

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 491

Short Title: Sedimentation Pollution Control Act Exemption. (Public)

Sponsors: Senators Rouzer; East and Jackson.

Referred to: Agriculture/Environment/Natural Resources.

April 4, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO SPECIFY THAT THE AGRICULTURAL USE EXEMPTION FROM
3 SEDIMENTATION POLLUTION CONTROL ACT PERMITTING REQUIREMENTS
4 CONTINUES TO APPLY WHEN THE LAND IS TRANSFERRED INTO A
5 WETLANDS RESTORATION PROGRAM OR OTHER WATER QUALITY, WATER
6 RESOURCES, OR WILDLIFE HABITAT ENHANCEMENT PROGRAM.

7 The General Assembly of North Carolina enacts:

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

9 **"§ 113A-52.01. Applicability of this Article.**

10 This Article shall not apply to the following land-disturbing activities:

- 11 (1) Activities, including the breeding and grazing of livestock, undertaken on
12 agricultural land for the production of plants and animals useful to man,
13 including, but not limited to:
14 a. Forages and sod crops, grains and feed crops, tobacco, cotton, and
15 peanuts.
16 b. Dairy animals and dairy products.
17 c. Poultry and poultry products.
18 d. Livestock, including beef cattle, llamas, sheep, swine, horses, ponies,
19 mules, and goats.
20 e. Bees and apiary products.
21 f. Fur producing animals.
22 (2) Activities undertaken on forestland for the production and harvesting of
23 timber and timber products and conducted in accordance with best
24 management practices set out in Forest Practice Guidelines Related to Water
25 Quality, as adopted by the Department.
26 (3) Activities for which a permit is required under the Mining Act of 1971,
27 Article 7 of Chapter 74 of the General Statutes.
28 (3a) Activities undertaken on agricultural land or forestland in cooperation with
29 the Natural Resources Conservation Service of the United States Department
30 of Agriculture or under the authority of the North Carolina Soil and Water
31 Conservation Commission involving the installation of conservation
32 practices for any of the following purposes:
33 a. To restore or enhance wetlands.
34 b. To protect or improve water quality, water resources, or wildlife
35 habitat.
36 (4) For the duration of an emergency, activities essential to protect human life."
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SECTION 2. This act is effective when it becomes law.



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