

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 832

Short Title: Clarify Critical Habitat.

(Public)

Sponsors: Representatives Hayes; Aldridge, Buchanan, McMahan, Mitchell, Rayfield, and Weatherly.

Referred to: Health and Environment.

April 11, 1995

A BILL TO BE ENTITLED

1
2 AN ACT TO CLARIFY THE MEANING OF CRITICAL HABITAT, TO LIMIT THE
3 DESIGNATION OF CRITICAL HABITAT BY THE WILDLIFE RESOURCES
4 COMMISSION, AND TO CLARIFY DUTIES OF THE ENVIRONMENTAL
5 MANAGEMENT COMMISSION IN THE CLASSIFICATION OF STATE
6 WATERS.

7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 113-331 is amended by adding a new subdivision to read:

9 "(3a) 'Critical habitat' means an area designated by the Secretary of the
10 United States Department of the Interior pursuant to 16 U.S.C. §
11 1533."

12 Sec. 2. G.S. 113-333(3) reads as rewritten:

13 "(3) To coordinate development and implementation of conservation
14 programs for endangered and threatened species of wild animals and
15 for species of special ~~concern~~; concern, provided that the
16 Commission shall not designate critical habitats, nor shall the
17 conservation programs adopted by the Commission be written so as
18 to impose restrictions upon, or limit the use of, private property by
19 any landholder."

1 Sec. 3. G.S. 113-336(5) reads as rewritten:

2 "~~(5) To recommend critical habitat areas for protection or acquisition;~~
3 voluntary acquisition of critical habitats, to recommend adoption of
4 protective measures on lands owned or controlled by the
5 Commission which lie within critical habitats, and to recommend
6 voluntary protective measure agreements with landholders whose
7 property lies within critical habitats."

8 Sec. 4. G.S. 143-214.1 is amended by adding a new subdivision to read:

9 "~~(6)~~ In assigning new, revised, or supplemental classifications to any
10 identified water, the Commission shall independently consider all
11 factors provided in this subdivision and shall not, by rule or
12 otherwise, base that assignment on the categorization, designation,
13 or other characterization of critical habitat by a local, State, or
14 federal agency, including designations by the Secretary of the United
15 States Department of the Interior."

16 Sec. 5. This act is effective upon ratification.