

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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SENATE DRS35169-LD-42B (02/24)

Short Title: Enlarge State Park Addition in Cumberland.

(Public)

Sponsors: Senator Shaw.

Referred to:

A BILL TO BE ENTITLED

1
2 AN ACT TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL
3 RESOURCES TO ENLARGE THE CARVERS CREEK SANDHILLS AREA
4 BEING CONSIDERED AS A POTENTIAL STATE PARK TO INCLUDE
5 ADJOINING PROPERTY ON THE CAPE FEAR RIVER AND TO CONSTRUCT
6 AND ESTABLISH A DAM AND RESERVOIR ON THIS PROPERTY TO
7 SERVE AS A REGIONAL WATER SUPPLY.

8 Whereas, the Cape Fear River is one of the 20 most polluted rivers in the
9 United States; and

10 Whereas, Section 5 of Article XIV of the North Carolina Constitution states
11 that it shall be a proper function of the State of North Carolina to acquire and preserve
12 park, recreational, and scenic areas and, in every other appropriate way, to preserve as a
13 part of the common heritage of this State its open lands and places of beauty; and

14 Whereas, the General Assembly enacted the State Parks Act in 1987,
15 declaring that the State of North Carolina offers unique archaeological, geological,
16 biological, scenic, and recreational resources and that these resources are part of the
17 heritage of the people of this State to be preserved and managed by those people for
18 their use and for the use of their visitors and descendants; and

19 Whereas, the Department of Environment and Natural Resources has
20 identified a parcel of land located at the eastern edge of the Sandhills region just north
21 of Fayetteville and east of Fort Bragg, the Carvers Creek Sandhills area, as a potential
22 addition to the State Parks System; and

23 Whereas, the area on the Cape Fear River in Cumberland County adjoining
24 the Carvers Creek Sandhills area contains examples of outstanding scenic beauty and
25 has been found to possess biological, scenic, and recreational resources of statewide
26 significance; and

1 Whereas, developing a State park in Cumberland County and constructing a
2 dam and reservoir in the State park on the Cape Fear River would provide outstanding
3 opportunities for recreation to the public; and

4 Whereas, the area currently under consideration by the Department of
5 Environment and Natural Resources for a potential State park should be enlarged from
6 the Carvers Creek Sandhills area to include a larger area on the Cape Fear River in
7 Cumberland County; and

8 Whereas, the Department of Environment and Natural Resources should
9 include plans for constructing a dam and a reservoir on the Cape Fear River in this
10 enlarged area in Cumberland County in order to provide a regional water supply for Fort
11 Bragg and Pope Air Force Base and the surrounding area; and

12 Whereas, the area on the Cape Fear River for the dam and reservoir is
13 suitable for the development of a regional water supply system from the standpoint of
14 present and projected populations of Fort Bragg and Pope Air Force Base and the
15 surrounding area; and

16 Whereas, a dam and a reservoir on the Cape Fear River in Cumberland
17 County will improve water quality, support aquatic life, and provide a much-needed
18 regional public drinking water supply, thereby attracting needed business and industry
19 to the area; Now, therefore,

20 The General Assembly of North Carolina enacts:

21 **SECTION 1.** The Department of Environment and Natural Resources shall
22 enlarge the Carvers Creek Sandhills area that the Department is currently considering as
23 a potential State park to add to the State Parks System to include adjoining property
24 located on the Cape Fear River in Cumberland County.

25 **SECTION 2.** The General Assembly makes the following findings regarding
26 the desirability of constructing and establishing a dam and reservoir on the Cape Fear
27 River for a regional water supply in the enlarged area to be included in the State park
28 addition under Section 1 of this act:

- 29 (1) The enlarged area is suitable for the development of a regional water
30 supply system from the standpoint of present and projected
31 populations of Fort Bragg and Pope Air Force Base and the
32 surrounding area.
- 33 (2) Establishing a dam and reservoir in this area would significantly
34 enhance and conserve water quality in the Cape Fear River and in the
35 area.
- 36 (3) Establishing a dam and reservoir in this area would further the
37 objectives of the basinwide management plans for the Cape Fear River
38 Basin and watershed.
- 39 (4) Establishing a dam and reservoir in this area would preserve resources
40 with significant recreational or economic value and uses.
- 41 (6) Establishing a dam and reservoir in this area would add to the
42 development of a network of riparian buffer greenways bordering the
43 Cape Fear River in the State park that would serve environmental,
44 educational, and recreational uses.

1 **SECTION 3.** The Department of Environment and Natural Resources shall
2 construct and establish a dam and reservoir on the Cape Fear River in the enlarged area
3 for the purpose of establishing a regional water supply in the new State park to provide
4 water for Fort Bragg and Pope Air Force Base and the surrounding area. The
5 Department of Environment and Natural Resources shall include the construction and
6 establishment of a dam and reservoir for a regional water supply in its plans for the
7 addition to the State Parks System consistent with Section 1 of this act.

8 **SECTION 4.** The Division of Parks and Recreation of the Department of
9 Environment and Natural Resources shall provide for an engineer to determine the
10 blueprint that specifies the boundaries of the enlarged area under Section 1 of this act,
11 and this blueprint shall be considered in the planning process for the addition to the
12 State parks system that encompasses the Carvers Creek Sandhills area.

13 **SECTION 5.** The Department of Environment and Natural Resources shall
14 purchase additional land consistent with the blueprint developed under Section 4 of this
15 act.

16 **SECTION 6.** To fund the purchase of land and to construct a dam and
17 reservoir to be used as a regional water supply under this act, the Department of
18 Environment and Natural Resources shall request the North Carolina Congressional
19 Delegation to apply to the Congress of the United States for appropriations for this
20 water resources development project, and the Department shall seek funding from the
21 following sources:

- 22 (1) Funds from the Regional Water Supply Planning Revolving Fund
23 established in G.S. 162A-24 for advances to meet the cost of advance
24 planning and engineering work necessary for the development of a
25 comprehensive plan for the regional water supply system under
26 Section 3 of this act and for any other purposes that the project is
27 eligible to receive under G.S. 162A-24.
- 28 (2) Grants from the Clean Water Management Trust Fund under Article
29 13A of Chapter 113 of the General Statutes.
- 30 (3) Funds available to the Department for water resources development
31 projects.

32 **SECTION 7.** This act becomes effective July 1, 2005.