

Session Law 2014-100

OREGON INLET

SECTION 14.7.(a) Acquisition Agreement. – Notwithstanding Chapter 146 of the General Statutes or any other provision of law, the Department of Administration, on behalf of the State, shall seek to initiate negotiations with the appropriate agency of the federal government for an agreement to acquire the federally owned property described in subsection (f) of this section from the federal government in exchange for State-owned real property.

SECTION 14.7.(b) Terms. – The Secretary of the Department of Administration shall have the authority to negotiate the terms of the acquisition agreement. The agreement (i) shall provide for the acquisition of interests in real property described in subsection (h) of this section and no other; (ii) shall provide that the conveyances described in the agreement become effective as soon as practicable; and (iii) shall incorporate the relevant terms of this act.

SECTION 14.7.(c) Execution of Deeds. – Within 30 days of the acquisition becoming effective, the Attorney General shall execute any documents or deeds necessary to effectuate the acquisition under the exact terms set forth in the acquisition agreement. All State agencies and officials shall cooperate to the fullest extent possible in effectuating the acquisition agreement.

SECTION 14.7.(d) Reporting. – Within 30 days after an agreement is entered into pursuant to this section, the Secretary of the Department of Administration shall report to the Joint Legislative Commission on Governmental Operations on the terms of the agreement.

SECTION 14.7.(e) Creation of Oregon Inlet State Park. – If the real property described in subsection (h) of this section is acquired by the State, then together with any other real property owned by the State within the area described in subsection (f) of this section, the General Assembly authorizes the Department of Environment and Natural Resources to add Oregon Inlet State Park, which shall consist of at least these properties, to the State Parks System as provided in G.S. 113-44.14(b).

SECTION 14.7.(f) Federal Property to Be Conveyed. – The federally owned property to be conveyed shall include all of the federal government's right, title, and interest in (i) some or all of the subaerial real property located within the area described by connecting the following latitude and longitude points and (ii) all of the submerged real property located within the area described by connecting the following latitude and longitude points:

<u>Latitude:</u>	<u>Longitude:</u>
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 14.7.(g) Condemnation Authority. – On July 1, 2015, the Department of Administration shall, in accordance with applicable law and terms reserved in any relevant deeds, commence condemnation proceedings on all federally owned property that are necessary to manage existing and future transportation corridors on the Outer Banks, as determined pursuant to subsection (h) of this section. The Department of Administration shall report the commencement of condemnation proceedings to the General Assembly, as follows:

- (1) If the General Assembly is in session, the Department shall report to the chairs of the House of Representatives Appropriations Committee, the chairs of the Senate Appropriations Committee, and the Fiscal Research Division.
- (2) If the General Assembly is not in session, the Department shall report to the chairs of the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division.

SECTION 14.7.(h) Identification of Outer Banks Transportation Corridor. – No later than November 30, 2014, the Department of Transportation shall identify federally owned property that is necessary to construct or to manage existing and future transportation corridors on the Outer Banks and shall report this information to the chairs of the Joint Legislative Transportation Oversight Committee, to the Secretary of the Department of Administration, and to the Fiscal Research Division.

SECTION 14.7.(i) G.S. 166A-19.30(a) reads as rewritten:

"§ 166A-19.30. Additional powers of the Governor during state of emergency.

(a) In addition to any other powers conferred upon the Governor by law, during a gubernatorially or legislatively declared state of emergency, the Governor shall have the following powers:

- (1) To utilize all available State resources as reasonably necessary to cope with an emergency, including the transfer and direction of personnel or functions of State agencies or units thereof for the purpose of performing or facilitating emergency services.
- (2) To take such action and give such directions to State and local law enforcement officers and agencies as may be reasonable and necessary for the purpose of securing compliance with the provisions of this Article and with the orders, rules, and regulations made pursuant thereto.

- (3) To take steps to assure that measures, including the installation of public utilities, are taken when necessary to qualify for temporary housing assistance from the federal government when that assistance is required to protect the public health, welfare, and safety.
- (4) Subject to the provisions of the State Constitution to relieve any public official having administrative responsibilities under this Article of such responsibilities for willful failure to obey an order, rule, or regulation adopted pursuant to this Article.
- (5) Through issuance of an executive order to waive requirements for an environmental document or permit issued under Articles 1, 4, and 7 of Chapter 113A of the General Statutes for the repair, protection, safety enhancement, or replacement of a component of the State highway system that provides the sole road access to an incorporated municipality or an unincorporated inhabited area bordering the Atlantic Ocean or any coastal sound where bridge or road conditions as a result of the events leading to the declaration of the state of emergency pose a substantial risk to public health, safety, or welfare. The executive order shall list the duration of the waiver and the activities to which the waiver applies. For purposes of this subdivision, "coastal sound" shall have the definition set forth in G.S. 113A-103, and "replacement" shall not be interpreted to exclude a replacement that increases size or capacity or that is located in a different location than the component that is replaced."

SECTION 14.7.(j) G.S. 113A-12 is amended by adding a new subdivision to read:

"(7) The issuance of an executive order under G.S. 166A-19.30(a)(5) waiving the requirement for an environmental document."

SECTION 14.7.(k) G.S. 113A-52.01 reads as rewritten:

"§ 113A-52.01. Applicability of this Article.

This Article shall not apply to the following land-disturbing activities:

- (4) For the duration of an emergency, activities essential to protect human ~~life-life~~, including activities specified in an executive order issued under G.S. 166A-19.30(a)(5)."

SECTION 14.7.(l) G.S. 113A-103(5)b.1. reads as rewritten:

"§ 113A-103. Definitions.

As used in this Article:

- (5) a. "Development" means any activity in a duly designated area of environmental concern (except as provided in paragraph b of this subdivision) involving, requiring, or consisting of the construction or enlargement of a structure; excavation; dredging; filling; dumping; removal of clay, silt, sand, gravel or minerals; bulkheading, driving of pilings; clearing or alteration of land as an adjunct of construction; alteration or removal of sand dunes; alteration of the shore, bank, or bottom of the Atlantic Ocean or any sound, bay, river, creek, stream, lake, or canal; or placement of a floating structure in an area of environmental concern identified in G.S. 113A-113(b)(2) or (b)(5).
- b. The following activities including the normal and incidental operations associated therewith shall not be deemed to be development under this section:
 1. Work by a highway or road agency for the maintenance of an existing road, if the work is carried out on land within the boundaries of the existing ~~right-of-way; right-of-way, or for~~ emergency repairs and safety enhancements of an existing road as described in an executive order issued under G.S. 166A-19.30(a)(5)."

SECTION 14.7.(m) Notwithstanding the provisions of Chapter 146 of the General Statutes, Article 9A of Chapter 113A of the General Statutes, or any other provision of law, neither the Governor nor the Council of State shall be required to approve any conveyance, exchange, or condemnation made pursuant to this section. Notwithstanding any other provision of law, consultation with or reporting to the Joint Legislative Commission on Governmental Operations shall not be required prior to the conveyance, exchange, or condemnation, except as set forth in subsection (h) of this section.