

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013**

**SESSION LAW 2013-138
HOUSE BILL 707**

AN ACT TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO PURSUE VARIOUS STRATEGIES TO ENSURE THAT THE STATE'S SHALLOW DRAFT NAVIGATION CHANNELS ARE SAFE AND NAVIGABLE AND TO CREATE THE OREGON INLET LAND ACQUISITION TASK FORCE.

The General Assembly of North Carolina enacts:

SECTION 1. For purposes of this act, the following definitions apply:

- (1) "Department" means the Department of Environment and Natural Resources.
- (2) "Corps" means the United States Army Corps of Engineers.
- (3) "Shallow draft navigation channel" means (i) a waterway connection with a maximum depth of 16 feet between the Atlantic Ocean and a bay or the Atlantic Intracoastal Waterway, (ii) a river entrance to the Atlantic Ocean through which tidal and other currents flow, or (iii) other interior coastal waterways. "Shallow draft navigation channel" includes the Atlantic Intracoastal Waterway and its side channels, Beaufort Harbor, Bogue Inlet, Carolina Beach Inlet, the channel from Back Sound to Lookout Back, channels connected to federal navigation channels, Lockwoods Folly River, Manteo/Shallowbag Bay, including Oregon Inlet, Masonboro Inlet, New River, New Topsail Inlet, Rodanthe, Rollinson, Shallotte River, Silver Lake Harbor, and the waterway connecting Pamlico Sound and Beaufort Harbor.

SECTION 2. The Department shall take all of the following steps in order to ensure that the State's shallow draft navigation channels are safe and navigable:

- (1) The Department shall utilize long-term agreements with Corps to maintain the dredging of the State's shallow draft navigation channels to depths authorized on the date this act becomes law.
- (2) The Department shall assist local governments in their pursuit of general permit authorizations from the Corps to allow the local governments to dredge shallow draft navigation channels to depths and according to project designs authorized on the date this act becomes law.
- (3) The Department shall assist local governments in their pursuit of individual permits under the State Coastal Area Management Act permits issued by the Corps to allow the dredging of shallow draft navigation channels to depths greater than authorized on the date this act becomes law and to allow the placement of dredged materials on beaches.

SECTION 3.1. There is hereby created the Oregon Inlet Land Acquisition Task Force for the purpose of determining, reviewing, and considering the State's options for acquiring the federal government's right, title, and interest in Oregon Inlet and the real property adjacent thereto, including submerged lands. A more particular description of the property to be acquired is provided in Section 3.8 of this act. Acquiring the property described in Section 3.8 of this act will allow the State to preserve Oregon Inlet and to develop long-term management solutions for preserving and enhancing the navigability of Oregon Inlet, which is both a critical transportation corridor and a critical source of commerce for the State's Outer Banks. The Task Force shall have duties including the following:

- (1) Consulting with the State Property Office and agencies and departments of the federal government, including the United States Department of Fish and Wildlife, United States National Park Service, Congressional Budget Office,



- and members of the North Carolina congressional delegation to establish the monetary value of Oregon Inlet and the real property adjacent thereto.
- (2) Determining whether and to what degree the federal government will sell to the State Oregon Inlet and the real property adjacent thereto or exchange the property for State-owned real property. If the federal government expresses a willingness to exchange the property for State-owned property, the Task Force shall determine the identity of the State-owned property and the monetary value of the property.
 - (3) Exploring any and all options for acquiring Oregon Inlet and the real property adjacent thereto, including condemnation of the coastal lands conveyed to the federal government in a deed dated August 7, 1958, and recorded September 3, 1958, in the Dare County Registry of Deeds.
 - (4) Considering any other issues deemed relevant by the Task Force that are related to the acquisition of Oregon Inlet and the real property adjacent thereto.

SECTION 3.2. The Task Force shall consist of the following 13 members:

- (1) The Governor or the Governor's designee, who shall be chair.
- (2) The Commissioner of Agriculture and Consumer Services or the Commissioner's designee.
- (3) The Secretary of the Department of Administration or the Secretary's designee.
- (4) The Secretary of the Department of Commerce or the Secretary's designee.
- (5) The Secretary of the Department of Environment and Natural Resources or the Secretary's designee.
- (6) The Secretary of the Department of Public Safety or the Secretary's designee.
- (7) The Secretary of the Department of Transportation or the Secretary's designee.
- (8) The Attorney General or the Attorney General's designee.
- (9) Two members of the Senate appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate.
- (10) Two members of the House of Representatives appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives.
- (11) The chair of the Dare County Board of Commissioners or the chair's designee.

SECTION 3.3. The terms of the members appointed under Section 3.2 of this act shall commence on July 1, 2013. A vacancy on the Task Force shall be filled by the Governor, except that a vacancy in an appointment by the General Assembly shall be filled by the original appointing authority.

