

Agriculture and Wildlife

See full summary documents for additional detail

H95 - Wholesale Prescription Drugs Distribution Licensee Change. (SL 2021-135)

H121 - Clarify Environmental Quality Incentives Program (EQIP) Funding/Dredging Cost-Share. (SL 2021-108)

OVERVIEW: S.L. 2021-108 does all of the following:

- Excludes Environmental Quality Incentives Program (EQIP) grants from a 50% match limitation on nonfederal funds for water resource development grants for specific appropriations.
- Clarifies that a single project consists of all landowners and other participants under a project design contract approved by the United States Department of Agriculture's Natural Resource Conservation Service (NRCS) under the EQIP program along a continuous stretch of stream.
- Exempts dredging projects for ferry channels maintained by the Department of Transportation (DOT) that are located in tier one areas from Shallow Draft Navigation Channel Dredging and Aquatic Weed Fund cost-share requirements.
- Extended authorization for the Hatteras-Ocracoke passenger ferry lease through September 12, 2021, and authorized funds for associated costs.

This act became effective August 16, 2021.

H181 - Wildlife Resources Commission Amendments.

Sec. 1: Non-General Fund/Non-SCIF Capital Project Authorizations. (SL 2021-160)

Section 1 of S.L. 2021-160 authorizes certain capital projects to be funded with receipts or from other non-General Fund and non-State Capital and Infrastructure Fund sources available to the Wildlife Resources Commission (WRC). The authorized capital projects are listed in the bill.

This section became effective September 20, 2021.

H181 - Wildlife Resources Commission Amendments.

Sec. 2: Revise Requirement for Harvest of Black Bear. (SL 2021-160)

Section 2 of S.L. 2021-160 requires any hunter who harvests a black bear to submit at least one premolar tooth to the Wildlife Resources Commission (WRC) no later than January 31 following the applicable prior bear hunting season. The hunter must include with the tooth the hunter's name, mailing address, WRC customer number, and bear harvest authorization number, the harvested bear's sex, and the county of harvest.

This section became effective October 1, 2021 and applies to bear hunting seasons beginning on or after that date.

H181 - Wildlife Resources Commission Amendments.

Sec. 3: Repeal Commission Law Enforcement Officer Report. (SL 2021-160)

Section 3 of S.L. 2021-160 repeals a requirement that the Wildlife Resources Commission (WRC) report to the General Assembly regarding complaints against WRC law enforcement officers.

This section became effective September 20, 2021.

H181 - Wildlife Resources Commission Amendments.

Sec. 4: Wildlife Control Technician Certification Amendments. (SL 2021-160)

Section 4 of S.L. 2021-160 establishes a wildlife control technician certification for employees of wildlife control agents who engage in wildlife damage control or wildlife removal activities for compensation.

This section became effective October 1, 2021.

H181 - Wildlife Resources Commission Amendments.

Sec. 5: Veterans Exemption for Mountain Heritage Trout Waters License. (SL 2021-160)

Section 5 of S.L. 2021-160 exempts veterans separated under honorable conditions from needing a Mountain Heritage Trout fishing license while fishing in waters designated by the Wildlife Resources Commission (WRC) as Mountain Heritage Trout waters.

This section became effective October 1, 2021.

H181 - Wildlife Resources Commission Amendments.

Sec. 6: Waterfowl Hunting Public Property. (SL 2021-160)

Section 6 of S.L. 2021-160 amends S.L. 2019-98 to make it unlawful during established waterfowl seasons to leave or place any waterfowl hunting equipment or vessels between two hours after sunset and 4:00AM. This section also changes the hours during which it is unlawful to leave waterfowl hunting equipment and vessels unattended or unoccupied to between the hours of 4:00AM and two hours after sunset.

This section applies only to Roanoke Rapids Lake in Halifax and Northampton Counties, became effective on October 1, 2021 and applies to offenses committed on or after that date.

H181 - Wildlife Resources Commission Amendments.

