

Agenda Item: 13-02 **Request Approval to Proceed to Public Notice with Session Law Revisions to the Jordan Lake Nutrient Strategy and Approval of the Fiscal Analysis**

Explanation:

After approval from the EMC in May 2008, objections to the Jordan Nutrient Strategy at the Rules Review Commission led to the rules being sent to the 2009 Legislative Session where Session Laws (SLs) 2009-216 and 2009-484 were passed that disapproved the Existing Development Rule (15A NCAC 2B .0266) and modified four others. These rules along with the remaining seven in the strategy became effective in August 2009, commencing implementation of the Jordan Lake strategy. Subsequent legislation (i.e., SLs 2011-394, 2012-187, 2012-200, and 2012-201) made additional adjustments to the strategy. In doing so, these laws direct the EMC to adopt rules that are “substantively identical” to the SLs passed by the General Assembly. These laws have combined to disapprove and replace one rule and modify five others. A fiscal analysis for the SL changes has been completed by DWQ and was approved by the Office of State Budget and Management in September 2012. This fiscal note is an addendum to 2007 fiscal assessment completed for the EMC approved strategy and it qualitatively compares the costs of the proposed rules with those passed by the EMC in 2008.

Recommendation:

DWQ requests approval to proceed to public notice with session law revisions to the Jordan Lake Nutrient Strategy and approval of the fiscal analysis.