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THE NORTH CAROLINA AQUATIC RECREATION STUDY COMIN

REPORT

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May 7, 1965

V-2-025
The Honorable Dan K. Moore
Governor of North Carolina
State Capitol
Raleigh, North Carolina

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Dear Governor Moore:

As directed by Resolution 83 of the 1963 General Assembly, the North Carolina Aquatics Recreation Study Commission has studied the many factors involved in multiple use of the State's recreation waters. This has been an interesting study because it has revealed to the Commission what superb opportunities this field of activity provides for the enjoyment and enrichment of North Carolinians and the many who travel into "Variety Vacationland" in pursuit of wholesome recreation.

In this study it became apparent that many of the opportunities will be lost without proper planning and management.

This report is submitted to you as an aid in planning for the best maximum use of North Carolina's resources -- thus keeping this State truly the playground of Eastern America.

Sincerely,

J. D. Foust
Chairman

JDF:cww

6-1 5-11 1965

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RESOLUTION 83 OF THE 1963 GENERAL ASSEMBLY

A JOINT RESOLUTION AUTHORIZING THE APPOINTMENT OF A COMMISSION TO STUDY ALL MATTERS RELATING TO THE RECREATION USE OF STREAMS AND OF ALL OTHER BODIES OF WATER IN OR BORDERING NORTH CAROLINA AND TO SUBMIT A REPORT TO THE 1965 GENERAL ASSEMBLY.

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. There is hereby created a commission to be known as the North Carolina Aquatics Recreation Study Commission. The Commission shall consist of ten members; eight of whom shall be appointed by the Governor, and one of whom shall be appointed by the President of the Senate from the membership of that body, and one of whom shall be appointed by the Speaker of the House of Representatives from the membership of that body. One person, who is a high level administrative official in his agency, shall be appointed by the Governor from each of the following agencies: (1) The North Carolina Recreation Commission, (2) The North Carolina Wildlife Resources Commission, (3) The North Carolina Wildlife Federation, (4) The North Carolina Board of Health, (5) The North Carolina Department of Conservation and Development, (6) The North Carolina Department of Water Resources, (7) The North Carolina Attorney General's Office, (8) The North Carolina Stream Sanitation Committee. The Governor shall designate one of the Commission's members as Chairman and the members of the Commission shall serve until it files its report with the Governor for transmission to the General Assembly.

Sec. 2. It shall be the duty of the Commission to study all matters relating to the recreation use of streams and of all other bodies of water in or bordering North Carolina, including planning, engineering, enforcement, sanitation, education, safety, and zoning. The Commission shall investigate ways in which the best multiple-use of North Carolina water resources by fishermen, swimmers, boaters, skiers, recreation travelers and vacationers, skin and scuba divers, and other recreational users of such resources can be made with minimal conflict of interests and purpose. The Commission shall develop specific suggestions as to local and State-wide legislation which will permit, protect, promote and aid in safe, full, multiple-use of streams, ponds, lakes, municipal and other water impoundments, coastal and other waters for recreation purposes of the citizens of North Carolina, and of the recreation traveler to our State.

Sec. 3. The Commission herein created shall, immediately following its appointment, meet at a time and place designated by the Chairman and shall elect a Secretary. The Commission shall meet at such other times as the Chairman may designate. The necessary expenses of the Commission members appointed by the Governor shall be paid out of the operating budgets of the agencies from which such members are appointed and the necessary expenses of the members of the Commission appointed by the General Assembly shall be paid out of the operating budget of the North Carolina Recreation Commission.

Sec. 4. The Commission shall submit its report to the Governor for transmission by the Governor to the 1965 General Assembly.

Sec. 5. This Resolution shall become effective upon its adoption. In the General Assembly read three times and ratified, this the 24th day of June, 1963.

