sound manner.

(2) The Department of Environment and Natural Resources and the Local Government Commission shall specifically evaluate the desirability of requiring each public water system and wastewater system in the State to conduct the following actions:
   a. Submit an annual audit statement to State water and wastewater infrastructure funding agencies to which the system is applying for loan or grant funds for the purpose of reporting on the operation of the system and to demonstrate whether the water or wastewater rates of each system are sufficient to maintain system operations and meet debt service obligations.
   b. Implement remedial measures in the event that the audit statement indicates a shortfall, including the submission of a written explanation for the revenue shortfall from the governing body of the system and the development of a plan to ensure that system revenues cover system costs.
   c. Maintain a capital reserve fund.
   d. Provide notification to funding agencies when a system is failing to operate in compliance with applicable State and federal water quality standards.

(3) The Department of Environment and Natural Resources and the Local Government Commission shall identify and consider other actions or measures that would improve the oversight of the financial condition of public water systems and wastewater systems.

SECTION 2.(b) For the purposes of this act, "public water system" has the same meaning as in G.S. 130A-313(10), and "wastewater system" has the same meaning as in G.S. 159G-20(25).

SECTION 2.(c) The Department of Environment and Natural Resources and the Local Government Commission shall jointly report their findings and recommendations to the Legislative Study Commission on Water and Wastewater Infrastructure no later than November 1, 2010.

SECTION 3. This act is effective when it becomes law.

HOUSE BILL 1746:
Water Infrastructure Information Needs

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	June 29, 2010
Introduced by:	Reps. Crawford, Gillespie, Owens, Tarleton	**Prepared by:**	Tim Dodge Committee Counsel
Analysis of:	PCS to Third Edition H1746-CSSY-22		

SUMMARY: The proposed committee substitute (PCS) for House Bill 1746 does the following:

- ***Directs the Department of Environment and Natural Resources (DENR), in conjunction with other interested parties, to establish a task force to: (1) develop a statewide survey to supplement the current information used to assess the State's water and wastewater infrastructure needs; (2) develop a plan for incorporating the information compiled from the United States Environmental Protection Agency (USEPA) surveys into the State water supply plan; and (3) develop a plan for the creation and maintenance of a statewide water and wastewater infrastructure resource and funding database.***
- ***Directs DENR and the Local Government Commission to jointly evaluate the costs and benefits of implementing various measures to increase the oversight of public water systems and wastewater systems to ensure that the systems are operating in a financially sound manner. (This study provision was previously in HB 1743).***

HB 1743 and HB 1746 were recommended by the Legislative Study Commission on Water and Wastewater Infrastructure.

BILL ANALYSIS: Water Infrastructure Needs: The bill would direct DENR, the Department of Commerce, the Department of State Treasurer, the Clean Water Management Trust Fund, the State Water Infrastructure Commission, the North Carolina League of Municipalities, the North Carolina Association of County Commissioners, the Rural Economic Development Center, the Office of Information Technology Services, and the Environmental Finance Center at the School of Government at the University of North Carolina at Chapel Hill to establish a task force to improve the collection and utilization of information related to State water and wastewater infrastructure needs. DENR shall be the lead agency for the task force. The task force may also work with other interested stakeholders in its discretion. The responsibilities and duties of the task force shall include all of the following:

- Survey of State water and wastewater infrastructure needs: The task force shall develop a statewide survey to build on the base of the existing USEPA water and wastewater infrastructure survey process that will provide a more accurate assessment of statewide water and wastewater infrastructure needs. The task force may also consider requesting information to update the Water 2030 initiative as part of the survey design.
- Plan to incorporate information from needs survey into State water supply plan: The task force would also develop a plan to incorporate information form the USEPA needs survey into the State water supply plan.

- Water infrastructure database: The task force would recommend a plan for the establishment and maintenance of a statewide water and wastewater infrastructure resource and funding database, or alternative information systems or processes that are capable of consolidating and integrating statewide information on water and wastewater infrastructure needs, resources, and funding and making this information more accessible to applicants, government agencies, and policymakers. The task force shall consider the relative merits of a database and any proposed alternatives, taking into account estimated costs and the ability of each to meet the goals of the database. In analyzing the database, the task force shall identify options for database system design and structure and delineate the categories of information to be compiled and indexed.

DENR shall report the findings and recommendations of the task force to the Legislative Study Commission on Water and Wastewater Infrastructure no later than November 1, 2010.

DENR and LGC Evaluate Water System Operations. The bill directs DENR and the LGC to jointly evaluate the costs and benefits of increasing their role in the financial oversight of public water systems and wastewater systems. The bill directs DENR and the LGC to consider the development of benchmarks that a system must meet to ensure that the system is operating in a financially sound manner, and to review grant applications submitted by a system to determine the portion of the proposed grant match that is funded from local revenues as opposed to another grant. In addition, the bill directs the DENR and the LGC to evaluate the desirability of requiring public water systems and wastewater systems to do the following:

- Submit annual audit statements to State funding agencies to demonstrate the sufficiency of the system's rates.
- Take remedial measures in the event that a shortfall is found.
- Maintain a capital reserve fund.
- Notify funding agencies when the system fails to operate in compliance with applicable State and federal water quality standards.

The bill also directs DENR and the LGC to identify other measures that would improve the financial oversight of public water systems and wastewater systems in the State.

DENR and the LGC would jointly report the findings and recommendations to the Legislative Study Commission on Water and Wastewater Infrastructure no later than November 1, 2010.

EFFECTIVE DATE: The PCS would become effective when it becomes law.

BACKGROUND: Water Infastructure Information Sources: As part of the federal Safe Drinking Water Act, USEPA conducts the Drinking Water Infrastructure Needs Survey and Assessment every four years to assess public water system capital improvement needs. State agencies assist USEPA in conducting the assessment and are primarily responsible for the data collection portion of the USEPA survey.

The Rural Center began implementation of the Water 2030 initiative in 2004. The purpose of Water 2030 was to determine North Carolina's water resource needs for the next 25 years and to provide sound

information on which to make policy decisions. The Initiative included broad data collection efforts, water supply and demand projections, analysis of available funding, and public education and outreach.

Various entities, including State and federal agencies, local governments, academic institutions, and non-profits collect information on water infrastructure needs and projects in the State, but this data is not collected or assembled in a unified fashion. Other States, including Kentucky and Georgia, have established state water infrastructure databases similar to the one proposed in this bill.

Water System Financial Oversight: DENR must approve any plans to locate, construct, alter or operate a public water system in the State, during which DENR ensures that the system has adequate resources for the operation, service, and maintenance of the system. (G.S. 130A-317). The Environmental Management Commission, as part of its permitting process for wastewater systems, certifies that systems are financially qualified to carry out the activities for which they seek a permit. (G.S. 143-215.1). Pursuant to Chapter 159 of the General Statutes (Local Government Finance), the LGC must approve all bonds, notes, or other debt instruments issued by local governments, including those related to public water systems and wastewater systems prior to issuance of the debt instruments. The LGC also monitors certain fiscal and accounting standards prescribed for local governments and provides technical and educational assistance to local governments concerning financial, accounting, and cash management systems.

H1746-SMSY-36(CSSY-22) v1

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H 2

HOUSE BILL 1747
Committee Substitute Favorable 6/9/10

Short Title: Water Supply System Capacity Planning. (Public)

Sponsors:

Referred to:

May 18, 2010

A BILL TO BE ENTITLED

AN ACT TO REQUIRE A LOCAL GOVERNMENT THAT PROVIDES PUBLIC WATER SERVICE OR A COMMUNITY WATER SYSTEM TO REVISE ITS LOCAL WATER SUPPLY PLAN TO ADDRESS FORESEEABLE FUTURE WATER NEEDS WHEN EIGHTY PERCENT OF THE WATER SYSTEM'S AVAILABLE WATER SUPPLY HAS BEEN ALLOCATED OR WHEN SEASONAL DEMAND EXCEEDS NINETY PERCENT, AS RECOMMENDED BY THE LEGISLATIVE STUDY COMMISSION ON WATER AND WASTEWATER INFRASTRUCTURE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-355(l) reads as rewritten:

"(l) Local Water Supply Plans. – Each unit of local government that provides public water service or that plans to provide public water service and each large community water system shall, either individually or together with other units of local government and large community water systems, prepare a local water supply plan and submit it to the Department for approval. The Department shall provide technical assistance with the preparation of plans to units of local government and large community water systems upon request and to the extent that the Department has resources available to provide assistance. At a minimum, each unit of local government and large community water system shall include in local water supply plans all information that is readily available to it. Plans shall include present and projected population, industrial development, and water use within the service area; present and future water supplies; an estimate of the technical assistance that may be needed at the local level to address projected water needs; current and future water conservation and water reuse programs; a description of how the local government or large community water system will respond to drought and other water shortage emergencies and continue to meet essential public water supply needs during the emergency; and any other related information as the Department may require in the preparation of a State water supply plan. A unit of local government or large community water system shall submit a revised plan that specifies how the water system intends to address foreseeable future water needs when eighty percent (80%) of the water system's available water supply based on calendar year average daily demand has been allocated to current or prospective water users or the seasonal demand exceeds ninety percent (90%). Local plans shall be revised to reflect changes in relevant data and projections at least once each five years unless the Department requests more frequent revisions. The revised plan shall include the current and anticipated reliance by the local government unit or large community water system on surface water transfers as defined by G.S. 143-215.22G. Local plans and revised plans shall be submitted to the Department once they have been approved by each unit of local government and large community water system that participated in the preparation of the plan."

SECTION 2. This act is effective when it becomes law.

HOUSE BILL 1747:
Water Supply System Capacity Planning

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	June 29, 2010
Introduced by:	Reps. Crawford, Gillespie, Owens, Tarleton	**Prepared by:**	Tim Dodge Committee Counsel
Analysis of:	Second Edition		

SUMMARY: House Bill 1747 would require a local government that provides public water service or a community water system to revise its local water supply plan to address foreseeable future water needs when 80 percent of the water system's available water supply has been allocated or when seasonal demand exceeds 90 percent.

House Bill 1747 was recommended by the Legislative Study Commission on Water and Wastewater Infrastructure. As introduced, this bill was identical to Senate Bill 1292, as introduced by Senator Hoyle, which is currently in House Water Resources and Infrastructure, if favorable, Environment and Natural Resources.

CURRENT LAW: G.S. 143-355(l) requires all units of local government that provide or plan to provide public water service to prepare a local water supply plan and submit the plan to the Department of Environment and Natural Resources (DENR) for approval. In addition, all community water systems that regularly serve 1,000 or more service connections or serve more than 3,000 people are required to prepare a local water supply plan. The local plan must include the following information:

- Current and projected population, industrial development, and water use within the service area.
- Current and future water supplies.
- An estimate of the technical assistance that may be needed from DENR to address projected water needs.
- Current and future water conservation and water reuse programs.
- A description of how the local government or large community water system will respond to drought and other water shortage emergencies and continue to meet essential public water supply needs during the emergency (water shortage response plan).
- Any other related information that DENR may require in the preparation of the State water supply plan.

The local plans must be revised to reflect changes in data and projections at least once every five years, but DENR may request more frequent revisions if necessary.

BILL ANALYSIS: House Bill 1747 would require a local government that provides public water service or a large community water system to revise its local water supply plan to address foreseeable future water needs when 80 percent of the water system's available water supply based on calendar year average daily demand has been allocated or when seasonal demand exceeds 90 percent.

EFFECTIVE DATE: The bill would become effective when it becomes law.

BACKGROUND:

State and Local Water Supply Plans: The goal of the local water supply plan program is to encourage local governments to look current and future needs to better manage water supplies, plan for water supply system improvements, and prepare for a variety of water shortage situations. In addition, the Division of Water Resources of DENR utilizes the local water supply plans in the development of the State Water Supply Plan, which provides a comprehensive assessment of water supply needs, water use, and water availability across the State, identifies the major water supply issues facing the State now and in the near future, and provides guidance for sound water supply planning.

G.S. 130A-315 authorizes the Commission for Public Health (Commission) to adopt drinking water rules to regulate public water systems, with DENR responsible for enforcing the rules. Specifically, G.S. 130A-315(b1)(4a) authorizes the Commission to adopt rules that would limit the number of service connections to a public water system based on the quantity of water available to the public water system, provided that the number of service connections shall not be limited for a public water system operating in accordance with a local water supply plan that meets the requirements of G.S. 143-355(l).

Requirements for Wastewater Planning: The Commission has adopted similar rules related to wastewater treatment planning to ensure that treatment facilities do not exceed their hydraulic treatment capabilities. 15A NCAC 02T .0118, sometimes referred to as the "80-90 Rule" details what actions must be taken when treatment plants reach average flows of 80 percent or 90 percent of their permitted capacity. Prior to exceeding 80 percent of a wastewater treatment system's permitted hydraulic capacity, the system must submit an engineering evaluation of their future wastewater treatment, utilization, and disposal needs, as well as a specific plan for meeting the future needs by either expansion of the existing system, elimination or reduction of extraneous flows, or water conservation. In addition, the evaluation must include the proposed source of funding for the improvements. Prior to exceeding 90 percent of a system's permitted hydraulic capacity, the system must obtain all permits needed for the expansion of the wastewater treatment system and, if construction is needed, submit approvable final plans and specifications for expansion, including a construction schedule.

H1747-SMSY-34(e2) v1

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H 3

HOUSE BILL 1748*

Committee Substitute Favorable 6/9/10
Committee Substitute #2 Favorable 6/16/10

Short Title: Conserve & Protect Ag Water Resources. (Public)

Sponsors:

Referred to:

May 18, 2010

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES AND THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO: (1) CONTINUE TO WORK WITH THE NORTH CAROLINA FARM BUREAU FEDERATION, OTHER AGRICULTURAL ORGANIZATIONS, AND FARMERS IN THE STATE TO DEVELOP A PLAN TO IDENTIFY AND REPORT AGRICULTURAL WATER INFRASTRUCTURE NEEDS; (2) ENCOURAGE VOLUNTARY PRACTICES THAT CONSERVE AND PROTECT WATER RESOURCES; AND (3) DESIGN A COST-SHARE PROGRAM TO ASSIST FARMERS AND AGRICULTURAL LANDOWNERS WHO IMPLEMENT BEST MANAGEMENT PRACTICES TO CONSERVE AND PROTECT WATER RESOURCES RELATED TO AGRICULTURAL USE, AS RECOMMENDED BY THE LEGISLATIVE STUDY COMMISSION ON WATER AND WASTEWATER INFRASTRUCTURE.

Whereas, North Carolina recognizes that water is our most basic and precious natural resource; and

Whereas, North Carolina has experienced several years of extreme drought over the past decade and will likely continue to experience extreme drought in the future; and

Whereas, North Carolina should identify and promote best management practices and leadership efforts in water efficiency and water conservation; and

Whereas, agriculture is one of the largest industries in the State, with an annual economic impact of over $70 billion each year and employing over 640,000 people; and

Whereas, agriculture suffers acutely from the effects of water scarcity and drought, while at the same time playing an important role in the sustainable management of available water resources; and

Whereas, farmers and agricultural landowners can play an important role in helping to protect current and future water resources; and

Whereas, the United States Environmental Protection Agency conducts an assessment of the national public water system capital improvement needs every four years as part of its Drinking Water Infrastructure Needs Survey and Assessment, but this survey does not consider agricultural water infrastructure needs; and

Whereas, the Department of Agriculture and Consumer Services, in conjunction with the Division of Soil and Water Conservation of the Department of Environment and Natural Resources, the North Carolina Farm Bureau Federation, other agricultural organizations, and farmers are currently in the process of developing a strategic plan for protecting agricultural water resources; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. The Department of Agriculture and Consumer Services and the Division of Soil and Water Conservation of the Department of Environment and Natural Resources shall continue to work with the North Carolina Farm Bureau Federation, other agricultural organizations, and farmers to develop a plan that will identify agricultural water infrastructure needs that are not accounted for in the surveys of water infrastructure needs conducted by the United States Environmental Protection Agency. The plan shall include the following:

(1) A mechanism for reporting the results of the data gathered to the General Assembly in a manner that is helpful in assessing legislative and budgetary issues that the General Assembly may need to address.

(2) Methods to identify current and future agricultural water-use needs and methods to ensure that those needs are met.

(3) Methods to identify best management practices for water conservation and water efficiency by agricultural water users in the State.

(4) A schedule to update the plan on a regular basis.

SECTION 2. The Department of Agriculture and Consumer Services and the Department of Environment and Natural Resources shall work with farmers and agricultural landowners to encourage voluntary practices that conserve water, increase the efficiency of private water use, and increase the water storage capacity of agricultural lands. The Department of Agriculture and Consumer Services and the Department of Environment and Natural Resources shall jointly design a cost-share program to provide technical and financial support to farmers and agricultural landowners who want to implement best management practices to protect water resources related to agricultural use.

SECTION 3. The Department of Agriculture and Consumer Services and the Department of Environment and Natural Resources shall report to the Legislative Study Commission on Water and Wastewater Infrastructure by November 1, 2010, on the development of the plan to identify agricultural water infrastructure needs, the identification of best management practices for water conservation and water efficiency by agricultural water users in the State, and the design of the cost-share program. The report shall include the estimated costs of implementing the plan and cost-share program, the proposed methodology and time frame for implementing the plan and cost-share program, possible sources of funding for the cost-share program, and any legislative changes needed to implement the plan and cost-share program.

SECTION 4. This act is effective when it becomes law.

HOUSE BILL 1748:
Conserve & Protect Ag Water Resources

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	June 29, 2010
Introduced by:	Reps. Crawford, Gillespie, Owens, Tarleton	**Prepared by:**	Tim Dodge Committee Counsel
Analysis of:	Third Edition		

SUMMARY: ***House Bill 1748 directs the Department of Agriculture and Consumer Services and the Department of Environment and Natural Resources (DENR) to: (1) continue to work with the North Carolina Farm Bureau Federation, other agricultural organizations, and farmers to develop a plan to identify and report agricultural water infrastructure needs; (2) encourage voluntary practices that conserve and protect water resources; and (3) design a cost-share program to assist farmers and agricultural landowners who implement best management practices to conserve and protect water resources related to agricultural use.***

House Bill 1748 was recommended by the Legislative Study Commission on Water and Wastewater Infrastructure. As introduced, this bill was identical to S1294, as introduced by Sen. Hoyle, which is currently in House Water Resources and Infrastructure, if favorable, Agriculture.

BILL ANALYSIS: House Bill 1748 directs the Department of Agriculture and Consumer Services and DENR to: (1) continue to work with the North Carolina Farm Bureau Federation, other agricultural organizations, and farmers to develop a plan to identify and report on agricultural water infrastructure needs; (2) identify and encourage voluntary practices that conserve and protect water resources; and (3) design a cost-share program to assist farmers and agricultural landowners who implement best management practices to conserve and protect water resources related to agricultural use.

The bill directs the Department of Agriculture and Consumer Services and DENR to report to the Legislative Study Commission on Water and Wastewater Infrastructure by November 1, 2010, on the development of the plan to identify agricultural water infrastructure needs, the identification of best management practices for water conservation and water efficiency by agricultural water users in the State, and the design of the cost-share program. The report shall include the estimated costs of the plan and cost-share program, the proposed methodology and time frame for implementing the plan and cost-share program, possible sources of funding for the cost-share program, and any legislative changes needed to implement the plan and cost-share program.

EFFECTIVE DATE: The bill would become effective when it becomes law.

BACKGROUND: As part of the federal Safe Drinking Water Act, the United States Environmental Protection Agency (EPA) conducts the Drinking Water Infrastructure Needs Survey and Assessment every four years to assess public water system capital improvement needs. This survey does not consider agricultural water infrastructure needs.

The General Assembly enacted G.S. 106-24(b) in 2008 as part of its response to the drought the State was experiencing in 2007-2008. The statute requires the Department of Agriculture and Consumer Services to annually collect by survey information on water use by a person who withdraws 10,000 gallons of water per day or more for agricultural activities. This information is reported annually to the Environmental Review Commission.

H1748-SMSY-35(e3) v1

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H 3

HOUSE BILL 1743*

Committee Substitute Favorable 5/26/10
Committee Substitute #2 Favorable 6/9/10

Short Title: DENR/LGC Evaluate Water System Operations. (Public)

Sponsors:

Referred to:

May 18, 2010

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND THE LOCAL GOVERNMENT COMMISSION OF THE DEPARTMENT OF STATE TREASURER TO JOINTLY EVALUATE THE POTENTIAL BENEFITS OF MONITORING THE FINANCIAL CONDITION OF PUBLIC WATER SYSTEMS AND WASTEWATER SYSTEMS, AS RECOMMENDED BY THE LEGISLATIVE STUDY COMMISSION ON WATER AND WASTEWATER INFRASTRUCTURE.

The General Assembly of North Carolina enacts:

SECTION 1. The Department of Environment and Natural Resources and the Local Government Commission of the Department of State Treasurer shall jointly evaluate the costs and benefits of requiring each public water system or wastewater system in the State to demonstrate that the system raises sufficient revenue to cover the costs associated with proper operation of the system, including the costs of maintenance, repair, and replacement of collection, treatment, and distribution infrastructure.

(1) The Department of Environment and Natural Resources and the Local Government Commission shall specifically consider increasing their oversight role to include the following actions:
   a. Review grant applications submitted by a system to determine the portion of the proposed grant match that is funded from local revenues as opposed to another grant.
   b. Develop benchmarks that a system must meet to ensure that the system is operating in a financially sound manner.

(2) The Department of Environment and Natural Resources and the Local Government Commission shall specifically evaluate the desirability of requiring each public water system and wastewater system in the State to conduct the following actions:
   a. Submit an annual audit statement to State water and wastewater infrastructure funding agencies to which the system is applying for loan or grant funds for the purpose of reporting on the operation of the system and to demonstrate whether the water or wastewater rates of each system are sufficient to maintain system operations and meet debt service obligations.
   b. Implement remedial measures in the event that the audit statement indicates a shortfall, including the submission of a written explanation for the revenue shortfall from the governing body of the

system and the development of a plan to ensure that system revenues cover system costs.

c. Maintain a capital reserve fund.

d. Provide notification to funding agencies when a system is failing to operate in compliance with applicable State and federal water quality standards.

(3) The Department of Environment and Natural Resources and the Local Government Commission shall identify and consider other actions or measures that would improve the oversight of the financial condition of public water systems and wastewater systems.

SECTION 2. For the purposes of this act, "public water system" has the same meaning as in G.S. 130A-313(10), and "wastewater system" has the same meaning as in G.S. 159G-20(25).

SECTION 3. The Department of Environment and Natural Resources and the Local Government Commission shall jointly report their findings and recommendations to the Legislative Study Commission on Water and Wastewater Infrastructure no later than November 1, 2010.

SECTION 4. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H D

HOUSE BILL 1743*
Committee Substitute Favorable 5/26/10
Committee Substitute #2 Favorable 6/9/10
PROPOSED SENATE COMMITTEE SUBSTITUTE H1743-CSSB-99 [v.1]

6/28/2010 7:57:32 PM

Short Title: Improve River Basin Modeling. (Public)

Sponsors:

Referred to:

May 18, 2010

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO DEVELOP BASINWIDE HYDROLOGIC MODELS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-350 reads as rewritten:

"**§ 143-350. Definitions.**

As used in this Article:

(1) "Commission" means the Environmental Management Commission.

(2) "Department" means the Department of Environment and Natural Resources.

(2a) "Ecological flow" means the stream flow necessary to protect ecological integrity.

(2b) "Ecological integrity" means the ability of an aquatic system to support and maintain a balanced, integrated, adaptive community of organisms having a species composition, diversity, and functional organization comparable to prevailing ecological conditions and, when subject to disruption, to recover and continue to provide the natural goods and services that normally accrue from the system.

(3) "Essential water use" means the use of water necessary for firefighting, health, and safety; water needed to sustain human and animal life; and water necessary to satisfy federal, State, and local laws for the protection of public health, safety, welfare, the environment, and natural resources; and a minimum amount of water necessary to ~~maintain~~ support and sustain the economy of the State, region, or area.

(3a) "Groundwater resource" means any water flowing or lying under the surface of the earth or contained within an aquifer.

(4) "Large community water system" means a community water system, as defined in G.S. 130A-313(10), that regularly serves 1,000 or more service connections or 3,000 or more individuals.

(4a) "Prevailing ecological conditions" means the ecological conditions determined by reference to the period of record of the United States

Geological Survey stream gauge data, excluding data collected when stream flow is temporarily affected by in-stream construction activity.

(4b) "Surface water resource" means any lake, pond, river, stream, creek, run, spring, or other water flowing or lying on the surface of the earth.

(5) "Unit of local government" means a county, city, consolidated city-county, sanitary district, or other local political subdivision or authority or agency of local government.

