GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2011

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HOUSE BILL 953

Short Title:	Environmental Technical Corrections 2012.	(Public)
Sponsors:	Representatives Gillespie and Samuelson (Primary Sponsors).	
	For a complete list of Sponsors, see Bill Information on the NCGA Web	o Site.
Referred to:	Environment.	

May 17, 2012

A BILL TO BE ENTITLED

- AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS
 TO VARIOUS LAWS RELATED TO ENVIRONMENT AND NATURAL RESOURCES,
 - AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.
- 5 The General Assembly of North Carolina enacts:
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SECTION 1. G.S. 113-182.1(e) reads as rewritten:

7 The Secretary of Environment and Natural Resources shall monitor progress in the "(e) 8 development and adoption of Fishery Management Plans in relation to the Schedule for 9 development and adoption of the plans established by the Marine Fisheries Commission. The 10 Secretary of Environment and Natural Resources shall report to the Joint Legislative Commission on Governmental Operations on progress in developing and implementing the 11 Fishery Management Plans on or before 1 September of each year. The Secretary of 12 13 Environment and Natural Resources shall report to the Joint Legislative Commission on Seafood and Aquaculture Joint Legislative Commission on Governmental Operations within 30 14 15 days of the completion or substantial revision of each proposed Fishery Management Plan. The Joint Legislative Commission on Governmental Operations shall review each proposed Fishery 16 Management Plan within 30 days of the date the proposed Plan is submitted by the Secretary. 17 18 The Joint Legislative Commission on Governmental Operations may submit comments and 19 recommendations on the proposed Plan to the Secretary within 30 days of the date the proposed 20 Plan is submitted by the Secretary."

21 SECTION 2.(a) G.S. 113A-151.1 is amended by adding a new subsection to read: 22 "§ 113A-115.1. Limitations on erosion control structures.

22 § 113A-115.1. Limitations on erosion conti 23 ...

(i) No later than September 1 of each year, the Commission shall report to the
 Environmental Review Commission on the implementation of this section. The report shall
 provide a detailed description of each proposed and permitted terminal groin and its
 accompanying beach fill project, including the information required to be submitted pursuant to
 subsection (e) of this section. For each permitted terminal groin and its accompanying beach
 fill project, the report shall also provide all of the following:

- 30(1)The findings of the Commission required pursuant to subsection (f) of this31section.32(2)The status of construction and maintenance of the terminal groin and its
- 32(2)The status of construction and maintenance of the terminal groin and its33accompanying beach fill project, including the status of the implementation34of the plan for construction and maintenance and the inlet management plan.



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	(3)	A description and assessment of the benefits of the terminal group	oin and its
		accompanying beach fill project, if any.	
	<u>(4)</u>	A description and assessment of the adverse impacts of the term	<u>ninal groin</u>
		and its accompanying beach fill project, if any, including a descr	ription and
		assessment of any mitigation measures implemented to address	ss adverse
		impacts."	
	SEC"	TION 2.(b) Section 5 of S.L. 2011-387 is repealed.	
	SEC'	TION 3. The title of Part 2 of Article 3B of Chapter 143 of the	e General
	ites reads as		
"Pa	rt 2. Guarar	nteed Energy Savings Contracts for <u>Energy Saving Measures for</u> Gove Units."	ernmental
	SEC"	TION 4.(a) G.S. 143-214.11 is amended by adding two new subs	sections to
read:			
" § 1 4	43-214.11.]	Ecosystem Enhancement Program: compensatory mitigation.	
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		Ecosystem Enhancement Program shall exercise its authority to p	
-	•	mitigation under the authority granted by this section to use	<u>mitigation</u>
procu	-	ograms in the following order of preference:	
	<u>(1)</u>	Full delivery/bank credit purchase program. – The Ecosystem En	
		Program shall first seek to meet compensatory mitigation pr	
		requirements through the Program's full delivery program or by th	e purchase
	$\langle 0 \rangle$	of credits from a private compensatory mitigation bank.	
	<u>(2)</u>	Existing local compensatory mitigation bank credit purchase p	-
		Any compensatory mitigation procurement requirements tha	
		fulfillable under subdivision (1) of this subsection shall be procure existing local compensatory mitigation hank provided that	
		existing local compensatory mitigation bank, provided that	
		purchase is made to mitigate the impacts of a project located mitigation bank service area and hydrologic area of the exis	
		compensatory mitigation bank.	sing local
	(3)	Design/build program. – Any compensatory mitigation pr	ocurement
	<u>(J)</u>	requirements that are not fulfillable under subdivisions (1) or	
		subsection shall be procured under a program in which	
		Enhancement Program contracts with one private entity to lead or	-
		the design, construction, and postconstruction monitoring of con	
		mitigation at sites obtained by the Ecosystem Enhancement Progra	
		program shall be considered the procurement of compensatory	
		credits.	<u>.</u>
	<u>(4)</u>	Design-bid-build program. – Any compensatory mitigation pr	ocurement
		requirements that are not fulfillable under either subdivision (1) or	(2) of this
		subsection may be procured under the Ecosystem Enhancement	Program's
		design-bid-build program. The Ecosystem Enhancement Prog	gram may
		utilize this program only when procurement under subdivision (1	<u>) or (2) of</u>
		this subsection is not feasible. Any mitigation site design work	
		being performed through contracts awarded under the design	
		program shall be allowed to continue as scheduled. Con	
		construction of projects with a design already approved by the	
		Enhancement Program shall be awarded by the Ecosystem En	
		Program by issuing a Request for Proposal (RFP). Only contra	
		have prequalified under procedures established by the	
		Enhancement Program shall be eligible to bid on Ecosystem En	
		Program construction projects. Construction contracts issued	under this

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1	subdivision shall be exempt from the requirements of Article 8B of Chapter
2	143 of the General Statutes.
3	(j) The regulatory requirements for the establishment, operation, and monitoring of a
4	compensatory mitigation bank or full delivery project shall vest at the time of the execution of
5	the mitigation banking instrument or the award of a full delivery contract."
6	SECTION 4.(b) Sections 1.2 and 1.3 of S.L. 2011-343 are repealed.
7	SECTION 5. G.S. 143B-279.8(f) reads as rewritten:
8	"(f) The Secretary of Environment and Natural Resources shall report to the
9	Environmental Review Commission and the Joint Legislative Commission on Seafood and
10	Aquaculture [Joint Legislative Commission on Governmental Operations] Joint Legislative
11	Commission on Governmental Operations within 30 days of the completion or substantial
12	revision of each draft Coastal Habitat Protection Plan. The Environmental Review Commission
13	and the Joint Legislative Commission on Governmental Operations shall concurrently review
14	each draft Coastal Habitat Protection Plan within 30 days of the date the draft Plan is submitted
15	by the Secretary. The Environmental Review Commission and the Joint Legislative
16	Commission on Governmental Operations may submit comments and recommendations on the
17	draft Plan to the Secretary within 30 days of the date the draft Plan is submitted by the
18	Secretary."
19	SECTION 6. This act is effective when it becomes law.