

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 832

Committee Substitute Favorable 5/2/95

Third Edition Engrossed 5/8/95

Senate Agriculture/Environment/Natural Resources Committee Substitute Adopted 6/28/95

Short Title: Clarify Wildlife Comm./Endangered Species.

(Public)

Sponsors:

Referred to:

April 11, 1995

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE ROLE OF THE WILDLIFE RESOURCES COMMISSION IN THE PROTECTION OF ENDANGERED AND THREATENED WILD ANIMAL SPECIES AND WILD ANIMAL SPECIES OF SPECIAL CONCERN.

The General Assembly of North Carolina enacts:

Section 1. G.S. 113-333 reads as rewritten:

"§ 113-333. Powers and duties of the Commission.

(a) In the administration of this Article, the Wildlife Resources Commission shall have the following powers and duties:

- (1) To adopt and publish an endangered species list, a threatened species list, and a list of species of special concern, as provided for in G.S. 113-334, identifying each entry by its scientific and common ~~name;~~ name.
- (2) To reconsider and revise the lists from time to time in response to public proposals or as the Commission deems ~~necessary;~~ necessary.

- 1 (3) To coordinate development and implementation of conservation
2 programs and plans for endangered and threatened species of wild
3 animals and for species of special ~~concern~~; concern.
- 4 (4) To adopt ~~regulations necessary to~~ and implement conservation programs
5 for endangered, threatened, and special concern species and to limit,
6 regulate, or prevent the taking, collection, or sale of protected ~~animals~~;
7 animals.
- 8 (5) To conduct investigations to determine whether a wild animal should be
9 on a protected animal list and to determine the requirements for ~~survival~~
10 ~~of resident~~ conservation of protected wild animal species.

11 (b) Using the procedures set out in Article 2A of Chapter 150B of the General
12 Statutes, the Wildlife Resources Commission shall develop a conservation plan for the
13 recovery of protected wild animal species. In developing a conservation plan for a
14 protected wild animal species, the Wildlife Resources Commission shall consider the
15 range of conservation, protection, and management measures that may be applied to
16 benefit the species and its habitat. The conservation plan shall include a comprehensive
17 analysis of all factors that have been identified as causing the decline of the protected
18 wild animal species and all measures that could be taken to restore the species. The
19 analysis shall consider the costs of measures to protect and restore the species and the
20 impact of those measures on the local economy, units of local government, and the use
21 and development of private property. The analysis shall consider reasonably available
22 options for minimizing the costs and adverse economic impacts of measures to protect
23 and restore the species.

24 (c) In implementing a conservation plan under this Article, the Wildlife Resources
25 Commission shall not adopt any rule that restricts the use or development of private
26 property. If a conservation plan identifies a conservation, protection, or restoration
27 measure the implementation of which is beyond the scope of the authority of the Wildlife
28 Resources Commission, the Commission may petition the General Assembly, any agency
29 that has regulatory authority to implement the measure, a unit of local government, or any
30 other public or private entity and request the assistance of that agency or entity in
31 implementing the measure."

32 Sec. 2. This act is effective upon ratification.