(6) "U.S. Drought Monitor" means the national drought map that designates areas of drought using the following categories D0-Abnormally Dry, D1-Moderate, D2-Severe, D3-Extreme, and D4-Exceptional. The U.S. Drought Monitor is developed and maintained by the Joint Agricultural Weather Facility, the Climate Prediction Center, the National Climatic Data Center, and the National Drought Mitigation Center with input from the United States Geological Survey, the National Water and Climate Center, the Climate Diagnostics Center, the National Weather Service, state climatologists, and state water resource agencies.

(7) "Water shortage emergency" means a water shortage resulting from prolonged drought, contamination of the water supply, damage to water infrastructure, or other unforeseen causes that presents an imminent threat to public health, safety, and welfare or to the environment."

SECTION 2. G.S. 143-355 is amended by adding a new subsection to read:

"(o) Basinwide Hydrologic Models. – The Department shall develop a basinwide hydrologic model for each of the 17 major river basins in the State as provided in this subsection.

(1) Schedule. – The Department shall develop a schedule for basinwide hydrologic model development. In developing the schedule, the Department shall give priority to developing hydrologic models for river basins or portions of river basins that are experiencing or are likely to experience water supply shortages, where the ecological integrity is threatened or likely to become threatened, or for which an existing hydrologic model has not been developed by the Department or other persons or entities.

(2) Model. – Each basinwide hydrologic model shall:

a. Include surface water resources within the river basin, groundwater resources within the river basin to the extent known by the Department, transfers into and out of the river basin that are required to be registered under G.S. 143-215.22H, other withdrawals, ecological flow, instream flow requirements, projections of future withdrawals, an estimate of return flows within the river basin, inflow data, local water supply plans, and other scientific and technical information the Department deems relevant.

b. Be designed to simulate the flows of each surface water resource within the basin that is identified as a source of water for a withdrawal registered under G.S. 143-215.22H in response to different variables, conditions, and scenarios. The model shall specifically be designed to predict the places, times, frequencies, and intervals at which any of the following may occur:

1. Yield may be inadequate to meet all needs.
2. Yield may be inadequate to meet all essential water uses.
3. Ecological flow may be adversely affected.

c. Be based solely on data that is of public record and open to public review and comment.

(3) Ecological flow. – The Department shall characterize the natural ecology in the different river basins and identify the flow necessary to maintain ecological integrity. The Department shall create a Science Advisory Board to assist the Department in characterizing the natural ecology and identifying the flow requirements. The Science Advisory Board shall include representatives from the Divisions of Water Resources and Water Quality of the Department, the North Carolina Wildlife Resources Commission, the North Carolina Marine Fisheries Commission, and the Natural Heritage Program. The Department shall also invite participation by the United States Fish and Wildlife Service, the National Marine Fisheries Services, and other individuals or organizations with expertise in aquatic ecology and habitat. The Department shall ask the Science Advisory Board to review any report or study submitted to the Department for consideration that is relevant to characterizing the natural ecology of the different river basins and identifying flow requirements for maintenance of ecological integrity. The Department shall consider such other information, including site specific analyses, that either the Board or the Department considers relevant to determining ecological flow requirements

(4) Interstate cooperation. – To the extent practicable, the Department shall work with neighboring states to develop basinwide hydrologic models for each river basin shared by North Carolina and another state.

(5) Approval and modification of hydrologic models. –

a. Upon completion of a hydrologic model, the Department shall:

1. Submit the model to the Commission for approval.
2. Publish in the North Carolina Register notice of its recommendation that the Commission approve the model and of a 60 day period for providing comment on the model.
3. Provide electronic notice to persons who have requested electronic notice of the notice published in the North Carolina Register.

b. Upon receipt of a hydrologic model, the Commission shall:

1. Receive comment on the model for the 60 day period noticed in the North Carolina Register.
2. Act on the model following the 60 day comment period.

c. The Department shall submit any significant modification to an approved hydrologic model to the Commission for review and approval under the process used for initial approval of the model.

d. A hydrologic model is not a rule and Article 2A of Chapter 150B of the General Statutes does not apply to the development of a hydrologic model.

(6) Existing hydrologic models. – The Department shall not develop a hydrologic model for a river basin for which a hydrologic model has already been developed by a person or entity other than the Department, if the Department determines that the hydrologic model meets the requirements of this subsection. The Department may adopt a hydrologic model that has been developed by another person or entity that meets the requirements of this subsection in lieu of developing a hydrologic model as required by this subsection.

(7) Construction of subsection. – Nothing in this subsection shall be construed to vary any existing or impose any additional regulatory requirements related to water quality or water resources.

(8) Report. – The Department shall report to the Environmental Review Commission on the development of basinwide hydrologic models no later than November 1 of each year.

SECTION 3. The first report required by G.S. 143-355(o), as enacted by Section 2 of this act, is due no later than November 1, 2011.

SECTION 4. This act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1743*

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

H1743-ASB-40 [v.3]

Comm. Sub. [YES]
Amends Title [NO]
H1743-CSSB-99 [v.1]

Date June 29 ,2010

Senator Clodfelter

moves to amend the bill on page 1, line 30 through page 2, line 2,
by rewriting those lines to read:

"(4a) "Prevailing ecological conditions" means the ecological conditions determined by reference to the applicable period of record of the United States Geological Survey stream gauge data under existing conditions, including data reflecting the ecological conditions that exist after the construction and operation of existing flow modification devices, such as dams, but excluding data collected when stream flow is temporarily affected by in-stream construction activity." and

on page 3, lines 1 through 18,
by rewriting those lines to read:

"(3) Ecological flow. – The Department shall characterize the ecology in the different river basins and identify the flow necessary to maintain ecological integrity. The Department shall create a Science Advisory Board to assist the Department in characterizing the natural ecology and identifying the flow requirements. The Science Advisory Board shall include representatives from the Divisions of Water Resources and Water Quality of the Department, the North Carolina Wildlife Resources Commission, the North Carolina Marine Fisheries Commission, and the Natural Heritage Program. The Department shall also invite participation by the United States Fish and Wildlife Service; the National Marine Fisheries Services; representatives of organizations representing agriculture, forestry, manufacturing, electric public utility, and local governments with expertise in aquatic ecology and habitat; and other individuals or organizations with expertise in aquatic ecology and habitat. The Department shall ask the Science Advisory Board to review any report or study submitted to the Department for consideration that is relevant to characterizing the ecology of the different river basins and identifying flow requirements for maintenance of ecological integrity. The Department shall consider such other information, including site specific

analyses, that either the Board or the Department considers relevant to determining ecological flow requirements." and

on page 3, lines 41 through 48,
by rewriting those lines to read:

"(6) Existing hydrologic models. – The Department shall not develop a hydrologic model for a river basin for which a hydrologic model has already been developed by a person or entity other than the Department, if the Department determines that the hydrologic model meets the requirements of this subsection. The Department may adopt a hydrologic model that has been developed by another person or entity that meets the requirements of this subsection in lieu of developing a hydrologic model as required by this subsection. The Department may make any modifications or additions to a hydrologic model developed by another person or entity that are necessary to meet the requirements of this subsection.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1743*

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

H1743-ASB-40 [v.3]

Comm. Sub. [YES]
Amends Title [NO]
H1743-CSSB-99 [v.1]

Date _____,2010

Senator _____

moves to amend the bill on page 1, line 30 through page 2, line 2, by rewriting those lines to read:

"(4a) "Prevailing ecological conditions" means the ecological conditions determined by reference to the applicable period of record of the United States Geological Survey stream gauge data under existing conditions, including data reflecting the ecological conditions that exist after the construction and operation of existing flow modification devices, such as dams, but excluding data collected when stream flow is temporarily affected by in-stream construction activity." and

on page 3, lines 1 through 18, by rewriting those lines to read:

"(3) Ecological flow. – The Department shall characterize the ecology in the different river basins and identify the flow necessary to maintain ecological integrity. The Department shall create a Science Advisory Board to assist the Department in characterizing the natural ecology and identifying the flow requirements. The Science Advisory Board shall include representatives from the Divisions of Water Resources and Water Quality of the Department, the North Carolina Wildlife Resources Commission, the North Carolina Marine Fisheries Commission, and the Natural Heritage Program. The Department shall also invite participation by the United States Fish and Wildlife Service; the National Marine Fisheries Services; representatives of organizations representing agriculture, forestry, manufacturing, electric public utility, and local governments with expertise in aquatic ecology and habitat; and other individuals or organizations with expertise in aquatic ecology and habitat. The Department shall ask the Science Advisory Board to review any report or study submitted to the Department for consideration that is relevant to characterizing the ecology of the different river basins and identifying flow requirements for maintenance of ecological integrity. The Department shall consider such other information, including site specific

analyses, that either the Board or the Department considers relevant to determining ecological flow requirements." and

on page 3, lines 41 through 48,
by rewriting those lines to read:

"(6) Existing hydrologic models. – The Department shall not develop a hydrologic model for a river basin for which a hydrologic model has already been developed by a person or entity other than the Department, if the Department determines that the hydrologic model meets the requirements of this subsection. The Department may adopt a hydrologic model that has been developed by another person or entity that meets the requirements of this subsection in lieu of developing a hydrologic model as required by this subsection. The Department may make any modifications or additions to a hydrologic model developed by another person or entity that are necessary to meet the requirements of this subsection.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

HOUSE BILL 1743:
Improve River Basin Modeling

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	June 29, 2010
Introduced by:		**Prepared by:**	Jeff Hudson Committee Counsel
Analysis of:	PCS to Third Edition H1743-CSSB-99 [v.1]		

SUMMARY: The Proposed Committee Substitute for Senate Bill 1170 would direct the Department of Environment and Natural Resources to develop hydrologic models for each of the State's 17 major river basins.[1]

BILL ANALYSIS:

The Proposed Committee Substitute for Senate Bill 1170 (PCS) would direct the Department of Environment and Natural Resources (DENR) to develop basinwide hydrologic models for each of the State's 17 major river basins. DENR would establish a schedule for developing the models and would give priority to those basins most likely to suffer water supply shortages or threats to ecological integrity or for which an existing hydrologic model hasn't been developed.

Each model would be designed to simulate water flows in response to different variables, conditions, and scenarios. Each model would specifically be designed to predict the places, times, frequencies, and intervals at which any of the following might occur:

- Yield may be inadequate to meet all needs.
- Yield may be inadequate to meet all essential water uses.
- Ecological flow may be adversely affected.

With the assistance of a Science Advisory Board, DENR would characterize the natural ecology of the river basins and identify the flows necessary to maintain ecological integrity. DENR would submit completed models the Environmental Management Commission (EMC), to be adopted by the EMC following a public comment period. DENR would not develop a model for a river basin for which a model has already been developed if DENR determines that the model meets the requirements set out in the PCS.

The PCS would provide that the language governing the development of models would not vary any existing or impose any additional regulatory requirements.

EFFECTIVE DATE: This act is effective when it becomes law.

[1] H1743, as introduced by Representatives Crawford, Gillespie, Owens, and Tarleton, was DENR/LGC Evaluate Water System Operations, a recommendation of the Legislative Study Commission on Water and Wastewater Infrastructure.

PAGES ATTENDING

Date: 6-29

Committee: Agriculture (Atwater) **Room:** 544 LOB 11 AM

PLEASE PRINT LEGIBILY!!!!!

Page Name	Hometown	Sponsoring Senator
1 Katherine Selix	Marvin	Goodall
2 Lillian Badgett	statesville	Forrester
3 Vivlicz Rodgers	Washington	Barnight
4 Bryant Dowd	Raleigh	Dickson
5 Matthew Quesnelle	Raleigh	~~Raleigh~~ Preston
6 Thomas Sigmon	Raleigh	Hunt
7 Margot de St. Aubin	Siler City	Preston
8		
9		

Do not add additional names below the grid.

Pages: Please present this form to either the Committee Clerk at the neeting or a Sgt. at Arms.

VISITOR REGISTRATION SHEET

Senate Ag/Environment/Natural Resources — June 29, 2010

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Ruth Harris	Weyerhaeuser Co
Mitch Peele	NC Farm Bureau
L. Andrews	NCFB
J Hendley	J Vann & Assoc
Henry Jones	Attorney - Raleigh
DAVID BARNES	Poyner Spruill
Cody Thomas	NC Assn of Realtors
Frank Hendrix	Rockford NC.
Brian Jones	Agri-Business Council of N.C. P.W.C. & Fybrook
DEREK POTTER	NCSPA
Jimmy L Thomas	NCSPA
Mavis Shanklin	NCSPA

VISITOR REGISTRATION SHEET

Senate Ag/Environment/Natural Resources — June 29, 2010

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Richard Whitsnant	UNC School of Government
Earl Hendrix	Sanford Herald
Patrick Biggs	NCAEC
George Everett	Duke Energy
Kathy Hawkins	Duke Energy
Jay Stem	NCAA
Jennifer Bell	CH2M HILL / PROF. ENGINEERS of NC
JACOB PARKER	FARMER - COLUMBIA N.C.
John Fleming	Farmer Scotland Neck, NC
Bryan Foster	Farmer - Roper N.C.
Charles Tooley	Farmer - Hyde Co. N.C.

VISITOR REGISTRATION SHEET

Senate Ag/Environment/Natural Resources — June 29, 2010

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Hassan Khan	NCLCV
Jay Revelle	N.C. Soybean Growers Assoc.
Mark Hubbard	NC DENR
Sara Stuckey	NC RC
Mia Bailey	Electric Cities of N.C, Inc
Kimberlee Rankin	Sierra Club
Daniel Holman	NI Nicholas Inst / Duke U

VISITOR REGISTRATION SHEET

Senate Ag/Environment/Natural Resources — June 29, 2010

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Amy Pickle	Nicholas Institute
David Williams	DENR - Soil & Water Conserv.
Weatherly Rose	Hunton + Williams
Elizabeth Taylor	Kochanek Law Group
Elizabeth Biser	DENR
Maria Ruotto	CTNC
Peter Raabe	American Rivers
Tom Cors	TNC
Margaret Hartzell	Environment North Carolina
Leah Bradshaw	TNC
Cecil Mackensen	Sierra Club

VISITOR REGISTRATION SHEET

Senate Ag/Environment/Natural Resources — June 29, 2010

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Julie Stainback	NCDA&CS
Ray Starling	NCDA&CS

Principal Clerk ____
Reading Clerk ____

Corrected: HB 1824 REMOVED

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on **Agriculture/Environment/Natural Resources** will meet at the following time:

DAY	DATE	TIME	ROOM
Thursday	July 1, 2010	11:00 AM	544 LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 1708	Clean Marinas Amendments.	Representative Underhill Representative Justice Representative McComas Representative Harrison
HB 1714	Suspension and Revocation of Fishing Licenses.	Representative Underhill Representative Spear Representative Wainwright
HB 1802	ENR Reports Consolidation 2010.	Representative Underhill Representative Tarleton Representative Harrison Representative Gibson, III

Senator Bob Atwater, Chair

Senate Agriculture/Environment/Natural Resources Committee
Thursday, July 1, 2010, 11:00 AM
544 LOB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

HB 1708	Clean Marinas Amendments.	Representative Underhill Representative Justice Representative McComas Representative Harrison
HB 1714	Suspension and Revocation of Fishing Licenses.	Representative Underhill Representative Spear Representative Wainwright
HB 1802	ENR Reports Consolidation 2010.	Representative Underhill Representative Tarleton Representative Harrison Representative Gibson, III

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE REPORT
Senator Bob Atwater, Chair

Thursday, July 01, 2010

Senator ATWATER,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B. **1708** Clean Marinas Amendments.

Draft Number:	60096
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B.(CS #1) **1802** ENR Reports Consolidation 2010.

Draft Number:	50964
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 2

Committee Clerk Comments:

Handle on floor:

HB 1708 Senator Preston
HB 1802 Senator Albertson

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE REPORT
Senator Bob Atwater, Chair

Thursday, July 01, 2010

Senator ATWATER,
submits the following with recommendations as to passage:

FAVORABLE

H.B.(CS #1) **1714** Suspension and Revocation of Fishing Licenses.
Sequential Referral: None
Recommended Referral: None

TOTAL REPORTED: 1

Committee Clerk Comments:

Senator Albertson will handle on the floor

SENATE AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE
Thursday, July 1, 2010 at 11:00 AM
Room 544, Legislative Office Building

MINUTES

The Senate Agriculture/Environment/Natural Resources Committee met at 11:00 AM on July 1, 2010, in Room 544 of the Legislative Office Building. 10 members of the committee were present. Senator Bob Atwater presided.

Pages present for the meeting were: Bryant Dowd from Raleigh and sponsored by Senator Dickson; Kayla Brooks and Thomas Sigmon both from Raleigh and sponsored by Senator Hunt; Matthew Quesenberry sponsored by Senator Preston; and Tyrece Meeks from Gastonia and sponsored by Senator Hoyle.

After Senator Atwater introduced the pages, the following bills were discussed:

- **HB 1708, Clean Marinas Amendments.**

Representative Underhill explained the bill. After the explanation, **Senator Preston offered an amendment and moved for its adoption. Motion carried. Senator Albertson then moved for a favorable report for HB 1708, as amended. Motion carried.**

- **HB 1714, Suspension and Revocation of Fishing Licenses.**

Representative Underhill explained the bill. **Senator Walters moved for a favorable report for HB 1714. Motion carried.**

- **HB 1802, ENR Reports Consolidation 2010.**

Senator Davis moved to adopt the Proposed Committee Substitute (PCS) of HB 1802 for purposes of discussion. Motion carried. Representative Underhill then explained the PCS for HB 1802. **Senator Albertson moved for an unfavorable report for HB 1802 and a favorable report for the PCS fro HB 1802. Motion carried.**

There being no further business, the meeting was adjourned at 11:20 AM.

Senator Bob Atwater, Chair

Carol Resar, Committee Clerk

HOUSE BILL 1708

Short Title:	Clean Marinas Amendments.	(Public)
Sponsors:	Representatives McComas, Justice, Underhill, Harrison (Primary Sponsors); Gill and Hughes.	
Referred to:	Environment and Natural Resources, if favorable, Marine Resources and Aquaculture.	

May 17, 2010

A BILL TO BE ENTITLED

AN ACT TO DELAY THE EFFECTIVE DATE OF THE CLEAN COASTAL WATER AND VESSEL ACT FROM JULY 1, 2010, TO DECEMBER 1, 2010, AND TO LIMIT THE ACT'S APPLICATION TO ONLY THOSE AREAS THAT ARE DESIGNATED AS NO DISCHARGE ZONES BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 77-131 reads as rewritten:

"**§ 77-131. Application of Article.**

The provisions of this Article apply only to the following:

(1) A large vessel marina that is located on coastal waters designated by the Environmental Protection Agency as a no discharge zone or that is located in a county or municipality that has adopted a resolution to petition the Environmental Protection Agency for a no discharge zone designation.

(2) A vessel in coastal waters that ~~are either~~ is designated as a no discharge zone ~~or are included in a petition to the Environmental Protection Agency to be designated as a no discharge zone unless the petition has been denied~~ by the Environmental Protection Agency."

SECTION 2. Section 3 of S.L. 2009-345 reads as rewritten:

"**SECTION 3.** Section 1 of this act becomes effective ~~July~~ December 1, 2010, and applies to offenses committed on or after that date. The remainder of this act is effective when it becomes law."

SECTION 3. This act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1708

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

H1708-ARI-47 [v.1]

Comm. Sub. [NO]
Amends Title [YES]
First Edition

Date July 1, 2010

Senator Preston

moves to amend the bill on page 1, line 3,
by rewriting that line to read:

"VESSEL ACT FROM JULY 1, 2010, TO APRIL 1, 2011, AND TO LIMIT THE";

and on page 1, line 21,
by rewriting that line to read:

""**SECTION 3.** Section 1 of this act becomes effective ~~July 1, 2010,~~ April 1, 2011, and applies".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

HOUSE BILL 1708:
Clean Marinas Amendments

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	July 1, 2010
Introduced by:	Reps. McComas, Justice, Underhill, Harrison	**Prepared by:**	Jennifer McGinnis
Analysis of:	First Edition		Committee Counsel

SUMMARY: House Bill 1708 would: (1) limit the Clean Coastal Water and Vessel Act's application to only those areas that are designated as no discharge zones (NDZs) by the United States Environmental Protection Agency (USEPA); and (2) delay the effective date of the Act from July 1, 2010 to December 1, 2010.

CURRENT LAW: The Clean Coastal Water and Vessel Act (Act), enacted in 2009: (i) requires that owners or operators of certain marinas[1] install and maintain pumpout facilities, **(ii) prohibits the discharge of effluent from a vessel into coastal waters that are either designated as a NDZ *or are included in a petition to the USEPA to be designated as a NDZ unless the petition has been denied,*** (iii) requires an owner or operator of any marina who knows that a vessel docked at the marina has unlawfully discharged sewage into coastal waters to report the unlawful discharges to the appropriate law enforcement agency; (iv) requires vessel owners and operators to keep a log regarding the date and location of pumpouts; and (v) requires the Division of Coastal Management of the Department of Environment and Natural Resources (DENR) to design and implement a pilot program in New Hanover county to begin phasing in the proposed pumpout facility requirements. **The Act's provisions are scheduled to become effective July 1, 2010.**

BACKGROUND:

Section 1 -- After enactment, language that made the Act's provisions applicable to vessels in coastal waters that are included in a petition to the USEPA to be designated as a NDZ was discovered to be potentially preempted by federal law. Section 312(f)(1)(A) of the Clean Water Act provides in part: "... no State or political subdivision thereof shall adopt or enforce any statute or regulation of such State or political subdivision with respect to the design, manufacture, or installation or use of any marine sanitation devise on any vessel subject to the provisions of this section."

Section 2 -- DENR requested a six-month delay in the effective date of the Act's provisions in order to adopt necessary rules and otherwise implement the program.

BILL ANALYSIS: The bill would: (1) limit the Act's application to only those areas that are designated as NDZs by the USEPA; and (2) delay the effective date of the Act from July 1, 2010 to December 1, 2010.

EFFECTIVE DATE: The bill would be effective when it becomes law.

H1708-SMRI-99(e1) v1

[1]Marinas that have docking facilities and have more than 10 wet slips for vessels of 26 feet or more that have marine sanitation devices. The term includes privately and publicly owned marinas and anchorages.

HOUSE BILL 1714*
Committee Substitute Favorable 5/27/10

Short Title: Suspension and Revocation of Fishing Licenses. (Public)

Sponsors:

Referred to:

May 17, 2010

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE MARINE FISHERIES COMMISSION TO ADOPT RULES RELATED TO THE SUSPENSION, REVOCATION, AND REISSUANCE OF LICENSES AND TO MAKE CONFORMING CHANGES, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE.

The General Assembly of North Carolina enacts:

SECTION 1. The Marine Fisheries Commission shall adopt rules pursuant to and consistent with G.S. 113-171, as amended by Section 2 of this act, and G.S. 143B-289.52 for the suspension, revocation, and reissuance of marine resources licenses and permits issued under Articles 14A, 14B, and 25A of Chapter 113 of the General Statutes. Rules adopted pursuant to this section shall not become effective prior to October 1, 2012. In adopting rules pursuant to this section, the Commission shall consider all of the following:

(1) Whether the rules should differentiate between minor and major violations.
(2) How to define minor and major violations.
(3) How service of revocation could be made more efficient.
(4) How the rules should treat violations related to recreational fishing licenses and permits.
(5) Whether violations related to littering or assault on a marine patrol inspector should be treated as grounds for suspension or revocation.
(6) Whether suspension and revocation provisions should be strengthened in cases of harvesting shellfish from polluted waters.

SECTION 2. G.S. 113-171 reads as rewritten:

"**§ 113-171. Suspension, revocation, and reissuance of licenses.**

(a) Upon receipt of reliable notice that a person licensed under this ~~Article~~ Article, Article 14B, or Article 25A of Chapter 113 of the General Statutes to take resources under the jurisdiction of the Marine Fisheries Commission has had imposed against the person a conviction of a criminal offense within the jurisdiction of the Department under the provisions of this Subchapter or of rules of the Commission adopted under the authority of this Subchapter, the Secretary must ~~suspend or revoke~~suspend, revoke, and reissue all licenses held by the person in accordance with the terms of this ~~section.~~section and rules adopted by the Commission. Reliable notice includes information furnished the Secretary in prosecution or other reports from inspectors. As used in this section, a conviction includes a plea of guilty or nolo contendere, any other termination of a criminal prosecution unfavorably to the defendant after jeopardy has attached, or any substitute for criminal prosecution whereby the defendant expressly or impliedly confesses the defendant's guilt. In particular, procedures whereby bond forfeitures are accepted in lieu of proceeding to trial and cases indefinitely continued upon

arrest of judgment or prayer for judgment continued are deemed convictions. The Secretary may act to suspend or revoke licenses upon the basis of any conviction in which:

(1) No notice of appeal has been given;

(2) The time for appeal has expired without an appeal having been perfected; or

(3) The conviction is sustained on appeal. Where there is a new trial, finality of any subsequent conviction will be determined in the manner set out above.

