

Streamlines

A Newsletter for North Carolina Water Supply Watershed Administrators

LEGISLATIVE ISSUES FOR WATER QUALITY & LAND USE PLANNING

Legislation with Water Quality & Land Use Planning Implications

During the Division of Water Quality's fall workshops on the water-supply watershed protection program, we received a number of requests for a comprehensive listing of legislation pertaining to water quality and land use planning issues. Hence, the Winter 2001 issue of *Streamlines* is dedicated to such legislation. After much searching, no comprehensive list was uncovered; however, this issue does include a summary of pertinent 2000 legislation, summaries of three major environmental acts, and a listing of websites.

2000 Legislative Summary

Floodplain Management

Due to the tragic flooding the State experienced in 1999, floodplain management was a big topic in the 2000 Legislative Session. The result of this discussion was S.L. 2000-150. The original proposals included: 1) new designations of flood hazard areas, which can be

more inclusive than the areas indicated by the National Flood Insurance Program maps; 2) the banning of certain land uses from floodplain areas; 3) the requirement of a two-foot base flood elevation; and 4) limiting the amount of state disaster relief given to jurisdictions that have not adopted an adequate hazard mitigation ordinance. S.L. 2000-150 achieved the first two objectives, but did not approve the second two objectives. A number of other provisions were adopted as well. Most importantly, effective July 1, 2001, the existence of a local flood hazard ordinance will factor into the allocation of state money from the Clean Water Revolving Loan and Grant Fund. Locales with a locally-approved ordinance that is more stringent than the State guidelines will be given preferential consideration. For more information on hazard mitigation see: <http://www.ncem.org/>.

Open Space Preservation

S.L. 2000-23 (S 1328) "directs the state to encourage, facilitate, plan, coordinate, and support appropriate federal, state, local, and private protection efforts so that an additional million acres of farmland, open space, and conservation lands in the state are permanently protected by December 31, 2009."¹ The Secretary of the Department of Environment and Natural Resources was directed to lead this

effort. For more information contact Marc DeBree at 919-715-7735 or <http://www.ncsparks.net/millionacre>.

Farmland Preservation



S.L. 2000-171 (H 1132) amended the Farmland Preservation Trust Fund program to require non-profit organizations and counties to put up matching funds to be eligible for the distribution of the Trust Fund monies. Nonprofits must match 15 percent of the funds, and counties 15 percent or 30 percent depending on the existence of a local farmland preservation plan. The Trust also received \$1.7 million from the 2000 Appropriations Act, S.L. 2000-67. The NC Department of Agriculture and Consumer Services is responsible for the overall program, but is partnering with DENR and North Carolina State University's Cooperative Extension Service. For more information contact Chuck Roe at 919-828-4199 or <http://www.enr.state.nc.us/DSWC/files/ncfpp.htm>.

Coastal Area Management Act and the Division of Coastal Management

S.L. 2000-140 (S 1335) directed the Coastal Resources Commis-

(See Legislation on page 2)

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Legislation
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sion to adopt a temporary rule creating new use standards allow-

ing urban waterfront development. The CRC has developed these standards, and the new rules will take effect in April 2001. See http://dcm2.enr.state.nc.us/Current%20Issues/current_mainpage.htm for more information.

S.L. 2000-138 (S 787) is the 2000 legislative study bill. One of the measures in this bill gave the Environmental Review Commission the responsibility of studying the overall topic of estuarine shoreline protection, and more specifically, the effectiveness and reach of the CAMA-required land use planning process.

S.L. 2000-142 (S 1272) authorized the CRC to adopt a temporary rule allowing exceptions to their 30-foot estuarine shoreline setback rule. For more information see: http://dcm2.enr.state.nc.us/Current%20Issues/current_mainpage.htm.

S.L. 2000-67 (H 1840) affects the Division of Coastal Management in two ways. First, it directs DENR to

study the possibility of relocating DCM offices to a coastal county. Second, it directs DENR to prepare a beach management and restoration strategy and plan.

Streamlined DENR Permitting

S.L. 2000-67 (H 1840) directed DENR to implement a pilot program to streamline its permitting system by establishing a “one-stop-shopping” permit application assistance and tracking system. DENR has already worked on this issue. For more information see: http://www.enr.help.org/html/onestop_permit.html.

