

The Evolution of State Initiatives in North Carolina

Hannah Holm

Smart growth can mean improving mass transit, sidewalks, and bike paths; preserving open space; imposing strict boundaries between urban and rural areas; or building neighborhoods in which every house is within walking distance of a shop where a child can buy a popsicle. It also can mean redeveloping downtowns and other underused areas that already are served by roads, water, and sewers. The common theme is that all these measures guide development in a way that makes effi-

cient use of infrastructure, minimizes the amount that people have to drive, and conserves natural resources.

North Carolina's state government has been quite active in attempting to guide growth into areas where it is lacking,¹ but less active in working to control the location of development within communities. There is no statewide requirement for local governments to adopt growth management plans, as there is in Florida, Oregon, Tennessee, and Washington. There also is no requirement that state funding for growth-related infrastructure projects be spent only in areas predesignated for urban growth, as there is in Maryland. (For a discussion of other states' efforts, see the article on page 12.)

This does not mean, however, that

efforts to limit the negative impacts of growth are unprecedented

in the state. Over the past three decades, North Carolina's leaders have made numerous attempts, some successful and some not, to guide development away from areas where it may be harmful and into more suitable areas. This article reviews the state's current programs to manage growth and

Sandbags hold back the sea at Shell Island Resort, above. North Carolina passed the Coastal Area Management Act in 1974 to protect resources like the Cape Hatteras National Seashore, below.

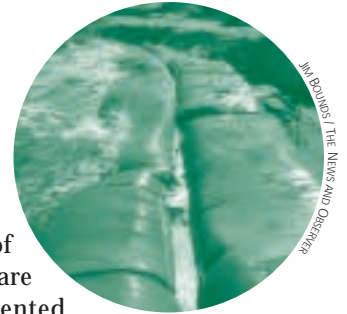


PHOTO COURTESY OF THE NEWS AND OBSERVER

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preserve open space, describes measures that have been attempted in the past, and then discusses the work of a legislative study commission that is studying growth management.

Current Growth Management Policies

Most growth management policies in North Carolina either target a specific environmental problem, such as water quality, or are voluntary, incentive-based programs. The Coastal Area Management Act (CAMA) is the most comprehensive of these policies and involves the most extensive regulatory structure. Still, its primary purpose is to protect a specific set of regional resources: the state's beaches, estuaries, and marine ecosystems. Beyond the coastal region, the major development-control measures

that the state uses to protect water quality are the Water Supply Watershed Protection Act, requirements for management of stormwater, and rules that protect "vegetated riparian buffers" (strips of vegetation alongside rivers and streams) in selected river basins.² In the western part of the state, the Mountain Ridge Protection Act seeks to protect scenic vistas and limit development in areas prone to high winds and forest fires. Other growth management policies include several conservation trust funds, a conservation easement tax credit, the brownfields program, and some limited incentives and technical assistance programs that encourage land-use planning by local governments.

Coastal Area Management Act

The ratification of CAMA in 1974 was a landmark event in the history of planning in North Carolina. Noting that the

coastal area faces increasing pressures from expanding industrial development, population, and "recreational aspirations," the act states, "Unless these pressures are controlled by coordinated management, the very features of the coast which make it economically, esthetically, and ecologically rich will be destroyed."³

To achieve its goal of preserving coastal resources, CAMA restricts development in environmentally sensitive areas. It also requires local governments in the state's twenty coastal counties to adopt land-use plans and update them every five years. These plans must be consistent with state guidelines developed by the Coastal Resources Commission (CRC) and must include objectives, policies, and standards for public and private land and water use. They are subject to the approval of the CRC.

CAMA was passed two years after

SELECTED NORTH CAROLINA RESOURCES ON GROWTH MANAGEMENT

State Agencies

Coastal Resources Commission

The Coastal Resources Commission reviews local government plans required by the Coastal Area Management Act of 1973.

Web page: http://dcm2.enr.state.nc.us/MAIN_PAGE.HTM

Contacts: Eugene B. Tomlinson, Jr., chair, telephone (910) 457-6805; Donna Moffitt, director, Division of Coastal Management, telephone (919) 733-2293, e-mail Donna_Moffitt@mail.enr.state.nc.us

Community Planning Program, Division of Community Assistance, Department of Commerce

The Community Planning Program provides planning assistance to local governments.