Sec. 7: Preparation for Chronic Wasting Disease. (SL 2021-160)

Section 7 of S.L. 2021-160 allows the Wildlife Resources Commission (WRC) to declare a wildlife emergency to respond to an outbreak of chronic wasting disease (CWD) in the State. Upon declaring a

wildlife emergency, WRC is authorized to request needed funding for immediate investigation, containment, and eradication of the outbreak from the Contingency and Emergency Fund to the Council of State following the existing process for requesting an allocation from that fund. WRC is required to simultaneously request any available federal funds to address a CWD outbreak, and those funds would be used to offset State funds appropriated from the Contingency and Emergency Fund.

This section became effective July 1, 2021.

H181 - Wildlife Resources Commission Amendments.

Sec. 8: Half-Priced Lifetime Licenses for Certain Residents. (SL 2021-160)

Section 8 of S.L. 2021-160 provides a 50% discount on the cost of an Adult Resident Lifetime Sportsman License and a Resident Adult Lifetime Unified Sportsman/Coastal Recreation Fishing License for residents of the State who are between the age of 50 and 70 and who are not otherwise eligible for a discounted license fee as an eligible member of a volunteer fire department.

This section became effective September 20, 2021.

H181 - Wildlife Resources Commission Amendments.

Sec. 8A: Extend Eligibility for Reduced Price Lifetime Hunting and Fishing Licenses to Rescue Squad and EMS. (SL 2021-160)

Section 8A of S.L. 2021-160 extends eligibility for reduced price lifetime hunting and fishing licenses to members of a volunteer rescue squad or emergency medical services squad, who have served for five consecutive years, including the prior year.

This section became effective September 20, 2021.

H181 - Wildlife Resources Commission Amendments.

Sec. 9: Reduce Controlled Rabbit Hunting Preserve Operator License Fee. (SL 2021-160)

Section 9 of S.L. 2021-160 reduces the controlled hunting preserve operator license for rabbits from \$100 to \$25.

This section became effective September 20, 2021.

H181 - Wildlife Resources Commission Amendments.

Sec. 9A: Unlawful Baiting Clarification. (SL 2021-160)

Section 9A of S.L. 2021-160 makes it unlawful for a person to place bait for the purpose of intentionally interfering with the lawful taking of wildlife. Violation of this section is a Class 2 misdemeanor for a first offense, and a Class 1 misdemeanor for subsequent offenses.

This section became effective December 1, 2021, and applies to offenses committed on or after that date.

H243 - Budget Technical Corrections.

Sec. 4.4: Agricultural Crop Loss Expansion. (SL 2022-6)

Section 4.4 of S.L. 2022-6 expands the Agricultural Crop Loss Program, established within the Department of Agriculture and Consumer Services pursuant to Section 5.9B of S.L. 2021-180, to include damages and losses to agricultural commodities in the counties affected by the natural disaster declared by Secretary Thomas J. Vilsack based on damages and losses caused by freezing temperatures and frost from April 2, 2021, to April 21, 2021 (freeze disaster). A person may receive financial assistance for losses of agricultural commodities if the person experienced a verifiable loss of agricultural commodities as a result of the freeze disaster and is located in an eligible county (Buncombe, Haywood, Henderson, Polk, Rutherford, and Transylvania). Financial assistance is administered based on criteria set out in this section.

This section became effective July 1, 2021.

S66 - Regulate Use of Deer Secretions for Hunting. (SL 2021-176)

S.L. 2021-176 disapproves an amendment to a rule prohibiting the use of deer secretions for the purposes of hunting, adopted by the Wildlife Resources Commission (WRC), and directs WRC to readopt the amendment consistent with certain guidelines for harvesting, collecting, and disease testing.

This act became effective November 11, 2021, and applies to any cervid excretions used for hunting on or after December 1, 2021. Section 2 of this act expires when permanent rules adopted pursuant to Section 2(d) become effective.

S105 - 2021 Appropriations Act.