Introduction

The North Carolina Aquatic Recreation Study Commission was created by Resolution 83 of the General Assembly of 1963. The Resolution authorized the Governor to appoint eight of the Commission's ten members with one appointed by the President of the Senate from the membership of that body, and one by the Speaker of the House of Representatives from the membership of that body. Those appointed by the Governor were to represent the following agencies:

(1) The North Carolina Recreation Commission, (2) The North Carolina Wildlife Resources Commission, (3) The North Carolina Wildlife Federation, (4) The North Carolina Board of Health, (5) The North Carolina Department of Conservation and Development, (6) The North Carolina Department of Water Resources, (7) The North Carolina Stream Sanitation Committee, (8) The North Carolina Attorney General's Office. One of the members of the Commission was designated, by the Governor, as chairman.

The Commission was charged with the responsibility of studying all matters relating to the recreation use of streams and of all other bodies of water in or bordering North Carolina, including planning, engineering, enforcement, sanitation, education, safety, and zoning. Another duty of the Commission was to investigate ways in which the best multiple-use of North Carolina water resources by fishermen, swimmers, boaters, skiers, recreation travelers, and vacationers, skin and scuba divers, and other recreation users of such resources can be made with minimal conflict of interests and purpose.

The Commission was directed to develop specific suggestions as to legislation which will permit, protect, promote, and aid in safe, full, multiple-use of North Carolina's waters for recreation purposes of the citizens and of recreation travelers to the state. The legislation further directed that a report be submitted to the Governor for transmission by the Governor to the 1965 General Assembly.

Work and Findings of the Commission

Soon after its appointment the Commission met and began working to fulfill its responsibilities. Since the Commission was made up of many agencies that deal with various aspects of aquatic recreation, its first task was to coordinate what the various state agencies are doing in regard to aquatic recreation. It was believed that this would give the overall picture of aquatic recreation as it exists and would help to determine the needs.

The overall field of aquatic recreation was divided into four main categories for study - (1) zoning, (2) activities requiring entry into the water, (3) fishing, (4) boating. A separate meeting was set up to study each of these aspects of recreation and persons known to have special information, special interest, or special concern regarding each of these aspects of aquatic recreation were invited to the meetings in an effort to make the study as inclusive as possible.

Zoning was found to be the primary need in aquatic recreation. This need falls into two categories - (1) zoning for recreation use as opposed to industrial use, waste disposal, water supply, etc., and (2) zoning within recreation.

It is quite evident that all water cannot be classified as recreation water. Industry has water needs that are not completely compatible with complete recreation use, there must be water for human consumption and its quality must be protected, and there must also be a way of disposing of sewage and other waste materials.

The State Stream Sanitation Committee has done a very commendable job of classifying North Carolina's streams and rivers and is making progress in eliminating pollution. However, many of North Carolina's streams and rivers still have classification too low for recreation use.

There should be continued effort to upgrade those streams potentially important to recreation.

On streams that have specialized classification, there is often a possibility of certain recreation activities. These areas should be zoned accordingly as need arises.

On many streams, rivers, and lakes the quality of water may be classified suitably for recreation, but there may be physical hazards created by competing uses such as power intakes, tailwaters, spillways, etc. These areas should be zoned and properly marked to protect the safety of individuals.

A large percentage of North Carolina waters are of adequate quality for recreation and are open to recreation activity with almost no restriction. Because of the tremendous volume and variety of aquatic recreation pursuits, conflict and hazardous situations often occur. Certain aquatic recreation activities are not compatible within the same area. For example, where there is extensive speed boating there may be hazards for swimmers, sail boats, canoes, row boats, small fishing craft, skin divers, etc. A type of zoning between the various recreation interests could avoid potential conflict, reduce hazards, and make possible a more enjoyable full multiple use of the waters by the various recreation interests.

As the volume of aquatic recreation activities continues to increase, it will be imperative that certain waters be zoned for the safety and enjoyment of the participants.