Web page: <http://www.dca.commerce.state.nc.us/cpp.htm>

Contact: John Berndt, assistant director, telephone (919) 733-2851, e-mail jberndt@dca.commerce.state.nc.us

Governor's Office

Beau Mills in the Governor's Office works on sustainable development and growth management issues.

Contact: Beau Mills, telephone (919) 715-5889, e-mail bmills@gov.state.nc.us

Office of Planning and Environment, Department of Transportation

The chief planning and environment officer does transportation planning and coordinates with the Department of Environment and Natural Resources to address environmental implications of transportation planning decisions.

Web page: <http://www.dot.state.nc.us/planning>

Contact: Janet D'Ignazio, chief planning and environment officer, telephone (919) 733-2520, e-mail jdignazio@dot.state.nc.us

Office of State Planning

The Office of State Planning collects, analyzes, and disseminates demographic and geographic information, including information on land-use trends. It also provides information on state government programs offering financial and technical assistance to local communities.

Web page: <http://www.ospl.state.nc.us/lib/html/ospsr.html>

Contact: Sheron Morgan, director, telephone (919) 733-4131, e-mail sheron.morgan@ncmail.net

Planning Section, Division of Air Quality, Department of Environment and Natural Resources

The Division of Air Quality's Planning Section does air quality planning for North Carolina.

Web page: <http://daq.state.nc.us/Offices/Planning>

Contact: Brock Nicholson, supervisor, telephone (919) 715-0587, e-mail brock_nicholson@aq.ehnr.state.nc.us

Water Supply Watershed Protection Program, Department of Environment and Natural Resources

The Water Supply Watershed Protection Program offers technical assistance to local governments in meeting the requirements of the state's water supply watershed protection rules.

Web page: <http://h2o.enr.state.nc.us/wswp/index.html#top>

Contact: Coleen Sullins, chief, Water Quality Section, telephone (919) 733-7015, e-mail coleen.sullins@ncmail.net

adoption of the federal Coastal Zone Management Act, which promised federal planning and assistance grants to states that enacted coastal protection programs.⁴ The first version of the act was developed by a blue-ribbon study commission and then revised by the administration before being submitted to the General Assembly in 1973. Strong opposition from local governments to the top-down nature of the proposal, which concentrated decision-making power at the state level, resulted in a series of public hearings on the bill between the 1973 and 1974 legislative sessions. The revised

proposal, introduced in 1974, gave local governments a stronger role in planning and implementing the program and was more broadly supported than the first version. Despite significant opposition and exhaustive debate, the bill was ratified and has stayed substantially intact, even in the face of numerous legal and legislative challenges.⁵

CAMA remains controversial today, with environmentalists claiming that it has not done enough to protect the coastal environment and some local governments and property owners claiming that it is too heavy-handed. The conflict escalated in 1998, when the CRC announced that it was considering draft rules to expand the area near inland shorelines where CAMA development controls apply, and to increase requirements for protection of buffers along

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Academic Programs

Department of City and Regional Planning, The University of North Carolina at Chapel Hill

The University of North Carolina at Chapel Hill's nationally respected Department of City and Regional Planning has been training planners since 1946. The department's David R. Godschalk is a member of the North Carolina Commission to Address Smart Growth, Growth Management, and Development Issues.

Web page: <http://www.unc.edu/depts/dcrpweb>

Contact: David R. Godschalk, telephone (919) 962-5012, e-mail dgod@email.unc.edu

Faculty profile: <http://www.unc.edu/depts/dcrpweb/facstaff/faculty.htm>

Institute of Government, The University of North Carolina at Chapel Hill

The Institute of Government (IOG) provides in-depth research and up-to-date reporting on issues of interest to North Carolina planners.

