

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 988

Short Title: No Highways Through Certain Habitats.

(Public)

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Sponsors: Representative Morgan.

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Referred to: Transportation.

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April 19, 1991

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE DEPARTMENT OF TRANSPORTATION FROM  
PROCEEDING WITH ANY CONSTRUCTION PROJECT IN AREAS  
CONTAINING HABITATS OF THE RED-COCKADED WOODPECKER.

The General Assembly of North Carolina enacts:

Section 1. Chapter 136 of the General Statutes is amended by adding a new section to read:

**"§ 136-102.7. Protection of red-cockaded woodpecker habitats.**

The Department of Transportation shall not proceed with any construction project if the area of that project contains colonies of the red-cockaded woodpecker (Picoides borealis) and the United States Fish and Wildlife Service has issued a jeopardy biological opinion, as defined in 50 C.F.R. § 402.14 stating that the project is likely to jeopardize the continued existence of the red-cockaded woodpecker."

Sec. 2. This act is effective upon ratification.