

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE DRS15147-LH-136 (03/23)

Short Title: Dam Removal/Modify Basin Plan & Nutrient Goal.

(Public)

Sponsors: Senator Brock.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO REQUIRE MODIFICATION OF A BASINWIDE MANAGEMENT PLAN AND NUTRIENT REDUCTION GOAL TO AVOID IMPAIRMENT OF WATER USES IN THE BASIN IF A DAM IS REMOVED FROM THE RIVER PURSUANT TO A PERMIT ISSUED BY THE ARMY CORPS OF ENGINEERS AND TO PROVIDE THAT THE PARTY PERMITTED TO REMOVE THE DAM SHALL NOT BE REQUIRED TO MITIGATE THE CHANGE IN NUTRIENT TRANSPORT OR BE DENIED A WATER QUALITY CERTIFICATION ON THAT BASIS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-215.8B(b) is amended by adding a new subdivision to read:

"(3) If the removal of a dam, pursuant to a permit issued by the U.S. Army Corps of Engineers, will result in a change in nutrient transport within a river basin designated as nutrient-sensitive waters, the basinwide management plan and nutrient reduction goal for the nutrient or nutrients of concern in the river basin shall be modified, if necessary, to ensure that the designated uses of the water as provided in the classification of the water under G.S. 143-214.1(d) are not impaired. The party permitted to remove the dam shall not be required by the Commission or the Department to offset or mitigate for the change in nutrient transport resulting from the dam removal and shall not be denied a water quality certification on that basis."

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

