

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1989**

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**SENATE BILL 1250**

**Marine Resources & Wildlife Committee Substitute Adopted 6/7/89**

Short Title: Wetlands Protection Act.

(Public)

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Sponsors:

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Referred to:

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May 10, 1989

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A LEGISLATIVE STUDY COMMISSION ON  
WETLANDS PROTECTION.

The General Assembly of North Carolina enacts:

Section 1. The General Assembly recognizes that North Carolina's wetlands are a valuable and productive resource. Wetlands serve a number of functions which are vital to the public health, safety, and welfare. Wetlands (i) protect the drinking water supply by providing a natural filter for both surface water and groundwater resources; (ii) trap nutrients, sediments, and other pollutants capable of polluting downstream waters; (iii) reduce flood and storm damage, thereby preventing a loss of life and property; (iv) provide shoreline stabilization; (v) provide essential breeding, spawning, nesting and wintering habitat for fish and wildlife, including many species that are of commercial or recreational value; (vi) supplement surface water supplies during drought by gradually releasing stored floodwaters and groundwater; and (vii) serve as a source of timber production which is of great economic value to the State.

The General Assembly recognizes that there is an immediate need to study wetlands protection and to develop a legislative program for the management of activities in wetlands. The goals of the wetlands protection program shall be to preserve wetlands of significant ecological value; to protect and manage wetlands so as to prevent any net loss of their ecological functions; and to preserve private property rights and to simplify and consolidate wetlands regulations. The long-term goal of the program shall be to increase the number and enhance the quality of wetlands in the State.

1           Sec. 2. There is created a Legislative Study Commission on Wetlands  
2 Protection. The Commission shall study the desirability and feasibility of State  
3 assumption and adaptation of the federal permitting program under Section 404 of the  
4 Federal Water Pollution Control Act of 1972 as amended by the Clean Water Act of  
5 1977 (33 USC § 1344). The Commission may appoint a subcommittee of its members  
6 for purposes of this study. The Commission or subcommittee shall receive and acquire  
7 such information, including testimony, as is necessary to determine whether such  
8 assumption should be sought and, if so, what procedure should be followed to  
9 accomplish such assumption. Additionally, the Commission shall study the necessary  
10 elements of a statewide wetlands protection program and shall develop  
11 recommendations for legislation to establish a wetlands protection program that will be  
12 adequate to preserve wetlands of significant ecological value from unnecessary  
13 alteration; to protect and manage wetlands so as to prevent any net loss of the ecological  
14 function of wetlands; and to develop a program of economic incentives to encourage  
15 wetlands conservation. In developing its recommendations, the Commission shall  
16 study: (i) classification and regulation of wetlands based on their relative resource  
17 values, value to the ecosystems and value for economic development; (ii) exemptions  
18 for agriculture, forestry, and mining activities; (iii) mitigation of wetlands losses and  
19 creation of a mitigation bank to accept donations of property and payments in lieu of  
20 actual mitigation; (iv) positive and negative impacts on wetlands of activities including,  
21 but not limited to, drainage, excavation, filling, development, and wildlife habitat  
22 improvements; and (v) definition and identification of different types of wetlands. In  
23 developing recommendations the Commission, and subcommittee if created, shall  
24 obtain and receive public comment on existing and desired wetlands regulation and  
25 incentives and protection policies.

26           Sec. 3. The Legislative Study Commission on Wetlands Protection shall  
27 consist of 15 members. The President Pro Tempore of the Senate shall appoint five  
28 members: three Senators, one land owner, and one commercial fisherman. The Speaker  
29 of the House shall appoint five members: three Representatives, one member associated  
30 with the homebuilding industry, and one representative of wildlife resources interests.  
31 The Governor shall appoint five members: one representative of the mining industry,  
32 one representative of agriculture, one representative of an environmental organization,  
33 one representative of forestry, and one representative of the Department of Natural  
34 Resources and Community Development. The President Pro Tempore of the Senate and  
35 the Speaker of the House shall each designate a cochairman from the membership of the  
36 Commission. Appointments shall be made no later than August 1, 1989, and members  
37 shall serve until the termination of the Commission.

38           Sec. 4. At the request of the Commission, the Legislative Services  
39 Commission may assign professional and clerical staff to assist in the work of the  
40 Commission. The Commission may also employ any professional and clerical staff it  
41 deems necessary to the performance of its duties. With approval of the Legislative  
42 Services Commission, the Commission may meet in the State Legislative Building or  
43 Legislative Office Building.

1           Sec. 5. Members of the Commission who are members of the General  
2 Assembly shall receive subsistence and travel allowances as provided by G.S. 120-3.1.  
3 Members who are State officers or employees shall receive subsistence and travel  
4 allowances as provided by G.S. 138-6. All other members shall receive per diem,  
5 subsistence, and travel allowances as provided by G.S. 138-5.

6           Sec. 6. The Commission may file a report with the 1989 General Assembly,  
7 1990 Regular Session. Otherwise, the Commission shall file a report with the General  
8 Assembly not later than March 1, 1991. The Commission shall terminate upon the  
9 filing of its report.

10          Sec. 7. There is appropriated from the General Fund to the General  
11 Assembly the sum of \$12,500 for the 1989-90 fiscal year and the sum of \$12,500 for the  
12 1990-91 fiscal year for the Commission authorized by this act.

13          Sec. 8. This act shall become effective July 1, 1989.