The Commission collected data from other states that are using multiple water-use zoning and found that area zoning has resulted in increased usage of small bodies of water by different types of water users. It has afforded all users a chance to use the water. Area zoning, where feasible, is regarded as the best way of deriving maximum multiple use of

waters. Multiple use may well apply to a region in which certain waters may be limited to a single use.

Time zoning has been used in some areas but has usually resulted in much controversy. For example, water skiers may resent being barred from the water during early morning and evening hours as an accommodation to fishermen. This is likely to be viewed as being arbitrary and unfair by some.

The Commission concensus is that "miles-per-hour" speed limits are unenforceable on water unless enforcement agents are equipped for clocking boats. The most effective practice has been to zone certain areas for "slow-no-wake" speed instead. This speed is defined as docking speed, the rate of speed at which boatmen normally proceed in approaching a dock, or idling speed.

Zoning regulations have little meaning unless they are enforced. The Commission studied the problems of enforcement which would arise from zoning and concluded that the Wildlife Resources Commission would be the most logical agency to handle this since it is already involved with law enforcement on North Carolina waters. It was fully understood that the present staff of Wildlife protectors could not possibly effectively enforce a statewide program of zoning for aquatic recreation. There are approximately one hundred and thirty wildlife protectors for the state, and enforcement of laws on water is only one of their many duties. Any legislation establishing zoning should also include appropriate financing of the additional enforcement activities.

The Commission believes that the best way to handle zoning for aquatic recreation is through enabling legislation making it possible to zone when and where need exists.

In regard to recreation activities requiring entry into the water, the Commission found that safety is one of the greatest concerns. On many of the waters there is need for zoning and marking of areas exclusively for these activities. This is particularly true of swimming areas. A hazard is created when boats run through these areas, particularly with high speed or heavy wake.

Skin and scuba diving also fall into this category. These activities, which are becoming more and more popular, require entry into the water, but the nature of the sport makes it impractical to zone areas just for skin and scuba diving. Here much of the responsibility rests with the participant. He must know the rules of safety and must abide by them. He must use common sense as to where he dives and must always mark his area well. Boaters must be made aware of the divers flag and respect it as a safety measure.

The Commission found much evidence that a good program of safety education regarding aquatic activities is needed. This can be implemented most effectively through the public schools as a special interest activity supplementing the regular education program. The North Carolina Wildlife Commission, United States Army Corps of Engineers, Tennessee Valley Authority, United States Power Squadron, Coast Guard Auxiliary, American National Red Cross, and others have existing programs promoting water safety. A more comprehensive program of safety education is needed. Representatives of the American National Red Cross who were in attendance at a meeting of the Commission indicated that their organization would give assistance in the development of such a program. They also volunteered training assistance to recreation personnel who work with aquatic activities.

In the study of fishing as an aquatic recreation activity the Commission found that more than one million people go fishing in North Carolina each year. This represents about twenty-five percent of the state's population, and another twenty-five percent is concerned in some way with providing services, equipment, and supplies to fishermen. Recreation fishing is rapidly increasing and is important to the state's economy.

Wildlife officials reported that water pollution has been a real problem to the fishing interests of North Carolina and commended the Stream Sanitation Committee for its positive program to clean up the streams and make them more conducive to fishing.

The study shows that fishermen want to be undisturbed. They resent activities that disturb the water, make noise, or conflict with fishing. It was agreed that there are many quiet aquatic recreation activities that are compatible with fishing. The best way to avoid conflict in this area is through zoning and education.

Officials of North Carolina's Commercial Fishing program met with the Commission to discuss the relationship between commercial and recreation fishing. It was agreed that both commercial and recreation fishing are very important to the state. They are quite compatible when one looks at them from the standpoint of service to people. The group concluded that there should be a constant effort to meet the needs of both interests and that a good program of education can promote understanding and reduce the area of conflict.

The fish biologists from the Wildlife Resources Commission and Division of Commercial Fisheries advised that the danger of destroying the marine fishing resource was less through the catching of fish than in long-term misuse of the resource. Part of the solution here is to accumulate the

data necessary to determine what the resource is and then work out a plan for its best use and protection.