Web page (planning resources): <http://www.iog.unc.edu/organizations/planning/index.html>

Contacts: Richard Ducker, IOG liaison to NC APA (see next column), telephone (919) 966-4179, e-mail ducker@iogmail.iog.unc.edu; David Owens, IOG liaison to NC APA, telephone (919) 966-4208, e-mail owens@iogmail.iog.unc.edu

Undergraduate Programs Granting Planning Degrees Department of Geography and Planning, Appalachian State University

Web page: <http://www.geo.appstate.edu/academics/planning/planning.html>

Contact: Garry Cooper, telephone (828) 262-7051, e-mail coopergv@appstate.edu

Department of Planning, East Carolina University

Web page: <http://www.sit.ecu.edu>

Contact: Wes Hankins, telephone (252) 328-1270, e-mail hankinsw@mail.ecu.edu

Public Interest Groups and Professional Associations

Conservation Trust for North Carolina

The Conservation Trust is a statewide land trust. Its Web page provides links to other land trusts working to preserve open space and farmland.

Web page: <http://www.ctnc.org/ctnc/index2.html>

Contact: Charles Roe, executive director, telephone (919) 828-4199, e-mail info@ctnc.org

North Carolina Chapter of the American Planning Association (NC APA)

The NC APA provides information and networking resources for planners in North Carolina.

Web page: <http://www.nc-apa.org>

Contacts: Mike Avery, president, telephone (252) 636-4063, e-mail cn1296@abaco.coastalnet.com; David Knight, lobbyist, telephone (919) 788-9799, e-mail dwnknight@mindspring.com

North Carolina Smart Growth Alliance

The North Carolina Smart Growth Alliance is a diverse coalition of private and public organizations working to promote a smarter pattern of development in North Carolina. It focuses on inclusion, education, communication, and consensus building.

Web page: <http://www.ncsmartgrowth.org>

Contact: Rich Bell, executive director, telephone (919) 928-8700, e-mail ncsmartgrowth@mindspring.com

Save Our State

Save Our State is a group of more than 150 civic and corporate leaders that works to promote sustainable economic development.

Contact: Alan Briggs, director, telephone (919) 834-4891, e-mail alanb@sosnc.org

Sierra Club

The Sierra Club has made fighting urban sprawl one of its primary issues.

Web page (national organization): <http://www.sierraclub.org>

Contact: Mary Kiesau, Sprawl Watch Campaign, telephone (919) 833-8467, e-mail smartgrowth@sierraclub-nc.org

rivers and streams in the coastal counties. In response to intense and widespread protests from local governments, the CRC replaced this controversial proposal with a more modest one for protection of buffers and charged a panel of stakeholders with recommending more extensive measures for protection of water quality.

The panel completed its recommendations in July 1999.⁶ It expressed frustration that the state was expecting coastal communities to carry more than their fair share of the burden for protecting coastal water quality and recommended extension of requirements for riparian buffers and land-use planning upstream into noncoastal counties. A bill introduced in the 2000 General Assembly responded to this concern by requiring upstream local governments to prepare plans for protection of water quality.⁷ The General Assembly took no action on the bill, although the Studies Act of 2000 authorizes the Environmental Review Commission to study the stakeholders' report and make related recommendations to the 2001 General Assembly.⁸

Water Supply Watershed Protection Act

The Water Supply Watershed Protection Act, enacted by the General Assembly in 1989, limits the density of development in watersheds that drain into water supplies—that is, drinking-water reservoirs.⁹ The act requires local governments to adopt watershed protection programs that meet state standards. Rules to implement the act were adopted in 1992 by the Environmental Management Commission (EMC), the appointed body responsible for rule making for most environmental programs.¹⁰ To help local governments comply, the EMC adopted a model ordinance. Staff from the Division of Water Quality in the North Carolina Department of Environment and Natural Resources also provide technical assistance to local governments to help them implement the program. Protection of watersheds for water supplies may be achieved by limiting the density of development, requiring engineered controls for stormwater management (such as ponds to hold stormwater and strips of vegetation to filter it), or both.¹¹

Rules and Programs for Management of Stormwater

The intent of the state's stormwater management rules is to "achieve the water quality protection which low density development near sensitive waters provides."¹² The rules apply only to larger projects that may affect sensitive waters, and they require different controls for low- and high-density projects.¹³ For low-density projects, deed restrictions must ensure that the projects remain low-density. Also, there must be provision for transport of stormwater primarily along vegetated channels. For high-density projects, there must be engineered stormwater controls.

