

GENERAL ASSEMBLY OF NORTH CAROLINA
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10150-MH-39

Short Title: Rights of Nature/Certain River Basins. (Public)

Sponsors: Representative Harrison.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO RECOGNIZE AND PROTECT THE RIGHTS OF THE DAN AND HAW RIVER
3 ECOSYSTEMS AND TO RECOGNIZE AND PROTECT THE RIGHT OF THE PEOPLE
4 OF NORTH CAROLINA TO A HEALTHY ECOSYSTEM FOR THOSE RIVERS.

5 Whereas, from time immemorial, rivers and streams of North Carolina, including the
6 Haw and Dan Rivers, have supported abundant life. American Indians have inhabited these lands,
7 living in harmony with Nature, for over a thousand years; and

8 Whereas, by 1710, the impacts of colonization forced the Saura tribe to abandon its
9 last known settlement along the Dan River, but other tribes along the Haw and Dan Rivers, such
10 as the Saponi, remained and continue to live in the region; and

11 Whereas, today, American Indians of the Piedmont region are reconnecting with their
12 ancestral homeland and culture; and guiding growing efforts to better conserve and protect the
13 rivers and river lands and the life they support; and

14 Whereas, such efforts must be intensified, because the health, safety, and welfare of
15 North Carolinians is, and always has been, inseparable from the health of the rivers and river
16 lands, because many of the State's cities, towns, and industries owe their very existence to the
17 rivers, which served as the historic providers of the power to run mills and the blue highways for
18 transporting people and goods. In modern times, the rivers and the nature around them continue
19 to serve as support systems for human endeavors by supplying drinking water, enabling the
20 region's farmers to grow food, providing opportunities for recreation and rejuvenation to
21 residents and visitors alike, and continuing to play their vital role in supporting commerce and
22 the State's economy; and

23 Whereas, today, the rivers, the river lands, and the plant and animal life they support
24 are in peril, with declining populations of wildlife and native plants as well as the threat of
25 extinction for some species. The Haw River has been identified as one of America's most
26 endangered rivers because of unsafe pollution levels, including sewage leaking from aging pipes
27 and toxic runoff from roadways and parking lots. The State has issued warnings and severe
28 restrictions on eating fish from the Haw and the Dan Rivers. Both have been determined to
29 contain toxic chemicals dangerous to humans, including the "forever chemicals," such as PFAS,
30 which never decompose, increase cancer and other health risks to humans, and are widely used
31 in household goods; and

32 Whereas, these problems are not unique to our State. They exist across the United
33 States and around the world and have been described as a period of global environmental collapse
34 and the sixth major extinction of life forms in the 3.8-billion-year-long history of life on Earth;
35 and



1 Whereas, in response, governments have responded with significant efforts to protect
 2 the environment over the last 60 years. Environmental protection laws have helped protect the
 3 natural environment we depend on; however, they have proven to be insufficient. Earth's climate
 4 is heating; droughts, wildfires and floods are increasing in intensity and frequency; and sea level
 5 is rising as population growth, land development, and economic expansion continuously increase
 6 demands that humans make upon the environment; and

7 Whereas, as the environmental crisis has mounted, communities, states, and nations
 8 around the globe have begun realigning laws and policies with the growing understandings, long
 9 held by Indigenous societies, that we are part of the natural world and we must respect and care
 10 for Nature to care for ourselves and protect our future through an understanding that nature – the
 11 community of life on Earth – has rights, including the right to exist; and

12 Whereas, the Rights of Nature movement began in the United States in 2003, when
 13 the Navajo Tribal Council amended its nation's written code to incorporate its indigenous
 14 understanding that all life has the right to exist with these words: "all creation, from Mother Earth
 15 and Father Sky to the animal ... and plant life have their own laws, and rights and freedom to
 16 exist." Three years later, small towns in Pennsylvania began adopting local rights of Nature laws
 17 to protect their water supplies from the ill effects of fracking and, in 2008, Ecuador became the
 18 first country in the world to recognize the rights of Nature in its constitution. Since then, more
 19 than 100 legal enactments and court decisions have been adopted by legislative bodies, tribal
 20 governments, and voters in the United States and, by 2024, a total of 500 rights of Nature laws
 21 had been adopted in 40 countries around the world, with a high percentage of these laws
 22 specifically protecting rivers and other waters; and

