

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

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BILL DRAFT 2007-RIz-16 [v.8] (05/14)

**(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
5/19/2008 10:21:45 AM**

Short Title: Limit condemnation of conservation esmts.

(Public)

Sponsors: .

Referred to:

A BILL TO BE ENTITLED

AN ACT TO LIMIT THE CONDEMNATION OF LAND PROTECTED THROUGH
A CONSERVATION EASEMENT, AS RECOMMENDED BY THE
ENVIRONMENTAL REVIEW COMMISSION.

Whereas, North Carolina is losing natural areas, historic sites, and
agricultural and forestry lands at a rate of over 100,000 acres per year; and

Whereas, North Carolina's waters, open lands, and historic properties are
critical to our State's economic future and quality of life; and

Whereas, G.S. 113A-241(a) provides, "The State of North Carolina shall
encourage, facilitate, plan, coordinate, and support appropriate federal, State, local, and
private land protection efforts so that an additional one million acres of farmland, open
space, and conservation lands in the State are permanently protected by December 31,
2009."; and

Whereas, as stated in Section 5 of Article XIV of the Constitution of North
Carolina, it is the policy of this State to conserve and protect its lands and waters for the
benefit of all its citizenry; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. Article 16 of Chapter 113A of the General Statutes is amended
by adding a new section- to read:

§ 113A-236. Condemnation of land protected through conservation easements.

Whenever the State, a State agency, a political subdivision of the State, or any other
public or private entity that is authorized to exercise the power of eminent domain under
the General Statutes seeks to condemn land protected through a conservation easement,
including a conservation agreement as provided under Article 4 of Chapter 121 of the
General Statutes, or a conservation easement enrolled under the federal Conservation
Reserve Enhancement Program authorized by 16 U.S.C. Chapter 58, the entity shall
forward a detailed statement concerning the proposed condemnation action to the

Governor for review and final decision by him or by any agency the Governor may designate. The detailed statement shall include a copy of the conservation agreement or conservation easement that encumbers the land sought to be condemned and a description of all of the following:

(1) The project for which condemnation of the land is sought.

(2) The environmental impact of the proposed action.

(3) Any significant adverse environmental effects which cannot be avoided should the proposal be implemented.

(4) Mitigation measures proposed to minimize the impact.

(5) Alternatives to the proposed action.

(6) Any irreversible and irretrievable environmental changes which would be involved in the proposed action should it be implemented."

SECTION 2. This act is effective when it becomes law and applies to any condemnation proceeding initiated on or after the effective date of this act.