

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003**

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**SENATE BILL 1428**

Short Title: Extend Swift Creek Study/Funds. (Public)

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Sponsors: Senator Moore.

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Referred to: Appropriations/Base Budget.

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May 28, 2004

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE FOR ADDITIONAL STUDY OF HOW BEST TO PROTECT  
2 WATER QUALITY AND ENDANGERED SPECIES IN THE EASTERN  
3 PORTION OF SWIFT CREEK IN THE TAR-PAMLICO RIVER BASIN AND ITS  
4 WATERSHED AND TO APPROPRIATE FUNDS FOR CERTAIN RELATED  
5 STUDIES.  
6

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** Section 2 of S.L. 2003-433 reads as rewritten:

9 "**SECTION 2.** With respect to all waters and lands that are located east of Nash  
10 County State Road 1003 (Red Oak Road), 15A NCAC 2B.0225 (Outstanding Resource  
11 Waters) and 15A NCAC 2B.0316 (Tar-Pamlico River Basin), as adopted by the  
12 Environmental Management Commission on 11 July 2002 and approved by the Rules  
13 Review Commission on 15 August 2002, shall not become effective as provided in  
14 G.S. 150B-21.3(b) and shall become effective only as the ~~2004~~2005 Regular Session of  
15 the ~~2003~~-General Assembly may provide by law."

16 **SECTION 2.** The Wildlife Resources Commission shall conduct a survey of  
17 freshwater mussels in that portion of Swift Creek located in Nash and Edgecombe  
18 counties east of Nash County State Road 1003 (Red Oak Road). The survey shall be  
19 conducted using established scientific methods and shall give particular emphasis to the  
20 Tar Spiny mussel (*Elliptio steinstansana*). The Wildlife Resources Commission shall  
21 report the results of the survey, including its findings and recommendations, to the  
22 Environmental Review Commission on or before 1 December 2004.

23 **SECTION 3.** The Division of Water Quality of the Department of  
24 Environment and Natural Resources shall conduct biological water quality sampling in  
25 that portion of Swift Creek located in Nash and Edgecombe counties east of Nash  
26 County State Road 1003 (Red Oak Road). The Division of Water Quality shall report  
27 the results of the survey, including its findings and recommendations, to the  
28 Environmental Review Commission on or before 1 December 2004.

1           **SECTION 4.** The Environmental Review Commission may identify and  
2 evaluate options to protect water quality and endangered species in the portion of Swift  
3 Creek and its watershed in the Tar-Pamlico River Basin that are located east of Nash  
4 County State Road 1003 (Red Oak Road). The Environmental Review Commission  
5 may report its findings, together with any recommended legislation, to the 2005 Regular  
6 Session of the General Assembly.

7           **SECTION 5.** There is appropriated from the General Fund to the Wildlife  
8 Resources Commission the sum of five thousand dollars (\$5,000) for the 2004-2005  
9 fiscal year to pay the costs of the survey directed by Section 2 of this act. There is  
10 appropriated from the General Fund to the Department of Environment and Natural  
11 Resources the sum of two thousand dollars (\$2,000) for the 2004-2005 fiscal year to pay  
12 the costs of the biological water quality sampling required by Section 3 of this act.

13           **SECTION 6.** This act becomes effective 1 July 2004.