

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL DRS15227-MH-101

Short Title: Sedimentation Buffer for Trout Waters. (Public)

Sponsors: Senators Moffitt, B. Newton, and Rabon (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR A TWENTY-FIVE-FOOT BUFFER FOR CERTAIN
3 AGRICULTURAL ACTIVITIES IN PROXIMITY TO STREAMS CLASSIFIED AS
4 TROUT WATERS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 113A-52.01 reads as rewritten:

7 "§ 113A-52.01. **Applicability of this Article.**

8 (a) This Article shall not apply to the following land-disturbing ~~activities:~~activities
9 except as provided in subsection (b) of this section:

10 (1) Activities, including the production and activities relating or incidental to the
11 production of crops, grains, fruits, vegetables, ornamental and flowering
12 plants, dairy, livestock, poultry, and all other forms of agriculture undertaken
13 on agricultural land for the production of plants and animals useful to man,
14 including, but not limited to:

- 15 a. Forages and sod crops, grains and feed crops, tobacco, cotton, and
16 peanuts.
17 b. Dairy animals and dairy products.
18 c. Poultry and poultry products.
19 d. Livestock, including beef cattle, llamas, sheep, swine, horses, ponies,
20 mules, and goats.
21 e. Bees and apiary products.
22 f. Fur producing animals.
23 g. Mulch, ornamental plants, and other horticultural products. For
24 purposes of this section, "mulch" means substances composed
25 primarily of plant remains or mixtures of such substances.

26 ...

27 (b) Activities included under subdivision (a)(1) of this section that are located adjacent
28 to waters that have been classified as trout waters by the Environmental Management
29 Commission shall have an undisturbed, vegetated buffer zone 25 feet wide. The Commission,
30 however, may approve plans that include land-disturbing activity within the 25-foot buffer when
31 the duration of the disturbance would be temporary and the extent of the disturbance would be
32 minimal in the discretion of the Commission. The Commission may take any action reasonably
33 necessary to enforce this requirement."

34 SECTION 2. This act becomes effective January 1, 2024, and applies to tracts or
35 portions of tracts on which activities set forth under G.S. 113A-52.01(a)(1), as amended by this
36 act, are initiated on or after that date.



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