

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 186
Committee Substitute Favorable 4/16/15
Senate Agriculture/Environment/Natural Resources Committee Substitute Adopted
7/15/15
Fourth Edition Engrossed 7/20/15

Short Title: Cape Fear Water Resources Availability Study.

(Public)

Sponsors:

Referred to:

March 11, 2015

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE ENVIRONMENTAL REVIEW COMMISSION TO
CONDUCT A STUDY OF WATER RESOURCES AVAILABILITY IN THE CAPE
FEAR RIVER BASIN AND TO PERMIT THE RULES REVIEW COMMISSION TO
RETAIN PRIVATE COUNSEL UNDER CERTAIN CIRCUMSTANCES.

The General Assembly of North Carolina enacts:

SECTION 1. The Environmental Review Commission, with the assistance of the Department of Environment and Natural Resources, shall study the aggregate uses of groundwater and surface water in or affecting the Cape Fear River Basin by all users, including, but not limited to, public water systems, industrial facilities, and agricultural operations. The study shall include all of the following elements: (i) a summary of the current and 50-year projected water-use demands along with the available water supplies for those portions of Alamance, Bladen, Brunswick, Caswell, Chatham, Columbus, Cumberland, Duplin, Durham, Guilford, Harnett, Hoke, Lee, Moore, New Hanover, Onslow, Orange, Pender, Randolph, Richmond, Robeson, Rockingham, Sampson, Scotland, and Wake counties within the Cape Fear River Basin; (ii) an evaluation of the adequacy of currently available supplies to meet the expected long-term needs for all water demands, including the identification of those areas of the basin that do not have a sustainable long-term water supply for the anticipated growth of that area; (iii) the identification of potential conflicts among the various users and recommendations for developing and enhancing coordination among users and groups of users in order to avoid or minimize those conflicts; and (iv) an enhanced review of the portions of the Cape Fear River Basin within Brunswick, New Hanover, and Pender counties addressing the increased demands on groundwater and limited surface water options in that area.

All the information and any analytical tools, such as models, employed in the conduct of the study shall be made available electronically for public review and use on the Web site of the Department's Division of Water Resources.

The Environmental Review Commission may submit an interim report to the 2016 Regular Session of the 2015 General Assembly and shall submit a final report of its findings and recommendations, including any legislative proposals, to the 2017 General Assembly.

SECTION 2. G.S. 143B-30.1 is amended by adding a new subsection to read:

"(g) In the discretion of the Commission, G.S. 114-2.3 and G.S. 147-17(a) through (c) shall not apply to the Commission if the Commission is being sued by another agency, institution, department, bureau, board, or commission of the State, whether such body is created



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1 by the Constitution or by statute. The chairman, upon approval of a majority of the
2 Commission, may retain private counsel to represent the Commission to be paid with available
3 State funds to defend such litigation either independently or in cooperation with the
4 Department of Justice. If private counsel is to be so retained to represent the Commission, the
5 chairman shall designate lead counsel who shall possess final decision-making authority with
6 respect to the representation, counsel, or service for the Commission. Other counsel for the
7 Commission shall, consistent with the Rules of Professional Conduct, cooperate with such
8 designated lead counsel."

9 **SECTION 3.** This act is effective when it becomes law.