23 Whereas, many citizens of North Carolina love and wish to protect the State's
 24 waterways, river lands, and all of North Carolina's natural environment, but motivations vary.
 25 Many understand all life to be a Divine creation, which must be protected as sacred. Based on
 26 scientific evidence, others believe the current environmental crisis necessitates stronger
 27 ecological protection laws. Others want to preserve our wildlands and wildlife to maintain
 28 outdoor recreational opportunities, including hunting, fishing, hiking, biking, paddling, and
 29 camping. As environmental disasters worsen, many want to protect their children's and
 30 grandchildren's health and future welfare; and

31 Whereas, the people of the State are best served by recognizing their right to a clean
 32 and healthy environment and also recognizing the rights of the pollution-burdened Haw and Dan
 33 Rivers and river land communities to enhanced protection against future contamination and
 34 restoration to protect the health of the rivers and the health, safety, and welfare of our people as
 35 well as the entire community of life in our State; Now, therefore,
 36 The General Assembly of North Carolina enacts:

37 **SECTION 1.** Chapter 77 of the General Statutes is amended by adding a new Article
 38 to read:

39 "Article 11.

40 "Rights of Certain Human-Impacted River Ecosystems.

41 "§ 77-145. Short title.

42 This act shall be known and may be cited as the Rights of the Rivers Act.

43 "§ 77-146. Purpose.

44 This act recognizes and protects the rights of certain human-impacted river ecosystems and
 45 the right of the people of North Carolina to a healthy, thriving ecosystem for those rivers.

46 "§ 77-147. Definitions.

47 The following definitions apply in this Article:

- 48 (1) Dan River ecosystem. – The watershed of the Dan River, including both its
 49 mainstem and tributaries, all species and ecosystems found in the watershed,
 50 and species and ecosystems that depend on the watershed.

- 1 (2) Haw River ecosystem. – The watershed of the Haw River, including both its
2 mainstem and tributaries, all species and ecosystems found in the watershed,
3 and species and ecosystems that depend on the watershed.
4 (3) Natural resource management agencies. – The Department of Natural and
5 Cultural Resources, the Department of Environmental Quality, and the
6 Wildlife Resources Commission.
7 (4) River ecosystems protected in this Article. – All of the following:
8 a. The Dan River ecosystem.
9 b. The Haw River ecosystem.

10 **"§ 77-148. Rights of human-impacted river ecosystems.**

11 (a) Rights of Human-Impacted River Ecosystems. – The river ecosystems protected in
12 this Article possess rights, including, but not limited to, all of the following:

- 13 (1) The right to naturally exist, flourish, regenerate, and evolve.
14 (2) The right to full restoration, recovery, and preservation.
15 (3) The right to abundant, pure, clean, unpolluted water, including the right to
16 natural surface water flow and recharge and groundwater recharge.
17 (4) The right to a healthy natural environment and natural biodiversity.
18 (5) The right to carry on all natural ecosystem functions.
19 (6) The right to be free of activities, practices, and any other man-made
20 obstructions that interfere with or infringe upon the rights set forth in this
21 section.

22 (b) No Conferral of Obligations. – The rights of river ecosystems protected in this Article
23 shall not be interpreted to confer liabilities, duties, obligations, or responsibilities on any
24 particular river ecosystem except as expressly set forth herein.

25 **"§ 77-149. Rights of the people of the State.**

26 All residents of the State possess the right to healthy, flourishing river ecosystems.

27 **"§ 77-150. Rights of indigenous people.**

28 Nothing in this Article shall abrogate the collective or individual rights of indigenous people
29 residing in the State, including, but not limited to, members of the tribes and bands identified in
30 Chapter 71A of the General Statutes.