The question arose as to the potential of the water and land resources in those areas where the state government has an associated land interest. This is mostly in coastal water. One problem inhibiting development is the lack of accurate property maps and legal descriptive records of this property. Authority to secure and keep these records up to date lies within the State Property Office of the Department of Administration, but adequate money has never been appropriated.

The Commission learned that North Carolina's Boating Law had been very effective. The biggest need here is for proper marking of area from the standpoint of safety and use.

There was a thorough study of a uniform marking system for water areas. The Commission agreed that the "Uniform Waterway Marking System," as approved by the Council of State Governments, should be adopted by North Carolina. Only the adopted system should be used where marking is done. The Corps of Engineers has adopted this system and is in the process of marking all its areas. A majority of the states already have adopted this system.

Due to the increasing number of boats that are equipped with toilets which discharge untreated sewage into congested waters of the state, The Motor Boat Safety Act should be amended to require owners of boats that are equipped with toilets to provide a sewage treatment device that is approved by the State Board of Health. To insure proper operation and maintenance of these devices, agents of the Wildlife Commission should inspect them during their routine inspection of boat safety equipment.

Because of the ever growing demand for water-oriented recreation, acquisition and development of public access to public waters must not

fail to receive proper attention. The present program of access provided by the Wildlife Resources Commission is financed by boater registration funds and is not designed to meet the total aquatic recreation needs. If efforts to provide adequate access to waters for boating, fishing, and other water-oriented recreation are to be successful, there must be a strong program to finance the acquisition and development of needed land. As recommended in the report of the Outdoor Recreation Resources Review Commission, the state must play the pivotal role in providing for the recreation needs of its people. The Land and Water Conservation Fund will provide federal funds to the state on a matching basis for planning, acquisition, and development of outdoor recreation areas and facilities. It is important that North Carolina provide sufficient money to match the federal funds to implement the further development of aquatic recreation that is needed.

The 1963 General Assembly enacted legislation authorizing the creation of a Governor's Coordinating Council on Recreation. This Council is to be made up of representatives of all state agencies concerned with any phase of recreation and is to coordinate these activities and keep the Governor informed. This group should review all water projects with respect to recreation.

There was some concern within the Commission about requests that come to the Governor and Council of State relative to the leasing and use of state owned lands, bottoms of rivers, and sounds effecting water. The Commission recommends that all state agencies concerned with the various aspects of this water use have a chance to review and coordinate these projects. This should be done through the Department of Water Resources. The coordination should require the opportunity for written approval or disapproval of each agency.

Skyrocketing demand for outdoor recreation makes it imperative that facilities be planned and developed for aquatic recreation. When fully developed, the state water facilities will greatly enhance recreation opportunities and bring into being new vistas and features needed to keep pace with the growing demand for outdoor recreation. These same developments will also be the keystone in providing substantial enhancements in local economics resulting from increased services to visitors.

Water and outdoor recreation should be considered inseparable. Past experience clearly indicates the magnetic attraction new water bodies present to recreation seekers. Fontana Lake, Lake Wiley, and John Kerr Reservoir are prime examples where heavy recreation pressures have developed rapidly upon completion of a water project. Instead of considering recreation use as an incidental by-product of water development projects, as has happened so frequently in the past, it is far better, and more economical, to plan for and provide basic facilities for public interest and need, for safety, for comfort; and at the same time make better use of the greatly needed recreation potentials inherent in these projects.