Sec. 5.9B: Agricultural Crop Loss Program. (SL 2021-180)

Section 5.9B of S.L. 2021-180, as amended by Section 1.5 of S.L. 2021-189, establishes the Agricultural Crop Loss Program within the Department of Agriculture and Consumer Services to provide financial assistance to farmers affected by Tropical Storm Fred. A person may receive financial assistance for losses of agricultural commodities or damage to farm infrastructure if (i) the person experienced a verifiable loss of agricultural commodities due to Tropical Storm Fred and is located in an eligible county (Avery, Buncombe, Haywood, Henderson, Madison, McDowell, Mitchell, Rutherford, Transylvania, Watauga, and Yancey); and (ii) the agricultural commodity was planted but not harvested on or before August 17, 2021. Financial assistance is administered based on criteria set out in this section. The program expires on November 1, 2026, and unexpended funds revert to the Disaster Relief and Mitigation Fund.

This section became effective July 1, 2021.

S105 - 2021 Appropriations Act.

Sec. 8.11: Collaboratory Study of Coastal and Marine Fisheries. (SL 2021-180)

Section 8.11 of S.L. 2021-180, as amended by Section 2.10 of S.L. 2022-6, directs the North Carolina Policy Collaboratory (Collaboratory) to conduct a study on the overall status of the coastal fisheries regulated by the State, and develop policy recommendations to better manage the overall health and viability of the State's fisheries. This study must focus on the health and extent of habitat required by the following species: bay scallop, blue crab, eastern oyster, estuarine striped bass, hard clam, kingfish, red drum, river herring, sheepshead, shrimp, southern flounder, spotted seatrout, and striped mullet. The Collaboratory must provide the results of this study to the Environmental Review Commission no later than June 30, 2025.

This section became effective July 1, 2021.

S105 - 2021 Appropriations Act.

Sec. 8.20: Student Beekeeping Grant Program. (SL 2021-180)

Section 8.20 of S.L. 2021-180 requires North Carolina State University (University) to establish a Student Beekeeping Grant Program for the 2021-2022 fiscal year to create beekeeping programs for high school chapters of the Future Farmers of America (FFA).

The University must ensure that no more than \$1,500 per county is available to FFA chapters at high schools in each county. FFA chapters are responsible for matching the grant received in a manner and amount as the University may specify. The University must provide for a recovery of the grant award if the beekeeping program funded by the grant is not maintained for at least three school years.

This section became effective July 1, 2021.

S105 - 2021 Appropriations Act.

Sec. 10.7: Meat and Seafood Processing Grants. (SL 2021-180)

Section 10.7 of S.L. 2021-180 directs the Department of Agriculture and Consumer Services (Department) to provide grants to small and independent meat and seafood processors for expansion, facility improvements, and workforce development. No more than 35% of the funds may be used for grants to seafood processors and no more than \$2 million total may supplement grants previously awarded to reflect construction cost inflation. The Department may provide three categories of grants:

- Capacity enhancement grant: May be awarded to an eligible meat or seafood processing facility to expand an existing eligible facility and for fixtures or equipment to expand animal throughput, processing capacity, type of products produced, or processing speed. These grants may not exceed \$500,000 per grant.
- Workforce development grant: May be awarded to an eligible meat or seafood processing facility experiencing labor-related slowdowns for educational and workforce training provided either by the facility or by an accredited institution of higher education. These grants may not exceed \$100,000 per grant.

- Planning grant: May be awarded to a nonprofit entity or institution of higher education for feasibility or siting studies for a new eligible meat processing facility. No more than 5% of total available funds may be used for these grants.

This section became effective July 1, 2021.

S105 - 2021 Appropriations Act.

Sec. 10.8: Swine and Dairy Assistance Program. (SL 2021-180)

Section 10.8 of S.L. 2021-180 directs the Department of Agriculture and Consumer Services (Department) to provide financial assistance to swine and dairy farmers using funds appropriated from the State Fiscal Recovery Fund.

