

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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SENATE BILL DRS45303-NM-44

Short Title: Clarifying Estuarine Waters AEC Under CAMA. (Public)

Sponsors: Senators Sanderson, Lazzara, and Hanig (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED
AN ACT TO CLARIFY THAT CERTAIN MAN-MADE DITCHES ARE NOT COVERED
UNDER THE COASTAL AREA MANAGEMENT ACT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113A-103 is amended by adding a new subdivision to read:

"(8a) "Man-made ditches" mean constructed, altered, or excavated features used to convey water, including but not limited to artificial ponds, culverts, canals, swales, storm channels, minor-drainage features, and roadside ditches."

SECTION 2. G.S. 113A-113(b)(2) reads as rewritten:

"(2) Estuarine waters, that is, all the water of the Atlantic Ocean within the boundary of North Carolina and all the waters of the bays, sounds, rivers, and ~~tributaries~~ tributaries, excluding man-made ditches under G.S. 113-103(8a), thereto seaward of the dividing line between coastal fishing waters and inland fishing waters, as set forth in the most recent official published agreement adopted by the Wildlife Resources Commission and the Department of Environmental Quality;"

SECTION 3. G.S. 113A-113(b)(5) reads as rewritten:

"(5) Areas such as waterways and lands under or flowed by tidal waters or navigable waters, excluding man-made ditches under G.S. 113-103(8a), to which the public may have rights of access or public trust rights, and areas which the State of North Carolina may be authorized to preserve, conserve, or protect under Article XIV, Sec. 5 of the North Carolina Constitution."

SECTION 4. G.S. 113A-113 is amended by adding a new subsection to read:

"(b1) The Commission may not designate as areas of environmental concern the following:

(1) Man-made ditches under G.S. 113-103(8a)."

SECTION 5. G.S. 113-229(n)(3) reads as rewritten:

"(3) "Marshland" means any salt marsh or other marsh subject to regular or occasional flooding by tides, including wind tides (whether or not the tidewaters reach the marshland areas through natural or artificial watercourses), provided this shall not include hurricane or tropical storm tides. Salt marshland or other marsh shall be those areas upon which grow some, but not necessarily all, of the following salt marsh and marsh plant species: Smooth or salt water Cordgrass (*Spartina alterniflora*), Black Needlerush (*Juncus roemerianus*), Glasswort (*Salicornia* spp.), Salt Grass (*Distichlis spicata*), Sea Lavender (*Limonium* spp.), Bulrush (*Scirpus* spp.), Saw Grass (*Cladium jamaicense*), Cattail (*Typha* spp.), Salt-Meadow Grass(*Spartina*



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1 patens), and Salt Reed-Grass (*Spartina cynosuroides*). A marshland shall not
2 include any area contained within a man-made ditch as defined under
3 G.S. 113A-103(8a)."

4 **SECTION 6.** This act is effective when it becomes law.