

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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**SENATE BILL 925
Agriculture/Environment/Natural Resources Committee Substitute Adopted
4/13/05**

Short Title: Oyster Restoration & Protection.

(Public)

Sponsors:

Referred to:

March 24, 2005

A BILL TO BE ENTITLED

1
2 AN ACT TO ENHANCE THE INFRASTRUCTURE THAT SUPPORTS OYSTER
3 RESTORATION ACTIVITIES AND TO APPROPRIATE FUNDS TO HELP
4 SUPPORT PROJECTS TO REHABILITATE OYSTER HABITATS AND
5 SANCTUARIES.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** There is appropriated from the General Fund to the
8 Department of Environment and Natural Resources the sum of two hundred thousand
9 dollars (\$200,000) for the 2005-2006 fiscal year and the sum of two hundred thousand
10 dollars (\$200,000) for the 2006-2007 fiscal year to be allocated to the Division of
11 Marine Fisheries for the Shellfish Rehabilitation Program. The funds appropriated
12 under this section shall be used to plant an additional 160,000 bushels per year of cultch
13 material, such as oyster shell, clamshell, or marl.

14 **SECTION 2.** There is appropriated from the General Fund to the
15 Department of Environment and Natural Resources the sum of two hundred thousand
16 dollars (\$200,000) for the 2005-2006 fiscal year and the sum of two hundred thousand
17 dollars (\$200,000) for the 2006-2007 fiscal year to be allocated to the Division of
18 Marine Fisheries to create two oyster sanctuaries per year.

19 **SECTION 3.** There is appropriated from the General Fund to the
20 Department of Environment and Natural Resources the sum of eighty thousand dollars
21 (\$80,000) for the 2005-2006 fiscal year and the sum of eighty thousand dollars
22 (\$80,000) for the 2006-2007 fiscal year to be allocated as follows:

- 23 (1) Of the funds appropriated by this section, the sum of forty-five
24 thousand dollars (\$45,000) shall be used each fiscal year to support a
25 position for an oyster shell recycling coordinator.
- 26 (2) Of the funds appropriated by this section, the sum of thirty-five
27 thousand dollars (\$35,000) shall be used each fiscal year to provide
28 recycling infrastructure.

1 **SECTION 4.** There is appropriated from the General Fund to the
2 Department of Environment and Natural Resources the sum of two hundred thirty-seven
3 thousand dollars (\$237,000) for the 2005-2006 fiscal year and the sum of two hundred
4 thirty-seven thousand dollars (\$237,000) for the 2006-2007 fiscal year to be allocated to
5 the Division of Environmental Health as follows:

6 (1) Of the funds appropriated by this section, the sum of sixty-nine
7 thousand dollars (\$69,000) shall be used each fiscal year to support a
8 position for a GIS staff person.

9 (2) Of the funds appropriated by this section, the sum of one hundred
10 sixty-eight thousand dollars (\$168,000) shall be used each fiscal year
11 to support three positions for shoreline surveyors to expand the pilot
12 program that examines the sources of pollution that affect shellfish
13 growing areas to all shellfish growing areas in the coastal region.

14 **SECTION 5.(a)** The General Assembly finds that under the State Revolving
15 Fund (SRF), Congress provides the states with grant funds to establish revolving loan
16 programs to assist in the funding of wastewater treatment facilities and projects
17 associated with estuary and nonpoint source programs and that in order to receive
18 funding from the SRF, projects must be included on a priority funding list.

19 **SECTION 5.(b)** The installation of stormwater retrofits that improve water
20 quality shall be an equal priority with water and sewer projects under the State
21 Revolving Fund (SRF) and any other grants or loans established under State bond
22 authority through the Department of Environment and Natural Resources, the North
23 Carolina Rural Economic Development Center, or any other entity. Stormwater
24 retrofits that remove outfalls from waters that have been classified as Class SA waters
25 by the Environmental Management Commission shall be given the highest priority in
26 the SRF rating system, subject to approval by the United States Environmental
27 Protection Agency if required. As an incentive, SRF loans that are made to eligible
28 entities to install stormwater retrofits that remove outfalls that discharge into Class SA
29 waters shall be free of interest.

30 **SECTION 6.** This act becomes effective 1 July 2005.