Rules for Protection of Riparian Buffers

In 1995 the discovery of five hundred thousand dead fish floating in the Neuse River provoked widespread concern about water quality. Learning that excessive nitrogen in the water contributed to the fish kill, the General Assembly established the goal of reducing nitrogen in the Neuse River by 30 percent by 2001.¹⁴

In 1997, to achieve this goal, the EMC established the Neuse Buffer Rule, which requires the maintenance of 50-foot-wide vegetated buffers along rivers and streams in the Neuse River Basin.¹⁵ An earlier draft of the rule required the establishment of new buffers where they did not exist, but the EMC backed away from this proposal in response to criticism that it would be too onerous for riverfront property owners. Instead, the EMC limited the scope of the rule to the protection of existing buffers.¹⁶

In 1997 a bill was introduced in the General Assembly to disapprove the Neuse Buffer Rule, but a group of stakeholders negotiated a compromise. The compromise left the rule's provisions for protection of water quality substantially intact, but it added a provision allowing property owners to take alternative steps (called "compensatory mitigation") when preservation of buffers is not practical.¹⁷

Temporary rules for buffer protection went into effect for the Tar-Pamlico River Basin on January 1, 2000. Similar rules are under development for the Catawba River Basin.¹⁸

Mountain Ridge Protection Act

The Mountain Ridge Protection Act, enacted in 1983, prohibits the construction of tall buildings on high mountain ridges. The act states that the construction of tall buildings on high-elevation ridges can cause "unusual problems and hazards" for residents and visitors, and notes that providing water to high-occupancy buildings at high elevations may infringe on the groundwater rights and endanger the health of those at lower elevations.¹⁹ The act also mentions fire hazards and states that tall structures on ridges detract from the natural beauty of the mountains. Local governments are authorized to enact ordinances to implement the act, but minimum state standards apply even when no ordinance has been enacted.

Conservation Trust Funds

State funds for the acquisition of open space and conservation easements include the Clean Water Management Trust Fund, the Parks and Recreation Trust Fund, the Natural Heritage Trust Fund, and the Farmland Preservation Trust Fund. (For a further discussion of conservation easements, see the article on page 42.)

The act that established the Clean Water Management Trust Fund authorized the expenditure of moneys from the fund for riparian buffer acquisition; acquisition of property and conservation easements to protect surface-water quality and urban drinking-water supplies; restoration of degraded lands to protect water quality; and repair or elimination of failing sewage and septic tank systems.²⁰ The act also provided that the fund would receive 6.5 percent of any unreserved credit balance remaining in the General Fund at the end of each fiscal year, or \$30 million, whichever is greater.²¹ In fiscal years 1996–97 through 1998–99, the total amount reserved for the fund was between \$45 million and \$50 million, and in fiscal year 1999–2000, it was \$30 million.

Revenue for the Parks and Recreation Trust Fund comes from 75 percent of the funds generated by the excise tax on land conveyances.²² The fund received \$24.4 million in the 1998–99 fiscal year and \$27.9 million in the 1999–2000 fiscal year.²³ The revenue must be disbursed as follows: 65 percent for the state parks

Construction of condominiums on Sugar Top Mountain in western North Carolina led to passage of the Mountain Ridge Protection Act.



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system; 30 percent to provide matching grants for local governments for parks and recreation purposes; and 5 percent for the state's Coastal and Estuarine Water Beach Access Program, which provides matching grants to local governments for low-cost projects to improve pedestrian access to beaches.²⁴

Revenue for the Natural Heritage Trust Fund comes from 25 percent of the same excise tax that funds the Parks and Recreation Trust Fund²⁵ and from a portion of the receipts from the sale of personalized license plates.²⁶ The fund received \$10.5 million in the 1998 calendar year and \$15.3 million in the 1999 calendar year.²⁷ Moneys may be used to acquire natural lands for conservation and outdoor recreation purposes and to conduct inventories of natural areas. Projects protecting outstanding ecologi-

cal and cultural resources receive the highest priority.²⁸

The Farmland Preservation Trust Fund was established in 1991 to provide funds for the purchase of conservation easements and the payment of costs to administer conservation easements that are donated.²⁹ No money was appropriated for the fund until the 1998-99 fiscal year, however, when it received an appropriation of \$250,000. The General Assembly then appropriated \$500,000 for the fund in the 1999-2000 fiscal year and \$1.7 million in the 2000-2001 fiscal year.

