

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 1223

Short Title: Juvenile Species Protection Act.

(Public)

Sponsors: Senator Barker.

Referred to: Marine Resources and Wildlife.

May 8, 1989

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT INTRODUCTION OF TOXIC SUBSTANCES INTO
PRIMARY NURSERY AREAS.

Whereas, the waters of the South River and North River in Carteret County and the waters of Core Sound, Bogue Sound, Back Sound, the Newport River, Calico Creek, Core Creek, Adams Creek, and the Atlantic Intracoastal Waterway connecting Adams Creek and Back Sound provide vital nursery areas for the early development of commercially important species of finfish and shellfish and particularly shrimp;

Whereas, the continued productivity of these waters is threatened by the introduction of toxic substances from drainage ditches and other conveyances that drain large land areas; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Chapter 113 of the General Statutes is amended by adding a new section to read:

"§ 113-265.1. Introducing toxic substances into primary nursery areas.

(a) It shall be unlawful for any corporation to allow any ditch or similar conveyance within its control that, alone or in combination with any other ditch or similar conveyance, drains a land area of greater than 4,000 acres owned by the corporation, to discharge or otherwise introduce toxic substances into primary nursery areas as designated by the Marine Fisheries Commission during the active nursery season for juvenile species development in the following waters: the South River and North River in Carteret County, Core Sound, Bogue Sound, Back Sound, the Newport River, Calico Creek, Core Creek, Adams Creek, and the Atlantic Intracoastal Waterway connecting Adams Creek and Back Sound.

1 (b) For purposes of this act, 'toxic substances' shall mean the man-made or man-
2 induced alteration of the chemical, physical, biological, or radiological integrity of the
3 waters of the State, including, but not specifically limited to, alterations resulting from
4 the connection or increase of natural pollutants caused by man-related activities.

5 (c) The Department shall provide adequate notice to affected corporations at least
6 10 days prior to the beginning of the nursery season and shall promptly notify such
7 corporations of the close of the active nursery season.

8 (d) Any corporation violating the provisions of this section shall be guilty of a
9 misdemeanor and shall be punished by a fine of not more than four thousand dollars
10 (\$4,000), or imprisonment for not more than two years, or both. Each day that a
11 violation continues after notice by the Department to cease shall constitute a separate
12 offense. A notice to cease shall be served personally or by certified mail."

13 Sec. 2. There is appropriated from the General Fund to the Department of
14 Natural Resources and Community Development, Division of Marine Fisheries, the sum
15 of \$30,000 for the 1989-90 fiscal year and the sum of \$30,000 for the 1990-91 fiscal
16 year to implement the provisions of this act.

17 Sec. 3. This act is effective upon ratification.