(b) The Secretary must initiate an administrative procedure designed to give the Secretary systematic notice of all convictions of criminal offenses by licensees covered by subsection (a) of this section above and keep a file of all convictions reported. ~~Upon receipt of notice of conviction, the Secretary must determine whether it is a first, a second, a third, or a fourth or subsequent conviction of some offense covered by subsection (a). In the case of second convictions, the Secretary must suspend all licenses issued to the licensee for a period of 10 days. In the case of third convictions, the Secretary must suspend all licenses issued to the licensee for a period of 30 days. In the case of fourth or subsequent convictions, the Secretary must revoke all licenses issued to the licensee. Where several convictions result from a single transaction or occurrence, they are to be treated as a single conviction so far as suspension or revocation of the licenses of any licensee is concerned. Anyone convicted of taking or of knowingly possessing, transporting, buying, selling, or offering to buy or sell oysters or clams from areas closed because of suspected pollution will be deemed by the Secretary to have been convicted of two separate offenses on different occasions for license suspension or revocation purposes.~~

~~(c) Where a license has been suspended or revoked, the former licensee is not eligible to apply for reissuance of license or for any additional license authorized in this Article during the suspension or revocation period. Licenses must be returned to the licensee by the Secretary or the Secretary's agents at the end of a period of suspension. Where there has been a revocation, application for reissuance of license or for an additional license may not be made until six months following the date of revocation. In such case of revocation, the eligible former licensee must satisfy the Secretary that the licensee will strive in the future to conduct the operations for which the license is sought in accord with all applicable laws and rules. Upon the application of an eligible former licensee after revocation, the Secretary, in the Secretary's discretion, may issue one license sought but not another, as deemed necessary to prevent the hazard of recurring violations of the law.~~

~~(d) Upon receiving reliable information of a licensee's conviction of a second or subsequent criminal offense covered by subsection (a) of this section, the Secretary shall promptly cause the licensee to be personally served with written notice of suspension or revocation, as the case may be. The written notice may be served upon any responsible individual affiliated with the corporation, partnership, or association where the licensee is not an individual. The notice of suspension or revocation may be served by an inspector or other agent of the Department, must state the ground upon which it is based, and takes effect immediately upon personal service. The agent of the Secretary making service shall then or subsequently, as may be feasible under the circumstances, collect all license certificates and plates and other forms or records relating to the license as directed by the Secretary. It is unlawful for any licensee willfully to evade the personal service prescribed in this subsection.~~

(e) A licensee served with a notice of suspension or revocation may obtain an administrative review of the suspension or revocation by filing a petition for a contested case under G.S. 150B-23 within 20 days after receiving the notice. The only issue in the hearing shall be whether the licensee was convicted of a criminal offense for which a license must be suspended or revoked. A license remains suspended or revoked pending the final decision by the Secretary.

(f) If the Secretary refuses to reissue the license of or issue an additional license to an applicant whose license was revoked, the applicant may contest the decision by filing a petition

for a contested case under G.S. 150B-23 within 20 days after the Secretary makes the decision. The Commission shall make the final agency decision in a contested case under this subsection. An applicant whose license is denied under this subsection may not reapply for the same license for at least six months.

(g) The Commission may adopt rules to provide for the disclosure of the identity of any individual or individuals in responsible positions of control respecting operations of any licensee that is not an individual. For the purposes of this section, individuals in responsible positions of control are deemed to be individual licensees and subject to suspension and revocation requirements in regard to any applications for license they may make – either as individuals or as persons in responsible positions of control in any corporation, partnership, or association. In the case of individual licensees, the individual applying for a license or licensed under this ~~Article~~ Article, Article 14B, or Article 25A of Chapter 113 of the General Statutes to take resources under the jurisdiction of the Marine Fisheries Commission must be the real party in interest.

(h) In determining whether a conviction is a second or subsequent offense under the provisions of this section, the Secretary may not consider convictions for:

(1) Offenses that occurred three years prior to the effective date of this Article; or

(2) Offenses that occurred more than three years prior to the time of the latest offense the conviction for which is in issue as a subsequent conviction."

SECTION 3. Section 2 of this act becomes effective October 1, 2012. The remainder of this act is effective when it becomes law.

HOUSE BILL 1714:
Suspension and Revocation of Fishing Licenses

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	July 1, 2010
Introduced by:	Representatives Wainwright, Spear, Underhill	**Prepared by:**	Jeff Hudson Committee Counsel
Analysis of:	Second Edition		

SUMMARY: ***House Bill 1714 would direct the Marine Fisheries Commission to adopt rules to provide for the suspension, revocation, and reissuance of marine fisheries licenses and make conforming changes.***

House Bill 1714 is a recommendation of the Joint Legislative Commission on Seafood and Aquaculture.

[As introduced, this bill was identical to S1269, as introduced by Sen. Albertson, which is currently in Senate Agriculture/Environment/Natural Resources.]

CURRENT LAW:

Under current law, the suspension, revocation, and reissuance of commercial fishing licenses is governed by G.S. 113-171. There is no similar law for the suspension, revocation, and reissuance of recreational fishing licenses.

BILL ANALYSIS:

House Bill 1714 would direct the Marine Fisheries Commission to adopt rules for the suspension, revocation, and reissuance of commercial and recreational coastal fishing licenses. Such rules could not become effective prior to October 1, 2012. In adopting the rules, the Commission would consider:

- The existing suspension, revocation, and reissuance statute.
- Whether the rules should differentiate between minor and major violations.
- How to define minor and major violations.
- How service of revocation could be made more efficient.
- How the rules should treat violations related to recreational fishing licenses and permits.
- Whether violations related to littering or assault on a marine patrol inspector should be treated as grounds for suspension or revocation.
- Whether suspension and revocation provisions should be strengthened in cases of harvesting shellfish from polluted waters.

House Bill 1714 would also make conforming changes to the existing suspension, revocation, and reissuance statute, G.S. 113-171.

EFFECTIVE DATE: Except for the conforming changes to G.S. 113-171, which become effective October 1, 2012, this act is effective when it becomes law.

HOUSE BILL 1802*
Committee Substitute Favorable 6/1/10

Short Title: ENR Reports Consolidation 2010. (Public)

Sponsors:

Referred to:

May 19, 2010

A BILL TO BE ENTITLED

AN ACT TO AMEND OR REPEAL VARIOUS ENVIRONMENTAL AND NATURAL RESOURCES REPORTING REQUIREMENTS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 130A-309.06(c)(13) is repealed.

SECTION 2. G.S. 130A-310.57 reads as rewritten:

"**§ 130A-310.57. (Effective until December 31, 2017) Reports.**

The Department shall submit an annual report on the mercury switch removal program under this Part to the Environmental Review ~~Commission~~ Commission, ~~and~~ the Senate and House of Representatives Appropriations Subcommittees on Natural and Economic ~~Resources~~Resources, and the Fiscal Research Division of the General Assembly on or before 1, October of each year. The report shall include, at a minimum, all of the following:

(1) A detailed description of the mercury recovery performance ratio achieved by the mercury switch removal program.

(1a) A detailed description of the mercury switch collection system developed and implemented by vehicle manufacturers in accordance with the NVMSRP.

(2) In the event that a mercury recovery performance ratio of at least 0.90 of the national mercury recovery performance ratio as reported by the NVMSRP is not achieved, a description of additional or alternative actions that may be implemented to improve the mercury switch removal program..

(3) The number of mercury switches collected and a description of how the mercury switches were managed.

(4) A statement that details the costs required to implement the mercury switch removal program including a summary of receipts and disbursements from the Mercury Switch Removal Account."

SECTION 3. G.S. 143-214.13 reads as rewritten:

"**§ 143-214.13. Ecosystem Enhancement Program: reporting requirement.**

(a) The Department of Environment and Natural Resources shall report each year by November 1 to the Environmental Review Commission and to the Joint Legislative Commission on Governmental Operations regarding its progress in implementing the Ecosystem Enhancement Program and its use of the funds in the Ecosystem Restoration Fund. The report shall document statewide wetlands losses and gains and compensatory mitigation performed under G.S. 143-214.8 through G.S. 143-214.12. The report shall also provide an accounting of receipts and disbursements of the Ecosystem Restoration Fund, an analysis of the per-acre cost of wetlands restoration, and a cost comparison on a per-acre basis between the

State's Ecosystem Enhancement Program and private mitigation banks. The Department shall also send a copy of its report to the Fiscal Research Division of the General Assembly.

(b) The Department shall maintain an inventory of all property that is held, managed, maintained, enhanced, restored, or used to create wetlands under the Ecosystem Enhancement Program. The inventory shall also list all conservation easements held by the Department. The inventory shall be included in the annual report required under subsection (a) of this section."

SECTION 4. G.S. 143B-336.1 reads as rewritten:

"**§ 143B-336.1. Special Zoo Fund.**

A special continuing and nonreverting fund, to be called the Special Zoo Fund, is created. The North Carolina Zoological Park shall retain unbudgeted receipts at the end of each fiscal year, beginning June 30, 1989, and deposit these receipts into this Fund. This Fund shall be used for maintenance, repairs, and renovations of exhibits in existing habitat clusters and visitor services facilities, construction of visitor services facilities and support facilities such as greenhouses and temporary animal holding areas, for the replacement of tram equipment as required to maintain adequate service to the public, and for marketing the Zoological Park. The Special Zoo Fund may also be used to match private funds that are raised for these purposes. Funds may be expended for these purposes by the Department of Environment and Natural Resources on the advice of the North Carolina Zoological Park Council and with the approval of the Office of State Budget and Management. The Department of Environment and Natural Resources shall provide ~~an annual~~ a report on or before October 1 of each year to the Office of State Budget and ~~Management~~ Management, ~~and to~~ the Fiscal Research Division of the ~~Legislative Services Office~~ General Assembly, and to the Joint Legislative Commission on Governmental Operations on the use of fees collected pursuant to this section."

SECTION 5. G.S. 143B-344.21 reads as rewritten:

"**§ 143B-344.21. Reports to General Assembly.**

The Commission shall prepare and submit a report outlining the needs of the North Carolina State Museum of Natural Sciences and recommendations for improvement of the effectiveness of the North Carolina State Museum of Natural Sciences for the purpose hereinabove set forth to the 1995 General Assembly, and to each succeeding General Assembly, to the Fiscal Research Division of the General Assembly, and to the Joint Legislative Commission on Governmental Operations~~a report outlining the needs of the North Carolina State Museum of Natural Sciences and their recommendation for improvement of the effectiveness of the North Carolina State Museum of Natural Sciences for the purpose hereinabove set forth~~ on or before October 1 of each year."

SECTION 6. S.L. 2002-4, Section 11, as amended by S.L. 2006-79, reads as rewritten:

"**Section 11.** The Environmental Management Commission shall study the desirability of requiring and the feasibility of obtaining reductions in emissions of oxides of nitrogen (NOx) and sulfur dioxide (SO2) beyond those required by G.S. 143-215.107D, as enacted by Section 1 of this act. The Environmental Management Commission shall consider the availability of emissions reduction technologies, increased cost to consumers of electric power, reliability of electric power supply, actions to reduce emissions of oxides of nitrogen (NOx) and sulfur dioxide (SO2) taken by states and other entities whose emissions negatively impact air quality in North Carolina or whose failure to achieve comparable reductions would place the economy of North Carolina at a competitive disadvantage, and the effects that these reductions would have on public health, the environment, and natural resources, including visibility. In its conduct of this study, the Environmental Management Commission may consult with the Utilities Commission and the Public Staff. The Environmental Management Commission shall report its findings and recommendations to the General Assembly and the Environmental Review Commission ~~annually~~ biennially beginning ~~1 September 2007.~~1 September 2011."

SECTION 7. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H D

HOUSE BILL 1802*
Committee Substitute Favorable 6/1/10
PROPOSED SENATE COMMITTEE SUBSTITUTE H1802-CSTA-46 [v.2]

6/30/2010 1:10:15 PM

Short Title: ENR Reports Consol. / Tech. Corrects 2010. (Public)

Sponsors:

Referred to:

May 19, 2010

A BILL TO BE ENTITLED

AN ACT TO AMEND OR REPEAL VARIOUS ENVIRONMENTAL AND NATURAL RESOURCES REPORTING REQUIREMENTS AND TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT, ENERGY, AND NATURAL RESOURCES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The General Assembly of North Carolina enacts:

PART I. REPORTS CONSOLIDATION.

SECTION 1. G.S. 130A-309.06(c)(13) is repealed.

SECTION 2. G.S. 130A-310.57 reads as rewritten:

"**§ 130A-310.57. (Effective until December 31, 2017) Reports.**

The Department shall submit an annual report on the mercury switch removal program under this Part to the Environmental Review ~~Commission~~ Commission, ~~and~~ the Senate and House of Representatives Appropriations Subcommittees on Natural and Economic ~~Resources~~Resources, and the Fiscal Research Division of the General Assembly on or before 1, October of each year. The report shall include, at a minimum, all of the following:

(1) A detailed description of the mercury recovery performance ratio achieved by the mercury switch removal program.

(1a) A detailed description of the mercury switch collection system developed and implemented by vehicle manufacturers in accordance with the NVMSRP.

(2) In the event that a mercury recovery performance ratio of at least 0.90 of the national mercury recovery performance ratio as reported by the NVMSRP is not achieved, a description of additional or alternative actions that may be implemented to improve the mercury switch removal program.

(3) The number of mercury switches collected and a description of how the mercury switches were managed.

(4) A statement that details the costs required to implement the mercury switch removal program including a summary of receipts and disbursements from the Mercury Switch Removal Account."

SECTION 3. G.S. 143-214.13 reads as rewritten:

"**§ 143-214.13. Ecosystem Enhancement Program: reporting requirement.**

(a) The Department of Environment and Natural Resources shall report each year by November 1 to the Environmental Review Commission and to the Joint Legislative Commission on Governmental Operations regarding its progress in implementing the Ecosystem Enhancement Program and its use of the funds in the Ecosystem Restoration Fund. The report shall document statewide wetlands losses and gains and compensatory mitigation performed under G.S. 143-214.8 through G.S. 143-214.12. The report shall also provide an accounting of receipts and disbursements of the Ecosystem Restoration Fund, an analysis of the per-acre cost of wetlands restoration, and a cost comparison on a per-acre basis between the State's Ecosystem Enhancement Program and private mitigation banks. The Department shall also send a copy of its report to the Fiscal Research Division of the General Assembly.

(b) The Department shall maintain an inventory of all property that is held, managed, maintained, enhanced, restored, or used to create wetlands under the Ecosystem Enhancement Program. The inventory shall also list all conservation easements held by the Department. The inventory shall be included in the annual report required under subsection (a) of this section."

SECTION 4. G.S. 143B-336.1 reads as rewritten:

"**§ 143B-336.1. Special Zoo Fund.**

A special continuing and nonreverting fund, to be called the Special Zoo Fund, is created. The North Carolina Zoological Park shall retain unbudgeted receipts at the end of each fiscal year, beginning June 30, 1989, and deposit these receipts into this Fund. This Fund shall be used for maintenance, repairs, and renovations of exhibits in existing habitat clusters and visitor services facilities, construction of visitor services facilities and support facilities such as greenhouses and temporary animal holding areas, for the replacement of tram equipment as required to maintain adequate service to the public, and for marketing the Zoological Park. The Special Zoo Fund may also be used to match private funds that are raised for these purposes. Funds may be expended for these purposes by the Department of Environment and Natural Resources on the advice of the North Carolina Zoological Park Council and with the approval of the Office of State Budget and Management. The Department of Environment and Natural Resources shall provide ~~an annual~~ a report on or before October 1 of each year to the Office of State Budget and ~~Management~~ Management, ~~and to~~ the Fiscal Research Division of the ~~Legislative Services Office~~ General Assembly, and to the Joint Legislative Commission on Governmental Operations on the use of fees collected pursuant to this section."

SECTION 5. G.S. 143B-344.21 reads as rewritten:

"**§ 143B-344.21. Reports to General Assembly.**

The Commission shall prepare and submit a report outlining the needs of the North Carolina State Museum of Natural Sciences and recommendations for improvement of the effectiveness of the North Carolina State Museum of Natural Sciences for the purpose hereinabove set forth to the 1995 General Assembly, and to each succeeding General Assembly, to the Fiscal Research Division of the General Assembly, and to the Joint Legislative Commission on Governmental Operations~~a report outlining the needs of the North Carolina State Museum of Natural Sciences and their recommendation for improvement of the effectiveness of the North Carolina State Museum of Natural Sciences for the purpose hereinabove set forth~~ on or before October 1 of each year."

SECTION 6. S.L. 2002-4, Section 11, as amended by S.L. 2006-79, reads as rewritten:

"**Section 11.** The Environmental Management Commission shall study the desirability of requiring and the feasibility of obtaining reductions in emissions of oxides of nitrogen (NOx) and sulfur dioxide (SO2) beyond those required by G.S. 143-215.107D, as enacted by Section 1 of this act. The Environmental Management Commission shall consider the availability of emissions reduction technologies, increased cost to consumers of electric power, reliability of electric power supply, actions to reduce emissions of oxides of nitrogen (NOx) and sulfur dioxide (SO2) taken by states and other entities whose emissions negatively impact air quality

in North Carolina or whose failure to achieve comparable reductions would place the economy of North Carolina at a competitive disadvantage, and the effects that these reductions would have on public health, the environment, and natural resources, including visibility. In its conduct of this study, the Environmental Management Commission may consult with the Utilities Commission and the Public Staff. The Environmental Management Commission shall report its findings and recommendations to the General Assembly and the Environmental Review Commission ~~annually~~ biennially beginning ~~1 September 2007.~~1 September 2011."

PART II. TECHNICAL CORRECTIONS.

SECTION 7. G.S. 114-4.2D reads as rewritten:

"**§ 114-4.2D. Employment of attorney for Energy Policy Council and Energy Efficiency Program of the Department of ~~Administration~~ Commerce.**

The Attorney General shall assign an attorney ~~on his staff~~ to work full time with the Energy Policy Council and Energy Efficiency Program of the Department of ~~Administration~~ Commerce. Such attorney shall be subject to all provisions of Chapter 126 of the General Statutes relating to the State Personnel System. Such attorney shall also perform such additional duties as may be assigned ~~to him~~ by the Attorney General."

SECTION 8. The title of Article 19 of Chapter 120 of the General Statutes reads as rewritten:

"Article 19.

~~Commission on~~ Agriculture and Forestry Awareness Study Commission."

SECTION 9. G.S. 120-150 reads as rewritten:

"**§ 120-150. Creation; appointment of members.**

There is created an Agriculture and Forestry Awareness Study Commission. Members of the Commission shall be citizens of North Carolina who are interested in the vitality of the agriculture and forestry sectors of the State's economy. Members shall be as follows:

(1) Three appointed by the ~~Governor;~~Governor.
(2) Three appointed by the President Pro Tempore of the ~~Senate;~~Senate.
(3) Three appointed by the Speaker of the ~~House;~~House.
(4) The ~~chairman~~chairs of the House Agriculture ~~Committee;~~Committee.
(5) The ~~chairman~~chairs of the Senate ~~Agriculture Committee;~~Committee on Agriculture, Environment, and Natural Resources.
(6) The Commissioner of Agriculture or the Commissioner's ~~designee;~~designee.
(7) A member of the Board of Agriculture designated by the ~~chairman~~chair of the Board of ~~Agriculture;~~Agriculture.
(8) The President of the North Carolina Farm Bureau Federation, Inc., or the President's ~~designee;~~designee.
(9) The ~~Master~~ President of the North Carolina State Grange or the ~~Master's~~ President's ~~designee;~~designee.
(10) The Secretary of Environment and Natural Resources or the Secretary's ~~designee; and~~designee.
(11) The President of the North Carolina Forestry Association, Inc., or the President's designee.

Members shall be appointed for two-year terms beginning October 1 of each odd-numbered year. The Chairs of the House Agriculture Committee and the Chairs of the Senate Committee on Agriculture, Environment, and Natural Resources shall serve as cochairs. ~~The cochairmen of the Commission shall be the chairmen of the Senate and House Agriculture Committees respectively.~~"

SECTION 10. G.S. 130A-309.10(l) reads as rewritten:

"(l) Oyster shells that are delivered to a landfill shall be stored at the landfill for at least 90 days or until they are removed for recycling. If oyster shells that are stored at a landfill are

not removed for recycling within 90 days of delivery to the landfill, then, notwithstanding subdivision ~~(12)~~(13) of subsection (f) of this section, the oyster shells may be disposed of in the landfill."

SECTION 11. G.S. 130A-309.12(b) reads as rewritten:

"(b) The Solid Waste Management Trust Fund shall consist of the following:

(1) Funds appropriated by the General Assembly.

(2) Contributions and grants from public or private sources.

(3) ~~Five percent (5%)~~Eight percent (8%) of the proceeds of the scrap tire disposal tax imposed under Article 5B of Chapter 105 of the General Statutes.

(4) Eight percent (8%) of the proceeds of the white goods disposal tax imposed under Article 5C of Chapter 105 of the General Statutes.

(5) Twelve and one-half percent (12.5%) of the proceeds of the solid waste disposal tax imposed under Article 5G of Chapter 105 of the General Statutes."

SECTION 12. G.S. 130A-310.11(b) reads as rewritten:

"(b) Funds credited to the Inactive Hazardous Sites Cleanup Fund pursuant to G.S. 130A-295.9 shall be used only as provided in G.S. 130A-295.9(1) and ~~G.S. 130A-310.5(c).~~G.S. 130A-310.6(c)."

SECTION 13. G.S. 143-355.4(b) reads as rewritten:

"(b) To be eligible for State water infrastructure funds from the Drinking Water State Revolving Fund or the Drinking Water Reserve ~~Fund~~ or any other grant or loan of funds allocated by the General Assembly whether the allocation of funds is to a State agency or to a nonprofit organization for the purpose of extending waterlines or expanding water treatment capacity, a local government or large community water system must demonstrate that the system:

...."

SECTION 14. G.S. 153B-2 reads as rewritten:

"**§ 153B-2. Definitions.**

The following definitions apply in this ~~Article:~~Chapter:

(1) Commission. – The Mountain Resources Commission created by this Chapter.

(2) Council. – The Mountain Area Resources Technical Advisory Council.

(3) Important mountain resources. – The natural and cultural resources of the mountain region of Western North Carolina, including, but not limited to, State and federal public lands, wildlife habitat, farms, forestland and rural landscapes, mountain vistas, mountain streams and rivers, mountain lakes, and historical and archeological resources.

(4) Mountain region of Western North Carolina. – The area encompassed by the counties of Alexander, Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Cleveland, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Surry, Swain, Transylvania, Watauga, Wilkes, Yadkin, and Yancey in the State.

(5) Secretary. – The Secretary of ~~the Department of~~ Environment and Natural Resources."

SECTION 15. G.S. 153B-3(d) reads as rewritten:

"(d) Membership. – The Commission shall consist of 17 members as follows:

...

(d1) Officers; Terms. – The members of the Commission shall elect a chair, vice-chair, and any other officers they consider necessary and shall determine the length of the term of office, not to exceed two years, of each officer. A majority of the Commission shall constitute a

quorum. Each member appointed to the Commission shall be appointed to serve a four-year term. Any vacancy on the Commission shall be filled by the original appointing authority for the remainder of the unexpired term. Initial terms commence September 1, 2009."

SECTION 16. G.S. 153B-4 reads as rewritten:

"**§ 153B-4. Mountain Area Resources Technical Advisory Council.**

...

(d) Members; Multiple Offices. – Membership on the ~~Mountain Area Resources Technical Advisory~~ Council is hereby declared to be an office that may be held concurrently with other elective or appointive offices (except the office of Commission member) in addition to the maximum number of offices permitted to be held by one person under G.S. 128-1.1.

(e) ~~Chairman~~ Chair and Vice ~~Chairman~~Chair. – A ~~chairman~~chair and vice ~~chairman~~ chair shall be elected annually by the Council.

(f) Compensation. – The members of the ~~Advisory~~ Council who are not State employees may receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5. All expenses shall be paid from funds available to the Commission through the Mountain Area Resources Fund, but no expenses shall be paid if the Mountain Area Resources Fund lacks the necessary funds."

SECTION 17. Section 3(d) of S.L. 2005-190 reads as rewritten:

"**SECTION 3.(d) Eligibility under the Clean Water Revolving Loan and Grant Act.** – The definitions set out in G.S. 159G-3 apply to this subsection. The operator of a wastewater treatment works that is owned by an agency of the State may apply for a loan or grant under ~~Chapter 159G of the General Statutes~~G.S. 159G-20 on the same basis as any other applicant if the operator is a local government unit and if the local government unit operates the wastewater treatment works pursuant to a contract with the State agency that contemplates that the local government unit will eventually acquire ownership of the wastewater treatment works."

PART III. EFFECTIVE DATE.

SECTION 18. This act is effective when it becomes law.

HOUSE BILL 1802:
ENR Reports Consol. / Tech. Corrects 2010.