SECTION 3.4. The Task Force shall meet at the call of the Governor. All members of the Task Force are voting members. A majority of the members of the Task Force constitutes a quorum.

SECTION 3.5. Members of the Task Force shall receive no compensation for their service, but may receive per diem, travel, and subsistence allowances in accordance with G.S. 120-3.1, 138-5, and 138-6, as appropriate. No State funds shall be appropriated to the Task Force or to any State agency or department for the Task Force.

SECTION 3.6. The Department of Commerce shall provide staff to the Task Force. All State agencies and departments shall provide assistance to the Task Force upon request.

SECTION 3.7. By May 1, 2014, the Task Force shall submit a report detailing its findings and recommendations to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the General Assembly. The Task Force shall terminate upon the filing of the report required by this section.

SECTION 3.8. The federally owned property to be acquired by the State shall include all of the federal government's right, title, and interest in the real property, including submerged lands, located within the area described by connecting the following latitude and longitude points:

Latitude:

Longitude:

35.78867341400 -75.53323291600
35.78099563900 -75.52953510600
35.78178528500 -75.52513394400
35.78141354400 -75.52334019100
35.77887390700 -75.52025162500
35.77857436500 -75.51969654900
35.77781290800 -75.51900873900
35.77734893400 -75.51884305500
35.77110009400 -75.51641608800
35.76633568000 -75.51356516200
35.76116258500 -75.51036495800
35.75751496100 -75.50801176500
35.75608651600 -75.51228522200
35.75777480300 -75.51379949200
35.75860596900 -75.51451482100
35.75960484700 -75.51540263600
35.76100041400 -75.51665469900
35.76117351400 -75.51681019600
35.76212525300 -75.51767780700
35.76287562800 -75.51836186100
35.76316770200 -75.51862812200
35.76381492400 -75.51921814800
35.76415098700 -75.51955669900
35.76445468400 -75.51995078300
35.76485826900 -75.52059025200
35.76505577400 -75.52094720300
35.76528160600 -75.52142243500
35.76548548000 -75.52198988800
35.76556574300 -75.52341266800
35.76566877400 -75.52523906000
35.76454632200 -75.52902085700
35.76357138700 -75.53246190700
35.76337226200 -75.53339199600
35.76333441200 -75.53364756500
35.76332909000 -75.53390886900
35.76335819500 -75.53458675100
35.76341367100 -75.53498008200
35.76354478800 -75.53535025300
35.76361737400 -75.53547511500
35.76383009500 -75.53584104000
35.76425804000 -75.53655388200
35.76471137600 -75.53740653000
35.76502225800 -75.53875413900
35.76521060100 -75.54081681300
35.76523404100 -75.54194712400
35.76525043500 -75.54273769600
35.76526768700 -75.54353888100
35.76532715800 -75.54394387700
35.76541340600 -75.54428520100
35.76550080400 -75.54463107400
35.76577010000 -75.54534161500
35.76597248500 -75.54579049600
35.76632062300 -75.54620555000
35.76655164400 -75.54635947100
35.76725670200 -75.54660003000
35.76764041200 -75.54670534600
35.76795847900 -75.54670661900
35.77077784300 -75.54629895400
35.77115918300 -75.54624921300

35.77148150500 -75.54619720600
35.77234520600 -75.54605784500
35.77377517700 -75.54582711000
35.77469339200 -75.54566942900
35.77590248800 -75.54531166000
35.77673545200 -75.54571296000
35.77711645600 -75.54582301200
35.77742981800 -75.54581293600
35.77771608200 -75.54572387500
35.77791539100 -75.54559449800
35.77810904100 -75.54546879500
35.77904847600 -75.54478184500
35.77912430900 -75.54486803600
35.77981427400 -75.54534862400
35.78042966800 -75.54567367500
35.78135818100 -75.54600030500
35.78175635200 -75.54606539500
35.78221194600 -75.54612839200
35.78279713100 -75.54636296300
35.78378882800 -75.54668308800
35.78766932400 -75.54709605000
35.79082109200 -75.54691243300
35.79820587700 -75.54665906000
35.79859286600 -75.54249624600
35.80046065100 -75.53877586500
35.79408521600 -75.53252823100
35.79248815800 -75.53183764800
35.79151104100 -75.53197071600
35.78867341400 -75.53323291600
35.76886839300 -75.52536743000
35.76724598100 -75.52438052100
35.76805629700 -75.52240411900
35.76966632600 -75.52339266000
35.76886839300 -75.52536743000.

SECTION 4. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 13th day of June,
2013.

s/ Daniel J. Forest
President of the Senate

s/ Thom Tillis
Speaker of the House of Representatives

s/ Pat McCrory
Governor

Approved 4:24 p.m. this 19th day of June, 2013