

GENERAL ASSEMBLY OF NORTH CAROLINA
1995 SESSION

CHAPTER 392
HOUSE BILL 832

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

(b) Using the procedures set out in Article 2A of Chapter 150B of the General Statutes, the Wildlife Resources Commission shall develop a conservation plan for the recovery of protected wild animal species. In developing a conservation plan for a protected wild animal species, the Wildlife Resources Commission shall consider the range of conservation, protection, and management measures that may be applied to benefit the species and its habitat. The conservation plan shall include a comprehensive analysis of all factors that have been identified as causing the decline of the protected wild animal species and all measures that could be taken to restore the species. The analysis shall consider the costs of measures to protect and restore the species and the impact of those measures on the local economy, units of local government, and the use

and development of private property. The analysis shall consider reasonably available options for minimizing the costs and adverse economic impacts of measures to protect and restore the species.

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

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 10th day of July, 1995.

Dennis A. Wicker
President of the Senate

Harold J. Brubaker
Speaker of the House of Representatives