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	July 1, 2010
Introduced by:	Reps. Harrison, Gibson, Tarleton, Underhill	**Prepared by:**	Jennifer Mundt Legislative Analyst
Analysis of:	PCS to Second Edition H1802-CSTA-46 [v.2]		

SUMMARY: ***The Proposed Committee Substitute (PCS) for House Bill 1802 would amend or repeal various environmental and natural resources reporting requirements and make clarifying, conforming, and technical amendments to various laws related to the environment, energy, and natural resources.***

The provisions in the PCS are recommendations of the Environmental Review Commission.

[As introduced, this bill was identical to S1163, as introduced by Sen. Hartsell, which is currently in Senate Agriculture/Environment/Natural Resources.]

BILL ANALYSIS: The PCS for House Bill 1802 would do the following:

PART I: REPORTS CONSOLIDATION

Section 1 would repeal a reporting requirement made obsolete by Section 15 of S.L. 2009-484, which repealed the requirement for each State department, institution, agency, community college, and local school administrative unit to report to the Division of Pollution Prevention and Environmental Assistance of the Department of Environment and Natural Resources (DENR) on the amounts and types of materials and supplies with recycled content that were purchased. Repealing G.S. 130A-309.06(c)(13) removes the requirement for the Division of Waste Management to include information from this report in the annual solid waste management report.

Section 2 would require DENR to submit the mercury switch removal program annual report to the Fiscal Research Division of the General Assembly, in addition to the Environmental Review Commission (ERC) and the Senate and House of Representatives Appropriations Subcommittees on Natural and Economic Resources.

Section 3 would require DENR to submit the Ecosystem Enhancement Program annual report to the Joint Legislative Commission on Governmental Operations (Gov Ops), in addition to the ERC and the Fiscal Research Division.

Section 4 would specify the reporting date of the Special Zoo Fund annual report to October 1 and add an additional reporting requirement from DENR to Gov Ops, in addition to the Office of State Budget Management and the Fiscal Research Division.

Section 5 would specify a reporting date of October 1 for the Advisory Commission for the North Carolina State Museum of Natural Sciences annual report and add an additional reporting requirement from the Commission to the Fiscal Research Division and Gov Ops, in addition to the General Assembly.

Section 6 would amend the reporting requirement for the Environmental Management Commission (EMC) report on the desirability of requiring and the feasibility of obtaining reductions in emissions of

oxides of nitrogen (NO_x) and sulfur dioxide (SO_2) beyond those required by G.S. 143-215.107D from annual to biennial, with the first report due on September 1, 2011. The change to biennial reporting was requested by Steve Smith, Chairman of the EMC.

PART II: TECHNICAL CORRECTIONS

Section 7 would make conforming amendments to G.S. 114-4.2D to change the Department of Administration to the Department of Commerce and use gender neutral language. In 2009, the General Assembly transferred the Energy Policy Council and the Energy Efficiency Program from the Department of Administration to the Department of Commerce.

Section 8 would amend the catch line of Article 19 of Chapter 120 of the General Statutes to read the "Agriculture and Forestry Awareness Study Commission."

Section 9 would amend G.S. 120-150 to use gender-neutral language and amend that statute to correctly name the committees listed therein.

Section 10 would amend an incorrect cross reference in G.S. 130A-309.10(l) regarding the prohibition on the disposal of oyster shells in landfills.

Section 11 would amend G.S. 130A-309.12(b), which provides for the funding contributions that make up the Solid Waste Management Trust Fund, to conform to changes made to Articles 5B[1] and 5G[2] of Chapter 105 of the General Statues in S.L. 2007-153 and S.L. 2007-550.

Section 12 would amend an incorrect statutory reference in G.S. 130A-310.11(b) regarding the use of funds credited to the Inactive Hazardous Sites Cleanup Fund.

Section 13 would amend G.S. 143-355.4(b) to correctly name the listed funds.

Section 14 would make technical and conforming changes in G.S. 153B-2.

Section 15 would make technical and conforming changes in G.S. 153B-3(d).

Section 16 would amend G.S. 153B-4 to include gender-neutral language and make conforming changes.

Section 17 would correct a cross reference in Section 3.(d) of S.L. 2005-190.

EFFECTIVE DATE: This act would become effective when it becomes law.

Mariah Matheson, Research Assistant, substantially contributed to this summary.

H1802-SMTA-98(CSTA-46) v1

[1] G.S. 105-187.19(b) provides that the Secretary of Revenue must credit 8% of the net tax proceeds of the Scrap Tire Disposal Tax to the Solid Waste Management Trust Fund.

[2] G.S. 105-187.63(3) provides that the Secretary of Revenue must credit or distribute 12.5% of the Solid Waste Disposal Taxes received to the Solid Waste Management Trust Fund.

PAGES ATTENDING

Date: 7-1

Committee: Agriculture **Room:** 544, 11 AM

PLEASE PRINT LEGIBILY!!!!!

Page Name	Hometown	Sponsoring Senator
1 Bryant Dowd	Raleigh	Dickson
2 Kayla Brooks	Raleigh	Hunt
3 Thomas Sigmon	Raleigh	Hunt
4 Matthew Quesenberry	C-Ralcm	Preston
5 [redacted]	[redacted]	[redacted]
6 [redacted]	[redacted]	[redacted]
7 [redacted]	[redacted]	[redacted]
8 Tyrece Meeks	Gastonia	Hoyle
9		

Do not add additional names below the grid.

Pages: Please present this form to either the Committee Clerk at the meeting or a Sgt. at Arms.

VISITOR REGISTRATION SHEET

Senate Ag/Environment/Natural Resources — July 1, 2010

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Elizabeth Biser	DENR
Robin Smith	DENR
Janie Hauser	DENR
David Knight	DENR
Rick Zechini	NC Assoc. of Realtors
David McGowan	NC " " "
Cady Thomas	" "
Hassan Khan	NCLN
Kay Emanuel	UNC Institute of Government

VISITOR REGISTRATION SHEET

Senate Ag/Environment/Natural Resources — July 1, 2010

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Ruth Harris	Waste Management
Bob Locum	NCFA
Kelli Kulma	NCLM
Sushma Masemore	NCDENR-DAQ
Sheila Holman	NCDENR-DAQ
Weatherly Rose	Hunton + Williams
Josh Cooper	Compass NC
Joy Hicks	NCDA&CS
Vernon Cox	NCDA&CS
Augusta Gatlin	NCGA
Anthony M Alston	NCACC

VISITOR REGISTRATION SHEET

Senate Ag/Environment/Natural Resources — July 1, 2010

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Mike Mann	NCTA

Principal Clerk ____
Reading Clerk ____

Corrected: HB 1765 ADDED

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on **Agriculture/Environment/Natural Resources** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	July 6, 2010	11:00 AM	544 LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 1765	Amend WQ/IBT Laws	Representative Harrison Representative Gibson, III

Senator Bob Atwater, Chair

Senate Agriculture/Environment/Natural Resources Committee
Tuesday, July 6, 2010, 11:00 AM
544 LOB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

HB 1765	Amend WQ/IBT Laws	Representative Harrison Representative Gibson, III

Other Business

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE REPORT
Senator Bob Atwater, Chair

Tuesday, July 06, 2010

Senator ATWATER,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 2, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B.(CS #2) **1765** Amend WQ/IBT Laws

Draft Number:	30547
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 1

Committee Clerk Comments:

Sen. Clodfelter will handle on floor

SENATE AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE
Tuesday, July 6, 2010 at 11:00 AM
Room 544, Legislative Office Building

MINUTES

The Senate Agriculture/Environment/Natural Resources Committee met at 11:00 AM on July 6, 2010, in Room 544 of the Legislative Office Building. 12 members of the committee were present. Senator Bob Atwater presided.

Pages present for the meeting were: Miranda Corlie from Charlotte and sponsored by Senator Forrester; Jennifer Howard from Clemmons and sponsored by Senator Garrou; Caroline Williams and Morgan Christianson both from Fayetteville and sponsored by Senator Dickson; and Sheuna Battle from Rocky Mount and sponsored by Senator Swindell.

After Senator Atwater introduced the pages, the following bill was discussed:

- **HB 1765, Amend WQ/IBT Laws**

Representative Gibson explained the bill. Senator Queen offered an amendment to the bill and after his explanation, **Senator Queen moved to adopt Amendment #1 to HB 1765. Motion carried.**

Senator Snow then offered an amendment to the bill and **moved to adopt Amendment #2 to HB 1765** and asked Nick Tosco with the North Carolina League of Municipalities to explain the amendment. After a lengthy discussion regarding the procedures that must be followed for public notification of interbasin transfer certification, **the amendment failed.**

Senator Clodfelter the offered an amendment to the bill and **moved to adopt Amendment #3 to HB 1765.** After Senator Stein explained the amendment, the **motion carried.**

Senator Clodfelter moved for a favorable report for HB 1765, as amended and to roll the amendments into a Proposed Committee Substitute for HB 1765. Motion carried.

The Committee members then offered comments in tribute to Senator Albertson, the long time Chair of the Senate Agriculture/Environment/Natural Resources Committee.

- **Senator Bob Atwater**: Senator Albertson, it's certainly not going to be the same in the Senate Ag Committee with you leaving. You've taught us a great deal. You taught us a lot about procedure and process and how to be fair about matters

and giving everyone a chance to speak. We are very grateful for those lessons.

I do want to tell you a story I sort of cooked up. It was when I first got here. I had some sort of extraordinary rendition and I was carted off to the Sampson County-Duplin County line. It was a real hot day and Senator Albertson was real cool, he had a straw hat on, but I was just suffering under the heat. I was presented with these rocks, or stones, or tablets or something. They looked from the Mesozoic period to me but they turned out to be "Mosaic" the more I found out about these tablets. They had peanut vines all over them and the Senator wiped those away. They still had a little dust in the chiseled words and symbols, so he poured some of that Duplin County wine over those stones and I could see clearer then. It took me a little while, but I made out on the first line it said "To Be Rather Than To Seem!" Then I had to struggle, but there were nine more entries of symbols and letters and I finally got down to what they meant. They had to do with Albertson's Mosaic Formula for Team Politics. Those nine entries were all about that. He told me, "Son you did well. Pretty much in record time. Not so much because of your abilities but it's just so hot out here that you were highly motivated to figure this thing out. Now you go on to Raleigh and I want you to check out the Legislative Office Building. On the fifth floor there is a very esteemed council that meets there on Tuesdays and Thursdays. I want you to go there and be ready. You'll see me. I'll be on kind of a raised platform all high and lifted up. Don't mistake me for Santa Claus. I'm the Chairman of that committee and what I want you to remember most about this experience down here is that I'm going to drop that gavel one day and I'm going to call up Senate Bill 3 and you're going to instinctively know what to do." And I did!

Senator Albertson, we appreciate all the things you have taught us.

Senator Atwater then asked Senator Albertson to come to the front and Senator Atwater then called on others to make comments:

- **Senator Ellie Kinnaird:** I would like to say that it has been my great experience to work with Senator Albertson. He taught me how to be respectful. You know when you come here as a freshman you come from your own background, your own beliefs and your own values. Your constituents say now you go there and you say this. It took awhile, but I had a great teacher and it was Senator Albertson who taught me how to be respectful of my colleagues. How to be respectful of other people's ideas and he taught me an invaluable lesson. I am so grateful for his mentoring of me and his contributions. He has been a great environmentalist. He has really, really changed this State and I am grateful for all the time I have had to work with Senator Albertson.

- **Senator Jerry Tillman:** Charlie and I hang around Nashville every now and then. I ran into him in a restaurant out there one night. We were both going to the Grand Old Opry. I won't tell you the title of this song, but I will tell you who wrote it. David Allan Coe wrote it when he was in the Ohio penitentiary and it

was a big hit for Johnny Paycheck. I know you'll be singing it in about two weeks, maybe even one week.

Senator Albertson replied, "Take This Job and Shove It!"

- **Senator A.B. Swindell:** Charlie, I've left this Committee and went back to Commerce where I was once before, but the time served with you has been a pleasure. You know that my mother and father are both smiling down on you, who were your dear friends. You will not be forgotten in North Carolina, especially the turtles and frogs that you protected. When you got your turtle legislation through, if you remember, a week after that we had one of the biggest rains we had in North Carolina. It was "free at last" for all those turtles because they were all over the highways of North Carolina. So on behalf of the turtles, we appreciate you.

- **Senator Dan Clodfelter:** I have one last request for you Charlie. You are without a doubt the best storyteller in the North Carolina Senate and my last request is that you tell us one last story of your choosing.

- **Senator Harry Brown:** One thing you may want to know is that when you live in Eastern North Carolina and you represent a county Charlie used to represent, you really have to live up to Charlie. I grew up in Jones County, but he had Jones County. When you talk about issues dealing with agriculture, people would say, "What's Charlie think about that?" You hear that a lot, so that will tell you what kind of representing he did for that County.

- **Senator Joe Sam Queen:** I want to yield a little of my time for a story. I thought Senator Clodfelter had a very good idea there and then I want to say a few words.

Senator Albertson then told this story: I don't know if I ever shared this with you or not, but being here with all these politicians it is appropriate that you hear it again. It is a little thing I wrote a few years ago. Two men were reading tombstones in a local cemetery. They couldn't believe the words they read where this man was buried. "Herein lies a politician and an honest man." How they got two men in one hole I'll never understand.

- **Senator Joe Sam Queen:** I want to say this about Senator Albertson. He always has a good humor and he can take the most explosive and controversial issue and add that touch that is very positive. He is a peace Senator. Blessed are the peacemakers. Charlie always came in not fighting for his cause, but looking for a solution that was positive and appropriate for all parties. I will agree with Senator Kinnaird, he has taught us in this body so many things by his role model. He will not be forgotten and he will be followed for many years to come. Thank you, Charlie.

- **Senator Atwater:** If necessary he will sing you a lullaby to calm you down.

- **Senator Don Davis:** Senator Albertson, thank you so much for your leadership and support. We spoke, obviously, at times before I came. I had a chance to arrive here and eventually move into your old office and we're still next door. I'll never tell you of the times I'd come in and Cindy and everybody were over there listening to songs on the computer. But truly, truly you are a person of many talents and I will take note of your passion and conviction with which you served. In terms of the work with this Committee, we will be missing a big voice for agriculture. Thank you and God bless you.

- **Senator Michael Walters:** Senator Albertson, I just want to take this time to thank you for my short time having the opportunity to serve with you. I have spent time with you at dinner and other occasions. I appreciate the very simplistic way you have of doing things in a very complex environment. You took the opportunity to explain things to me as a freshman Senator and to see the picture outside the windshield and look down the road and miles ahead. I think you will be sorely missed. Thank you for all that you have done for the State.

- **Representative Pryor Gibson:** As an interloper from the House, I wanted to say that Charlie used to be a real legislator. He used to be over in the House. He was my aisle mate and I can't tell you the number of times I appreciated your even handedness in ERC (Environmental Review Committee) the 15 years we co-chaired that together. You will be missed, Sir. I share the House sentiment, don't be a stranger. We want to see you often.

- **Senator John Snow:** I just want you to know that you can thank me for Charlie being here. This last term, Charlie wasn't going to run and I called down there and said, "Charlie we got to have you, man. We need you up there in the Agriculture Committee to keep us straight." But I'll tell you what, I'd just a soon hear Charlie sing than anything else, so if you want to sing that would be alright to do that now.

- **Senator Stan Bingham:** Charlie, if you're going to sing, I'll hold off from what I was going to say. Charlie, I think you know what a great friendship you and I have had through the years and, not only I, but every legislator in here will miss you. I normally would not like to disagree with our House member, but Charlie truly became a legislator when he came to the Senate. And Charlie, I wish you would give Ellie an update on her kindness, etc and the other things she mentioned earlier that you taught her. I think she could use a refresher course! Could you please sing a song for us.

- **Senator Andrew Brock:** I think the Agriculture Committee is one of my most favorite committees. I think most other legislators would agree that we do take up some controversial issues that you have led us through. Complex issues where we were almost evenly split in the Agriculture Committee and you have done a

fine job dealing with those complex and controversial issues. Senator John Kerr would say that people in China would listen to us on the internet, but I think your stories were the reason they were listening to the Agriculture Committee and not the Finance Committee. Your stories were one of a kind and we will miss them. One thing I would like to say on a personal note. Thank you so much for standing up for the farmers. For as many times as agriculture gets beat down in the press, every time there was a sewage spill at a farm there was always a big story. But I loved it when that very afternoon you would stand up for the farmers and then give a report on how much waste was spilled by the cities and towns that year. I just want to know which person I need to contact to bring that up next year?

After all the legislators' comments, Senator Albertson made a few remarks. Well, there is one lesson I hope you remember. Being a musician and working with microphones so much over the years. I want ya'll to quit grabbing these microphones and turning them every which way but loose. Have you ever noticed how you do that? Well, this is quite a surprise to me and I'm not sure I know how to handle this. I'm not quite ready to be honest about it. I have had a lot of thoughts these past few days and past few weeks and I have nothing but good memories that I will cherish all my life, particularly serving in this Senate Ag Committee. All committees are important, but I think this has to be one of the most important that we have in this body, Agriculture, Environment, and Natural Resources. And I have learned by being here what a great place we have to live in. North Carolina, I don't think there is any place that matches it. And you look at the things that have been accomplished over the past few years. I tell people I just try to be a foot soldier, really. But if you look at the things that have been accomplished in this state since Marc Basnight became the Senate Pro Tempore, it is remarkable the things we have done and I may share that list with you another time. This has certainly been a dream come true for me to serve in this distinguished body. Just think in the Senate there are only 50 members out of eight or nine million people we have in this State who represent this State. It is a great opportunity and a great responsibility. One of my dear friends one time told me, "Charlie, you take this place way too seriously." And maybe I do sometimes, but this is serious business. It's the people's business and looking back on my tenure here, I've tried to step out a little bit and do some things that weren't too popular. Get on the edge and at the same time still survive politically. Thinking about this past weekend, when we celebrated our nation's independence, and somebody here mentioned the fact that they saw me in some role as a peacemaker. Let me tell you this story. This past Memorial Day holiday and the year before, there was a gentleman down the road, one of my neighbors. When I grew up everyone had large families and we were in and out of each others' houses all the time and working together to barn tobacco, and the community was like one big family in many ways. But he was captured in the early days of World War II in the Philippines. He was one of those people that was on that death march and he survived four or five years in a Japanese concentration camp. And he came back, and of course I was born in '32, and he came back right after the war and he tried to farm. The land he tried to farm was right across from the school house where I attended. I was 14 and he asked me to work on the farm. I would spend the night with he and his wife. Of course he was not able to do any work and he went on to become an alcoholic. I talked to his sister this past weekend. But as I went to his grave site this past

Memorial Day, I knelt down and sort of rubbed my hand over his name on the grave stone. And I asked myself what I could do for this man to honor his legacy, what he had been through all those years. I concluded, and I haven't told anyone this but my wife, the best thing I could do was for the rest of my life to become a peacemaker, and work as hard as I could to bring peace among people. I think that is one of the great challenges we face today in this body, in this State, across the nation and the world. To accept other people as they are, those people who are different from us and yet we are all Americans. That is what we celebrate, our freedoms. I have come to appreciate the constitution in so many ways I had not before I came here. And we all have our walks of faith that we are in, which is wonderful. But at the end of the day, that constitution is so precious too, that gives all of us all those rights. Life, liberty and the pursuit of happiness that it guarantees us and that is such a wonderful thing. I will miss this body at times. I know I will because of things I care about, but I believe you are good people and you will do the right thing for the people of this State. And as Dolly Pardon said in her famous song, "I will always love you." Remember that.

Senator Atwater concluded, "And Senator Albertson, we will always love you!"

There being no further business, the meeting was adjourned at 11:59 AM.

Bob Atwater
Senator Bob Atwater, Chair

Carol Resar
Carol Resar, Committee Clerk

HOUSE BILL 1765*
Committee Substitute Favorable 6/9/10
Committee Substitute #2 Favorable 6/30/10

Short Title: Amend WQ/IBT Laws. (Public)

Sponsors:

Referred to:

May 18, 2010

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE COALITIONS OF LOCAL GOVERNMENTS TO JOINTLY IMPLEMENT WATER QUALITY PROTECTION PLANS FOR THE FALLS LAKE WATERSHED; TO PROVIDE THAT AN APPLICANT FOR AN INTERBASIN TRANSFER CERTIFICATE SHALL PAY THE COSTS ASSOCIATED WITH ALL REQUIRED PUBLIC HEARINGS; AND TO CREATE A TEMPORARY, STREAMLINED INTERBASIN TRANSFER CERTIFICATION PROCESS FOR INTERBASIN TRANSFERS IN THE CENTRAL COASTAL PLAIN CAPACITY USE AREA AND INTO ISOLATED RIVER BASINS.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 77 of the General Statutes is amended by adding a new Article to read:

"Article 8A.
"Falls Lake Watershed Association.

"**§ 77-119. Definitions.**

The following definitions apply in this Article:

(1) "Board of directors" has the same meaning as in G.S. 55A-1-40.

(2) "Falls Lake watershed" means those natural areas of drainage including all tributaries contributing to the supply of Falls Lake, the specific limits of which are designated by the Environmental Management Commission pursuant to G.S. 143-213.

(3) "Local government" means a county, city, town, or incorporated village that is located in whole or in part within the Falls Lake watershed. Local government also includes any water or sewer authority that is created pursuant to Article 1 of Chapter 162A of the General Statutes that provides service within the Falls Lake watershed.

(4) "Nonprofit corporation" has the same meaning as in G.S. 55A-1-40.

"**§ 77-120. Falls Lake Watershed Association criteria for creation; board of directors; purpose; meetings; and records.**

(a) Local governments may elect to incorporate the Falls Lake Watershed Association nonprofit corporation or establish the Association using an existing nonprofit corporation. The Association shall only be comprised of local governments that choose to participate in the Association.

(b) Each local government that elects to participate in the Association shall appoint a representative and an alternate representative to serve on the board of directors of the

Association. The first board of directors that is appointed to the Association shall adopt bylaws that govern the operation of the Association.

(c) The purposes of the Association may include, but are not limited to:

(1) Providing a forum for sharing information in order to assist local governments in complying with State and federal laws that pertain to the water quality in the Falls Lake watershed.

(2) Providing a mechanism for participating local governments to coordinate and fund common technical resources.

(3) Planning for and conducting water quality monitoring in the Falls Lake watershed in coordination with the Department of Environment and Natural Resources.

(4) Coordinating with the Department of Environment and Natural Resources in the development of a transparent and accessible system for recording and maintaining nutrient offsets and credits that complies with any rules adopted to protect and restore water quality in the Falls Lake watershed.

(5) Providing a public forum to review and discuss innovative approaches to restore, protect, and maintain water quality in the Falls Lake watershed.

(6) Conducting and evaluating scientific research that describes or predicts conditions related to or affecting water quality in the Falls Lake watershed, including the reservoir.

(d) The Association shall be subject to the requirements for meetings of public bodies pursuant to Article 33C of Chapter 143 of the General Statutes.

(e) The Association shall be subject to the requirements for public records pursuant to Chapter 132 of the General Statutes.

"**§ 77-121. Memoranda of understanding.**

To the extent allowed by law, the Department of Environment and Natural Resources may enter into memoranda of understanding with the Association to implement the purposes in G.S. 77-120(c).

"**§ 77-122. Authority.**

The authority granted pursuant to this Article is in addition to and not in derogation of any other authority granted to local governments under any other provision of law."

SECTION 2. G.S. 143-215.22L(e) reads as rewritten:

"(e) Public Hearing on the Draft Environmental Document. – The Commission shall hold a public hearing on the draft environmental document for a proposed interbasin transfer after giving at least 30 days' written notice of the hearing in the Environmental Bulletin and as provided in subdivisions (2) and (3) of subsection (c) of this section. The notice shall indicate where a copy of the environmental document can be reviewed and the procedure to be followed by anyone wishing to submit written comments and questions on the environmental document. The Commission shall prepare a record of all comments and written responses to questions posed in writing. The record shall include complete copies of scientific or technical comments related to the potential impact of the interbasin transfer. The Commission shall accept written comment on the draft environmental ~~documents~~ document for a minimum of 30 days following the last public hearing. The applicant who petitions the Commission for a certificate under this section shall pay the costs associated with the notice and public hearing on the draft environmental document."

SECTION 3. G.S. 143-215.22L(j) reads as rewritten:

"(j) Public Hearing on the Draft Determination. – Within 60 days of the issuance of the draft determination as provided in subsection (i) of this section, the Commission shall hold public hearings on the draft determination. At least one hearing shall be held in the affected area of the source river basin, and at least one hearing shall be held in the affected area of the receiving river basin. In determining whether more than one public hearing should be held

within either the source or receiving river basins, the Commission shall consider the differing or conflicting interests that may exist within the river basins, including the interests of both upstream and downstream parties potentially affected by the proposed transfer. The public hearings shall be conducted by one or more hearing officers appointed by the Chair of the Commission. The hearing officers may be members of the Commission or employees of the Department. The Commission shall give at least 30 days' written notice of the public hearing as provided in subsection (c) of this section. The Commission shall accept written comment on the draft determination for a minimum of 30 days following the last public hearing. The Commission shall prepare a record of all comments and written responses to questions posed in writing. The record shall include complete copies of scientific or technical comments related to the potential impact of the interbasin transfer. The applicant who petitions the Commission for a certificate under this section shall pay the costs associated with the notice and public hearing on the draft determination."