31 **"§ 77-151. Implementation.**

32 The State shall protect the rights secured in this act by providing that natural resource
33 management agencies of the State take action to ensure these rights are guaranteed and upheld
34 as specified in this section. This includes all of the following:

- 35 (1) Natural resource management agencies shall not conduct, authorize, license,
36 permit, or fund any public or private activities, practices, or operations that
37 are inconsistent with, or which will or may violate or infringe upon, the rights
38 or provisions of this act.
39 (2) No later than June 30, 2026, natural resource management agencies shall:
40 a. Review their existing and proposed activities, practices, or operations,
41 as well as all agency laws, policies, rules, or regulations, to identify
42 any potential or ongoing violations of the rights or provisions of this
43 Article.
44 b. Jointly conduct a complete baseline environmental assessment of the
45 human-impacted river ecosystems, which shall include identification
46 of areas within the ecosystems in need of restoration, and prioritization
47 of those areas.
48 (3) No later than June 30, 2027, natural resource management agencies shall:
49 a. Remedy any potential or ongoing violation identified in subdivision
50 (2) of this section to ensure all existing or proposed policies, rules, or
51 regulations, or ongoing or proposed activities, practices, or operations,

1 are made consistent with and protective of the rights and provisions of
2 this Article.

3 b. Develop recommendations for remedying any potential or ongoing
4 violation of law identified in subdivision (2) of this section and submit
5 a report of those recommendations to the General Assembly.

6 (4) No later than June 30, 2030, complete full restoration of all areas of river
7 ecosystems protected in this Article located within the State and identified
8 through the assessment required by sub-subdivision (2)b. of this section.

9 **"§ 77-152. Civil enforcement.**

10 (a) Enforcement by the State. – The Attorney General is authorized to enforce and defend
11 these rights by the filing of an action in the courts of this State to enjoin infringements of the
12 rights set out in this Article and collect damages for impacts to natural resources within river
13 ecosystems protected in this Article as described in subsection (h) of this section.

14 (b) Enforcement by the Human-Impacted River Ecosystems. – The river ecosystems
15 protected in this Article may enforce or defend the rights secured in this act through a legal action
16 brought in the courts of this State, brought in the name of the human-impacted river ecosystem
17 as the real party in interest. Remedies shall include injunctive relief to enjoin the activity or
18 project which violates the rights set forth in this Article.

19 (c) Right of Intervention. – The river ecosystems protected in this Article may also
20 intervene in any litigation authorized by this section.

21 (d) Standing. – Any resident of the State shall have standing to both file an action in the
22 name of the ecosystem under subsection (b) of this section and to intervene in any litigation in
23 the name of the ecosystem under subsection (c) of this section.

24 (e) Enforcement by Individuals. – Any North Carolina resident may enforce or defend
25 the rights secured in this act through a legal action brought in any appropriate court. Any resident
26 may also intervene in any litigation concerning this act in order to enforce or defend it. Remedies
27 shall include injunctive relief to enjoin the activity or project which violates this act.

28 (f) Enforcement Actions and Burden of Proof. – Where probable violations of the rights
29 protected in this act are shown to exist, lack of full scientific certainty shall not be used as a
30 reason for denying or postponing enforcement or defense of these rights. The burden of proving
31 the absence of a violation of rights shall lie with the persons responsible for the infringement of
32 rights or impacts to natural resources alleged and not with the party or parties enforcing or
33 defending the rights protected in this Article.

34 (g) Civil Penalties. – Any business or government entity that violates any provision of
35 this Article shall be subject to a civil penalty of up to ten thousand dollars (\$10,000) for a single
36 occurrence, or up to five hundred dollars (\$500.00) per day of a continuing occurrence, with each
37 day constituting a separate offense under this Article. These penalties shall be trebled in cases
38 where the violation is found to be willful.

39 (h) Damages. – Any business or government entity that violates any provision of this act
40 shall be liable for any natural resource damages caused to the river ecosystems protected in this
41 Article as a result of the violation. The measure of damages shall be the cost of fully restoring
42 the human-impacted river ecosystem to its state prior to the violation and shall be paid to the
43 State to be used exclusively for the restoration of the ecosystem.

44 (i) Business and Governmental Entities. – Any business entity which is shown to have
45 violated any provision of this Article shall be strictly liable and deemed not to possess any of the
46 rights, privileges, powers, or protections which would interfere with the defense or enforcement
47 of rights protected in this Article. Any defense of sovereign immunity is expressly waived with
48 respect to any governmental entity shown to have violated any provision of this Article."

49 **SECTION 2.** If any provision of this act or its application to any person or
50 circumstance is held invalid, the invalidity does not affect other provisions or applications of this

1 act that can be given effect without the invalid provision or application and, to this end, the
2 provisions of this act are severable.

3 **SECTION 3.** This act is effective when it becomes law.