

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2025**

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**HOUSE BILL 345**

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

Sponsors: Representatives Harrison, Morey, Cervania, and K. Brown (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Rules, Calendar, and Operations of the House

March 11, 2025

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

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

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

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

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

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

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





- 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.