SECTION 4. Section 7 of S.L. 2007-518 reads as rewritten:

"**SECTION 7.(a)** Except as provided in ~~subsection (b)~~subsections (b) and (c) of this section, this act becomes effective when it becomes law and applies to any petition for a certificate for a transfer of surface water from one river basin to another river basin first made on or after that date.

"**SECTION 7.(b)** For a petition for a certificate for transfer of surface water from one river basin to another river basin to supplement ground water supplies in the fifteen counties designated as the Central Coastal Plain Capacity Use Area under 15A NCAC 2E .0501, this act becomes effective 1 January ~~2011.~~2013. Prior to 1 January ~~2011,~~2013, a petition for a certificate for transfer of surface water from one river basin to another river basin to supplement ground water supplies in the fifteen counties designated as the Central Coastal Plain Capacity Use Area shall be considered and acted upon by the Environmental Management Commission pursuant to the procedures and standards set out in G.S. 143-215.22I on 1 July 2007.

"SECTION 7.(c) For purposes of this subsection, "isolated river basin" means each of the following river basins set out in G.S. 143-215.22G(1):

g.	2-6	New River.
v.	9-4	Shallotte River.
aa.	12-1	Albemarle Sound.
hh.	17-1	White Oak River.

For a petition for a certificate for transfer of surface water from a river basin to an isolated river basin for the purpose of supplementing ground water supplies, this act becomes effective 1 July 2020. Prior to 1 July 2020, a petition for a certificate for transfer of surface water from a river basin to an isolated river basin for the purpose of supplementing ground water supplies shall be considered and acted upon by the Environmental Management Commission pursuant to the procedures and standards set out in G.S. 143-215.22I on 1 July 2007."

SECTION 5. This act is effective when it becomes law. Sections 2 and 3 apply to the costs, including costs of notice, associated with public hearings held on or after that date.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1765*

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

H1765-ASB-43 [v.1]

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

Date _____,2010

Senator Queen

moves to amend the bill on page 1, lines 6 through 9,
by rewriting those lines to read:

"REQUIRED PUBLIC HEARINGS; TO CREATE A TEMPORARY, STREAMLINED INTERBASIN TRANSFER CERTIFICATION PROCESS FOR INTERBASIN TRANSFERS IN THE CENTRAL COASTAL PLAIN CAPACITY USE AREA AND INTO ISOLATED RIVER BASINS; AND TO LIMIT TRANSFERS OF WATER FROM THE CATAWBA RIVER BASIN UNDER THE CONCORD AND KANNAPOLIS INTERBASIN TRANSFER CERTIFICATE." and

on page 3, line 40,
by rewriting that line to read:

"**SECTION 5.** Concord and Kannapolis may not transfer water from the Catawba River Basin pursuant to the Certificate Authorizing the Cities of Concord and Kannapolis to Transfer Water from the Catawba River and Yadkin River Basins to the Rocky River Basin under the Provisions of G.S. 143-215.22I, approved by the Environmental Management Commission on January 10, 2007, and signed into effect on January 25, 2007, unless the Department of Environment and Natural Resources determines that both of the following conditions are met:

(1) Concord and Kannapolis are transferring 10 million gallons per day from the Yadkin River Basin to the Rocky River Basin pursuant to the Interbasin Transfer Certificate.

(2) There are no other water supplies located within the Yadkin River Basin that are available to Concord and Kannapolis.

SECTION 6. This act is effective when it becomes law. Sections 2 and 3 apply to".

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1765*

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

H1765-ASB-43 [v.1]

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1765*

AMENDMENT NO. 2
(to be filled in by Principal Clerk)

H1765-ASB-45 [v.1]

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

Date _____,2010

Senator Snow

moves to amend the bill on page 1, line 6,
by rewriting that line to read:

"REQUIRED PUBLIC HEARINGS; REDUCE NOTICE FOR THE INTERBASIN TRANSFER CERTIFICATION PROCESS; AND CREATE A TEMPORARY,";

on page 2. lines 32 through 45,
by rewriting those lines to read:

"**SECTION 2.** G.S. 143-215.22L(e) reads as rewritten:

"(e) Public Hearing on the Draft Environmental Document. – The Commission shall hold a public hearing on the draft environmental document for a proposed interbasin transfer after giving at least 30 days' written notice of the hearing in the Environmental Bulletin and as provided in ~~subdivisions (2) and~~ subdivision (3) of subsection (c) of this section. The notice shall indicate where a copy of the environmental document can be reviewed and the procedure to be followed by anyone wishing to submit written comments and questions on the environmental document. The Commission shall prepare a record of all comments and written responses to questions posed in writing. The record shall include complete copies of scientific or technical comments related to the potential impact of the interbasin transfer. The Commission shall accept written comment on the draft environmental ~~documents~~ document for a minimum of 30 days following the last public hearing. The applicant who petitions the Commission for a certificate under this section shall pay the costs associated with the notice and public hearing on the draft environmental document."

SECTION 3. G.S. 143-215.22L(i) reads as rewritten:

"(i) Draft Determination. – Within 90 days after the Commission determines that the environmental document prepared in accordance with subsection (d) of this section is adequate or the applicant submits its petition for a certificate, whichever occurs later, the Commission shall issue a draft determination on whether to grant the certificate. The draft determination shall be based on the criteria set out in this section and shall include the conditions and limitations, findings of fact, and conclusions of law that would be required in a final determination. Notice of the draft determination shall be given as provided in ~~subsection (c) of this section.~~subdivision (3) of subsection (c) of this section"; and

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1765*

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

H1765-ASB-45 [v.1]

by renumbering the subsequent bill sections and references in the effective date accordingly.

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED ✓ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1765*

AMENDMENT NO. 3
(to be filled in by Principal Clerk)

H1765-ASB-44 [v.3]

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

Date _____,2010

Senator Clodfelter

moves to amend the bill on page 1, lines 6 through 9,
by rewriting those lines to read:

"REQUIRED PUBLIC HEARINGS; TO CREATE A TEMPORARY, STREAMLINED INTERBASIN TRANSFER CERTIFICATION PROCESS FOR INTERBASIN TRANSFERS IN THE CENTRAL COASTAL PLAIN CAPACITY USE AREA AND INTO ISOLATED RIVER BASINS; AND TO PROVIDE THAT BENEFICIAL REUSE OF WASTEWATER INCLUDES CERTAIN FACILITIES THAT REQUIRE RELOCATION OF A DISCHARGE FROM ONE RECEIVING STREAM TO ANOTHER." and

on page 3, line 40,
by rewriting that line to read:

"**SECTION 5.** G.S. 143-355.5(a) reads as rewritten:

"(a) Water Reuse Policy. – It is the public policy of the State that the reuse of treated wastewater or reclaimed water is critical to meeting the existing and future water supply needs of the State. The General Assembly finds that reclaimed water systems permitted and operated under G.S. 143-215.1(d2) in an approved wastewater reuse program can provide water for many beneficial purposes in a way that is both environmentally acceptable and protective of public health. This finding includes and applies to conjunctive facilities that require the relocation of a discharge from one receiving stream to another under all of the following conditions:

(1) The relocation is necessary to create an approved comprehensive wastewater reuse program.
(2) The reuse program provides significant reuse benefits.
(3) The relocated discharge will comply with all applicable water quality standards; will not result in degradation of water quality in the receiving waters; will not contribute to water quality impairment in the receiving watershed; and will result in net benefits to water quality, such as the elimination of a wastewater discharge in a nutrient sensitive river basin."

SECTION 6. This act is effective when it becomes law. Sections 2 and 3 apply to".

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1765*

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

H1765-ASB-44 [v.3]

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

HOUSE BILL 1765: Amend WQ/IBT Laws

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	July 6, 2010
Introduced by:	Representatives Gibson, Harrison	**Prepared by:**	Jeff Hudson Committee Counsel
Analysis of:	Third Edition		

SUMMARY: ***H1765 would authorize local governments to jointly implement water quality protection plans for the Falls Lake Watershed, provide that an applicant for an interbasin transfer certificate must pay the costs associated with all required public hearings, and provide for temporary streamlined interbasin certification process for interbasin transfers in the Central Coastal Plain Capacity Use Area and into isolated river basins.***

[As introduced, this bill was identical to S1169, as introduced by Sen. Clodfelter, which is currently in Senate Agriculture/Environment/Natural Resources.]

CURRENT LAW AND BILL ANALYSIS:

Falls Lake Watershed Association

The Environmental Management Commission (EMC) is currently developing rules for the protection of water quality in the Falls Lake Watershed. Under these rules, local governments would be required to comply with and possibly implement some of the water quality protections.

House Bill 1765 would authorize local governments to jointly implement water quality protection plans for the Falls Lake Watershed.

Costs Associated with Interbasin Transfer Public Hearings

Under current law, the applicant for an interbasin transfer certificate must provide for and pay the costs associated with its notice of intent to file a petition for an interbasin transfer and related public hearings. In 2008, the General Assembly added requirements for public hearings to be held on the adequacy of environmental documents prepared pursuant to the interbasin transfer certification process and on the draft determination on whether to grant the interbasin transfer certificate. The 2008 legislation did not specify who should pay the costs associated with the new public hearing requirements.

House Bill 1765 would provide that the applicant for the interbasin certificate would pay the notice and public hearing costs associated with the environmental documents and draft determination.

Temporary Streamlined Interbasin Certification Process

In 2007, the General Assembly enacted a more stringent process for the certification of interbasin transfers. Because the new process provides that a full environmental impact statement must be prepared for all interbasin transfers between major river basins, the certification process for interbasin transfers between major river basins is considerably longer and more expensive. Recognizing the potential increase in costs and delays, the 2007 legislation included an exception for interbasin transfers to supplement ground water supplies in the Central Coastal Plain Capacity Use Area. This exception, which allows interbasin transfer applications to be processed according to statutes in place prior to the 2007 legislation, is scheduled to expire January 1, 2011.

House Bill 1765 would extend the sunset on the exception for the Central Coastal Plain Capacity Use Area to January 1, 2013. The bill would also provide a similar exception for the New River Basin, the Shallotte River Basin, the Albemarle Sound River Basin, and the White Oak River Basin, to expire July 1, 2020. These four river basins are located along the coast and are isolated in that their surface waters flow directly into the Atlantic Ocean or sounds and do not naturally interact with the surface waters of other river basins.

EFFECTIVE DATE: This act is effective when it becomes law. The act would apply to costs associated with public hearings held on or after the date the act becomes effective.

/

PAGES ATTENDING

Date: 7-6

Committee: Agriculture **Room:** 544 LOB 11 AM

PLEASE PRINT LEGIBILY!!!!!

Page Name	Hometown	Sponsoring Senator
1 Miranda Curcio	Charlotte	Forrester
2 Jennifer Howard	Clemmons	Gorough
3 Caroline Williams	Fayetteville	Dickson
4 Morgan Christianson	Fayetteville	Dickson
5 Sheena Battle	Rocky Mount	Swindell IV
6		
7		
8		
9		

Do not add additional names below the grid.

Pages: Please present this form to either the Committee Clerk at the eeting or a Sgt. at Arms.

VISITOR REGISTRATION SHEET

Senate Ag/Environment/Natural Resources — July 6, 2010

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Dave Fowler	City of Charlotte
T REEDER	NC DWR
Tom Fransen	NC DWR
Elizabeth Biser	DENR
Tom Beran	NC EDF, NCSEA
Colleen Kocharek	Kocharek Law Group
[illegible]	
Connie Dixon	CWC
David Knight	DENR
ANTHONY ALLEN	NCACC
Andrew Lynch	NCLM
JE HOBBS	HANC
Robin Smith	DENR

VISITOR REGISTRATION SHEET

Senate Ag/Environment/Natural Resources — July 6, 2010

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Joanne Stevens	Stevens Lobby
Tommy Stevens	NCPC
Patrick Buffkin	NAEC
Grace Hartsoe	Sen. Stein
Ashley Jones	Project Coordinator

VISITOR REGISTRATION SHEET

Senate Ag/Environment/Natural Resources — July 6, 2010

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Chip Killian	Nelson Mullins
L. Andrews	NCFB
Bob Pocern	NCFA
Paul Sherman	NCFB
Jerry Hobbs	NCPC/NCCC
DAVID BARNES	Poyner Spruill
Jackson Barnes	
Henry Jones	Attorney Raleigh
Kimberly Rankin	Sierra Club
Weatherly Rose	Hunter + Williams
Nick Tosco	NCLM

Principal Clerk ____
Reading Clerk ____

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on **Agriculture/Environment/Natural Resources** will meet at the following time:

DAY	DATE	TIME	ROOM
Thursday	July 8, 2010	9:00 AM	544 LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 972	Boone Water Intake Easement.	Representative Tarleton
HB 1824	Coyote Controls.	Representative Williams, III Representative Faison

Senator Bob Atwater, Chair

Senate Agriculture/Environment/Natural Resources Committee
Thursday, July 8, 2010, 9:00 AM
544 LOB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

HB 972	Boone Water Intake Easement.	Representative Tarleton
HB 1824	Coyote Controls.	Representative Williams, III Representative Faison

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE REPORT
Senator Bob Atwater, Chair

Thursday, July 08, 2010

Senator ATWATER,
submits the following with recommendations as to passage:

FAVORABLE

H.B.(CS #2) **1824** Coyote Controls.
Sequential Referral: None
Recommended Referral: None

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B. **972** Boone Water Intake Easement.
Draft Number: 70582
Sequential Referral: None
Recommended Referral: None
Long Title Amended: Yes

TOTAL REPORTED: 2

Committee Clerk Comments:

Handle on Floor

HB 972 Senator Hartsell
HB 1824 Senator Albertson

SENATE AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE
Thursday, July 8, 2010 at 9:00 AM
Room 544, Legislative Office Building

MINUTES

The Senate Agriculture/Environment/Natural Resources Committee met at 9:00 AM on July 8, 2010, in Room 544 of the Legislative Office Building. 11 members of the committee were present. Senator Bob Atwater presided.

After Senator Atwater introduced the pages, the following bills were discus:

- **HB 972, Boone Water Intake Easement.**

Senator Hartsell moved to adopt a Proposed Committee Substitute (PCS) for HB 972 for purposes of discussion. Motion carried. Senator Queen spoke briefly on the bill and then **Senator Albertson moved for an unfavorable report for HB 972 and a favorable report for the PCS for HB 972. Motion carried.**

- **HB 1824, Coyote Controls.**

Representative Williams explained the bill. After a brief discussion, **Senator Tillman moved for a favorable report for HB 1824. Motion carried.**

There being no further business, the meeting was adjourned at 9:20 AM.

Bob Atwater
Senator Bob Atwater, Chairman

Carol Resar
Carol Resar, Committee Clerk

HOUSE BILL 972

Short Title:	Boone Water Intake Easement.	(Public)
Sponsors:	Representative Tarleton.	
Referred to:	Water Resources and Infrastructure, if favorable, State Government/State Personnel.	

April 2, 2009

A BILL TO BE ENTITLED

AN ACT TO GRANT THE RIGHT TO CONSTRUCT AND MAINTAIN A WATER INTAKE SYSTEM IN THE TOWN OF BOONE.

The General Assembly of North Carolina enacts:

SECTION 1. The State of North Carolina through special act of the General Assembly expressly grants and conveys to the Town of Boone the right to construct and maintain a water intake system in the waters and submerged land of the South Fork of the New River notwithstanding any public trust rights. The water intake system shall be located approximately 2,470 linear feet upstream from the center of the Cranberry Springs Road Bridge in the South Fork of the New River in Watauga County, North Carolina. The dimensions of the intake system shall be 170 feet in length and 55 feet in width. Nothing in this act shall be construed to relieve the Town of Boone from securing any applicable permits for the project.

SECTION 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H D

HOUSE BILL 972
PROPOSED SENATE COMMITTEE SUBSTITUTE H972-PCS70582-RI-76

Short Title: Create Uwharrie Regional Resources Comm'n. (Public)

Sponsors:

Referred to:

April 2, 2009

A BILL TO BE ENTITLED

AN ACT TO CREATE THE UWHARRIE REGIONAL RESOURCES COMMISSION AS A PERMANENT BODY CORPORATE OF THE STATE TO FOSTER ECONOMIC DEVELOPMENT AND PROTECT AND ENHANCE THE NATURAL RESOURCES OF THAT REGION.

The General Assembly of North Carolina enacts:

SECTION 1. The General Statutes are amended by adding a new Chapter to read:

"**Chapter 153C.**

"**Uwharrie Regional Resources Act.**

"**§ 153C-1. Short title; findings; purpose.**

(a) Short Title. – This Chapter shall be known and may be cited as the "Uwharrie Regional Resources Act."

(b) Findings. – The General Assembly finds that:

(1) The beauty and abundant natural resources of the Uwharrie region of North Carolina are prized by all North Carolinians. Millions of tourists travel to the Uwharrie region of North Carolina to see and experience the natural beauty of the region, including: the vistas near Uwharrie National Forest and Morrow Mountain State Park; scenic lakes and rivers including Badin, High Rock, and Tuckertown Lakes, and the Uwharrie, Yadkin, and Pee Dee Rivers; as well as nearby attractions, including the North Carolina Zoological Park and the Seagrove area potteries. This tourism is vitally important to this region of the State.

(2) The federal government recognized the natural abundance and cultural heritage of this region of North Carolina by purchasing tens of thousands of acres of land and designating it the Uwharrie Reservation during the Great Depression. In 1961, President John F. Kennedy proclaimed these lands the Uwharrie National Forest.

(3) The same beauty and natural abundance that is valued by North Carolina residents, tourists, and the federal government is being adversely affected by natural asset uses that are negatively impacting the value and public's enjoyment of the important regional assets of the region.

(4) The region is subject to profound economic challenges and pressures due to a loss of manufacturing and industrial activities in recent years. Local

governments face challenges as they adapt to new and difficult changes to the landscape.

(c) Purpose. – It is the purpose of this Chapter to encourage quality growth and development while preserving the natural resources of the Uwharrie region of North Carolina.

"**§ 153C-2. Definitions.**

The following definitions apply in this Article:

(1) Commission. – The Uwharrie Resources Commission created by this Chapter.

(2) Important regional resources. – The natural and cultural resources of the Uwharrie region of North Carolina, including, but not limited to: State and federal public lands; forestland; vistas; streams, rivers, and lakes; wildlife habitat; and economic, recreational, historical, and archeological resources.

(3) Department. – The Department of Commerce.

(4) Uwharrie region of North Carolina. – The area encompassed by the counties of Davidson, Davie, Montgomery, Rowan, Randolph, and Stanly in the State.

"**§ 153C-3. Uwharrie Regional Resources Commission.**

(a) Creation. – The Uwharrie Regional Resources Commission is hereby established. The Commission is a permanent body corporate of the State composed of members from the Uwharrie region of North Carolina. The Commission shall be located administratively in the Department of Commerce but shall exercise its statutory powers and duties independently of the Department of Commerce. The Commission shall meet in the Uwharrie region of North Carolina. Funds appropriated for the Commission by the General Assembly shall be disbursed directly to the Commission at the beginning of each fiscal year.

(b) Purpose. – The purposes and functions of the Uwharrie Regional Resources Commission are to do all of the following:

(1) Identify and evaluate issues affecting important resources of the region and recommend policies and programs to address those issues.

(2) Coordinate with existing local and regional efforts to address threats to important regional resources and work undertaken by councils of government and the jurisdictions they serve in the Uwharrie region of North Carolina.

(3) Provide a forum for discussion of issues affecting important regional resources.

(4) Promote communication, coordination, and education among stakeholders within the Uwharrie region of North Carolina.

(5) Collect research and information from North Carolina and other states and jurisdictions regarding State and regional approaches to coordinating (i) provision of infrastructure for the protection of important regional resources and (ii) efforts to encourage quality growth to protect such important regional resources.

(6) Monitor federal activities involving important regional resources.

(7) Determine whether new strategies or tools would be helpful to address pressures on important regional resources and whether and how such strategies or tools should be implemented to protect and enhance such resources to maximize their value for the benefit of the citizens of the Uwharrie region as well as the State.

(8) Provide guidance and make recommendations to local, State, and federal legislative and administrative bodies and to others as it considers necessary and appropriate for the use, stewardship, and enhancement of important regional resources.

(c) Authority. – To achieve its purposes, the Commission shall have all of the following powers and duties:

(1) To develop rules and procedures for the conduct of its business or as may be necessary to perform its duties and carry out its objectives, including, but not limited to, calling meetings and establishing voting procedures. Rules and procedures developed pursuant to this subsection shall be effective upon an affirmative vote by a majority of the Commission members.

(2) To pursue efforts directed at the equitable distribution of water for public purposes.

(3) To seek enforcement of environmental laws and contribution to environmental cleanup costs, consistent with its obligations under this Chapter.

(4) To establish standing and ad hoc committees. The Commission shall determine the purpose of each standing or ad hoc committee.

(5) To seek, apply for, accept, and expend gifts, grants, donations, services, and other aid from public or private sources. The Commission may accept or expend funds only after an affirmative vote by a majority of the members of the Commission.

(6) To exercise the powers of a body corporate, including the power to sue and be sued, own or lease property, and adopt and use a common seal and alter the same.

(7) To enter into contracts and execute all instruments necessary or appropriate to achieve the purposes of the Commission.

(8) To designate a fiscal agent.

(9) To perform any lawful acts necessary or appropriate to achieve the purposes of the Commission.

(d) Membership. – The Commission shall consist of 10 members as follows:

(1) One representative from the public at large who is a resident of the Uwharrie region of North Carolina appointed by the President Pro Tempore of the Senate.

(2) One representative from the public at large who is a resident of the Uwharrie region of North Carolina appointed by the Speaker of the House of Representatives.

(3) Four representatives from the public at large who are residents of the Uwharrie region of North Carolina to be appointed by the Governor, including:

a. Two who shall at the time of appointment be actively connected with or have experience in local government within the Uwharrie region of North Carolina.

b. One who shall at the time of appointment have experience in tourism or tourism development in the Uwharrie region of North Carolina.

c. One who shall have experience in economic development in the Uwharrie region of North Carolina.

(4) Two members to represent each of the following regional councils of government as appointed by those councils: the Centralina Council of Governments and the Piedmont Triad Council of Governments.

(5) The Secretary of Commerce or the Secretary's designee.

(6) The Secretary of Environment and Natural Resources or the Secretary's designee.

The members of the Commission shall elect a chair, vice-chair, and any other officers they consider necessary and shall determine the length of the term of office, not to exceed two years,

of each officer. A majority of the Commission shall constitute a quorum. Each member appointed to the Commission shall be appointed to serve a four-year term. Any vacancy on the Commission shall be filled by the original appointing authority for the remainder of the unexpired term. Initial terms commence September 1, 2010.

(e) Salary; Expenses. – Members of the Commission shall receive no salary for their service on the Commission but may receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as appropriate. All expenses shall be paid from funds available to the Commission through the Uwharrie Regional Resources Fund, but no expenses shall be paid if the Uwharrie Regional Resources Fund lacks the necessary funds.

(f) Staff Support. – The Department of Commerce shall provide staff support and facilities to the Commission within the existing programs of the agency. Additional staff may be hired or contracted by the Commission through funds raised by or provided to it. The duties and compensation of any additional staff shall be determined and fixed by the Commission within available resources.

(g) State Agency Cooperation. – All agencies of the State of North Carolina shall cooperate with the Commission and, upon request, shall assist the Commission in fulfilling its responsibilities. The Secretary of Commerce or the Secretary's designee shall serve as the liaison between the Secretary's agency and the Commission. The Commission may obtain information and data upon request from all officers, agents, agencies, and departments of the State of North Carolina or of local governments while in discharge of its duties.

(h) The role of the Commission is advisory in nature, and in no way shall the Commission be construed to have regulatory authority. No action of the Commission supercedes any decision of any local planning board.

"**§ 153C-4. Uwharrie Regional Resources Fund.**

(a) Creation. – The Uwharrie Regional Resources Fund is created as a special fund within the Department. The Fund consists of moneys credited to the Fund from appropriations and any gifts, grants, donations, or other aid from public or private sources.

(b) Use. – Moneys in the Fund shall be used by the Commission to implement the provisions of this Chapter."

SECTION 2. This act is effective when it becomes law.

