

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 52*

Agriculture/Environment/Natural Resources Committee Substitute Adopted 2/7/95

House Committee Substitute Favorable 5/3/95

Short Title: State-Owned Submerged Lands.

(Public)

Sponsors:

Referred to:

January 26, 1995

A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT THE RECOMMENDATIONS FROM THE STATE-OWNED SUBMERGED LANDS ADVISORY COMMITTEE AND TO AMEND CHAPTER 146 OF THE GENERAL STATUTES CONCERNING SUBMERGED LANDS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 146-12 reads as rewritten:

"§ 146-12. Easements in lands covered by water.

(a) The Department of Administration may grant, to adjoining riparian owners, easements in lands covered by navigable waters or by the waters of any lake owned by the State for such purposes and upon such conditions as it may deem proper, with the approval of the Governor and Council of State. The Department may, with the approval of the Governor and Council of State, revoke any such easement upon the violation by the grantee or his assigns of the conditions upon which it was granted.

Every such easement shall include only the front of the tract owned by the riparian owner to whom the easement is granted, shall extend no further than the deep water, and shall in no respect obstruct or impair navigation.

1 When any such easement is granted in front of the lands of any incorporated town, the
2 governing body of the town shall regulate the line on deep water to which wharves may
3 be built.

4 **(b) Notwithstanding anything in this Chapter to the contrary, riparian and littoral**
5 **rights of riparian and littoral landowners include the right, subject to regulation by the**
6 **State pursuant to its police powers, to erect, improve, and maintain docks, piers and**
7 **wharves, and related equipment between their uplands and deep water without the**
8 **necessity of obtaining any additional easement pursuant to the provisions of this Chapter.**

9 **(c) No easement shall be required for the maintenance, replacement, or**
10 **improvement of any structure on, under, over, or in the waters of this State, otherwise**
11 **legal at the time of its construction, and in existence on July 1, 1995.**

12 Sec. 2. G.S. 146-64 is amended by adding a new subdivision to read:

13 **"(10) 'Deep water' means water deep enough to allow vessels of all sizes and**
14 **drafts that frequent the area from time to time to navigate freely.**

15 Sec. 3. This act is effective upon ratification.