In May 2000, Governor James B. Hunt announced an initiative to preserve an additional one million acres of open space by 2010, primarily through increased support for existing conservation funds.³⁰ In June 2000 the General

Assembly approved a bill to codify this goal in the General Statutes.³¹ House and Senate members have stated that the funding to realize the goal is not likely to be forthcoming until the state's budget situation improves.³²

Conservation Easement Tax Credit

North Carolina's Conservation Easement Tax Credit, enacted in 1983, provides an income tax credit of up to 25 percent of the value of an easement donated for conservation.³³ The tax credit is nationally recognized as an innovative conservation incentive. In 1998 the General Assembly raised the maximum tax credit allowed for donating an easement from \$250,000 to \$500,000 for a corporation and from \$100,000 to \$250,000 for a person.³⁴ According to the Trust for Public Land, a national conservation group, use of the credit has been limited because no money has been allocated for promotion of it.³⁵

Brownfields Redevelopment

The state's Brownfields Property Reuse Act facilitates the reuse of old industrial sites by allowing a developer to use the property after doing a "less-than-pristine" cleanup without the threat of legal liability for remaining contamination, provided that the developer takes the measures needed to make the property "safe." These measures may include land-use restrictions on the property that are recorded in the deed to ensure that future owners do not use it in a less safe manner.³⁶ This exchange is called a Brownfields Agreement and is available only to prospective purchasers who are not responsible for the original contamination. The program has been criticized for the small number of Brownfields Agreements it has administered, although individual developers who have used the program have praised it. Program officials note that the General Assembly has never appropriated any money for the program.³⁷ All implementation costs for the program to date have been paid for with moneys from the federal government. A bill ratified in the 2000 regular session of the 1999 General Assembly will provide a temporary tax abatement for improvements to brownfields properties in order to encourage more use of the program.³⁸

Clean Water Revolving Loan and Grant Program

The Clean Water Revolving Loan and Grant Program gives bonus points to local governments that take steps toward enacting comprehensive land-use plans.³⁹ Although this is just one of many criteria used to evaluate grant applications under the program, these bonus points can give applicants higher priority on the funding list for assistance for water and sewer system upgrades. Economically distressed communities can obtain assistance in preparing comprehensive land-use plans from the Division of Community Assistance in the North Carolina Department of Commerce.

Basinwide Planning for Water Quality

One major state-led activity under way is basinwide planning for water quality, carried out by the Division of Water Quality in the Department of Environment and Natural Resources.⁴⁰ Basinwide planning involves both the analysis of water quality data and discussions with various stakeholders in the river basin. Although the plans themselves do not carry the force of law, they may be used by policy-making bodies at the state and local levels to develop rules for protection of water quality. The plans also are used to guide the allocation of resources by other programs, such as the Wetlands Restoration Program.⁴¹

Transportation Planning

Legislation approved by the General Assembly in May 2000 promotes regional transportation planning by authorizing the creation of voluntary rural planning organizations (RPOs).⁴² Unlike the existing metropolitan planning organizations (MPOs), which develop transportation plans and set funding priorities for transportation projects in their areas, the RPOs will not directly influence transportation spending. They will, however, provide a forum for regional cooperation in the development of rural transportation plans.

Another bill that passed in spring 2000 mandates the development of regional transportation strategies, although it does not require consolidation of the current MPOs.⁴³ (For a further discussion of transportation planning, see the article on page 52).

Measures Attempted in the Past

Other than CAMA, most of the legislation enacted in North Carolina has sought to alleviate some impacts of development rather than to control where it occurs. In the wake of CAMA's passage, however, attempts were made to enact similar planning requirements and development controls in other parts of the state. These included bills to manage mountain areas, introduced in 1974, 1975, and 1991, which never passed.⁴⁴ A notable bill that did pass was the Land Policy Act of 1974. Its intent was to

*undertake the continuing development and implementation of a State land-use policy, incorporating environmental, esthetic, economic, social, and other factors so as to promote the public interest, to preserve and enhance environmental quality, to protect areas of natural beauty and historic sites, to encourage beneficial economic development, and to protect and promote the public health, safety, and welfare.*⁴⁵

The act created the Land Policy Council as an advisory council to the governor and directed it to analyze existing policies affecting land use, establish a method for coordinating public programs affecting land use, and develop a state land-use policy and a state land-classification system.