HOUSE BILL 972: Create Uwharrie Regional Resources Commission

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	July 8, 2010
Introduced by:		**Prepared by:**	Jennifer McGinnis Committee Counsel
Analysis of:	PCS to First Edition H972-PCS70852-RI-76		

SUMMARY: ***The Proposed Committee Substitute (PCS) for House Bill 972 would establish the Uwharrie Regional Resources Commission to foster economic development and protect and enhance the natural resources of the Uwharrie Region (region), including Davidson, Davie, Montgomery, Rowan, Randolph, and Stanly counties.***

CURRENT LAW: The bill is closely modeled after the Mountain Resources Planning Commission enacted in 2009 (see S.L. 2009-137).

BILL ANALYSIS: The PCS would establish the Uwharrie Regional Resources Commission (Commission) as a permanent body corporate of the State comprised of 10 members from the Uwharrie region of North Carolina. The Commission would be located administratively in the Department of Commerce (Department) but would exercise its statutory powers and duties independently of the Department.

The purposes and functions of the Commission would be to:

- Identify and evaluate issues affecting important resources of the region and recommend policies and programs to address those issues.
- Coordinate with existing local and regional efforts to address threats to important regional resources and work undertaken by councils of government and the jurisdictions they serve in the region.
- Provide a forum for discussion of issues affecting important regional resources.
- Promote communication, coordination, and education among stakeholders within the region.
- Collect research and information from North Carolina and other states and jurisdictions regarding State and regional approaches to coordinating (i) provision of infrastructure for the protection of important regional resources and (ii) efforts to encourage quality growth to protect such important regional resources.
- Monitor federal activities involving important regional resources.
- Determine whether new strategies or tools would be helpful to address pressures on important regional resources and whether and how such strategies or tools should be implemented to protect and enhance such resources to maximize their value for the benefit of the citizens of the Uwharrie region as well as the State.

- Provide guidance and make recommendations to local, State, and federal legislative and administrative bodies and to others as it considers necessary and appropriate for the use, stewardship, and enhancement of important regional resources.

To achieve its purposes, the Commission would have the following powers, among others:

- To develop rules and procedures for the conduct of its business or as may be necessary to perform its duties and carry out its objectives.
- To pursue efforts directed at the equitable distribution of water for public purposes.
- To seek enforcement of environmental laws and contribution to environmental cleanup costs, consistent with its obligations under the Chapter.
- To seek, apply for, accept, and expend gifts, grants, donations, services, and other aid from public or private sources. The Commission may accept or expend funds only after an affirmative vote by a majority of the members of the Commission.
- To exercise the powers of a body corporate, including the power to sue and be sued, own or lease property, and adopt and use a common seal and alter the same.
- To enter into contracts and execute all instruments necessary or appropriate to achieve the purposes of the Commission.
- To perform any lawful acts necessary or appropriate to achieve the purposes of the Commission.

The PCS would also create the Uwharrie Regional Resources Fund as a special fund within the Department. The Fund would consist of moneys credited to the Fund from appropriations and any gifts, grants, donations, or other aid from public or private source. Moneys in the Fund would be used by the Commission to implement the provisions of this Chapter.

EFFECTIVE DATE: The PCS would be effective when the act became law.

H972-SMRI-103(CSRI-76) v2

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H 3

HOUSE BILL 1824
Committee Substitute Favorable 6/9/10
Committee Substitute #2 Favorable 6/16/10

Short Title: Coyote Controls. (Public)

Sponsors:

Referred to:

May 19, 2010

A BILL TO BE ENTITLED

AN ACT TO PROVIDE AN ADDITIONAL METHOD OF TRAPPING COYOTES AND TO INCREASE THE AVAILABILITY OF DEPREDATION PERMITS FOR COYOTES TO LIVESTOCK AND POULTRY OWNERS, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON COYOTE NUISANCE REMOVAL.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113-291.6 is amended by adding a new subsection to read:

"(h) A person who has been issued a depredation permit for coyotes under G.S. 113-274(c) may use a Collarum™ trap, or similar trap approved by the Wildlife Resources Commission, solely for the purpose of taking coyotes under that permit. The person authorized to use these traps pursuant to this subsection shall provide information on the effectiveness and efficiency of the traps as requested by the Commission. To minimize the risk of harm to nontargeted species, any such trap set shall be attended daily and any nontarget animal caught released."

SECTION 2. G.S. 113-274(c)(1a) reads as rewritten:

"(1a) Depredation Permit. – Authorizes the taking, destruction, transfer, removal, transplanting, or driving away of undesirable, harmful, predatory, excess, or surplus wildlife or wildlife resources. Livestock or poultry owners shall be issued a depredation permit for coyotes upon request. The permit must state the manner of taking and the disposition of wildlife or wildlife resources authorized or required and the time for which the permit is valid, plus other restrictions that may be administratively imposed in accordance with rules of the Wildlife Resources Commission. No depredation permit or any license is needed for the owner or lessee of property to take wildlife while committing depredations upon the property. The Wildlife Resources Commission may regulate the manner of taking and the disposition of wildlife taken without permit or license, including wildlife killed accidentally by motor vehicle or in any other manner."

SECTION 3. The Wildlife Resources Commission shall adopt rules to implement the provisions of Section 1 of this act on or before October 1, 2010.

SECTION 4. Section 1 of this act becomes effective October 1, 2010. The remainder of this act is effective when it becomes law.

HOUSE BILL 1824: Coyote Controls

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	July 8, 2010
Introduced by:	Reps. Williams, Faison	**Prepared by:**	Mariah Matheson
Analysis of:	Third Edition		Research Assistant

SUMMARY: House Bill 1824 provides an additional method of trapping coyotes and increases the availability of depredation permits for coyotes to livestock and poultry owners.

BILL ANALYSIS: Section 1 of the bill would authorize a person who has been issued a depredation permit for coyotes to use a Collarum™ trap, or similar trap approved by the Wildlife Resources Commission (Commission), solely for the purpose of taking coyotes under that permit. The person authorized to use these traps under the depredation permit shall be required to provide to the Commission information related to the effectiveness and efficiency of the trap. To minimize the risk of harm to nontargeted species, any such trap set shall be attended daily and any nontarget animal caught released.

Section 2 of the bill would require that livestock and poultry owners be issued a depredation permit for coyotes upon request.

Section 3 of the bill would require the Commission to adopt rules to implement the provisions of Section 1 on or before October 1, 2010 (was December 1, 2010).

EFFECTIVE DATE: Section 1 would become effective October 1, 2010. The remainder of the act would be effective when it becomes law.

BACKGROUND: The Collarum™ trap is a live capture collar trap designed to meet international humane standards. The trap is specific to canines, including coyotes, foxes, dogs, or wolves, and works by throwing a cable loop over the animal's head. The end of the loop is anchored in the ground and holds the animal, as if tethered. The original bill was a recommendation of the House Select Committee on Coyote Nuisance Control.

Susan Sitze, counsel to House Wildlife and Barbara Riley, counsel to House Agriculture, substantially contributed to this summary.

H1824-SMTF-23(e3) v2

VISITOR REGISTRATION SHEET

Senate Ag/Environment/Natural Resources — July 8, 2010

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Sammy Robinson	TMC
Doug Lassiter	NCSTA
Daniel Baum	Troutman Sanders
Mike Weaver	NCTA
David Barnes	Power Secure
Dan "The Dream" Plunkett	
Josh Roberts	NCAOO
Ken Melton	K.M.A.
Steve Metcalf	P.C. Gas
Chris Saltz	NW
Rick Zechini	NC Assoc of Realtors

VISITOR REGISTRATION SHEET

Senate Ag/Environment/Natural Resources — July 8, 2010

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Preston Howard	MCIC
Lu-Ann C Runyan	MCIC
Andrew Cagle	DLC + Assoc
Bob Stevenson	NCFA
Mac Mumbles	Runyan Jarvis

VISITOR REGISTRATION SHEET

Senate Ag/Environment/Natural Resources — July 8, 2010

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Gordon Myers	NCWRC
Robin Smith	DENR
Elizabeth Bise	DENR
T Reeder	NC DWR
Steve Wall	Biofuels Center
Dan Crawford	CCNC
Joe McClees	McClees Consulting
Henri McClees	McClees Consulting
Mike Taylor	Stanly County
Cady Thomas	NCAR

Principal Clerk ____
Reading Clerk ____

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on **Agriculture/Environment/Natural Resources** will meet at the following time:

DAY	DATE	TIME	ROOM
Thursday	July 8, 2010	12:00 NOON	544 LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 1766	Amend Environmental Laws 2010.	Representative Gibson, III

Senator Bob Atwater, Chair

Senate Agriculture/Environment/Natural Resources Committee
Thursday, July 8, 2010, 12:00 PM
544 LOB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

HB 1766	Amend Environmental Laws 2010.	Representative Gibson, III

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE REPORT
Senator Bob Atwater, Chair

Thursday, July 08, 2010

Senator ATWATER,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 2, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B.(CS #2) **1766** Amend Environmental Laws 2010.

Draft Number:	30552
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 1

Committee Clerk Comments:

handle on the floor

HB 1766 Senator Atwater

SENATE AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE
Thursday, July 8, 2010 at 12:00 PM
Room 544, Legislative Office Building

MINUTES

The Senate Agriculture/Environment/Natural Resources Committee met at 12:00 PM on July 8, 2010, in Room 544 of the Legislative Office Building. 16 members of the committee were present. Senator Bob Atwater presided.

Pages present for the meeting were: Rebecca Jordan, Mary Alice Cox, Allen Canaday, Will Inabit all from Burlington and sponsored by Senator Foriest, and Dixon Holland from Greensboro and sponsored by Senator Jacumin.

The following bill was then discussed:

- **HB 1766, Amend Environmental Laws 2010.**

Senator Atwater asked Jennifer Mundt, Research Analyst, to explain the bill. Senator Atwater made a general comment on the bill and Senator Clodfelter asked Ms. Mundt several questions regarding the bill. Mr. Nick Tosco with the League of Municipalities also made comments on the bill.

Senator Albertson then moved to amend HB 1766 (Amendment #1). Mr. Jeff Hudson, Committee Counsel, explained the amendment. After a brief discussion including comments from Ms. Johanna Reese with the NC Department of Transportation, the **motion carried.**

After further discussion on the amended bill, **Senator Brown moved to amend HB 1766 (Amendment #2). Motion carried.**

Senator Brown then moved to further amend HB 1766 (Amendment #3). Following more discussion including comments from Representative Harrison, Senator Walters, Senator Tillman, and Mr. Steve Wall with the Biofuels Center, **the motion carried.**

Senator Brown moved to amend HB 1766 (Amendment #4) and explained the amendment. Several Senators spoke on the amendment and Mr. Gordon Myers with the NC Wildlife Commission also spoke on the amendment. Following the discussion on the amendment, **the motion carried.**

Finally, **Senator Preston moved to amend HB 1766 (Amendment #5). Motion carried.**

Senator Davis then moved for a favorable report for HB 1766, as amended, and requested that the 5 amendments be rolled into a Proposed Committee Substitute. Motion carried.

There being no further business, the meeting was adjourned at 12:50 PM

Senator Bob Atwater, Chairman

Carol Resar, Committee Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H 4

HOUSE BILL 1766

Committee Substitute Favorable 7/1/10
Committee Substitute #2 Favorable 7/6/10
Fourth Edition Engrossed 7/7/10

Short Title: Amend Environmental Laws 2010. (Public)

Sponsors:

Referred to:

May 18, 2010

A BILL TO BE ENTITLED

AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO: (1) CHANGE THE LOCATION OF THE HORIZONTAL CONTROL MONUMENT FILES FOR PLAT AND SUBDIVISION MAPPING REQUIREMENTS; (2) PROVIDE THAT THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES MAY DESIGNATE MULTIPLE MEMBERS TO SERVE AS COCHAIRS OF THE ENVIRONMENTAL REVIEW COMMISSION; (3) REPEAL THE REQUIREMENT THAT REMEDIAL ACTION PLANS BE RECORDED IN THE REGISTER OF DEEDS OFFICE AND MODIFY THE REQUIREMENT THAT REMEDIAL ACTION PLANS BE PLACED IN EACH PUBLIC LIBRARY IN THE COUNTY; (4) REESTABLISH THE SURFACE WATER IDENTIFICATION TRAINING AND CERTIFICATION PROGRAM AS A COMPONENT OF THE RIPARIAN BUFFER PROTECTION PROGRAM; (5) AMEND THE CUSTOMER REPORTING REQUIREMENTS FOR SMALL WASTEWATER SYSTEMS; (6) AMEND CIVIL PENALTIES FOR CERTAIN AIR QUALITY VIOLATIONS TO CONFORM WITH CHANGES MADE IN S.L. 2007-296; (7) CHANGE THE NAME OF THE NORTH CAROLINA NATIONAL PARK, PARKWAY AND FORESTS DEVELOPMENT COUNCIL TO THE WESTERN NORTH CAROLINA PUBLIC LANDS COUNCIL; (8) CLARIFY THE STANDARDS FOR QUALIFICATION OF VOLUNTARY WATER CONSERVATION AND WATER USE EFFICIENCY PROGRAMS; (9) AMEND THE ENFORCEMENT AUTHORITY OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES UNDER THE DROUGHT MANAGEMENT PREPAREDNESS AND RESPONSE ACT; (10) AMEND DESIGNATION OF THE MEMBER OF THE SEDIMENTATION CONTROL COMMISSION REPRESENTING A NORTH CAROLINA PUBLIC UTILITY COMPANY; (11) AMEND THE NOTICE REQUIREMENTS FOR CITIES, COUNTIES, SANITARY DISTRICTS, AND WATER AND SEWER AUTHORITIES WHEN IMPOSING OR INCREASING CERTAIN FEES OR CERTAIN CHARGES; (12) PROVIDE THAT THE PROHIBITION ON ANY NEW OR INCREASED NUTRIENT LOADING ALLOCATION APPLIES TO IMPAIRED DRINKING WATER SUPPLY RESERVOIRS; (13) ESTABLISH THE NORTH CAROLINA WOOD AND CROP BIOMASS STRATEGIC WORKING GROUP; (14) DIRECT CERTAIN STATE AGENCIES TO REVIEW THEIR PLANNING AND REGULATORY PROGRAMS AND RECOMMEND WHETHER THOSE PROGRAMS SHOULD INCLUDE

CONSIDERATION OF THE IMPACTS OF GLOBAL CLIMATE CHANGE; (15) REQUIRE ALL PUBLIC AGENCIES TO RECYCLE ALL SPENT FLUORESCENT LIGHTS AND MERCURY THERMOSTATS, REQUIRE THE REMOVAL OF ALL FLUORESCENT LIGHTS AND MERCURY THERMOSTATS FROM BUILDINGS PRIOR TO DEMOLITION, AND BAN MERCURY-CONTAINING PRODUCTS FROM UNLINED LANDFILLS; (16) AUTHORIZE THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY THE PENALTIES APPLICABLE TO VIOLATIONS OF G.S. 130A-309.10 (PROHIBITED ACTS RELATED TO PACKAGING; CODED LABELING OF PLASTIC CONTAINERS REQUIRED; DISPOSAL OF CERTAIN SOLID WASTES IN LANDFILLS OR BY INCINERATION PROHIBITED); (17) PROVIDE THAT LOCAL GOVERNMENTS AND LARGE COMMUNITY WATER SYSTEMS ONLY REQUIRE SEPARATE METERS FOR NEW IN-GROUND IRRIGATION SYSTEMS FOR LOTS PLATTED AND RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS AFTER JULY 1, 2009, THAT ARE CONNECTED TO THEIR SYSTEMS; (18) PROHIBIT THE USE OF HIGH ARSENIC CONTENT GLASS BEADS WHEN MARKING STATE OR MUNICIPAL ROADS OR PUBLIC VEHICULAR AREAS; (19) ENABLE TRADITIONAL COUNTRY STORES TO SELL UNCOOKED SANDWICHES, PREPARED ON PREMISES BY STORE EMPLOYEES; AND (20) CREATE AN EXPERIMENTAL PROGRAM IN WHICH THE CITY OF GREENSBORO IS GIVEN A LIMITED EXEMPTION FROM THE REQUIREMENT THAT BEAVERS TAKEN UNDER A DEPREDATION PERMIT MUST BE EUTHANIZED OR RELEASED ON THE PROPERTY WHERE CAPTURED AND THE CITY IS AUTHORIZED TO RELOCATE THOSE BEAVERS TO A SUITABLE ALTERNATIVE HABITAT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 47-30(f)(9) reads as rewritten:

"(9) Where the plat is the result of a survey, one or more corners shall, by a system of azimuths or courses and distances, be accurately tied to and coordinated with a horizontal control monument of some United States or State Agency survey system, such as the North Carolina Geodetic Survey where the monument is within 2,000 feet of the subject property. Where the North Carolina Grid System coordinates of the monument are on file in the ~~North Carolina Office of State Budget and Management,~~ North Carolina Geodetic Survey Section in the Division of Land Resources of the Department of Environment and Natural Resources, the coordinates of both the referenced corner and the monuments used shall be shown in X (easting) and Y (northing) coordinates on the plat. The coordinates shall be identified as based on "NAD 83," indicating North American Datum of 1983, or as "NAD 27," indicating North American Datum of 1927. The tie lines to the monuments shall also be sufficient to establish true north or grid north bearings for the plat if the monuments exist in pairs. Within a previously recorded subdivision that has been tied to grid control, control monuments within the subdivision may be used in lieu of additional ties to grid control. Within a previously recorded subdivision that has not been tied to grid control, if horizontal control monuments are available within 2,000 feet, the above requirements shall be met; but in the interest of bearing consistency with previously recorded plats, existing bearing control should be used where practical. In the absence of ~~Grid Control,~~ grid control, other appropriate natural monuments or landmarks shall be used. In all cases, the tie lines shall be sufficient to accurately reproduce the subject lands from the control or reference points used."

SECTION 2. G.S. 120-70.42(b) reads as rewritten:

"(b) The President Pro Tempore of the Senate shall designate one ~~Senator to serve as cochair~~or more Senators and the Speaker of the House of Representatives shall designate one ~~Representative to serve as cochair.~~or more Representatives to serve as cochairs."

SECTION 3. G.S. 130A-310.4(b) reads as rewritten:

"(b) Before approving any remedial action plan, the Secretary shall make copies of the proposed plan available for inspection as follows:

(1) A copy of the plan shall be provided to the local health director.

~~(2) A copy of the proposed plan shall be filed with the register of deeds in the county or counties in which the site is located.~~

(3) A copy of the plan shall be provided to the ~~each~~ public library located in closest proximity to the site in the county or counties in which the site is located.

(4) The Secretary may place copies of the plan in other locations so as to assure the availability thereof to the public.

In addition, copies of the plan shall be available for inspection and copying at cost by the public during regular business hours in the offices of the agency within the Department with responsibility for the administration of the remedial action program."

SECTION 4.(a) Part 1 of Article 21 of Chapter 143 of the General Statutes is amended by adding a new section to read:

"**§ 143-214.25A. Riparian Buffer Protection Program: Surface Water Identification Training and Certification Program.**

(a) The Division of Water Quality of the Department shall develop a program to train and certify individuals to determine the presence of surface waters that would require the application of rules adopted by the Commission for the protection of riparian buffers. The Division may train and certify employees of the Division as determined by the Director of the Division of Water Quality; employees of units of local government to whom responsibility for the implementation and enforcement of the riparian buffer protection rules is delegated pursuant to G.S. 143-214.23; and Registered Foresters under Chapter 89B of the General Statutes who are employees of the Division of Forest Resources of the Department as determined by the Director of the Division of Forest Resources. The Director of the Division of Water Quality may review the determinations made by individuals who are certified pursuant to this section, may override a determination made by an individual certified under this section, and, if the Director of the Division of Water Quality determines that an individual is failing to make correct determinations, revoke the certification of that individual.

(b) The Division of Water Quality shall develop standard forms for use in making and reporting determinations. Each individual who is certified to make determinations under this section shall prepare a written report of each determination and shall submit the report to the agency that employs the individual. Each agency shall maintain reports of determinations made by its employees, shall forward a copy of each report to the Director of the Division of Water Quality, and shall maintain these reports and all other records related to determinations so that they will be readily accessible to the public."

SECTION 4.(b) In implementing the Surface Water Identification Training and Certification Program established by G.S. 143-214.25A, as enacted by Section 4(a) of this act, the Division of Water Quality of the Department of Environment and Natural Resources shall give priority to training and certifying the most highly qualified and experienced personnel in each agency. The Division of Water Quality shall evaluate the effectiveness of the Surface Water Identification Training and Certification Program and shall submit an annual report of its findings and recommendations, if any, to the Environmental Review Commission on or before October 1 of each year. The Division of Water Quality shall submit the first report required by this section on or before October 1, 2011.

SECTION 4.(c) Sections 4(a), 4(b), and 4(c) of this act shall not be construed to obligate the General Assembly to appropriate any funds to implement the provisions of this act. Every agency to which this section applies shall implement the provisions of this act with funds otherwise appropriated or available to the agency.

SECTION 5. G.S. 143-215.1C(a) reads as rewritten:

"(a) Report to Wastewater System Customers. – The owner or operator of any wastewater collection or treatment works, the operation of which is primarily to collect or treat municipal or domestic wastewater and for which a permit is issued under this ~~Part,~~ Part and having an average annual flow greater than 200,000 gallons per day, shall provide to the users or customers of the collection system or treatment works and to the Department an annual report that summarizes the performance of the collection system or treatment works and the extent to which the collection system or treatment works has violated the permit or federal or State laws, regulations, or rules related to the protection of water quality. The report shall be prepared on either a calendar or fiscal year basis and shall be provided no later than 60 days after the end of the calendar or fiscal year."

SECTION 6. G.S. 143-215.112(d)(1a) reads as rewritten:

"(1a) Each governing body, or its authorized agent, shall have the power to assess civil penalties under G.S. 143-215.114A. Any person assessed shall be notified of the assessment by registered or certified mail, and the notice shall specify the reasons for the assessment. If the person assessed fails to pay the amount of the assessment to the governing body or its authorized agent within 30 days after receipt of notice, or such longer period not to exceed 180 days as the governing body or its authorized agent may specify, the governing body may institute a civil action in the superior court of the county in which the violation occurred, to recover the amount of the assessment. If any action or failure to act for which a penalty may be assessed under this section is continuous, the governing body or its authorized agent may assess a penalty not to exceed ~~ten thousand dollars ($10,000)~~ twenty-five thousand dollars ($25,000) per day for so long as the violation continues. In determining the amount of the penalty, the governing body or its authorized agent shall consider the degree and extent of harm caused by the violation, the cost of rectifying the damage, and the amount of money the violator saved by not having made the necessary expenditures to comply with the appropriate pollution control requirements."

SECTION 7.(a) The title of Part 17A of Article 7 of Chapter 143B of the General Statutes reads as rewritten:

"Part 17A. ~~North Carolina National Park, Parkway and Forests Development Council.~~ Western North Carolina Public Lands Council."

SECTION 7.(b) G.S. 143B-324.1 reads as rewritten:

"**§ 143B-324.1. ~~North Carolina National Park, Parkway and Forests Development Council;~~ Western North Carolina Public Lands Council creation; powers; duties.**

The ~~North Carolina National Park, Parkway and Forests Development Council~~ Western North Carolina Public Lands Council is created within the Department of Environment and Natural Resources. The Council shall:

...."

SECTION 7.(c) G.S. 143B-324.2 reads as rewritten:

...."

"**§ 143B-324.2. ~~North Carolina National Park, Parkway and Forests Development Council~~ Western North Carolina Public Lands Council members; selection; officers; removal; compensation; quorum; services.**

(a) Members; Selection; and Terms of Service. – The ~~North Carolina National Park, Parkway and Forests Development Council~~ Western North Carolina Public Lands Council within the Department of Environment and Natural Resources shall consist of seven members appointed by the Governor. The composition of the Council shall be as follows:

(1) ~~one~~ One member shall be a resident of Buncombe ~~County,~~ County.
(2) ~~one~~ One member shall be a resident of Haywood ~~County,~~ County.
(3) ~~one~~ One member shall be a resident of Jackson ~~County,~~ County.
(4) ~~one~~ One member shall be a resident of Swain ~~County,~~ County.
(5) One member shall be a resident of Cherokee County.
(6) ~~three~~ Two members shall be residents of counties adjacent to the Blue Ridge Parkway, the Great Smoky Mountains National Park or the Pisgah or Nantahala national forests.

The appointment of members shall be for terms of four years, or until their successors are appointed and qualify. Any appointment to fill a vacancy on the Council created by the resignation, dismissal, death or disability of a member shall be for the balance of the unexpired term.

(b) Officers. – The Council shall elect a ~~chairman,~~ chair, a ~~vice-chairman~~ vice-chair, and a secretary. The ~~chairman and the vice-chairman~~ chair and vice-chair shall all be members of the Council, but the secretary need not be a member of the Council. These officers shall perform the duties usually pertaining to such offices and when elected shall serve for a period of one year, but may be reelected. In case of vacancies by resignation or death, the office shall be filled by the Council for the unexpired term of said officer.

(c) Removal. – The Governor shall have the power to remove any member of the Council from office in accordance with the provisions of G.S. 143B-16 of the Executive Organization Act of 1973.

