

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 379\*

Environment & Natural Resources Committee Substitute Adopted 5/1/89

Short Title: Qualify Forestry Exemption.

(Public)

Sponsors:

Referred to:

March 9, 1989

1 A BILL TO BE ENTITLED  
2 AN ACT TO LIMIT THE FORESTRY EXEMPTION UNDER SEDIMENTATION  
3 POLLUTION CONTROL LAWS TO FORESTRY ACTIVITIES USING BEST  
4 MANAGEMENT PRACTICES.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 113A-52(6) reads as rewritten:

7 "(6) 'Land-disturbing activity' means any use of the land by any person in  
8 residential, industrial, educational, institutional or commercial  
9 development, highway and road construction and maintenance that  
10 results in a change in the natural cover or topography and that may  
11 cause or contribute to sedimentation. This Article shall not apply to the  
12 following land-disturbing activities:

13 a. Those undertaken on agricultural land for the production of  
14 plants and animals useful to man, including but not limited to:  
15 forages and sod crops, grains and feed crops, tobacco, cotton,  
16 and peanuts; dairy animals and dairy products; poultry and  
17 poultry products; livestock, including beef cattle, sheep, swine,  
18 horses, ponies, mules or goats, including the breeding and  
19 grazing of any or all such animals; bees and apiary products; fur  
20 animals; ~~and~~

21 b. Those undertaken on forestland for the production and  
22 harvesting of timber and timber ~~products;~~ products and which  
23 are conducted in accordance with Forest Practice Guidelines

1                   Related to Water Quality (best management practices) as  
2                   adopted by the Department; and  
3                   c.       Activities undertaken by persons as defined in G.S. 113A-52(8)  
4                   who are otherwise regulated by the provisions of G.S. 74-46  
5                   through G.S. 74-68, the Mining Act of 1971."

6                   Sec. 2. Article 4 of Chapter 113A of the General Statutes is amended by  
7 adding a new section to read:

8 **"§ 113A-52.1. Forest Practice Guidelines.**

9                   (a)       The Department shall adopt Forest Practice Guidelines Related to Water  
10 Quality (best management practices). The adoption of Forest Practices Guidelines  
11 Related to Water Quality under this section is subject to the provisions of Chapter 150B  
12 of the General Statutes.

13                   (b)       If land disturbing activity undertaken on forestland for the production and  
14 harvesting of timber and timber products is not conducted in accordance with Forest  
15 Practice Guidelines Related to Water Quality, the provisions of this Article shall apply  
16 to such activity and any related land disturbing activity on the tract.

17                   (c)       The Secretary shall establish a Technical Advisory Committee to assist in the  
18 development and periodic review of Forest Practice Guidelines Related to Water  
19 Quality. The Technical Advisory Committee shall consist of one member from the  
20 forest products industry, one member who is a consulting forester, one member who is a  
21 private landowner knowledgeable in forestry, one member from the United States Forest  
22 Service, one member from the academic community who is knowledgeable in forestry,  
23 one member who is knowledgeable in erosion and sedimentation control, one member  
24 who is knowledgeable in wildlife management, one member who is knowledgeable in  
25 marine fisheries management, one member who is knowledgeable in water quality, and  
26 one member from the conservation community."

27                   Sec. 3. This act shall not apply to any land disturbing activity undertaken on  
28 forestland for the production and harvesting of timber and timber products which occurs  
29 prior to the adoption of Forest Practice Guidelines Related to Water Quality.

30                   Sec. 4. This act is effective upon ratification.