

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2005**

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**SENATE BILL 950**

Short Title: Enlarge State Park Addition in Cumberland.

(Public)

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Sponsors: Senator Shaw.

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Referred to: Agriculture/Environment/Natural Resources.

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March 24, 2005

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

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

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

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

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

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

17 The General Assembly of North Carolina enacts:

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

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

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

42           **SECTION 3.** The Department of Environment and Natural Resources shall  
43 construct and establish a dam and reservoir on the Cape Fear River in the enlarged area  
44 for the purpose of establishing a regional water supply in the new State park to provide

1 water for Fort Bragg and Pope Air Force Base and the surrounding area. The  
2 Department of Environment and Natural Resources shall include the construction and  
3 establishment of a dam and reservoir for a regional water supply in its plans for the  
4 addition to the State Parks System consistent with Section 1 of this act.

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

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

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

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

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