The Land Policy Council submitted a report to the governor and the General Assembly in 1976.⁴⁶ In the area of growth management, the council recommended that the General Assembly enact legislation to require the development of state growth policy and to require counties and municipalities to prepare local land-classification plans expressing local growth policies. The council also recommended that the location of major public works projects be consistent with state, regional, and local policy objectives for development and land use. The land-classification system recommended by the council consisted of the following classes, which are similar to but less detailed than those currently used in the local land-use plans prepared pursuant to CAMA:

- Developed: existing urban areas
- Transition: land suitable for urban-

ization that is needed to accommodate the next ten years' growth

- Community: clustered rural development
- Rural: land used for farming, forestry, mining, and other low-intensity purposes
- Conservation: areas with significant natural, recreational, or scenic resources

Governor Hunt formally adopted the report by executive order in 1977,⁴⁷ but the General Assembly did not enact legislation to implement the report's recommendations. The Land Policy Council was abolished by the General Assembly in 1981 (although technically the Land Policy Act remains on the books).

Previous Study Commissions

In the early 1990s, the General Assembly established two commissions to study issues related to growth management, but neither one made any substantive recommendations to the General Assembly.

In 1991 the Legislative Research Commission (LRC) appointed a committee to study statewide comprehensive planning. After conducting public hearings around the state, the committee concluded that there was significant public interest in comprehensive planning in the state, but it did not have enough time to develop substantive legislation for the 1993 General Assembly.⁴⁸ On the committee's recommendation, however, in 1993 the LRC appointed a Partnership for Quality Growth Study Committee. This committee met only once because of the length of a special legislative session on crime and the 1994 regular session of the General Assembly. The single recommendation of the committee—that an independent study commission be established to study comprehensive planning and quality growth⁴⁹—was not enacted by the 1995 General Assembly.

The Current Study Commission

A provision in the 1999 budget bill created the Commission to Address Smart Growth, Growth Management, and Development Issues.⁵⁰ The commission is



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directed to study growth management, economic development, and workforce training and to recommend initiatives that will promote coordinated local, regional, and state planning. It consists of both legislative and nonlegislative members.

Among the specific items that the smart growth commission is to study are recent growth management laws passed in Maryland, Tennessee, and other states, as well as House Bill 1468, introduced by Representative Joe Hackney in 1999. A key feature of that bill is a provision that would authorize counties that adopt growth management plans to levy “impact taxes” on new development in order to pay for school construction (for a discussion of “impact fees,” see the article on page 29).

While the legislature was in session in summer 2000, working groups on specific topics met and studied existing policies that affect growth, and they discussed potential legislative initiatives.

The working groups were assigned to study the following topics:

- Community development and downtown revitalization
- Farm and open space preservation
- Regional partnerships
- Transportation

The full commission resumed meeting in fall 2000 and is developing recommendations to submit to the General Assembly in January 2001.

Conclusion

North Carolina leaders have been reluctant over the years to undertake measures that might be seen as imposing mandates on local government or infringing on private property rights. They have, however, demonstrated a willingness to require planning and to place restrictions on development in order to achieve specific, overriding goals, such as preserving

In the early 1990s, entrepreneurs transformed a contaminated scrapyard in Charlotte, North Carolina (left), into practice facilities for the Carolina Panthers (right). The agreement to reclaim this “brownfield” helped set the stage for enactment of North Carolina’s Brownfields Property Reuse Act of 1997.

the character of the coastal environment, preventing fish kills, or protecting drinking-water supplies. The history of past efforts suggests that any state-led growth management initiative in North Carolina must be linked to specific goals with clearly understood public benefits, not to a more general notion that statewide planning is a good idea. The current smart growth study commission is delving into the details of smart growth rather than focusing on the broader issue of statewide planning, as past study commissions did. As a consequence, the prospects for substantive legislative proposals to emerge and obtain approval may be greater than in the past.