To be eligible for assistance, a swine farmer must produce all of the following: (1) a contract termination letter from a swine integrator or other documentation of contract termination between March 1, 2020, and June 30, 2022; (2) proof that the swine operation is permitted by the State; and (3) any other information deemed appropriate by the Department. To be eligible for assistance, a dairy farmer must produce all of the following: (1) milk production records, showing ceased production during any time between March 1, 2020, and June 30, 2022; (2) proof that the dairy operation was permitted as a Grade A milk producer by the Food and Drug Protection Division of the Department during the time that production was ceased; and (3) any other information deemed appropriate by the Department.

The Department is directed to award a one-time payment of \$31,500 to each eligible applicant, plus the following:

- A cost share for closure of swine lagoons or swine operations that will not secure a contract with another swine integrator and will cease swine production, or for closure of dairy waste structures associated with dairy operations that will cease milk production. The cost share is limited to 90% of the lagoon closure cost, not to exceed \$100,000 per operation.
- If additional agricultural water supply is needed, an additional cost share to convert the decommissioned lagoon to an agricultural water supply pond. The cost share is limited to 90% of the actual cost, not to exceed \$30,000 per operation.
- Financial assistance to swine producers for a fixed dollar amount per head space for producers who can secure a production contract with another swine integrator but must invest in upgrades to existing barns or completely rebuild animal housing. The award is limited to \$10 per head space for renovations or \$20 per head space for rebuilt housing, but the total award may not exceed 90% of the actual cost of the renovation or construction.

Applications for financial assistance must be submitted by June 30, 2023.

This section became effective July 1, 2021.

S105 - 2021 Appropriations Act.

Sec. 11.4: Shellfish Growers Loan Program. (SL 2021-180)

Section 11.4 of S.L. 2021-180 creates within the Department of Commerce the Shellfish Growers Loan Program and appropriates \$1 million in nonrecurring funds to the program. The program is administered

by the Rural Economic Development Center, Inc. (Rural Center). The Rural Center is directed to provide working capital and equipment loans to shellfish growers at a fixed interest rate of the prime rate plus 2.25%, amortized over the term of the loan. A loan provided under the program may not exceed \$50,000. The Rural Center is directed to select Array Community Development Corporation, a nonprofit corporation, as a qualifying lender for the program.

This section became effective July 1, 2021.

S105 - 2021 Appropriations Act.

Sec. 12.2: Oversight Committee Study of Department of Environmental Quality Fees. (SL 2021-180)

Section 12.2 of S.L. 2021-180 directs the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources (Committee) to study the existing fee structure for permitting, compliance, and oversight services performed by the Department of Environmental Quality (DEQ) with the goal of identifying areas where fee income does not adequately support the services provided. The Committee must identify, with respect to each service identified as having an insufficient fee, the amount of the fee that was or could have been charged, the cost incurred by DEQ in performing the service, and, if applicable, the reason for not charging the fee or for the fee shortfall. The Committee must provide its report to the 2022 Regular Session of the 2021 General Assembly upon its convening.

This section became effective July 1, 2021.

S105 - 2021 Appropriations Act.

Sec. 12.3: Extend Shellfish Leasing Moratorium . (SL 2021-180)

Section 12.3 of S.L. 2021-180 extends the moratorium on new shellfish cultivation leases and new water column leases for aquaculture for Bogue Sound and the New Hanover County area until July 1, 2026.

This section became effective July 1, 2021, except for the extension of the moratorium for Bogue Sound, which became effective October 1, 2021.

S605 - North Carolina Farm Act of 2021.

Sec. 1: Voluntary Agricultural District Technical Changes. (SL 2021-78)

Section 1 of S.L. 2021-78 does all of the following:

- Amends the requirements for an ordinance to establish a voluntary agricultural district.
- Clarifies that a local government may either make decisions about establishment and modification of voluntary agricultural districts or delegate that authority to an agricultural advisory board.
- Allows local governments to grant agricultural advisory boards the authority to execute agreements with landowners necessary for enrollment of land in a voluntary agricultural district.
- Clarifies the membership criteria for an agricultural advisory board.
- Requires that land records include some form of notice to alert people that a tract is located within one half-mile of the property line of any tract of land enrolled in a voluntary agricultural district.