Recommendations

1. That enabling legislation be enacted, establishing a uniform state-wide policy, making it possible to zone waters of North Carolina when and where need exists.
2. That legislation be enacted to adopt the "Uniform Waterway Marker System" recommended by the Council of State Governments.
3. That an expanded program of recreation safety education be provided through the public schools of North Carolina.
4. That in the ocean and sound areas all land and water below the mean high water mark be determined and in the public interest a state-wide policy for its use be established.
5. That funds be appropriated to expedite the completion of accurate maps and records of state-owned bottoms and adjacent lands that border water.
6. That all State agencies concerned with water and its use be given an opportunity to review requests that come to the Governor and Council of State relative to the leasing and use of state-owned lands and bottoms of rivers and sounds affecting water use.
7. That a Comprehensive State Recreation Plan be developed and that funds be provided to match Federal Land and Water Conservation Fund money as needed.
8. That persons, firms, and government units discharging sewage or other waste into North Carolina waters be required to uniformly mark the point at which such sewage or waste is discharged.
9. That legislation be enacted amending the Motor Boat Safety Act to require owners of boats that are equipped with toilets to provide a sewage treatment device approved by the State Board of Health.

10. That handy maps showing boating facilities and routes available in North Carolina and on its shores be made available through the Travel Information Division of Conservation and Development.

WATERWAY ZONING BILL

A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER 75A OF THE GENERAL STATUTES RELATING TO BOATING AND WATER SAFETY IN NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. Chapter 75A of the General Statutes is hereby amended by deleting the word "Motorboats" in the title, and inserting in lieu thereof the words: "Boating and Water Safety Act."

Sec. 2. GS 75A-1 is amended by rewriting it to read as follows:

"GS 75A-1. Declaration of policy.--It is the policy of this State to promote safety for persons and property in the use, operation, and equipment of vessels and the recreational use of waters in North Carolina. The Legislature does hereby retain exclusive regulatory control over the operation of vessels and recreational uses of public waters in this State in order that tourist travel, mobility of vessels, and multiple recreational use of the public waters will not be abridged or interfered with by a multitude of varying local regulations, and in order to promote uniformity of laws relating thereto."

Sec. 3. GS 75A-2 is hereby amended by adding a new subsection at the end thereof, to read as follows:

"(7) 'Political subdivision' means any county, incorporated city or town, or combination thereof, in this State. Whenever a body of water is located in more than one political subdivision, all such subdivisions must act individually or jointly to comply with the provisions of this Act."

Sec. 4. Chapter 75A of the General Statutes, as it appears in the 1965 Replacement Volume 2C, is amended by adding a new section, immediately after GS 75A-3, to read as follows:

"GS 75A-3.1. Commission Authority; Regulations.--The Wildlife Resources Commission is hereby authorized to promulgate rules and regulations for the

safe operation of vessels and recreational uses which will permit, protect, promote and aid in safe, full, multiple use of streams, lakes, coastal and other public waters for recreation purposes by the citizens of North Carolina and the recreation traveler to this State. The Commission is empowered and authorized to:

1. Establish vessel speed limits;
2. Regulate the size and horsepower of vessel motors;
3. Prohibit motor boating;
4. Establish restrictions on the use of motorboats by day and hour;
5. Establish speed zones;
6. Authorize and direct the placement of channel markers and navigational aids;
7. Authorize and direct the marking of public swimming beaches or areas;
8. Establish and designate areas restricted solely to swimming, boating, fishing or related purposes;
9. Adopt any other regulation relating to the operation of vessels and to recreational uses of waters which will best protect the public safety;
10. Adopt the Uniform System of Waterway Marking, as approved by the Advisory Panel of State Officials to the Merchant Marine Council, United States Coast Guard, in October, 1961, and as may be amended, for use on the public waters of the State; to make and enforce regulations necessary to implement the Uniform Marking System, either at the request of a local subdivision or when, in its discretion it is deemed necessary, without such request. Such regulations and the use of Uniform Markers shall not be inconsistent with nor supersede any regulations or navigation and safety markers used on navigable waters by the United States Coast Guard or United States Army Corps of Engineers.

"The authority granted the Wildlife Resources Commission under this Chapter shall not supersede or pre-empt any statutory authority or responsibility of any other State agency or department, and the implementation of this Act shall be made with the minimal conflict of interests and purpose with other State agencies and departments."

