

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1989**

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SENATE BILL 155  
Marine Resources & Wildlife Committee Substitute Adopted 4/26/89  
Third Edition Engrossed 4/27/89

Short Title: EMC to Reclassify Certain Waters.

(Public)

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Sponsors:

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Referred to:

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February 14, 1989

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE ENVIRONMENTAL MANAGEMENT COMMISSION  
TO RECLASSIFY CERTAIN COASTAL SURFACE WATERS OF THE STATE  
AS OUTSTANDING RESOURCE WATERS.

The General Assembly of North Carolina enacts:

Section 1. The Environmental Management Commission shall consider each of the coastal surface waters of the State listed in Section 2 of this act for reclassification as outstanding resource waters (ORW) pursuant to 15 N.C. Admin. Code 2B.0216. Each of the coastal surface waters of the State listed in Section 2 of this act is hereby reclassified ORW and the North Carolina Administrative Code is amended accordingly effective 1 January 1990, unless, for any particular body of water the Environmental Management Commission, prior to 1 January 1990, either fixes an earlier effective date for the reclassification of that body of water or determines that such particular body of water does not meet the minimum conditions and standards for reclassification as ORW which were in effect on 1 January 1989. A determination that any particular body of water does not meet the minimum conditions or standards for reclassification as ORW shall be accompanied by written findings which specify those conditions or standards not met by that particular body of water and the evidence on which the Commission relied in making its determination.

Sec. 2. The coastal waters of the State to be reclassified are as follows:

- (a) Lumber River Basin as referenced in 15 N.C. Admin. Code 2B.0310.

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<u>Name of Stream</u>	<u>Description</u>
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2	
3 Lockwoods Folly River	From a line across Lockwoods Folly
4	River from Genoes Point to Mullet Creek
5	to the Intracoastal Waterway.
6	
7 (b) Cape Fear River Basin as referenced in 15 N.C. Admin. Code 2B.0311.	
8	
9 <u>Name of Stream</u>	<u>Description</u>
10	
11 Intracoastal Waterway	From the southern edge of White Oak
12	River Basin to the western end of
13	Permuda Island (a line from Morris
14	Landing to the Atlantic Ocean).
15	
16 Turkey Creek	From its source to the Intracoastal
17	Waterway.
18	
19 Everett Bay	The entire Bay excluding that portion in
20	King Creek Restricted Area.
21	
22 Stump Sound	The entire Sound excluding that portion
23	in King Creek Restricted Area.
24	
25 Topsail Sound and Middle Sound	All waters between the Barrier Islands
26	and the Intracoastal Waterway located
27	between a line running from the
28	westernmost shore of Mason Inlet to the
29	southwestern shore of Howe Creek and a
30	line running from the western shore of
31	New Topsail Inlet to the eastern mouth
32	of Old Topsail Creek.
33	
34 Intracoastal Waterway	From the eastern mouth of Old Topsail
35	Creek to the southwestern shore of Howe
36	Creek.
37	
38 Howard Channel	From Old Topsail Inlet to the
39	Intracoastal Waterway.
40	
41 Long Point Channel	From Old Topsail Inlet to the
42	Intracoastal Waterway.
43	

1	Green Channel	From Rich Inlet to the Intracoastal
2		Waterway.
3		
4	Cedar Snag Creek	From Green Channel to the Intracoastal
5		Waterway.
6		
7	Butler Creek	From Nixon Channel to the Intracoastal
8		Waterway.
9		
10	Nixon Channel	From Rich Inlet to the Intracoastal
11		Waterway.
12		
13	Middle Sound	The entire Sound excluding that portion
14		in Wrightsville Restricted Area.
15		
16	Howe Creek	From its source to the Intracoastal
17		Waterway.
18		
19	Masonboro Sound	All the waters between the Barrier
20		Islands and the Intracoastal Waterway
21		from a line running from the southwest
22		mouth of Shinn Creek at the Intracoastal
23		Waterway to the southern shore of
24		Masonboro Inlet and a line running from
25		the Intracoastal Waterway channel
26		marker #153 to the southside of the
27		Carolina Beach Inlet.
28		
29	(c) White Oak River Basin as referenced in 15 N.C. Admin. Code 2B.0312.	

31	<u>Name of Stream</u>	<u>Description</u>
32		
33	Intracoastal Waterway	From the northeastern boundary of the
34		Cape Fear River Basin to Daybeacon #17
35		including all unnamed bays, guts, and
36		channels.
37		
38	Goose Bay	The entire Bay.
39		
40	Alligator Bay	The entire Bay.
41		
42	Bear Island	All the waters within an area north of
43		Bear Island and south of the Intracoastal
44		Waterway, between a line running from

