

## **The Allocation, Availability and Maintenance of Water Resources in North Carolina**

Presenter: Bill Holman, Nicholas Institute for Environmental Policy Solutions, Duke University,  
bill.holman@duke.edu

Co-author: Richard Whisnant, School of Government, University of North Carolina - Chapel Hill,  
whisnant@sog.unc.edu

Water allocation in North Carolina is a complex, unintegrated system. Its foundations are court decisions establishing riparian rights and reasonable use limits. On these unintegrated foundations the State has built a handful of regulatory programs. Alongside this State law are several important federal laws and the rules and operating policies of three federal agencies: the US Army Corps of Engineers, the Federal Energy Regulatory Commission, and the Tennessee Valley Authority. Poised atop these State and federal elements are the rules and operating policies of public water suppliers (both public and private sector suppliers), which are themselves constrained by local governing boards and, in the case of privately-owned water suppliers, the NC Utilities Commission. The 2007 North Carolina General Assembly directed the Environmental Review Commission (ERC), with the assistance of the Department of Environment and Natural Resources (DENR), to study the allocation of water resources and their availability and maintenance in the State, to evaluate the benefits of formal and informal procedures for the transfer of water between river basins, and to recommend options for updating, refining, and making more comprehensive the policies currently used to govern water in the State (Section 1(a) of S.L. 2007-518). The study, under the direction of Richard Whisnant from the School of Government at UNC Chapel Hill, and Bill Holman from the Nicholas Institute at Duke University, will focus on the several key laws and policies that are at the core of water management in North Carolina and are within the control of the General Assembly. The study intends to help legislators understand how the system might be made more efficient, more equitable, and more sustainable for the long term. The study will provide an initial set of policy options to the Environmental Review Commission in October 2008, which will form the basis for this presentation.