Notes

1. See, for example, the Balanced Growth Policy Act [N.C. GEN. STAT. (hereinafter G.S.) ch. 143, art. 55A, which directed state agencies to facilitate economic development throughout the state and growth patterns that would support the maintenance of a dispersed population, and the William S. Lee Quality Jobs and Business Expansion Act (S.L. 1996-13; significant amendments in S.L. 1999-360), which established a number of tax incentives for industry.

2. The Sedimentation Pollution Control Act (G.S. 113A art. 4) also is important for the protection of water quality, but it requires measures to control sediment runoff during construction rather than influencing where development may occur.

3. CAMA is codified at G.S. 113A art. 7. The quote appears at G.S. 113A-201(a).

4. The Coastal Zone Management Act is codified at 16 U.S.C. ch. 33. Federal grants to states for administration of coastal management programs are provided for at 16 U.S.C. § 1455.

5. For a review of the history of the CAMA legislation before its passage, see Milton S. Heath, Jr., *A Legislative History of the Coastal Area Management Act*, 53 NORTH CAROLINA LAW REVIEW 345 (1974). For a review of challenges and amendments to CAMA, see Milton S. Heath, Jr., & David W. Owens, *Coastal Management Law in North Carolina: 1974-1994*, 72 NORTH CAROLINA LAW REVIEW 1413 (1994).

6. NORTH CAROLINA ESTUARINE SHORELINE PROTECTION STAKEHOLDERS, PROTECTING NORTH CAROLINA'S COASTAL RESOURCES: A FRAMEWORK FOR MAINTAINING AND IMPROVING WATER QUALITY (Raleigh: N.C. Dep't of Env't and Natural Resources, Div. of Coastal Management, Aug. 1999).

7. House Bill 1858, introduced in the 2000 regular session of the 1999 General Assembly.

8. Senate Bill 787, ratified July 13, 2000 (in the 2000 regular session of the 1999 General Assembly).

9. G.S. 143-214.5.

10. 15A NCAC 2B.0104. Additional information on the program is available on the Internet at <http://h2o.ehnr.state.nc.us/wswp/index.html>.

11. More information on the Water Supply Watershed Protection Program is available on the Internet at <http://h2o.ehnr.state.nc.us/wswp/index.html>.

12. The rules are codified at 15A NCAC 2H.1000. Statutory authority for the rules is provided in G.S. 143-214.7. The quotation appears at 15A NCAC 2H.1003.

13. The rules apply to projects that (1) require a "major development" permit under CAMA or a sedimentation and erosion control plan under the Sedimentation Pollution Control Act and (2) drain into waters classi-

fied by the EMC as "high quality waters" or "outstanding resource waters."

14. S.L. 1995-572.

15. 15A NCAC 2B.0233. Additional information on rules to protect riparian buffers is available on the Internet at <http://h2o.enr.state.nc.us/nps/neuse.htm>.

16. James Eli Schiffer, *Neuse Woodland Buffer Protections Now in Effect*, RALEIGH NEWS & OBSERVER, Jan. 22, 1998.

17. S.L. 1998-221. The provision for compensatory mitigation permits a person who can demonstrate no practical alternative to destroying a buffer, to pay a compensatory mitigation fee, provide for the establishment of a buffer elsewhere in the same river basin, or construct an alternative mechanism to reduce nutrient loading. Any such measure must provide water quality protection that is equal to or greater than the protection provided by the lost buffer. The first two alternatives were introduced by S.L. 1998-221, the third by S.L. 1999-448.

18. These temporary rules were authorized by the Clean Water Act of 1999 (S.L. 1999-329).

19. G.S. 113A art. 14. The quotation appears at G.S. 113A-207.

20. G.S. 113 art. 13A. The expenditures authorized from the fund are set out in G.S. 113A-143.5(c); the revenue source for the fund is set out in G.S. 143-15B(a).

21. S.L. 2000-67. The budget approved in 2000 appropriates \$30 million for the 2000-2001 fiscal year and provides that annual appropriations be increased in stages, leveling off at \$100 million a year starting in 2003.

22. G.S. 105-228.30.

23. Figures are from the North Carolina General Assembly, Fiscal Research Div.; N.C. DEP'T OF ENV'T AND NATURAL RESOURCES, DIV. OF PARKS AND RECREATION, NORTH CAROLINA PARKS AND RECREATION TRUST FUND: 1998-99 ANNUAL REPORT (Raleigh: Div. of Parks and Recreation, NCDENR, 1999).