1		the westernmost point on Bear Island to
2		the northeast mouth of Sanders Creek at
3		the Intracoastal Waterway and a line
4		running from the eastern tip of Bear
5		Island to the western mouth of Foster
6		Creek, including Cow Channel.
7		
8	Cow Channel	From Bogue Inlet to the Intracoastal
9		Waterway.
10		
11	Bogue Sound	From Bogue Inlet to a line across Bogue
12		Sound from the southwest side of mouth
13		of Gales Creek to Rock Point.
14		
15	Deer Creek	From its source to Bogue Sound.
16		
17	Taylor Bay	The entire Bay.
18		
19	Archer Creek (Piney Cr.)	From its source to Bogue Sound.
20		
21	Sanders Creek	From its source to Bogue Sound.
22		
23	East Prong Sanders Cr.	From its source to Sanders Creek.
24		
25	Sikes Branch	From its source to East Prong Sanders
26		Creek.
27		
28	Core Sound	From the northern boundary of White
29		Oak River Basin (a line from Hall Point
30		to Drum Inlet) to Back Sound.
31		
32	Point of Grass Creek	From its source to Core Sound.
33		
34	Styron Bay	The entire Bay.
35		
36	Glover Creek	From its source to Styron Bay.
37		
38	Annis Run	From its source to Styron Bay.
39		
40	Styron Creek	From its source to Styron Bay.
41		
42	Cedar Creek	From its source to Styron Bay.
43		
44	Negro Creek	From its source to Core Sound.

1		
2	Horsepen Creek	From its source to Core Sound.
3		
4	Sheep Pen Creek	From its source to Core Sound.
5		
6	Gutter Creek	From its source to Core Sound.
7		
8	Cedar Inlet	From Old Channel to Core Sound.
9		
10	Old Channel	From Core Sound to Cedar Inlet.
11		
12	Yaupon Hammock Gut	The entire Gut.
13		
14	Willis Creek	From its source to Core Sound.
15		
16	Fulchers Creek	From its source to Core Sound.
17		
18	Brett Bay	The entire Bay.
19		
20	Maria Creek	From its source to Brett Bay.
21		
22	Fork Creek	From its source to Brett Bay.
23		
24	Head of the Hold	The entire Bay.
25		
26	The Swash	The entire Bay.
27		
28	Great Island Creek	From its source to Core Sound.
29		
30	Horse Island Creek	From its source to Great Island Creek.
31		
32	Fortin Bay	The entire Bay.
33		
34	Oyster Creek	From its source to Core Sound.
35		
36	Great Island Bay	The entire Bay.
37		
38	Johnson Creek	From its source to Core Sound.
39		
40	Spit Bay	The entire Bay.
41		
42	Jarrett Bay	The entire Bay.
43		
44	Ditch Cove	From its source to Jarrett Bay.

1		
2	Broad Creek	From its source to Jarrett Bay.
3		
4	Great Creek	From its source to Jarrett Bay.
5		
6	Howland Creek	From its source to Jarrett Bay.
7		
8	Jump Run	From its source to Core Sound.
9		
10	Tush Creek	From its source to Core Sound.
11		
12	Great Marsh Creek	From its source to Core Sound.
13		
14	Deer Pond	The entire Pond.
15		
16	Horsepen Creek	From its source to Core Sound.
17		
18	Lewis Creek	From its source to Core Sound.
19		
20	Zack Creek	From its source to Core Sound.
21		
22	Mullet Cove	The entire Cove.
23		
24	Sheep Pen Creek	From its source to Core Sound.
25		
26	Codds Creek	From its source to Core Sound.
27		
28	Try Yard Creek	From its source to Codds Creek.
29		
30	Hogpen Bay	The entire Bay.
31		
32	Caggs Creek	From its source to Hogpen Bay.
33		
34	Rawson Creek	From its source to Core Sound.
35		
36	Iron Creek	From its source to Core Sound.
37		
38	Lighthouse Bay	The entire Bay.
39		
40	Barden Inlet	From the Atlantic Ocean to Core Sound.
41		
42	(d) Neuse River Basin as referenced in 15 N.C. Admin. Code 2B .0315.	
43		
44	<u>Name of Stream</u>	<u>Description</u>

1		
2	Neuse-Southeast Pamlico Sound	All waters within a line beginning at the
3		southwest tip of Ocracoke Island, and
4		extending northwest along the Tar-
5		Pamlico River Basin and Neuse River
6		Basin boundary line to Lat. 35 06'50",
7		Long 76 06'30", thence in a southwest
8		direction to Ship Point.
9		
10	Core Sound	From the northeastern limit of White
11		Oak River Basin (a line from Hall Point
12		to Drum Inlet) to Pamlico Sound.
13		
14	Thorofare Bay	From its source to Core Sound.
15		
16	Merkle Hammock Creek	From its source to Thorofare Bay.
17		
18	Barry Bay	From its source to Thorofare Bay.
19		
20	Rumley Bay	From its source to Core Sound.
21		
22	Lewis Creek	From its source to Core Sound.
23		
24	Southwest Prong Lewis Creek	From its source to Lewis Creek.
25		
26	Big Gut	From its source to Lewis Creek.
27		
28	Cedar Island Bay	The entire Bay, including all inlets,
29		coves, and bays, not otherwise named in
30		the schedule of classifications.
31		
32	Great Pond	From its source to Cedar Island Bay.
33		
34	Back Bay	The entire Bay, including all inlets,
35		coves, and bays, not otherwise named in
36		the schedule of classifications.
37		
38	Great Pond	From Pamlico Sound to Back Bay.
39		
40	Noras Cove	The entire Cove.
41		
42	End of Island Slough	From Pamlico Sound to Back Bay.
43		
44	Snake Gut	From Pamlico Sound to Back Bay.

