

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 129
SENATE BILL 140

AN ACT TO DESIGNATE A RIVER A POTENTIAL COMPONENT OF THE
NATURAL AND SCENIC RIVERS SYSTEM AND TO PROTECT AGAINST
DIRECT AND ADVERSE DEVELOPMENT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 113A-36 is amended by adding a new subsection (c1) to read:

"(c1) Upon receipt of a request in the form of a Resolution from the Commissioners of the county or counties in which a river segment is located and upon studying the segment and determining that it meets the criteria set forth in G.S. 113A-35, the Secretary may designate the segment a potential component of the natural and scenic rivers system. The designation as a potential component shall be transmitted to the Governor and all appropriate State agencies. Any segment so designated is subject to the provisions of this Article applicable to designated rivers, except for acquisition by condemnation or otherwise, and to any regulations adopted pursuant to this Article. The Secretary shall make a full report and, if appropriate, a proposal for an addition to the natural and scenic rivers system to the General Assembly within 90 days after the convening of the next session following issuance of the designation, and the General Assembly shall determine whether to designate the segment as a component of the natural and scenic rivers system. If the next session of the General Assembly fails to take affirmative action on the designation, the designation as a potential component shall expire."

Sec. 2. Article 3 of Chapter 113A of the General Statutes is amended by adding a new section to read:

"§ 113A-44. Restrictions on project works on natural or scenic river.—The State Utilities Commission may not permit the construction of any dam, water conduit, reservoir, powerhouse transmission line, or any other project works on or directly affecting any river that is designated as a component or potential component of the State natural and scenic rivers system. No department or agency of the State may assist by loan, grant, license, permit, or otherwise in the construction of any water resources project that would have a direct and adverse effect on any river that is designated as a component or potential component of the State natural and scenic rivers system. This section shall not, however, preclude licensing of or assistance to a development below or above a designated or potential component. No department or agency of the State may recommend authorization of any water resources project that would have a direct and adverse effect on any river that is designated as a component or potential

component of the State natural and scenic rivers system, or request appropriations to begin construction of any such project, regardless of when authorized, without advising the Secretary in writing of its intention to do so at least 60 days in advance. Such department or agency making such recommendation or request shall submit a written impact statement to the General Assembly to accompany the recommendation or request specifically describing how construction of the project would be in conflict with the purposes of this act and how it would affect the component or potential component."

Sec. 3. G.S. 113A-35.1 is amended in the third paragraph by deleting the number "550" and substituting the number "700".

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 26th day of April, 1985.