

State of North Carolina

James B. Hunt, Jr.

Governor

EXECUTIVE ORDER 96

Conservation of Prime Agricultural and Forest Lands

WHEREAS, it is the policy of the State of North Carolina as set forth in N.C.G.S. 139-1, et seq., 106-583 and 113A-3, to provide for the conservation of soil to promote the efficient production and utilization of the products of the soil as essential to the health and economic well-being of its citizens, and to conserve and protect natural resources; and

WHEREAS, prime agricultural and forest lands are being converted to urban, commercial, industrial, transportation and water impoundment uses at a rate in excess of 36,000 acres per year; and

WHEREAS, the conversion of prime lands to irreversible non-farm uses may ultimately reduce food and fiber production capacity, thus forcing a reliance on marginally productive lands that would result in greater soil erosion, higher energy and fertilizer requirements and increased environmental damage; and

WHEREAS, the public investment policies and actions of State agencies and instrumentalities contribute significantly to the conversion of prime agricultural and forest lands, when there may be alternatives available that are less destructive to our best lands; and

WHEREAS, the State seeks to support and assist compliance with the Farmland Protection Policy Act adopted by the United States Congress on December 22, 1981;

NOW, THEREFORE, IT IS HEREBY ORDERED:

Section 1. (A) It shall be State policy that farm and timber production are the highest priority uses of prime agricultural and forest land.

(B) All State agencies, as defined in N.C.G.S. 143B-3, under the jurisdiction of the Governor shall ensure that actions taken by those agencies will minimize the loss of prime agricultural and forest lands. As used herein, "agency" shall refer to an agency under the jurisdiction of the Governor.

(C) As used herein, the term "actions" shall mean all public investments and land acquisitions by the State.

(D) As used herein, the term "prime agricultural and forest land" shall mean those lands, as defined in the federal Farmland Protection Policy Act, which possess the best combination of physical and chemical characteristics for producing food, feed, fiber (including forest products), forage, oilseed, and other agricultural products (including livestock), without intolerable soil erosion. This policy does not apply to lands which are already in or committed to development projects such as water impoundment, transportation, and urban development.

Section 2. (A) To these ends I direct the following steps be taken:

1. The Secretary of the Department of Natural Resources and Community Development is hereby designated as the agent principally responsible for carrying out this directive. the Secretary shall review the actions of other State

agencies and advise the Governor when it appears that any such action does not comply with the interest of this directive with respect to the conservation of prime agricultural and forest lands. The Secretary, in consultation with the Secretary of the Department of Administration, may establish such procedures as it deemed appropriate to ensure the timely cooperation of such other State agencies. All procedures shall, to the maximum extent possible, adhere to the state clearinghouse intergovernmental review process.

2. The Soil and Water Conservation Commission shall have the coordination responsibility for the program of conservation of agricultural and forest lands to be established by this Order.

3. The Commission, in cooperation with the Secretary and appropriate Federal, State and local agencies, shall develop, implement, and publicize the program.

(B) The Soil and Water Conservation Commission shall:

1. Seek the participation and support of each soil and water conservation district in North Carolina in carrying out this program.

2. Work closely with each district to develop a map of prime agricultural and forest lands within the district. The districts shall authenticate the county maps and shall work with the Commission to provide for the distribution of copies of each county's maps to appropriate public officials. The Secretary of Transportation, the Secretary of Administration, and the Chairman of the North Carolina Utilities Commission shall receive copies of the maps for each county.

3. Assist each district board of supervisors in developing local procedures for:

a. The identification of proposed State actions subject to review by the local board;

b. The review process to determine if proposed State actions will have significant adverse effect on prime agricultural and forest lands in the district; and

c. The reporting of findings by the local board to include recommendations of feasible and prudent alternatives to the proposed State actions, when appropriate.

(C) Agencies under the jurisdiction of the Governor will provide sufficient information and incorporate the district review process into their normal review procedures consistent with this Executive Order. The review process must be completed and its outcome reported within 60 days after notice is mailed to the district board. If an agency has not received a report from the district board or commission within 60 days, the agency may proceed without such report.

(D) An agency will give due consideration to comments of the district board of supervisors or the commission or both. If, after the review process is completed, an agency modifies its proposed action in a way which will or may substantially increase the adverse effects on prime agricultural and forest lands, or shift adverse effects to lands in a different location, the agency will repeat the review process.

(E) After consulting with the Commission, any State agency may classify its activities by size or type so as to exclude from

the notice process de minimis cases which will not have a significant adverse effect on prime agricultural and forest lands.

Section 3. By June 30, 1984, all State agencies shall report to the Governor on (a) the overall effect of their actions, programs regulations, procedures and operations on the conversation of prime agricultural and forest lands; and (b) corrective measures that the agency intends to take to avoid and minimize the conversion of such lands to other uses; and (c) any statutory authorities which may hinder compliance with this directive.

Section 4. This Order shall become effective January 1, 1984.

Done in the Capital City of Raleigh, North Carolina, this the Twenty-third day of August, 1983.

[Seal]

[Signature]

James B. Hunt, Jr.
Governor