- Makes several other technical changes.

This section became effective July 2, 2021.

S605 - North Carolina Farm Act of 2021.

Sec. 2: Allow Magistrates to Waive Trials for State Forest Rule Offenses. (SL 2021-78)

Section 2 of S.L. 2021-78 allows magistrates to accept waivers of trial or hearing for misdemeanor or infraction cases involving State forest rule offenses. The State forest rules include regulations on bathing and swimming, horses, bicycle trails, hunting, and camping, as well as certain criminal laws. Other waivable offenses under current law include hunting, fishing, State park and recreation area rule offenses, open burning offenses, traffic offenses, and boating offenses.

This section became effective December 1, 2021, and applies to offenses committed on or after that date.

S605 - North Carolina Farm Act of 2021.

Sec. 3: Exempt Certain Fires from Open Burning Laws. (SL 2021-78)

Section 3 of S.L. 2021-78 exempts fires started for cooking, warming, or ceremonial events from the open burning laws, if the fire is confined in an enclosure from which burning material may not escape or within a protected area upon which a watch is being maintained and which is provided with adequate fire protection equipment. This exemption does not apply in cases where the Commissioner of Agriculture has prohibited all open burning during periods of hazardous forest fire conditions or during declared air pollution episodes.

This section became effective December 1, 2021, and applies to offenses committed on or after that date.

S605 - North Carolina Farm Act of 2021.

Sec. 4: Forest Service Overtime Modification. (SL 2021-78)

Section 4 of S.L. 2021-78 provides that the Department of Agriculture and Consumer Services may provide either monetary overtime compensation or compensatory leave to employees of the North Carolina Forest Service who are exempt from the Fair Labor Standards Act and involved in fighting forest fires for overtime earned while conducting fire suppression duties. Under prior law, overtime earned by professional employees of the Forest Service while conducting fire suppression duties was required by statute to be provided in the form of monetary compensation.

This section became effective July 2, 2021, and applies to overtime earned on or after that date.

S605 - North Carolina Farm Act of 2021.

Sec. 5: Increase Punishment for Timber Larceny and Increase Civil Penalties for Damaging Timber or Agricultural Commodities. (SL 2021-78)

Section 5 of S.L. 2021-78:

- Makes it a Class G felony, with a requirement to pay restitution to the owner to the timber owner for three times the value of the timber, if a person does either of the following:
 - Knowingly and willfully cut down, injure, or remove timber owned by another person, without the consent of the owner of the land or timber, or other legal authority. There would be a good faith exception for employees or agents of an electric power supplier under certain circumstances.
 - Buy timber directly from the owner of the timber and fail to pay by the date specified in the written agreement, or if there is no agreement, 60 days from the date the buyer removes the timber from the property.
- In situations where a person enters the land of another without permission and injures, cuts or removes any valuable wood, timber, shrub or tree, or who willfully and intentionally sets fire to any wood, timber, tree or shrub on the property, allows the owner to recover triple the value of the wood, timber, shrub or tree from a person who violates this section.
- In situations where a person willfully injures or destroys another person's agricultural commodities or production system, allows the owner to recover triple the value of commodities or systems injured or destroyed.

This section became effective December 1, 2021, and applies to offenses committed and civil actions filed on or after that date.

S605 - North Carolina Farm Act of 2021.

Sec. 6: Require Timber Buyers and Timber Operators to Provide a Wood Load Ticket to Sellers of Certain Wood Products. (SL 2021-78)

Section 6 of S.L. 2021-78 requires a timber buyer or operator to provide a wood load ticket to a timber grower or seller. At a minimum, the wood load ticket is required to contain the name of the timber grower or seller, the county from which the wood product was severed, the amount of wood product severed, and the date the wood product was delivered to the timber buyer or operator. This does not apply to sales of firewood, a landowner harvesting and processing the landowner's own timber, or bulk or lump-sum sales for an agreed total price for all timber purchased and sold in one transaction. A violation of this section is a Class 2 misdemeanor.