Sec. 5. GS 75A-15 is amended by rewriting it to read as follows:

"GS 75A-15. Public hearings; when and how held.--The Commission is hereby vested with authority to regulate recreational uses and the operation of vessels on the waters of this State upon its own motion or upon petition as hereinafter provided. Whenever the governing body of any political subdivision desires that regulations or controls should be established on any waters within such political subdivision, it may by resolution request the Commission to impose regulations or controls on recreational uses and watercraft operating on these waters. Upon receipt of such a certified resolution, the Commission shall establish a date for a public hearing in the area and the requesting political authority shall arrange for suitable quarters for such a hearing and issue public notice of the time and place of the hearing in a newspaper of general circulation in the area. Such notice shall be published at least once, not less than 15 calendar days before such hearing shall be conducted. The Commission shall receive testimony on the nature of the boating or recreational problems encountered on the subject waters and receive testimony from all interested parties on the type, extent and nature of the regulations or controls desired locally to remedy these problems.

"Upon completion of the public hearing, the Commission shall conduct investigations and studies of the area as it deems appropriate and shall then make a statement of the facts of the situation as found at the hearing and as a result of its investigations. The Commission shall then prescribe such regulations as are necessary to alleviate or correct the boating,

recreation and safety problems found."

Sec. 6. GS 75A-16 is hereby amended by adding at the end thereof the following:

"The regulations shall be effective from the date filed in the office of the Secretary of State in Raleigh. Any person who violates any regulations so filed, shall be guilty of a misdemeanor and punishable as provided in GS 75A-18."

Sec. 7. Chapter 75A is hereby amended by adding a new section immediately after GS 75A-19, to read as follows:

"GS 75A-20. Boating and Water Safety Control Advisory Committee.-- There is hereby created a Committee to be known as the Boating and Water Safety Control Advisory Committee. The Committee shall be composed of the heads of the following agencies, or representatives of each agency as designated by the agency's chief officer, who shall act ex officio: (1) North Carolina Wildlife Resources Commission, (2) North Carolina Board of Health, (3) North Carolina Department of Conservation and Development, (4) North Carolina Department of Water Resources, (5) North Carolina Stream Sanitation Committee, (6) North Carolina Recreation Commission.

"The Committee shall not have policy-making authority, but shall make its written recommendations to the Wildlife Resources Commission and to such other administrative agencies as may be involved in the recommendations.

"The Committee shall meet immediately following its creation to elect a Chairman and a Secretary. The Committee shall meet at such other times as designated by the Chairman.

"The necessary expenses of the Committee and its members shall be paid out of the operating budgets of the agencies from which the members are appointed."

Sec. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 9. This Act shall be in full force and effect from and after its ratification.

A BILL TO BE ENTITLED AN ACT ADOPTING THE UNIFORM WATERWAY MARKING SYSTEM

The General Assembly of North Carolina do enact:

Section 1. Section 15 of Chapter 75A of the General Statutes of North Carolina is hereby amended by adding the following subparagraph to the end thereof:

"(c) The Uniform Waterway Marking System as approved by the Advisory Panel of State Officials to the Merchant Marine Council, United States Coast Guard, in October, 1961, is hereby adopted for use on the public waters of North Carolina; and no markers shall be used in the waters of this State in conflict with the marking system prescribed by this Act."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective on and after the date of its ratification.

RESOLUTION

Recognizing the increasing importance of outdoor recreation to the citizens of North Carolina and with further recognition that the pursuit of these activities often creates problems and hazards to the health and well-being of such citizens,

The North Carolina Aquatic Recreation Study Commission recommends that the North Carolina Department of Public Instruction adopt a formal course of instruction in outdoor recreation in the public school system of North Carolina. This course would include emphasis on aquatic recreation but to meet the public need would include other forms of outdoor recreation to provide a well-rounded and complete course of outdoor recreation instruction.