(d) Compensation. – Members of the Council shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5 and G.S. 143B-15 of the Executive Organization Act of 1973.

(e) Quorum. – Five members of the Council shall constitute a quorum for the transaction of business."

SECTION 7.(d) G.S. 143B-324.3 reads as rewritten:

"**§ 143B-324.3. ~~North Carolina National Park, Parkway and Forests Development Council~~ Western North Carolina Public Lands Council meetings.**

The ~~North Carolina National Park, Parkway and Forests Development Council~~ Western North Carolina Public Lands Council shall meet monthly and may hold special meetings at any time and place within the State at the call of the ~~chairman~~ chair or upon written request of at least a majority of the members."

SECTION 7.(e) G.S. 143B-432(a) reads as rewritten:

"(a) The Division of Economic Development of the Department of Natural and Economic Resources, the Science and Technology Committee of the Department of Natural and Economic Resources, the Science and Technology Research Center of the Department of Natural and Economic Resources, and the ~~North Carolina National Park, Parkway and Forests Development Council~~ Western North Carolina Public Lands Council of the Department of Natural and Economic Resources are each hereby transferred to the Department of Commerce by a Type I transfer, as defined in G.S. 143A-6."

SECTION 7.(f) G.S. 143B-433 reads as rewritten:

"**§ 143B-433. Department of Commerce – organization.**

The Department of Commerce shall be organized to include:

(1) The following agencies:

...

p. ~~North Carolina National Park, Parkway and Forests Development Council.~~Western North Carolina Public Lands Council.

...."

SECTION 7.(g) G.S. 153B-3(d) reads as rewritten:

"(d) Membership. – The Commission shall consist of 17 members as follows:

...

(4) One member to represent the ~~North Carolina National Parks, Parkway and Forests Development Council.~~Western North Carolina Public Lands Council.

...."

SECTION 8. G.S. 143-355.2(h1) reads as rewritten:

"(h1) A trade or professional organization representing commercial car washes may establish a voluntary water conservation and water use efficiency certification program to encourage and promote the use of year-round water conservation and water use efficiency ~~measures~~ measures. Implementation of a voluntary water conservation and water use efficiency program shall be considered in determining compliance with local government water shortage response plans as follows:

(1) A water conservation and water use efficiency certification may only be issued to a person that demonstrates ~~that water use from its water consuming processes is reduced by and maintained at twenty percent (20%) or more below the yearly average water use for the calendar year preceding application for certification.~~full implementation of a voluntary water conservation and water use efficiency program that is approved pursuant to subdivision (3) of this subsection. In order to receive and maintain certification, a person must have its facility inspected on an annual basis by a licensed plumbing contractor who will confirm that the applicant is in compliance with the standards of the certification program.

(2) A unit of local government that provides public water service or a large community water system shall recognize and credit a commercial car wash that has met the standards of a certification program for at least six months prior to the most recent extreme drought designation for water conservation achieved under the program. To the extent that a tiered response stage in the water shortage response plan requires commercial or industrial users to implement a percentage reduction in use, a car wash certified under a program shall be credited with the percentage reduction achieved by measures implemented under the program. Car washes certified under a program shall not be required to reduce consumption more than any other class of commercial or industrial water users during a water shortage emergency.

(3) To qualify as an approved water conservation and water use efficiency certification program, the Department of Environment and Natural Resources shall determine that the program ~~effectively utilizes industry best management practices for the efficient use of water and~~ achieves year-round reductions in water ~~use.~~use and results in a reduction of twenty percent (20%) or more in average water use per vehicle. Best management practices may include, but are not limited to, recycling, reclaiming, or reusing a portion of the water in the consuming processes. If a unit of local government that provides public water service or a large community water system determines that a person certified under such a program is not complying with the terms and standards of the certification program, it may refuse to recognize and credit the conservation measures."

SECTION 9. G.S. 143-355.6 reads as rewritten:

"**§ 143-355.6. Enforcement.**

(a) The Secretary may assess a civil penalty of not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) against any person who:

(1) Fails to report water use or other information required under G.S. 143-355(k).

(2) Fails to act in accordance with the terms, conditions, or requirements of an order issued by the Secretary under G.S. 143-355.3.

(3) Violates any provision of this Article or any rule adopted by the Commission, the Department, or the Secretary implementing this Article.

(b) For each willful action or failure to act for which a penalty may be assessed under this section, the Secretary may consider each day the action or inaction continues after notice is given of the violation as a separate violation. A separate penalty may be assessed for each separate violation.

(c) The Secretary may assess a civil penalty of not more than ten thousand dollars ($10,000) per month against a unit of local government that provides public water service or a large community water system that fails to implement the water conservation measures set out in the water shortage response plan approved by the Department under G.S. 143-355.2, measures required by the Department under subsections (b) and (d) of G.S. 143-355.2, or the default measures required under rules adopted by the Commission under S.L. 2002-167. ~~The Secretary may remit a civil penalty based on the factors set out in G.S. 143B-282.1(c)(1).~~

(c1) The amount of the civil penalty shall be based on the factors set out in G.S. 143B-282.1(b). The procedures set out in G.S. 143B-282.1 shall apply to civil penalty assessments that are presented to the Commission for final agency decision.

(c2) Requests for remission of civil penalties shall be filed with the Secretary. Remission requests shall not be considered unless made within 30 days of receipt of the notice of assessment. Remission requests must be accompanied by a waiver of the right to a contested case hearing pursuant to Chapter 150B of the General Statutes and a stipulation of the facts on which the assessment was based. Consistent with the limitations in G.S. 143B-282.1(c) and (d), remission requests may be resolved by the Secretary and the violator. If the Secretary and the violator are unable to resolve the request, the Secretary shall deliver remission requests and the Secretary's recommended action to the Committee on Civil Penalty Remissions of the Commission appointed pursuant to G.S. 143B-282.1(c).

(c3) If any civil penalty has not been paid within 30 days after the notice of assessment has been served on the violator, the Secretary shall request the Attorney General to institute a civil action in the superior court of any county in which the violator resides or in which the violator's principal place of business is located to recover the amount of the assessment, unless the violator contests the assessment as provided in subsection (e) of this section, or requests remission of the assessment in whole or in part as provided in subsection (c2) of this section. If any civil penalty has not been paid within 30 days after the final agency decision or court order has been served on the violator, the Secretary shall request the Attorney General to institute a civil action in the superior court of any county in which the violator resides or in which the violator's principal place of business is located to recover the amount of the assessment.

(d) The violation of emergency water conservation rules adopted by the Secretary pursuant to G.S. 143-355.3(b) is a Class 1 misdemeanor.

(e) The Secretary shall notify any person assessed a civil penalty of the assessment and the specific reasons for the assessment by registered or certified mail or by any means authorized by G.S. 1A-1, Rule 4. Contested case petitions shall be filed within 30 days of receipt of the notice of assessment.

(f) The clear proceeds of civil penalties assessed pursuant to this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2."

SECTION 10. G.S. 143B-299(a) reads as rewritten:

"(a) Creation; Membership. – There is hereby created in the Department of Environment and Natural Resources the North Carolina Sedimentation Control Commission, which is charged with the duty of developing and administering the sedimentation control program provided for in this Article. The Commission shall consist of the following members:

(1) A person to be nominated jointly by the boards of the North Carolina League of Municipalities and the North Carolina Association of County ~~Commissioners;~~Commissioners.

(2) A person to be nominated by the Board of the North Carolina Home Builders ~~Association;~~Association.

(3) A person to be nominated by the Carolinas Branch, Associated General Contractors of ~~America;~~America.

(4) ~~The president, vice-president, or general counsel~~A representative of a North Carolina public utility ~~company;~~company.

(5) The Director of the North Carolina Water Resources Research ~~Institute;~~Institute.

(6) A member of the State Mining Commission who shall be a representative of nongovernmental conservation interests, as required by ~~G.S. 74-38(b);~~G.S. 74-38(b).

(7) A member of the State Soil and Water Conservation ~~Commission;~~Commission.

(8) A member of the Environmental Management ~~Commission;~~Commission.

(9) A soil scientist from the faculty of North Carolina State ~~University;~~University.

(10) Two persons who shall be representatives of nongovernmental conservation ~~interests; and~~interests.

(11) A professional engineer registered under the provisions of Chapter 89C of the General Statutes nominated by the Professional Engineers of North Carolina, Inc."

SECTION 11.(a) G.S. 153A-102.1 reads as rewritten:

"**§ 153A-102.1. ~~Electronic notice~~Notice of new fees and fee increases; public comment period.**

(a) ~~If a county has a Web site maintained by one or more of its employees, the~~A county shall provide notice to interested parties of the imposition of or increase in fees or charges applicable solely to the construction of development subject to the provisions of Part 2 of Article 18 of this Chapter ~~on the county's Web site~~ at least seven days prior to the first meeting where the imposition of or increase in the fees or charges is on the agenda for consideration. The county shall employ at least two of the following means of communication in order to provide the notice required by this section:

(1) Notice of the meeting in a prominent location on a Web site managed or maintained by the county.

(2) Notice of the meeting in a prominent physical location, including, but not limited to, any government building, library, or courthouse within the county.

(3) Notice of the meeting by electronic mail to a list of interested parties that is created by the county for the purpose of notification as required by this section.

(4) Notice of the meeting by facsimile to a list of interested parties that is created by the county for the purpose of notification as required by this section.

(a1) If a county manages or maintains a Web site, it may provide the notice required pursuant to G.S. 160A-4.1, 130A-64.1, or 162A-9 on its Web site at the request of a city, sanitary district, or water and sewer authority that does not manage or maintain a Web site of its own. Any county that elects to provide such notice shall post the notice to its Web site within seven days of the request made by the city, sanitary district, or water and sewer authority.

(b) During the consideration of the imposition of or increase in fees or charges as provided in subsection (a) of this section, the governing body of the county shall permit a period of public comment.

(c) This section shall not apply if the imposition of or increase in fees or charges is contained in a budget filed in accordance with the requirements of G.S. 159-12."

SECTION 11.(b) G.S. 160A-4.1 reads as rewritten:

"**§ 160A-4.1. ~~Electronic notice~~ Notice of new fees and fee increases; public comment period.**

(a) ~~If a city has a Web site maintained by one or more of its employees, the~~A city shall provide notice to interested parties of the imposition of or increase in fees or charges applicable solely to the construction of development subject to the provisions of Part 2 of Article 19 of this Chapter ~~on the city's Web site~~ at least seven days prior to the first meeting where the imposition of or increase in the fees or charges is on the agenda for consideration. The city shall employ at least two of the following means of communication in order to provide the notice required by this section:

(1) Notice of the meeting in a prominent location on a Web site managed or maintained by the city.

(2) Notice of the meeting in a prominent physical location, including, but not limited to, any government building, library, or courthouse within the city.

(3) Notice of the meeting by electronic mail to a list of interested parties that is created by the city for the purpose of notification as required by this section.

(4) Notice of the meeting by facsimile to a list of interested parties that is created by the city for the purpose of notification as required by this section.

(a1) If a city does not maintain its own Web site, it may employ the notice option provided by subdivision (1) of subsection (a) of this section by submitting a request to a county or counties in which the city is located to post such notice in a prominent location on a Web site that is maintained by the county or counties. Any city that elects to provide such notice shall make its request to the county or counties at least 15 days prior to the date of the first meeting where the imposition of or increase in the fees or charges is on the agenda for consideration.

(b) During the consideration of the imposition of or increase in fees or charges as provided in subsection (a) of this section, the governing body of the city shall permit a period of public comment.

(c) This section shall not apply if the imposition of or increase in fees or charges is contained in a budget filed in accordance with the requirements of G.S. 159-12."

SECTION 11.(c) G.S. 130A-64.1 reads as rewritten:

"**§ 130A-64.1. ~~Electronic notice~~Notice of new or increased charges and rates; public comment period.**

(a) ~~If a sanitary district has a Web site maintained by one or more of its employees, the~~A sanitary district shall provide notice to interested parties of the imposition of or increase in service charges or rates applicable solely to the construction of development subject to Part 2 of Article 19 of Chapter 160A or Part 2 of Article 18 of Chapter 153A of the General Statutes for any service provided by the sanitary district ~~on the sanitary district's Web site~~ at least seven days prior to the first meeting where the imposition of or increase in the charges or rates is on

the agenda for consideration. The sanitary district shall employ at least two of the following means of communication in order to provide the notice required by this section:

(1) Notice of the meeting in a prominent location on a Web site managed or maintained by the sanitary district.

(2) Notice of the meeting in a prominent physical location, including, but not limited to, the district's headquarters or any government building, library, or courthouse located within the sanitary district.

(3) Notice of the meeting by electronic mail to a list of interested parties that is created by the sanitary district for the purpose of notification as required by this section.

(4) Notice of the meeting by facsimile to a list of interested parties that is created by the sanitary district for the purpose of notification as required by this section.

(a1) If a sanitary district does not maintain its own Web site, it may employ the notice option provided by subdivision (1) of subsection (a) of this section by submitting a request to a county or counties in which the district is located to post such notice in a prominent location on a Web site that is maintained by the county or counties. Any sanitary district that elects to provide such notice shall make its request to the county or counties at least 15 days prior to the date of the first meeting where the imposition of or increase in the fees or charges is on the agenda for consideration.

(b) During the consideration of the imposition of or increase in service charges or rates as provided in subsection (a) of this section, the governing body of the sanitary district shall permit a period of public comment.

(c) This section shall not apply if the imposition of or increase in service charges or rates is contained in a budget filed in accordance with the requirements of G.S. 159-12."

SECTION 11.(d) G.S. 162A-9 reads as rewritten:

"**§ 162A-9. Rates and charges; ~~electronic~~ notice; contracts for water or services; deposits; delinquent charges.**

(a) An authority may establish and revise a schedule of rates, fees, and other charges for the use of and for the services furnished or to be furnished by any water system or sewer system or parts thereof owned or operated by the authority. The rates, fees, and charges established under this subsection are not subject to supervision or regulation by any bureau, board, commission, or other agency of the State or of any political subdivision.

Before an authority sets or revises rates, fees, or other charges for stormwater management programs and structural or natural stormwater and drainage system service, the authority shall hold a public hearing on the matter. At least seven days before the hearing, the authority shall publish notice of the public hearing in a newspaper having general circulation in the area. An authority may impose rates, fees, or other charges for stormwater management programs and stormwater and drainage system service on a person even though the person has not entered into a contract to receive the service.

Rates, fees, and charges shall be fixed and revised so that the revenues of the authority, together with any other available funds, will be sufficient at all times:

(1) To pay the cost of maintaining, repairing, and operating the systems or parts thereof owned or operated by the authority, including reserves for such purposes, and including provision for the payment of principal of and interest on indebtedness of a political subdivision or of political subdivisions which payment shall have been assumed by the authority, and

(2) To pay the principal of and the interest on all bonds issued by the authority under the provisions of this Article as the same shall become due and payable and to provide reserves therefor.

The fees established under this subsection must be made applicable throughout the service area. Schedules of rates, fees, charges, and penalties for providing stormwater management programs and structural and natural stormwater and drainage system service may vary according to whether the property served is residential, commercial, or industrial property, the property's use, the size of the property, the area of impervious surfaces on the property, the quantity and quality of the runoff from the property, the characteristics of the watershed into which stormwater from the property drains, and other factors that affect the stormwater drainage system. Rates, fees, and charges imposed under this subsection for stormwater management programs and stormwater and drainage system service may not exceed the authority's cost of providing a stormwater management program and a structural and natural stormwater and drainage system. The authority's cost of providing a stormwater management program and a structural and natural stormwater and drainage system includes any costs necessary to assure that all aspects of stormwater quality and quantity are managed in accordance with federal and State laws, regulations, and rules.

No stormwater utility fee may be levied under this subsection whenever two or more units of local government operate separate stormwater management programs or separate structural and natural stormwater and drainage system services in the same area within a county. However, two or more units of local government may allocate among themselves the functions, duties, powers, and responsibilities for jointly operating a stormwater management program and structural and natural stormwater and drainage system service in the same area within a county, provided that only one unit may levy a fee for the service within the joint service area. For purposes of this subsection, a unit of local government shall include a regional authority providing stormwater management programs and structural and natural stormwater and drainage system services.

(a1) ~~If an authority has a Web site maintained by one or more of its employees, the~~ An authority shall provide notice to interested parties of the imposition of or increase in rates, fees, and charges under subsection (a) of this section applicable solely to the construction of development subject to Part 2 of Article 19 of Chapter 160A or Part 2 of Article 18 of Chapter 153A of the General Statutes ~~on the authority's Web site~~ at least seven days prior to the first meeting where the imposition of or increase in the rates, fees, and charges is on the agenda for consideration. The authority shall employ at least two of the following means of communication in order to provide the notice required by this subsection:

(1) Notice of the meeting in a prominent location on a Web site managed or maintained by the authority.

(2) Notice of the meeting in a prominent physical location, including, but not limited to, the authority's headquarters or any government building, library, or courthouse located within the authority's service area.

(3) Notice of the meeting by electronic mail to a list of interested parties that is created by the authority for the purpose of notification as required by this section.

(4) Notice of the meeting by facsimile to a list of interested parties that is created by the authority for the purpose of notification as required by this section.

(a2) If an authority does not maintain its own Web site, it may employ the notice option provided by subdivision (1) of subsection (a1) of this section by submitting a request to a county or counties in which the authority is located to post such notice in a prominent location on a Web site that is maintained by the county or counties. Any authority that elects to provide such notice shall make its request to the county or counties at least 15 days prior to the date of the first meeting where the imposition of or increase in the fees or charges is on the agenda for consideration.

(a3) During the consideration of the imposition of or increase in rates, fees, or charges under this subsection, the authority shall permit a period of public comment.

(a4) ~~This subsection~~ The notice requirements in subsection (a1) of this section shall not apply if the imposition of or increase in rates, fees, and charges is contained in a budget filed in accordance with the requirements of G.S. 159-12.

(b) Notwithstanding any of the foregoing provisions of this section, the authority may enter into contracts relating to the collection, treatment or disposal of sewage or the purchase or sale of water which shall not be subject to revision except in accordance with their terms.

(c) In order to insure the payment of such rates, fees and charges as the same shall become due and payable, the authority may do the following in addition to exercising any other remedies which it may have:

(1) Require reasonable advance deposits to be made with it to be subject to application to the payment of delinquent rates, fees and charges.

(2) At the expiration of 30 days after any rates, fees and charges become delinquent, discontinue supplying water or the services and facilities of any water system or sewer system of the authority.

(3) Specify the order in which partial payments are to be applied when a bill covers more than one service."

SECTION 12. Section 4 of S.L. 2005-190, as amended by Section 31 of S.L. 2006-259, reads as rewritten:

"**SECTION 4. Other drinking water supply reservoirs.** – The Environmental Management Commission shall not make any new or increased nutrient loading allocation to any person who is required to obtain a permit under G.S. 143-215 for an individual wastewater discharge directly or indirectly into any impaired drinking water supply reservoir for which the Division of Water Quality of the Department of Environment and Natural Resources has prepared or updated a calibrated nutrient response model since 1 July 2002 until permanent rules adopted by the Commission to implement the nutrient management strategy for that reservoir become effective. The Commission shall report its progress in developing and implementing nutrient management strategies for reservoirs to which this section applies to the Environmental Review Commission by 1 April of each year beginning 1 April 2006."

SECTION 13.(a) The Wood and Crop Biomass Strategic Working Group is established. The Working Group shall identify, study, and recommend a comprehensive package of appropriate and targeted policies and financial incentives in order to do all of the following:

(1) Ensure a reliable supply of sustainably managed wood and crop biomass for energy purposes and other sectors.

(2) Develop economic opportunities for rural communities.

(3) Enhance natural resources and promote farm and forestland retention.

(4) Integrate wood and crop biomass into the State's comprehensive energy plan, as recommended by the Energy Policy Council.

SECTION 13.(b) The Wood and Crop Biomass Strategic Working Group shall be convened jointly by the Biofuels Center of North Carolina, the Department of Commerce, the Department of Environment and Natural Resources, and the North Carolina Solar Center at North Carolina State University. The Working Group shall consist of 18 members as follows:

(1) The President of the Biofuels Center of North Carolina or the President's designee.

(2) The Secretary of Commerce or the Secretary's designee.

(3) The Secretary of Environment and Natural Resources or the Secretary's designee.

(4) The Executive Director of the North Carolina Solar Center at North Carolina State University or the Executive Director's designee.

(5) The Commissioner of Agriculture or the Commissioner's designee.
(6) The President of the North Carolina Biotechnology Center or the President's designee.
(7) The President of Duke Energy NC or the President's designee.
(8) The President of Progress Energy Carolinas or the President's designee.
(9) The Director of the Southeast Office of Environmental Defense or the Director's designee.
(10) The President of the North Carolina Farm Bureau Federation or the President's designee.
(10a) One member who is a farmer, to be appointed by the President of the North Carolina Farm Bureau Federation.
(11) The President of the North Carolina Forestry Association or the President's designee.
(11a) One member who is a forest landowner, to be appointed by the President of the North Carolina Forestry Association.
(12) The Director of the North Carolina Division of Forest Resources of the Department of Environment and Natural Resources or the Director's designee.
(13) The Executive Director of the North Carolina Chapter of The Nature Conservancy or the Executive Director's designee.
(14) The President of Novozymes North America or the President's designee.
(15) The Executive Director of the North Carolina Sustainable Energy Association or the Executive Director's designee.
(16) The Executive Director of the North Carolina Conservation Network or the Executive Director's designee.

SECTION 13.(c) The Wood and Crop Biomass Strategic Working Group shall meet monthly or upon the call of the conveners beginning no later than August 1, 2010. Members of the Working Group shall not receive a salary. Members of the Working Group shall not receive per diem and travel expenses for their service on the Working Group. Staff and administrative assistance to the Working Group shall be provided by the Biofuels Center of North Carolina. The authority granted to the Working Group shall be advisory in nature, and in no way shall the Working Group be construed to have any regulatory authority.

SECTION 13.(d) The Wood and Crop Biomass Strategic Working Group shall submit an interim report of its findings and recommendations to the Environmental Review Commission, the Senate and the House of Representatives Appropriations Subcommittees on Natural and Economic Resources, and the Energy Policy Council no later than February 1, 2011. A final report containing findings, recommendations, and any legislative proposals shall be submitted by the Working Group no later than May 1, 2011.

SECTION 14.(a) The Department of Administration, the Department of Agriculture and Consumer Services, the Department of Commerce, the Department of Crime Control and Public Safety, the Department of Environment and Natural Resources, the Department of Health and Human Services, the Department of Insurance, and the Department of Transportation shall:

(1) Review their respective planning and regulatory programs to determine whether the programs currently consider the impacts of global climate change, including adaptation and sea level rise.
(2) For those programs that currently consider the impacts of global climate change, the agency shall describe how the program considers the impacts of global climate change, including adaptation and sea level rise, and recommend whether the consideration of the impacts of global climate change should be modified or expanded.

(3) For those programs that do not currently consider the impacts of global climate change, the agency shall recommend if and how the program should consider the impacts of global climate change, including adaptation and sea level rise.

SECTION 14.(b) No later than September 1, 2011, each State agency shall report the results of its review and any recommendations to the Department of Environment and Natural Resources. The Department shall compile the results and recommendations and report them to the Environmental Review Commission and to any future legislative commission that directly and primarily addresses issues concerning global climate change no later than November 1, 2011.

SECTION 15.(a) Article 9 of Chapter 130A of the General Statutes is amended by adding a new Part to read:

"Part 7. Management of Certain Products That Contain Mercury.

"**§ 130A-310.60. Recycling required by public agencies.**

(a) Each State agency, including the General Assembly, the General Court of Justice, universities, community colleges, public schools, and political subdivisions using State funds for the construction or operation of public buildings shall establish a program in cooperation with the Department of Environment and Natural Resources and the Department of Administration for the collection and recycling of all spent fluorescent lights and thermostats that contain mercury generated in public buildings owned by each respective entity. The program shall include procedures for convenient collection, safe storage, and proper recycling of spent fluorescent lights and thermostats that contain mercury and contractual or other arrangements with buyers of the recyclable materials.

(b) Each State agency, including the General Assembly, the General Court of Justice, universities, community colleges, the Department of Public Instruction on behalf of the public schools, and political subdivisions shall submit a report on or before December 1, 2011, that documents the entity's compliance with the requirements of subsection (a) of this section to the Department of Environment and Natural Resources and the Department of Administration. The Departments shall compile the information submitted and jointly shall submit a report to the Environmental Review Commission on or before January 15, 2012, concerning the activities required by subsection (a) of this section. The information provided shall also be included in the report required by G.S. 130A-309.06(c).

"**§ 130A-310.61. Removal and recycling of mercury-containing products from structures to be demolished.**

Prior to demolition of any building or structure in the State, the contractor responsible for the demolition activity or the owner of the building or structure to be demolished shall remove all fluorescent lights and thermostats that contain mercury from the building or structure to be demolished."