This section became effective December 1, 2021, and applies to offenses committed on or after that date.

S605 - North Carolina Farm Act of 2021.

Sec. 7: Expand the Laws Enforced by the Department of Agriculture and Consumer Services Law Enforcement Officers. (SL 2021-78)

Section 7 of S.L. 2021-78 adds G.S. 14-135, "Cutting, injuring, or removing another's timber" and G.S. 14-140.1, "Certain fire to be guarded by watchman," to the definition of "Forest Laws" enforced by the North Carolina Forest Service.

This section became effective December 1, 2021, and applies to offenses committed on or after that date.

S605 - North Carolina Farm Act of 2021.

Sec. 8: Require Production of Electronic Records for Department of Agriculture and Consumer Services Record Audits. (SL 2021-78)

Section 8 of S.L. 2021-78 requires that electronic records must be available to the Commissioner of Agriculture or the Commissioner's authorized representative for record audits regarding tonnage statements for the sale of agricultural liming materials, sale of agricultural or vegetable seeds under the North Carolina Seed Law, tonnage statements for the distribution of commercial animal feed, and tonnage statements for the sale of commercial fertilizers.

This section became effective July 2, 2021.

S605 - North Carolina Farm Act of 2021.

Sec. 9: Tobacco Trust Fund Commission Admin Expenses. (SL 2021-78)

Section 9 of S.L. 2021-78 increases the amount that the Tobacco Trust Fund Commission may use from the Fund for its operating expenses each fiscal year from \$350,000 to \$375,000.

This section became effective July 2, 2021.

S605 - North Carolina Farm Act of 2021.

Sec. 10: Worker's Compensation Definition Clarification. (SL 2021-78)

Section 10 of S.L. 2021-78 clarifies that for purposes of the definition of "employment" in the worker's compensation statutes, "agriculture" has the same meaning as in G.S. 106-581.1.

This section became effective July 2, 2021.

S605 - North Carolina Farm Act of 2021.

Sec. 11: Create a New General Permit for Farms with Farm Digester Systems. (SL 2021-78)

Section 11 of S.L. 2021-78 directs the Environmental Management Commission (Commission) to develop a new general permit for animal operations that includes authorization for the permittee to construct and operate a farm digester system. After the issuance of the new general permit, the decision to require an individual permit must not be based solely on the fact that the animal waste management system utilizes a farm digester system.

The permit must become effective no later than July 2, 2022, and must expire on the later of September 30, 2024, or the effective date of the next version of the currently existing general permit for animal operations. Until the new general permit is issued, any animal operation that holds a general or individual permit that (i) is in effect on the effective date of this section and (ii) authorizes the construction and operation of a farm digester system, may construct and continue to operate the farm digester system as authorized by that permit. Animal operations that do not hold a permit authorizing the construction and operation of a farm

digester system are allowed to submit a notice of intent to be covered under the new general permit. When the Commission does not make a final permitting decision within 90 days of the Commission's receipt of a completed notice of intent, the certificate of coverage is deemed approved.

This section also allows for construction or renovation of a farm digester system that is a component of a preexisting swine farm if the system does not expand the capacity of the farm.

This section also exempts farm digester systems from property tax.

This section became effective July 2, 2021.

S605 - North Carolina Farm Act of 2021.

Sec. 12: Clarify the Duration of Drivers Licenses for H-2A Workers. (SL 2021-78)

Section 12 of S.L. 2021-78 provides that a drivers license issued to an H-2A worker expires three years after the date of issuance of the H-2A worker's visa, except that if the H-2A worker's visa is not extended then the license expires on the date that the H-2A worker's visa expires.

This section became effective July 2, 2021, and applies to applications for licenses submitted on or after that date.

S605 - North Carolina Farm Act of 2021.

Sec. 13A: Ag Cost Share Technical Correction. (SL 2021-78)

Section 13A of S.L. 2021-78 makes a technical correction to the Agricultural Cost Share Program to clarify that it is a statewide program.

This section became effective July 2, 2021.