The American Red Cross, United States Coast Guard Auxiliary, and other private organizations and public agencies are encouraged to coordinate their established programs of swimming safety, lifesaving, hunting safety, boating safety, natural resources conservation, and other related subjects to outdoor recreation to be incorporated in this single course of instruction in the public school system.

The Governor's Coordinating Council for Recreation is suggested as the coordinating advisory group to the Department of Public Instruction through which these desirable, practical, logical relationships can be established and which will eliminate overlapping, duplication, and confusion.

A BILL REQUIRING MARKING OF WASTE OUTLETS

A BILL TO BE ENTITLED AN ACT TO AMEND ARTICLE 21 OF CHAPTER 143 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO STREAM SANITATION AND CONSERVATION.

The General Assembly of North Carolina Do Enact:

SECTION 1. Subsection (a) of G.S. 143-215.3 as same appears in the 1964 Replacement Volume 3C of the General Statutes of North Carolina is hereby amended by adding thereto a new subsection to be inserted immediately after subsection (7) and to be designated as subsection (8) and to read as follows:

"(8) To require any person discharging sewage, industrial waste or other waste into the waters of the State, as defined in this Article, to identify the point of discharge by the erection and maintenance of an approved sign at or as near as practical to the terminus of the outlet. The sign shall be constructed of durable material and of such size, shape and color as may be specified by the State Stream Sanitation Committee and shall have painted thereon or attached thereto the words 'waste water outlet' or other appropriate language together with the owners name and such other pertinent information as may be required and approved by the said Committee.

Any person violating any provision of this subsection shall be guilty of a misdemeanor and shall be fined within the discretion of the court."

SECTION 2. All laws and clauses of law in conflict with this Act are hereby repealed.

SECTION 3. This Act shall be in full force and effect from and after January 1, 1966.

SEWAGE TREATMENT BILL

A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER 75A OF THE GENERAL STATUTES RELATING TO MOTOR BOATS AND VESSELS SO AS TO REQUIRE SEWAGE TREATMENT OR HOLDING DEVICES.

The General Assembly of North Carolina do enact:

Section 1. Subsection (5) of G. S. 75A-2 is hereby rewritten to read as follows:

"'Vessel' means every description of watercraft or structure, other than a seaplane on the water, used or capable of being used as a means of transportation or habitation on the water."

Subsection (2) of G. S. 75A-2 is hereby rewritten to read as follows:

"'Operate' means to navigate or otherwise use or occupy a motor boat or vessel, and shall be applicable to any motor boat or vessel that is afloat."

Sec. 2. G. S. 75A-6 is hereby amended by adding a new subsection immediately after subsection (n) to read as follows:

"(o) The State Board of Health is hereby authorized and directed to prepare design standards that will be used as a guide in approving sewage treatment devices and holding tanks for marine toilets installed in boats operating on the waters of the State.

"No vessel that is equipped with a marine toilet shall be registered by the Wildlife Resources Commission unless such vessel is provided with a sewage treatment device or holding tank approved by the State Board of Health.

"All vessels operating on the waters of the State that are equipped with a marine toilet shall be required to provide a sewage treatment device or holding tank approved by the State Board of Health.

"The protectors of the Wildlife Resources Commission shall inspect vessels to determine if approved treatment devices or holding tanks are properly installed and if they are operating in a satisfactory manner.

"Any boat or vessel equipped with a sewage treatment, device or holding tank which does not meet the design standards and approval of the State Board of Health prior to January 1, 1966, may continue to use such device or tank until January 1, 1969."

Sec. 2. This Act shall become effective on January 1, 1966.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

APPENDIX

Summary of Recommendations from ORRRC Report

Water is a prime factor in most outdoor recreation activities. A survey by Outdoor Recreation Resources Review Commission reports that forty-four percent of the United States population prefer water-based recreation activities over any others. Water also enhances recreation on land. Choice camping sites and picnic areas are usually those adjacent to or within sight of a lake or stream, and the touch of variety added by a pond or marsh enriches the pleasures of hiking or nature study.