SECTION 15.(b) G.S. 130A-309.10 is amended by adding a new subsection to read:

"(m) No person shall knowingly dispose of fluorescent lights and thermostats that contain mercury in a sanitary landfill for the disposal of construction and demolition debris waste that is unlined or in any other landfill that is unlined."

SECTION 15.(c) G.S. 130A-22 reads as rewritten:

"**§ 130A-22. Administrative penalties.**

(a) The Secretary of Environment and Natural Resources may impose an administrative penalty on a person who violates Article 9 of this Chapter, rules adopted by the Commission pursuant to Article 9, or any term or condition of a permit or order issued under Article 9. Each day of a continuing violation shall constitute a separate violation. The penalty shall not exceed fifteen thousand dollars ($15,000) per day in the case of a violation involving nonhazardous waste. The penalty shall not exceed thirty-two thousand five hundred dollars ($32,500) per day

in the case of a first violation involving hazardous waste as defined in G.S. 130A-290 or involving the disposal of medical waste as defined in G.S. 130A-290 in or upon water in a manner that results in medical waste entering waters or lands of the State; and shall not exceed fifty thousand dollars ($50,000) per day for a second or further violation involving the disposal of medical waste as defined in G.S. 130A-290 in or upon water in a manner that results in medical waste entering waters or lands of the State. The penalty shall not exceed thirty-two thousand five hundred dollars ($32,500) per day for a violation involving a voluntary remedial action implemented pursuant to G.S. 130A-310.9(c) or a violation of the rules adopted pursuant to G.S. 130A-310.12(b). The penalty shall not exceed one hundred dollars ($100.00) for a first violation; two hundred dollars ($200.00) for a second violation within any 12-month period; and five hundred dollars ($500.00) for each additional violation within any 12-month period for any violation of Part 2G of Article 9 of this Chapter. For violations of Part 7 of Article 9 of this Chapter and G.S. 130A-309.10(m): (i) a warning shall be issued for a first violation; (ii) the penalty shall not exceed two hundred dollars ($200.00) for a second violation; and (iii) the penalty shall not exceed five hundred dollars ($500.00) for subsequent violations. If a person fails to pay a civil penalty within 60 days after the final agency decision or court order has been served on the violator, the Secretary of Environment and Natural Resources shall request the Attorney General to institute a civil action in the superior court of any county in which the violator resides or has his or its principal place of business to recover the amount of the assessment. Such civil actions must be filed within three years of the date the final agency decision or court order was served on the violator."

SECTION 15.(d) G.S. 130A-25 reads as rewritten:

"**§ 130A-25. Misdemeanor.**

(a) ~~A~~ Except as otherwise provided, a person who violates a provision of this Chapter or the rules adopted by the Commission or a local board of health shall be guilty of a misdemeanor.

...

(d) A violation of Part 7 of Article 9 of this Chapter or G.S. 130A-309.10(m) shall be punishable as a Class 3 misdemeanor."

SECTION 16. The Environmental Review Commission may study the penalties applicable to violations of G.S 130A-309.10 (Prohibited acts related to packaging; coded labeling of plastic containers required; disposal of certain solid wastes in landfills or by incineration prohibited), and report its findings, together with any recommended legislation, to the 2011 Regular Session of the 2011 General Assembly upon its convening.

SECTION 17. G.S. 143-355.4(a) reads as rewritten:

"(a) Local government water systems and large community water systems shall require separate meters for new in-ground irrigation systems on lots platted and recorded in the office of the register of deeds in the county or counties in which the real property is located after July 1, 2009, that are connected to their systems."

SECTION 18.(a) The General Assembly finds and declares that inorganic arsenic is a hazardous substance and is recognized by the United States Environmental Protection Agency and the United States Occupational Safety and Health Administration as a human carcinogen; that release of this substance into the environment may lead to contamination of soil and water; that the ingestion or inhalation of soil, water, plant material, or animal tissues contaminated with inorganic arsenic may lead to lung cancer, damage to the nervous system, or, in extreme cases, death from systemic poisoning; that reflective glass beads are used to reflect light when applied to roadway markers; that glass beads that contain more than 75 parts per million inorganic arsenic may represent a danger to workers who handle and apply them and a contamination potential to soil and water surrounding roadways. The General Assembly therefore determines that it is in the public interest to prohibit the use of glass beads containing

more than 75 parts per million inorganic arsenic used to reflect light when applied to markings on roadways.

SECTION 18.(b) Chapter 136 of the General Statutes is amended by adding a new section to read:

"**§ 136-30.2. Prohibit the use of high content arsenic glass beads in paint used for pavement marking.**

No pavement markings shall be placed on or along any road in the State highway system, in any municipal street system, or on any public vehicular area, as defined in G.S. 20-4.01, that is made from paint that has been mixed, in whole or in part, with reflective glass beads containing more than 75 parts per million inorganic arsenic, as determined by the United States Environmental Protection Agency Method 6010B in conjunction with the United States Environmental Protection Agency Method 3052 modified."

SECTION 19. G.S. 130A-250 is amended by adding a new subdivision to read:

"(13) Traditional country stores that sell uncooked sandwiches or similar food items and that engage in minimal preparation such as slicing bananas, spreading peanut butter, mixing and spreading pimiento cheese, and assembling these items into sandwiches, when this minimal preparation is the only activity that would otherwise subject these establishments to regulation under this Part. For the purposes of this subsection, traditional country stores means for-profit establishments that sell an assortment of goods, including prepackaged foods and beverages, and have been in continuous operation for at least 75 years."

SECTION 20.(a) Notwithstanding the provisions of 15A NCAC 10B.0106(d)(5) or any other provision of law, there is established an experimental program in which the City of Greensboro may relocate beavers that have been taken alive under a depredation permit along Buffalo Creek to a suitable alternative habitat along Buffalo Creek with the consent of the landowner of that new habitat.

SECTION 20.(b) Section 20(a) of this act applies only to depredation permits issued to the City of Greensboro.

SECTION 21. Section 6 of this act becomes effective October 1, 2010, and applies to violations that occur on or after that date. Section 9 of this act becomes effective October 1, 2010, and applies to penalties assessed on or after that date. Sections 11(a), 11(b), 11(c), and 11(d) of this act become effective February 1, 2011. Sections 15(a), 15(b), 15(c), and 15(d) of this act become effective July 1, 2011. Sections 18(a) and 18(b) become effective October 1, 2010, and apply to any contracts for road projects entered into, or any pavement remarking that takes place, on or after that date. Sections 20(a) and 20(b) of this act are effective when the act becomes law and expire July 1, 2011. All other sections of this act are effective when this act becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1766

AMENDMENT NO. 1
(to be filled in by Principal Clerk)

H1766-ATA-46 [v.2]

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

Date July 8, 2010

Senator Albertson

moves to amend the bill on page 2, lines 19 through 24
by rewriting those lines to read:

"(20) CREATE AN EXPERIMENTAL PROGRAM IN WHICH THE CITY OF GREENSBORO IS GIVEN A LIMITED EXEMPTION FROM THE REQUIREMENT THAT BEAVERS TAKEN UNDER A DEPREDATION PERMIT MUST BE EUTHANIZED OR RELEASED ON THE PROPERTY WHERE CAPTURED AND THE CITY IS AUTHORIZED TO RELOCATE THOSE BEAVERS TO A SUITABLE ALTERNATIVE HABITAT; AND (21) REVISE THE SUNSET PROVISION FOR NUTRIENT OFFSET PAYMENTS.",

and on page 16, line 30
by rewriting that line to read:

"**SECTION 21.** Section 5 of S.L. 2007-438, as amended by Section 3.(b) of S.L. 2009-438 reads as rewritten:

'**SECTION 5.** This act becomes effective 1 September 2007 and applies to all nutrient offset payments, including those set out in 15A NCAC 2B .0240, as adopted by the Environmental Management Commission on 12 January 2006. The fee schedule set out in Section 1 of this act expires ~~1 September 2010.~~1 September 2011.'.

SECTION 22. Section 6 of this act becomes effective October 1, 2010, and applies".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED V FAILED _____ TABLED _____

H1766-ATA-46-V-2

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1766

AMENDMENT NO. 2
(to be filled in by Principal Clerk)

H1766-ARI-56 [v.4]

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

Date July 8, ,2010

Senator Brown

moves to amend the bill on page 2, lines 19 through 24,
by rewriting those lines to read:

"(20) CREATE AN EXPERIMENTAL PROGRAM IN WHICH THE CITY OF GREENSBORO IS GIVEN A LIMITED EXEMPTION FROM THE REQUIREMENT THAT BEAVERS TAKEN UNDER A DEPREDATION PERMIT MUST BE EUTHANIZED OR RELEASED ON THE PROPERTY WHERE CAPTURED AND THE CITY IS AUTHORIZED TO RELOCATE THOSE BEAVERS TO A SUITABLE ALTERNATIVE HABITAT; AND (21) MAKE A TECHNICAL CORRECTION TO THE DEFINITION OF "NOTEBOOK COMPUTER."; and

on page 16, lines 30 through 38,
by rewriting those lines to read:

"**SECTION 21.** If Senate Bill 887, 2009 Regular Session becomes law, then 130A-309.131(11), as enacted by Section 2.(a) of that act, reads as rewritten:

"(11) Notebook computer. – An electronic, magnetic, optical, electrochemical, or other high-speed data processing device that has all of the following features:

a. Performs logical, arithmetic, or storage functions for general purpose needs that are met through interaction with a number of software programs contained in the computer.
b. Is not designed to exclusively perform a specific type of limited or specialized application.
c. Achieves human interface through a keyboard, video display greater than four inches in size, and mouse or other pointing device, all of which are contained within the construction of the unit that comprises the computer.
d. Is able to be carried as one unit by an individual.
e. Is able to use external power, internal power, or batteries for a power source.

Notebook computer includes those that have a supplemental stand-alone interface device attached to the notebook computer. Notebook computer does not include a portable handheld calculator, a PDA, or similar

specialized device. A notebook computer may also be referred to as a laptop computer."

SECTION 22. Section 6 of this act becomes effective October 1, 2010, and applies to violations that occur on or after that date. Section 9 of this act becomes effective October 1, 2010, and applies to penalties assessed on or after that date. Sections 11(a), 11(b), 11(c), and 11(d) of this act become effective February 1, 2011. Sections 15(a), 15(b), 15(c), and 15(d) of this act become effective July 1, 2011. Sections 18(a) and 18(b) become effective October 1, 2010, and apply to any contracts for road projects entered into, or any pavement remarking that takes place, on or after that date. Sections 20(a) and 20(b) of this act are effective when the act becomes law and expire July 1, 2011. Section 21 of this act becomes effective August 1, 2010. All other sections of this act are effective when this act becomes law.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1766

AMENDMENT NO. 3
(to be filled in by Principal Clerk)

H1766-ATA-48 [v.1]

Comm. Sub. [YES]
Amends Title [NO]
Fourth Edition

Date July 8 ,2010

Senator Brown

moves to amend the bill on page 12, line 44
by rewriting that line to read:

"North Carolina State University. The Working Group shall consist of 19 members as follows:",

and on page 13, by inserting the following between lines 25 and 26:

"(17) The Executive Director of the NC Association of Professional Loggers, Inc. or the Executive Director's designee.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1766

AMENDMENT NO. 4
(to be filled in by Principal Clerk)

H1766-ASB-50 [v.1]

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

Date _____, 2010

Senator Brown

moves to amend the bill on page 2, lines 17 through 24,
by rewriting those lines to read:

"VEHICULAR AREAS; AND (19) ENABLE TRADITIONAL COUNTRY STORES TO SELL UNCOOKED SANDWICHES, PREPARED ON PREMISES BY STORE EMPLOYEES." AND

on page 16, lines 23 through 38,
by rewriting those lines to read:

"**SECTION 20.** Section 6 of this act becomes effective October 1, 2010, and applies to violations that occur on or after that date. Section 9 of this act becomes effective October 1, 2010, and applies to penalties assessed on or after that date. Sections 11(a), 11(b), 11(c), and 11(d) of this act become effective February 1, 2011. Sections 15(a), 15(b), 15(c), and 15(d) of this act become effective July 1, 2011. Sections 18(a) and 18(b) become effective October 1, 2010, and apply to any contracts for road projects entered into, or any pavement remarking that takes place, on or after that date. All other sections of this act are effective when this act becomes law.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1766

AMENDMENT NO. 5
(to be filled in by Principal Clerk)

H1766-ATA-47 [v.2]

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

Date July 8, ,2010

Senator Preston

moves to amend the bill on page 2, lines 19 through 24
by rewriting those lines to read:

"(20) CREATE AN EXPERIMENTAL PROGRAM IN WHICH THE CITY OF GREENSBORO IS GIVEN A LIMITED EXEMPTION FROM THE REQUIREMENT THAT BEAVERS TAKEN UNDER A DEPREDATION PERMIT MUST BE EUTHANIZED OR RELEASED ON THE PROPERTY WHERE CAPTURED AND THE CITY IS AUTHORIZED TO RELOCATE THOSE BEAVERS TO A SUITABLE ALTERNATIVE HABITAT; AND (21) DELAY THE EFFECTIVE DATE OF THE CLEAN COASTAL WATER AND VESSEL ACT FROM JULY 1, 2010, TO APRIL 1, 2011 AND TO LIMIT THE ACT'S APPLICATION TO ONLY THOSE AREAS THAT ARE DESIGNATED AS NO DISCHARGE ZONES BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY."

and on page 16, line 30
by rewriting that line to read:

"**SECTION 21.(a)** G.S. 77-131 reads as rewritten:
'**§ 77-131. Application of Article.**
The provisions of this Article apply only to the following:
(1) A large vessel marina that is located on coastal waters designated by the Environmental Protection Agency as a no discharge zone or that is located in a county or municipality that has adopted a resolution to petition the Environmental Protection Agency for a no discharge zone designation.
(2) A vessel in coastal waters that ~~are either~~ is designated as a no discharge zone ~~or are included in a petition to the Environmental Protection Agency to be designated as a no discharge zone unless the petition has been denied~~ by the Environmental Protection Agency.'

SECTION 21.(b) Section 3 of S.L. 2009-345 reads as rewritten:
'**SECTION 3.** Section 1 of this act becomes effective ~~July 1, 2010,~~ April 1, 2011, and applies to offenses committed on or after that date. The remainder of this act is effective when it becomes law.'

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1766

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

H1766-ATA-47 [v.2]

SECTION 22. Section 6 of this act becomes effective October 1, 2010, and applies".

SIGNED Jean Preston
Amendment Sponsor

SIGNED Bob Atwater
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

HOUSE BILL 1766:
Amend Environmental Laws 2010

2009-2010 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources	**Date:**	July 8, 2010
Introduced by:	Rep. Gibson	**Prepared by:**	Jennifer Mundt Legislative Analyst
Analysis of:	Fourth Edition		

SUMMARY: House Bill 1766 amends certain environmental and natural resources laws.

[As introduced, this bill was identical to S1167, as introduced by Sen. Clodfelter, which is currently in Senate Agriculture/Environment/Natural Resources.]

BILL ANALYSIS: House Bill 1766 would amend certain environmental and natural resources laws as follows:

Section 1 would change the location of the horizontal control monument files for plat and subdivision mapping requirements from the North Carolina Office of Budget and Management to the North Carolina Geodetic Survey Section of the Division of Land Resources of the Department of Environment and Natural Resources (DENR).

Section 2 would provide that the President Pro Tempore and the Speaker may designate multiple members to serve as Cochairs of the Environmental Review Commission. Existing law provides that the Pro Tempore and Speaker may only designate one member, respectively, to serve as Cochair.

Section 3 would repeal the requirement that remedial action plans for inactive hazardous substance or waste disposal sites be recorded in the register of deeds office in the county or counties in which the site is located. This Section would also modify the requirement that remedial action plans be placed in each library in the county or counties in which the site is located and instead require the plans to be placed only in the library in the county that is in closest proximity to the site.

Section 4 would reestablish the Surface Water Identification and Training Certification Program under the Riparian Buffer Protection Program. This training and certification program was first established in 2001 and expired in 2004; however, the Division of Water Quality (DWQ) in DENR has continued to offer the training since 2004. DWQ's program trains and certifies DWQ employees, local government employees, and Registered Foresters employed by the Division of Forest Resources to determine the presence of surface waters that require application of the Environmental Management Commission's Riparian Buffer Protection Rules. DWQ would be required to report annually to the Environmental Review Commission (ERC) on the effectiveness of the program and any findings and recommendations beginning on October 1, 2011.

Section 5 would amend the requirement for owners or operators of any permitted wastewater collection or treatment works to provide an annual report to users or customers of the system such that the reporting requirement would only apply to those permitted systems that have an average annual flow of greater than 200,000 gallons per day.

Section 6 would amend the maximum civil penalty that may be assessed by local air programs for air quality violations from $10,000 per day to $25,000 per day to conform to similar changes in enforcement and civil procedures for air quality violations that were enacted during the 2007 Session. Three counties (Buncombe, Forsyth, and Mecklenburg) have established local air programs. Section 6 would become effective October 1, 2010.

Section 7 would change the name of the North Carolina National Park, Parkway and Forests Development Council to the Western North Carolina Public Lands Council and makes clarifying, technical, and conforming changes to those affected statutes.

Section 8 would clarify the standards for qualification of voluntary water conservation and water use efficiency programs established by trade or professional organizations representing commercial car washes. This section would provide that implementation of voluntary programs would be considered in determining compliance with a local government water shortage response plan such that an approved program achieves year-round reductions in water use and results in a reduction of 20% or more in average water use per vehicle.

Section 9 would clarify the procedures that DENR must follow to enforce the provisions of the Drought Management Preparedness and Response Act enacted in 2008. Section 9 would become effective October 1, 2010.

Section 10 would amend the membership of the Sedimentation Control Commission such that the member from a North Carolina public utility company would be a representative of a utility rather than stipulate the member be the president, vice-president, or general counsel of a utility.

Section 11 would amend the notice requirements for cities, counties, sanitary districts, and water and sewer authorities when considering imposing or increasing fees or charges related to subdivision development. This section would require the entities to provide notice to interested parties of the imposition of or increase in fees at least seven days prior to the first meeting where the fee is on the agenda for consideration using two of the following means of communication:

1) Notice in a prominent location on a Web site managed or maintained by the entity.
2) Notice in a prominent physical location.
3) Notice by electronic mail to a list of interested parties.
4) Notice by facsimile to a list of interested parties.

In order to comply with the notice option provided in 1) above, cities, sanitary districts, and water and sewer authorities that do not manage or maintain their own website may submit a request to the county or counties in which they are located to post the notice on their behalf. Section 11 would become effective February 1, 2011.

Section 12 would provide that the existing prohibition on any new or increased nutrient loading allocation applies only to impaired drinking water supply reservoirs.

Section 13 would establish the 18-member Wood and Crop Biomass Strategic Working Group (Working Group) to identify, study, and recommend a comprehensive package of appropriate and targeted policies and financial incentives to: (MR. Steve WALL)

1) Ensure a reliable supply of sustainably managed wood and crop biomass for energy purposes and other sectors.
2) Develop economic opportunities for rural communities.
3) Enhance natural resources and promote farm and forest land retention.
4) Integrate wood and crop biomass into the State's comprehensive energy plan.

The Working Group would be required to submit an interim report to the ERC, the Senate and House of Representatives Appropriations Subcommittees, and the Energy Policy Council by February 1, 2011 and must submit a final report to those entities by May 1, 2011.

Section 14 would require the Departments of Administration, Agriculture and Consumer Services, Commerce, Crime Control and Public Safety, Environment and Natural Resources, Health and Human Services, Insurance, and Transportation to review their respective planning and regulatory programs to determine whether they currently consider the impacts of global climate change, including adaptation and sea level rise. The agencies would have to describe how any such program considers the impacts of global climate change and make recommendations for modification or expansion as determined by the agency. For programs that do not address global climate change, the agency must recommend if and how the program should consider global climate change.

Each agency would be required to report the results of its review to DENR by September 1, 2011 after which time DENR would be required to compile those results and report them to the ERC and any future legislative commission that directly and primarily addresses global climate change on or before November 1, 2011.

Section 15 would:

- Require all public agencies (State agencies, including the General Assembly, the General Court of Justice, universities, community colleges, public schools, and political subdivisions) using State funds for the construction or operation of public buildings to: (i) implement a program by December 1, 2010 for the collection and recycling of all spent fluorescent lights and thermostats that contain mercury generated in State offices owned by the respective entity; and (ii) report on their compliance with this requirement to DENR and the Department of Administration (DOA) on or before December 1, 2011. DENR and DOA would then compile the information submitted from all agencies and jointly submit a report to the ERC on or before January 15, 2012.
- Require a contractor responsible for building demolition or an owner of property to be demolished to remove all fluorescent lights and thermostats that contain mercury from the building prior to demolition.
- Prohibit the disposal of fluorescent lights and thermostats that contain mercury in a sanitary landfill for the disposal of construction and demolition debris, and other unlined landfills. This ban would become effective December 1, 2010. A knowing violation of this provision would be punishable as a Class 3[1] misdemeanor and would subject the violator to the imposition of administrative penalties as follows:
  - First violation – warning.
  - Second violation within any 12-month period – not more than $200.00
  - Each additional violation within any 12-month period – $500.00

  Under current law, with regard to other recycling requirements applicable to State agencies, G.S.130A-309.14 requires all agencies to have a program to collect recyclable materials, specifically including aluminum, newspaper, sorted office paper, recyclable glass, and plastic bottles.

  With regard to other items banned from disposal in landfills, these include: used oil; yard trash; white goods; antifreeze; aluminum cans; whole scrap tires; lead-acid batteries; beverage containers that are required to be recycled by ABC permittees; motor vehicle oil filters (effective October 1, 2009); wooden pallets, except that wooden pallets may be disposed of in a landfill that is permitted to only accept construction and demolition debris (effective October 1, 2009); oyster shells; discarded computer equipment (effective January 1, 2011); and discarded televisions (effective

[1] The range of punishment for a Class 3 misdemeanor, assuming no prior convictions, is 1-10 days community punishment

January 1, 2011).[2] Knowing violation of these provisions would subject the violator to the imposition of an administrative penalty of up to $15,000 per day, and would be punishable as a Class 1 misdemeanor (note that accidental or occasional disposal of small amounts of prohibited solid waste by landfill or incineration are not to be construed as a violation under the statute).[3,4]

Section 15 would become effective July 1, 2011.

Section 16 would authorize the ERC to study the penalties applicable to violations of G.S. 130A-309.10 (Prohibited acts related to packaging; coded labeling of plastic containers required; disposal of certain solid wastes in landfills or by incineration prohibited), and report findings and any legislative recommendations to the 2011 Regular Session of the 2011 General Assembly upon its convening.

Section 17 would clarify the statutory provision that all local government water systems and large community water systems require separate meters for new in-ground irrigation systems that are connected to their systems only applies to lots platted and recorded in the office of the register of deeds in the county or counties in which the real property is located after July 1, 2009.

Section 18 would add a new section in Chapter 136 of the General Statutes (Roads and Highways) to prohibit the use of high content arsenic glass beads in paint that is used for pavement marking. This Section would become effective October 1, 2010 and would apply to any contracts for road projects entered into, or any pavement re-marking that takes place, on or after that date.

Section 19 would add traditional country stores to those entities that are exempt from Part 6 of Article 8 of Chapter 130A of the General Statutes (Regulation of Food and Lodging Facilities, Sanitation). For the purposes of only this exemption, this section would define "traditional country store" to mean for-profit establishments that sell an assortment of goods, including prepackaged foods and beverages, and have been in continuous operation for at least 75 years

Section 20 would create an experimental program in which the City of Greensboro would be given a limited exemption from the requirement in 15A NCAC 10B.0106(d)(5) that beavers captured under a depredation permit, if released, must be released on the property where captured. This section would instead allow the City to release beavers that are captured alive along Buffalo Creek to a suitable alternative habitat along Buffalo Creek, with the consent of the owner of that new habitat. Section 20 would become effective when the act becomes law and would expire on July 1, 2011.

EFFECTIVE DATE: Except as specifically noted in Sections 6, 9, 11, 15, 18, and 20 above, this bill would become effective when it becomes law.

Jennifer McGinnis, counsel to the House Environment and Natural Resources Committee, contributed to this summary.

H1766-SMTA-103(e4) v3

[2] These items are banned from disposal in ***all landfills***. The disposal ban proposed under in the bill covering fluorescent lights and thermostats containing mercury would only be applicable to sanitary landfill for the disposal of construction and demolition debris, and other unlined landfills.
[3] See G.S. 130A-22 (Administrative Penalties) and G.S. 130A-25(a) (Misdemeanor)/GS 14-3(a) (Punishment of Misdemeanors...).
[4] The range of punishment for a Class 1 misdemeanor, assuming no prior convictions, is 1-45 days community punishment.

PAGES ATTENDING

Date: 7-8

Committee: Agriculture **Room:** 544 Noon

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