Stormwater Utility Fees

S.L. 2000-70 (H 1602) reversed a court ruling stating that stormwater utility fees could only be used for the construction, maintenance and operation of the physical infrastructure of the stormwater system. Now, the revenue generated by stormwater utility fees can be used to pay for *all* costs associated with stormwater management programs, including non-structural measures and public education activities.

Environmental Finance

S.L. 2000-67 (H 1840), provided \$240,000 additional dollars to the Agricultural Cost Share Program to

help pay for technical assistance. It also “shifts the funding of the Clean

Water Management Trust Fund from end-of-year unspent funds to general fund appropriations effective July 1, 2001, with annual funding at \$40 million in 2001, \$70 million in 2002, and \$100 million in 2003.²” S.L. 2000-156 (S 1381) offers more grant money to local governments for water and wastewater facilities by reallocating \$200 million of the 1998 Clean Water Bond revenues. Also, S.L. 2000-158 (S 1252) created a new incentive for brownfield cleanups with property tax deductions - <http://wastenot.enr.state.nc.us/sfhome/brnflld.htm>.

State Parks

With the passage of S.L. 2000-17 (H 1577), S.L. 2000-102 (H 1617), and S.L. 2000-157 (S 1311) three additions were made to our state park system: the Bullhead Mountain State Natural Area in Allegheny County, Lea Island in Pender County, and portions of the Mountains to Sea Trail System - <http://ils.unc.edu/parkproject/ncparks.html>.

Note: Information for this article was gathered from the 2000 legislative summary prepared by the Institute of Government (IOG), <http://ncinfo.iog.unc.edu/pubs/nclegis/>.

¹ Page 9 of Chapter 9 IOG Summary.

² Page 6 of Chapter 9 IOG Summary.

WEB SITES FOR MORE LEGISLATIVE INFORMATION

Division of Coastal Management’s site for CAMA Rules and Permits
http://dcm2.enr.state.nc.us/Rules&Permits/permit_mainpage.htm

Division of Water Quality’s site for its Rules
<http://h2o.enr.state.nc.us/admin/rules/>

This website has the entire Official North Carolina Administrative Code
http://mapsweb01.sips.state.nc.us/ncoah/ncadministrativ_/

The homepage for the North Carolina General Assembly
<http://www.ncga.state.nc.us/>

Institute of Government’s website, which contains legislative summaries
<http://ncinfo.iog.unc.edu/pubs/nclegis/>

Website for North Carolina Environmental Insight
<http://www.environmentalinsight.com/ncei.htm>

The Department of Environment and Natural Resources’ website for state environmental laws and regulations
<http://www.enr.state.nc.us/files/laws.htm>



CWMTF, ENVIRONMENTAL POLICY ACT, AND SEDIMENTATION POLLUTION CONTROL ACT

The following three pieces of legislation were not recently enacted; however, they are still pertinent to state, county, and municipal water quality protection efforts.

Clean Water Management Trust Fund of 1996

The Clean Water Management Trust Fund is overseen by a Board of Trustees that allocate grant money for projects designed to clean up or prevent surface water pollution. Generally, the grants are given to: (1) enhance or restore degraded waters, (2) protect unpolluted waters, and/or (3) contribute toward a network of riparian buffers and greenways for environmental, educational, and recreational benefits. State agencies, local governments and nonprofit organizations are eligible recipients



of the available grant money. To apply for grants or for more informa-

tion, please contact: <http://www.cwmtf.net/> or (919) 733-6375.

North Carolina Environmental Policy Act of 1971

The purpose of this Act is to “encourage the wise, productive, and beneficial use of the natural resources of the State without damage to the environment, maintain a healthy and pleasant environment, and preserve the natural beauty of the State; to encourage an educational program which will create a public awareness of our environment and its related programs; to require agencies of the State to consider and report upon environmental aspects and consequences of their actions involving the expenditure of public money or use of public land; and to provide means to implement these purposes.” Essentially, this purpose has led to the requirement of state agencies submitting a statement of environmental impact for any projects on public land or using public money. Also, this Act has

authorized local governments to create their own ordinances requiring environmental impact statements for public and/or private development projects.

