

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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SENATE BILL 763

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

Sponsors: Senator Brock.

Referred to: Agriculture/Environment/Natural Resources.

April 20, 2011

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

9 The General Assembly of North Carolina enacts:

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

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

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