1		
2	Fullers Ditch	From Pamlico Sound to Back Bay.
3		
4	The Passage	From Pamlico Sound to Back Bay.
5		
6	Deep Slough	From Pamlico Sound to The Passage.
7		
8	Drum Pond	From its source to Back Bay.
9		
10	Goose Bay	The entire Bay.
11		
12	Oyster Creek	From Core Sound to Goose Bay.
13		
14	Great Ditch	From Core Sound to Goose Bay.
15		
16	Hog Island Narrows	From Cedar Island Bay to Back Bay.
17		
18	(e) Tar-Pamlico River Basin as referenced in 15 N.C. Admin. Code 2B .0316.	
19		
20	<u>Name of Stream</u>	<u>Description</u>
21		
22	Pamlico Sound - Swanquarter	All waters within a line beginning at Juniper Bay Point and running due South to Lat. 35 18'00", Long 76 13'20", thence due west to Lat. 35 18'00", Long 76 20'00", thence northwest to Shell Point.
23		
24		
25		
26		
27		
28	Shell Bay	The entire Bay.
29		
30	Judith Narrows	From White Perch Bay to Shell Bay.
31		
32	Shell Narrows	From Swanquarter Bay to Shell Bay.
33		
34	Smokehouse Cove	The entire Cove.
35		
36	Swanquarter Bay	The entire Bay.
37		
38	Shingle Creek	From its source to Swanquarter Bay.
39		
40	Cowpen Creek	From its source to Swanquarter Bay.
41		
42	Oyster Creek	From its source to Swanquarter Bay.
43		
44	Eastard Bay	The entire Bay.



1		
2	Caffee Bay	The entire Bay.
3		
4	Island Creek	From its source to Caffee Bay.
5		
6	Crab Cove (Crabb Cove)	The entire Cove.
7		
8	Great Island Narrows	From Juniper Bay to Swanquarter Bay.
9		
10	Raccoon Creek	From its source to Great Island Narrows.
11		
12	Juniper Bay	The entire Bay.
13		
14	Juniper Bay Creek	From its source to Juniper Bay.
15		
16	Northwest Creek	From its source to Juniper Bay.
17		
18	Rattlesnake Creek	From its source to Juniper Bay.
19		
20	Old Haulover	From its source to Juniper Bay.
21		
22	Doe Creek	From its source to Juniper Bay.
23		
24	Buck Creek	From its source to Juniper Bay.
25		
26	Laurel Creek	From its source to Juniper Bay.
27		
28	(f) Pasquotank River Basin as referenced in 15 N.C. Admin. Code 2B .0317.	
29		
30	<u>Name of Stream</u>	<u>Description</u>
31		
32	Alligator River	From its source to the mouth of Northwest Fork.
33		
34		
35	New Lake Fork	From New Lake to the Alligator River.
36		
37	Alligator River	From mouth of Northwest Fork to U.S. Hwy. 64.
38		
39		
40	Northwest Fork Alligator River	From its source to Alligator River.
41		
42	Juniper Creek	From its source to Northwest Fork Alligator River.
43		
44		

1	Southwest Fork Alligator River	From its source to Northwest Fork Alligator River.
2		
3		
4	Scouts Bay	The entire Bay.
5		
6	Gum Neck Creek	From its source to the Alligator River.
7		
8	Georgia Bay	The entire Bay.
9		
10	Winn Bay	The entire Bay.
11		
12	Stumpy Creek Bay	The entire Bay.
13		
14	Stumpy Creek	From its source to Stumpy Creek Bay.
15		
16	Swan Creek (Swan Creek Lake)	From its source to the Alligator River.
17		
18	Whipping Creek (Whipping Creek Lake)	From its source to the Alligator River.
19		
20		
21	Grapevine Bay	The entire Bay.
22		
23	Rattlesnake Bay	The entire Bay.
24		
25	The Straits	From its source to the Alligator River.
26		
27	The Frying Pan	From its source to The Straits.
28		
29	Coopers Creek	From its source to The Frying Pan.
30		
31	Basnight Canal	From its source to The Frying Pan.
32		
33	Babbitt Bay	The entire Bay.
34		
35	Goose Creek	From its source to the Alligator River.
36		
37	Milltail Creek	From its source to the Alligator River.
38		
39	Boat Bay	The entire Bay.
40		
41	Sandy Ridge Gut (Sawyer Lake)	From its source to Milltail Creek.
42		
43	Second Creek	From its source to the Alligator River.
44		

1           Sec. 3. A permit issued pursuant to Article 7 of Chapter 113A of the General  
2 Statutes shall be required within an Area of Environmental Concern for shorelines  
3 contiguous to waters classified as Outstanding Resource Water regardless of the  
4 percentage of the area built upon when located within 575 feet of the Outstanding  
5 Resource Water.

6           Sec. 4. This act is effective upon ratification.