

# ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 760

AMENDMENT NO. A3  
(to be filled in by  
Principal Clerk)

H760-ASB-40 [v.1]

Page 1 of 2

Amends Title [NO]  
Second Edition

Date \_\_\_\_\_, 2015

Representative Millis

1 moves to amend the bill on page 16, between lines 4 and 5,  
2 by inserting between those lines:

3  
4 "(a1) This section applies only to riparian buffers that are required pursuant to an  
5 applicable buffer rule as that term is defined in G.S. 143-214.18. This section does not apply to  
6 riparian buffers that are required by either of the following:

- 7 (1) An ordinance adopted by a unit of local government as part of a  
8 Commission-approved implementation of a Total Maximum Daily Load  
9 approved by the United States Environmental Protection Agency pursuant to  
10 33 U.S.C. 1313(d).
- 11 (2) A condition of a permit issued by the Commission.";

12  
13 on page 18, lines 11 and 12,  
14 by rewriting the lines to read:

15  
16 "(a) Definition. – For purposes of this Part, "applicable buffer rule" refers to any of the  
17 following rules that are applicable to land within the watershed regulated by the rules:";

18  
19 on page 19, lines 28 through 46,  
20 by rewriting the lines to read:

21  
22 "(b) If State law requires a protective riparian buffer for coastal wetlands in either the  
23 Neuse River Basin or the Tar-Pamlico River Basin, the protective riparian buffer for any of the  
24 coastal wetlands or marshlands in the Neuse River Basin or the Tar-Pamlico River Basin shall  
25 be delineated from the normal high water level or the normal water level as appropriate.";  
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27  
28  
29  
30  
31  
32



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Page 2 of 2

1 on page 20, lines 6 through 17,  
2 by rewriting the lines to read:

3  
4 "(b) The Commission may impose as a condition of any permit issued under this Article  
5 or an implementation measure for a Total Maximum Daily Load approved by the United States  
6 Environmental Protection Agency pursuant to 33 U.S.C. 1313(d) a more restrictive riparian  
7 buffer requirement than that established by the applicable buffer rule or a riparian buffer  
8 requirement in a river basin where no riparian buffer standards have been established as set  
9 forth in this subsection. Prior to imposing the riparian buffer permit condition or  
10 implementation measure, the Commission shall make a finding that the condition or measure is  
11 necessary in order to meet the nutrient reduction goals or to alleviate the impairment for which  
12 the Total Maximum Daily Load has been approved for the river basin or segment within which  
13 the regulated activity or facility is located, based on basin-specific evidence compiled through a  
14 scientific study prepared by or on behalf of the Commission that provides a justification for the  
15 permit condition or implementation measure based on the topography, soils, or hydrology of  
16 the river basin or segment; the environmental impacts of the activity or facility; and any other  
17 information the Commission finds necessary to evaluate the need for the riparian buffer permit  
18 condition or implementation measure."

SIGNED \_\_\_\_\_  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_

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