

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 38*

AMENDMENT NO. A2
(to be filled in by
Principal Clerk)

S38-ASB-113 [v.2]

Page 1 of 2

Comm. Sub. [YES]
Amends Title [NO]
Third Edition

Date _____, 2014

Representative Samuelson

1 moves to amend the bill on page 7, lines 5 through 35,
2 by rewriting those lines to read:

3

4 **"AMEND ISOLATED WETLANDS REGULATION**

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

10 **SECTION 8.(b).** Notwithstanding 15A NCAC 02H .1305 (Review of
11 Applications), all of the following shall apply to the implementation of 15A NCAC 02H .1305:

12 (1) The amount of impacts of isolated wetlands under 15A NCAC 02H
13 .1305(d)(2) shall be less than or equal to one acre of isolated wetlands east
14 of I-95 for the entire project and less than or equal to 1/3 acre of isolated
15 wetlands west of I-95 for the entire project.

16 (2) The mitigation ratio for impacts of greater than 1 acre for the entire project
17 under 15A NCAC 02H .1305(g)(6) shall be 1:1 and may be located on the
18 same parcel.

19 (3) For purposes of Section 8.(b) of this act, "isolated wetlands" means a Basin
20 Wetland or Bog as described in the North Carolina Wetland Assessment
21 User Manual prepared by the North Carolina Wetland Functional
22 Assessment Team, version 4.1 October, 2010, that are not jurisdictional
23 wetlands under the federal Clean Water Act. An "isolated wetland" does not
24 include an isolated man-made ditch or pond constructed for stormwater
25 management purposes or any other man-made isolated pond.

26 **SECTION 8.(c).** The Environmental Management Commission shall adopt rules to
27 amend 15A NCAC 02H .1300 through 15A NCAC 02H .1305 consistent with Section 8(b) of
28 this act. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to
29 Section 8(c) of this act shall be substantively identical to the provisions of Section 8(b) of this
30 act. Rules adopted pursuant to Section 8(c) of this act are not subject to Part 3 of Article 2A of
31 Chapter 150B of the General Statutes. Rules adopted pursuant to Section 8(c) of this act shall



* S 3 8 - A S B - 1 1 3 - V - 2 *

ADOPTED

A2

NORTH CAROLINA GENERAL ASSEMBLY

AMENDMENT

Senate Bill 38*

ADOPTED

AMENDMENT NO. A2
(to be filled in by
Principal Clerk)

S38-ASB-113 [v.2]

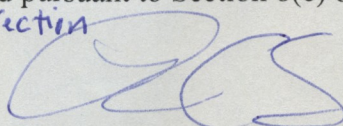
Page 2 of 2

1 become effective as provided in G.S. 150B-21.3(b1) as though 10 or more written objections
2 had been received as provided by G.S. 150B-21.3(b2).

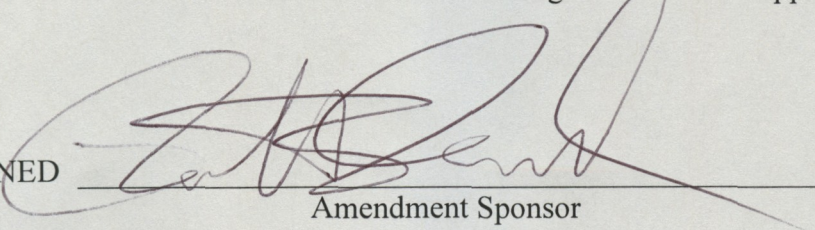
3 **SECTION 8.(d)** The Department of Environment and Natural Resources shall
4 study (i) how the term "isolated wetland" has been previously defined in State law and whether
5 the term should be clarified in order to provide greater certainty in identifying isolated
6 wetlands; (ii) the surface area thresholds for the regulation of mountain bog isolated wetlands,
7 including whether mountain bog isolated wetlands should have surface area regulatory
8 thresholds different from other types of isolated wetlands; and (iii) whether impacts to isolated
9 wetlands should be combined with the project impacts to jurisdictional wetlands or streams for
10 the purpose of determining when impact thresholds that trigger a mitigation requirement are
11 met. The Department shall report its findings and recommendations to the Environmental
12 Review Commission on or before November 1, 2014.

13 **SECTION 8.(e)**. This act is effective when it becomes law. Section 8(b) of this act
14 expires on the date that rules adopted pursuant to Section 8(c) of this act become effective." and

15
16 on page 19, line 6,
17 by rewriting the line to read:

Section


18
19 "Environment and Natural Resources shall designate an area of appropriate acreage."

SIGNED 
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

ADOPTED

A2

**The official copy of this document, with signatures
and vote information, is available in the
House Principal Clerk's Office**