Recreation on the water is increasing. This trend is likely to continue as more young people acquire an interest in water sports, new reservoirs are constructed, the boating industry wins new converts, and relatively new forms of water-based recreation, such as skindiving and water skiing, become increasingly popular. In fact, ORRRC studies indicate that by the year 2000 swimming will be the most popular single outdoor recreation activity - exceeding even driving for pleasure, which now holds first place. The trend will be greatly accelerated if pollution control programs are successful in cleaning up streams, lakes, and seashore areas that are presently off limits for recreation, or are now so unattractive as to preclude many activities.

As the population grows and interest in water-based recreation increases, the already heavy recreation pressures on water resources will reach critical proportions. The problems stemming from this pressure are among the most difficult in the entire outdoor recreation field.

The usefulness of water for outdoor recreation hinges on three factors: (1) proximity to population; (2) physical and legal accessibility; and (3) suitability for recreation purposes. There is a generally favorable relationship between most of the large concentrations of people in the United States and the physical location of recreation waters. Many of our great cities are within easy driving distance of the oceans or the Great Lakes, and all of our larger inland cities are on major rivers. The requirements of access and suitability are not so easily satisfied. Limitations upon public access and poor quality are serious problems in many places. Public policy at all levels of government should be directed toward eliminating these barriers to outdoor recreation.

Recommendation 13-1: Public agencies should direct particular attention to assuring that adequate opportunities for water-based outdoor recreation are accessible to all Americans.

- A. Acquire access areas and water resources for public use.
- B. Secure public rights to cross private lands.
- C. Control development of lake and river shorelines.
- D. Construct and maintain public roads and access facilities to take full account of recreation needs and uses.
- E. Review the status of public waters now closed to outdoor recreation use to determine whether such restrictions can be modified or removed.

II

Recommendation 13-2: Public agencies should promote and maintain the suitability and attractiveness of water areas for outdoor recreation activity.

- A. In programs and projects for pollution control, recreation should be recognized as a motivating purpose and a necessary objective in the allocation of funds therefor.
- B. Soil erosion should be controlled to prevent siltation.
- C. Flood-plain zoning should be encouraged.
- D. Public action is needed to resolve conflicts between recreation and other uses of water, as well as among recreation activities themselves.
- E. Certain rivers should be preserved in their free-flowing condition and natural setting.

Recommendation 13-3: Recreation should be recognized as a beneficial use of water.

Recommendation 13-4: Immediate action should be taken by Federal, State, and local governments to acquire additional beach and shoreline areas.

Recommendation 13-5: Outdoor recreation should be considered as an important purpose of Federal multipurpose water resource developments, and thus guaranteed full consideration in the planning, design, construction, and operation of projects. Federal investments for recreation should be approved when the recreation opportunities created are an integral and harmonious element of a State or regional recreation plan. Existing developments should be reviewed under these criteria.

Recommendation 13-6: Reservoir planning should provide for acquisition of adequate shoreline lands for public access and use.

MEMBERS APPOINTED BY THE GOVERNOR TO
THE NORTH CAROLINA AQUATIC RECREATION STUDY COMMISSION

<u>Agency Represented</u>	<u>Representative</u>
North Carolina Recreation Commission	J. D. Foust, Chairman
North Carolina Senate	P. D. Midgett, Jr.
North Carolina House of Representatives	Wayland J. Sermons
North Carolina Wildlife Resources Commission	J. Harry Cornell
North Carolina Wildlife Federation	Turner Battle
North Carolina Board of Health	Marshall Staton
North Carolina Department of Conservation and Development	Thomas C. Ellis
North Carolina Department of Water Resources	Walter E. Fuller
North Carolina Attorney General's Office	James F. Bullock
North Carolina Stream Sanitation Committee	Earle C. Hubbard