Sedimentation Pollution Control Act of 1973

This Act provides for the protection of water quality from sedimentation and erosion. No land disturbing activity is allowed in proximity to a waterbody without the use of buffers or other best management practices (see 113A-57). When an acre or more of land will be disturbed, the developer must submit an erosion and sedimentation control plan. Enforcement of this program is overseen by the Division of Land Resources, but there are a number of local governments with state-approved local enforcement programs. For more information contact: <http://www.dlr.enr.state.nc.us/eros.html> or (919) 733-4574.



CALL FOR CASE STUDIES

WE'RE LOOKING FOR A FEW GOOD CASE STUDIES!!

During our recent water supply watershed protection workshops, there were several requests for innovative case studies on how local governments are implementing their water supply protection programs. Sharing these case studies is a great idea, and we plan to do this by posting your examples on our website: <http://h2o.enr.state.nc.us/wswp/index.html>.

In order to get this project under way, we are requesting that you send us digital copies of your innovative examples. Good topics include, but are not limited to, clustering, 10/70 implementation, real-world methods for tracking built-upon-area and 10/70, site design criteria for open space preservation and minimization of impervious cover, buffer implementation and management, “carrot and/or stick” incentives for good watershed site design, and public education brochures. Please include, in a digital format, the relevant sections of your ordinances, maps, plats, photos, plans, deeds, permit forms, etc. If sending a digital copy is not possible, please send us a hard copy. Also, please provide a contact person and means, such as e-mail, address and phone number, so others may contact you if they need more information.

Please send your examples to: Megan Owen, DWQ Planning Branch, 1617 Mail Service Center, Raleigh, NC 27699-1617 or megan.owen@ncmail.net. If you have questions, please call 919-733-5083, ext. 572.

Thank you for contributing!

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Water Supply Watershed
Administrators

N.C. Division of Water Quality
Local Government Assistance Unit
1617 Mail Service Center
Raleigh, NC 27699-1617

Phone: (919) 733-5083, ext. 572
Fax: (919) 715-5637
Email: megan.owen@ncmail.net

Address Correction
Requested

Check us out at: <http://h2o.enr.state.nc.us/wswp/>



WHAT'S HAPPENING?



Environmental Management Commission, February 8 and March 8 in Raleigh, Archdale Building. Water Quality Committee February 7 and March 7.

The American Planning Association National Conference, March 10-14, 2001, New Orleans, La.

The Basinwide Planning Unit of DWQ is holding public workshops in March for the Chowan, Little Tennessee, Pasquotank, and Roanoke River Basins. (http://h2o.enr.state.nc.us/meetings_by_month.htm)

WELCOME JEFF MASTEN

The local Government Assistance Unit welcomes Jeff Masten as the new State Environmental Protection Act (SEPA) Coordinator and 205J Grant Administrator. Jeff looks forward to the challenges of the SEPA position and the opportunity to work on a variety of state and local government projects. He is especially looking forward to the challenges of supporting quality environmental review for the Water Quality Section. Jeff and his family moved to Durham from New Hampshire in 1997 to pursue graduate school. Jeff recently graduated with a Master of Regional Planning from the Department of City and Regional Planning at the University of North Carolina at Chapel Hill where he concentrated in Environmental Planning, Land Use Planning and Transportation Planning. The Masten's (Jeff, Betty, Andy, 6, Margaux, 4, and Abby, 2) now call North Carolina their home and welcome the occasional snow days, though are content to forgo the long New England winters.

DID YOU KNOW?

- The Center for Watershed Protection has posted model ordinances on its website (<http://www.cwp.org>). There are models for buffers, sedimentation and erosion control, open space and illicit discharges.
- Riverlink, a non-profit organization, has established a statewide toll-free hotline for concerned citizens to report possible violations of the N.C. Sedimentation Pollution Control Act at 1-866-STOPMUD (786-7683). One can also call 919-733-4574 for the Division of Land Resources or 1-800-858-0368 to report an environmental emergency to the State.
- DENR has a toll-free hotline to its Customer Service Center at 1-877-623-6748. It serves as a single point of contact for all DENR agencies.
- Anyone can buy a watershed map and/or geographic information systems watershed data from the North Carolina Center for Geographic Information and Analysis. Contact them at 919-733-2090 or <http://www.cgia.state.nc.us/>.