

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 179
SENATE BILL 379

AN ACT TO LIMIT THE FORESTRY EXEMPTION UNDER SEDIMENTATION
POLLUTION CONTROL LAWS TO FORESTRY ACTIVITIES USING BEST
MANAGEMENT PRACTICES.

The General Assembly of North Carolina enacts:

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

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

- a. Those undertaken on agricultural land for the production of plants and animals useful to man, including but not limited to: forages and sod crops, grains and feed crops, tobacco, cotton, and peanuts; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats, including the breeding and grazing of any or all such animals; bees and apiary products; fur animals; ~~and~~
- b. Those undertaken on forestland for the production and harvesting of timber and timber ~~products; products and which~~ are conducted in accordance with Forest Practice Guidelines Related to Water Quality (best management practices) as adopted by the Department; and
- c. Activities undertaken by persons as defined in G.S. 113A-52(8) who are otherwise regulated by the provisions of G.S. 74-46 through G.S. 74-68, the Mining Act of 1971."

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

"§ 113A-52.1. Forest Practice Guidelines.

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

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

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

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

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 1st day of June, 1989.