

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

**SESSION LAW 2005-443
SENATE BILL 998**

AN ACT TO IMPLEMENT A PROVISION OF THE COASTAL HABITAT PROTECTION PLAN BY PROVIDING FOR GREATER FLEXIBILITY IN THE USE OF FUNDS FROM THE RIPARIAN BUFFER RESTORATION FUND TO CONSTRUCT ALTERNATIVE MEASURES TO REDUCE NUTRIENT LOADING AND BY PROVIDING THAT IF A LAND-DISTURBING ACTIVITY LEAVES AN EXPOSED SLOPE, THE SLOPE SHALL BE PLANTED WITH TEMPORARY OR PERMANENT GROUND COVER WITHIN TWENTY-ONE CALENDAR DAYS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-214.21 reads as rewritten:

"§ 143-214.21. Riparian Buffer Protection Program: Riparian Buffer Restoration Fund.

The Riparian Buffer Restoration Fund is established as a nonreverting fund within the Department. The Fund shall be treated as a special trust fund and shall be credited with interest by the State Treasurer pursuant to G.S. 147-69.2 and G.S. 147-69.3. The Riparian Buffer Restoration Fund shall provide a repository for monetary contributions to promote projects for the restoration, enhancement, or creation of riparian buffers or to construct approved alternative measures that reduce nutrient loading as well or better than ~~the a~~ riparian buffer that is lost and for compensatory mitigation fees paid to the Department. The Fund shall be administered by ~~the Division of Water Quality within~~ the Department. Moneys shall be expended from the Fund only for those purposes directly related to the restoration, acquisition, creation, enhancement, and maintenance of riparian buffers or to construct approved alternative measures that reduce nutrient loading as well or better than ~~the riparian buffer that is lost to offset the benefits to water quality, including the removal of nutrients, lost through the loss of buffers.~~ a riparian buffer. Compensatory mitigation fees paid into the Fund in connection with the loss of riparian buffers in a river basin and the interest earned on those fees may be used only for projects in that river basin."

SECTION 2. G.S. 113A-57(2) reads as rewritten:

"§ 113A-57. Mandatory standards for land-disturbing activity.

No land-disturbing activity subject to this Article shall be undertaken except in accordance with the following mandatory requirements:

- (2) The angle for graded slopes and fills shall be no greater than the angle which can be retained by vegetative cover or other adequate erosion-control devices or structures. In any event, slopes left exposed will, within ~~15 working days or 30~~21 calendar days of completion of any phase of grading, ~~whichever period is shorter,~~ be planted or otherwise provided with temporary or permanent ground cover, devices, or structures sufficient to restrain erosion.

...."

SECTION 3. Sections 1 and 3 of this act are effective when it becomes law.
Section 2 of this act becomes effective October 1, 2005.
In the General Assembly read three times and ratified this the 31st day of
August, 2005.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 3:16 p.m. this 27th day of September, 2005