24. G.S. 113-44.15.

25. G.S. 105-228.30.

26. G.S. 20-79.7.

27. DEWEY W. WELLS, CHAIRMAN, BOARD OF TRUSTEES, N.C. NATURAL HERITAGE TRUST, & BILL HOLMAN, SECRETARY, N.C. DEP'T OF ENV'T AND NATURAL RESOURCES, NORTH CAROLINA NATURAL HERITAGE TRUST: 1999 AWARD REPORT TO THE GOVERNOR AND GENERAL ASSEMBLY (Raleigh: NCDENR, 1999).

28. G.S. 113-77.7.

29. G.S. 106-744(c).

30. NORTH CAROLINA DEP'T OF ENV'T AND NATURAL RESOURCES, CONSERVING OPEN SPACE TODAY FOR THE CHILDREN OF TOMORROW: NC MILLION ACRE PLAN (Raleigh: NCDENR, Apr. 2000). The plan is available on the Internet at <http://www.enr.state.nc.us/million.htm>.

31. S.L. 2000-23.

32. These statements were made during the May 9, 2000, meeting of the ERC, which

recommended the proposal to the General Assembly, and during the May 30, 2000, meeting of the Senate Agriculture, Environment, and Natural Resources Committee, which gave the proposal (Senate Bill 1328) a favorable report.

33. G.S. 105-130.34; G.S. 105-151.12. For a further discussion of the tax credit, see Bonny A. Mollenbrock, *North Carolina's Conservation Tax-Credit Program*, POPULAR GOVERNMENT, Summer 1997, at 28. The article gave a brief history of the program and an overview of its initial implementation. It also recommended expansion of the program (which subsequently occurred).

34. S.L. 1998-212 § 29A.13.

35. The Trust for Public Land's profile of the conservation tax credit is available on the Internet at <http://www.tpl.org/tech/resources/northcarolina.html>.

36. G.S. 130A art. 9, pt. 5. For a further discussion of brownfields redevelopment, see Richard Whisnant, *Brownfields in a Green State*, POPULAR GOVERNMENT, Winter 1999, at 2.

37. This issue was discussed at the March 16, 2000, meeting of the ERC.

38. Senate Bill 1252, which was introduced in the 2000 regular session of the 1999 General Assembly and was ratified July 11, 2000.

39. G.S. 159G.

40. Statutory authority for basinwide planning for water quality is provided by G.S. 143-214.14. Additional information on the program is available on the Internet at <http://h2o.enr.state.nc.us/basinwide/index.html>.

41. Additional information on the wetlands program is available on the Internet at <http://h2o.enr.state.nc.us/wrp/index.htm>.

42. S.L. 2000-123.

43. S.L. 2000-80.

44. Senate Bill 951 was introduced in the 1973 General Assembly; House Bill 596 in the 1975 General Assembly; and House Bill 742 in the 1991 General Assembly.

45. The act is codified at G.S. 113A art. 9. The quotation appears at G.S. 113A-151(5)(b).

46. LAND POLICY COUNCIL, A LAND RESOURCES PROGRAM FOR NORTH CAROLINA (Raleigh, N.C.: Office of State Planning, Dec. 1976).

47. Executive Order No. 2, signed by Governor James B. Hunt on Feb. 4, 1977, published in 1977 N.C. Sess. Laws.

48. NORTH CAROLINA GENERAL ASSEMBLY, LEGISLATIVE RESEARCH COMMISSION, STATEWIDE COMPREHENSIVE PLANNING COMMITTEE: REPORT TO THE 1993 GENERAL ASSEMBLY OF NORTH CAROLINA 1, 4 (Raleigh: NCGA, Jan. 15, 1993).

49. NORTH CAROLINA GENERAL ASSEMBLY, LEGISLATIVE RESEARCH COMMISSION, PARTNERSHIP FOR QUALITY GROWTH STUDY COMMITTEE: REPORT TO THE 1995 GENERAL ASSEMBLY (Raleigh: NCGA, Jan. 11, 1995).

50. S.L. 1999-237 § 16.7.