

## 2008 South Carolina Conservation Common Agenda Priorities

*"Conserving Communities...naturally"*

### **Energy Independence and Efficiency** *(encourage energy conservation)*

That South Carolinians use the third highest amount of electricity per capita in the United States and pay some of the largest bills is not a reflection of hot summers or cold winters. It is the result of being energy inefficient. Energy inefficiency weakens our state's economy and burdens our working families. Every year, South Carolina exports \$1 billion to buy energy from other states and hostile nations.

The conservation community is supporting a package of incentives that save electricity and encourage homegrown renewable energy producers. These incentives compliment pending legislation that would improve the energy efficiency of South Carolina's schools, commercial buildings, and government vehicle fleets – such as **S. 377**, **S. 362**, and **S. 368**. We continue to oppose **S. 360 as amended**, which would misclassify nuclear energy as a "renewable" energy source to the disadvantage of South Carolina's genuine, homegrown renewable energy sector.

### **Conservation Bank** *(commit to incremental funding)*

For the last three years, the Conservation Bank has been the most important source of funding for land and water conservation in South Carolina, protecting 134,171 acres of historic and natural properties across the state at an average cost of \$523/acre. Through voluntary easements and acquisitions, vulnerable family farms, wetlands, battlefields, urban greenways, river corridors and parks have been protected. South Carolina's rapid growth exceeds the amount of land conserved, and project requests far exceed the available funds. Last year, grant requests totaled \$42 million, nearly double the \$24 million funded. Although a small percentage of the documentary stamp tax is designated for the Bank, the conservation community urges the General Assembly to add general fund dollars to the Bank annually to ensure land protection keeps pace with development in our state.

This year Governor Sanford has requested an additional \$50 million in the Executive Budget for the Conservation Bank. We commend the Governor for calling the public's attention to the urgent need to balance economic growth with land protection. South Carolinians all across the state, from all walks of life, agree with the Governor when he says that "a key part of our quality of life and our competitive advantage with respect to other states lie in preserving the way South Carolina looks and feels as a state."

The Governor's request is a first step toward protecting our watersheds, working farms and coastal resources. We consider any increase in 2008 a down payment on a vision for South Carolina's future – a vision that cannot be realized with a single appropriation in one year. We ask the General Assembly to appropriate at least an additional \$20 million for the Conservation Bank next year and to make a serious commitment to incremental installments over the next five years.

### **Taxpayer Protection** *(reform municipal annexation laws)*

Our state's Comprehensive Planning Act requires counties to create comprehensive land use plans to prepare for future growth. While planning aims to use taxpayer dollars efficiently and improve the quality of life for communities, inappropriate and harmful municipal annexations are undermining these efforts and causing growth to outpace communities' ability to pay for infrastructure and other services in many regions of our state. Without changes to outdated annexation laws, questionable annexations will continue to induce sprawl, hinder regional planning, and burden taxpayers.

Shoestring annexations lead to inefficient service delivery and consequently inefficient tax dollar expenditures. In a race to grab large parcels of land, municipalities often annex a strip of property only a few feet wide, allowing cities to reach out into rural areas that were not intended for and are not suitable for development. New housing developments situated in inappropriate areas are a burden to existing taxpayers as counties struggle to provide services to these remote communities including police and fire protection, water and sewer services, and road construction and maintenance.

The conservation community supports legislation (to be introduced by **Rep. Ben Hagood**) that provides citizens who are affected by annexations the ability to contest questionable annexation proposals; improves public notice and public hearing requirements regarding annexation proposals; requires annexations to be consistent with county land use plans; and requires municipalities to offer “a plan of services” that will demonstrate to the public how the annexing municipality aims to support the extension of new services.

### **Reliable Water** *(protect South Carolina’s surface water)*

In 2006 Senator Wes Hayes formed an ad hoc committee with representatives from industries, local water and sewer authorities, agricultural interests, and conservation organizations to determine a framework for regulatory oversight of surface water. The committee made recommendations for surface water withdrawal legislation that would protect our river and lake ecosystems, foster economic growth, and coordinate water management with neighboring states. **(S.428, H.3578** introduced in 2007 by **Senator Hayes and Representative Gullick**.)

Jobs, communities, industry, recreation and productive fisheries depend upon the delicate balance of water use by both public and private entities. Recent droughts and current conflicts with Georgia and North Carolina, not to mention population growth projections for South Carolina, demonstrate that our state’s water supplies are finite and need to be managed for the good of all. As South Carolina continues to grow, it is imperative that we take appropriate measures to protect the human and economic health of all South Carolinians.

South Carolina’s lawsuit against North Carolina over its water transfers from the Catawba and Wateree Rivers is pending in the US Supreme Court, so surface water withdrawal legislation is timely. Since neighboring states have already approved such legislation, we are at a disadvantage if we can’t accurately account for the amount of water needed by our existing users. The conservation community supports legislation that will provide the state with the authority to regulate withdrawal of surface water in order to manage and protect existing industrial uses and the natural and recreational benefits enjoyed by the citizens of and visitors to our state.

### **Clean Water** *(inform citizens about polluted water)*

A more informed public will demand more vigilant enforcement of pollution laws. Citizens need to know about the causes of both non-point and source-point pollution, including runoff from sprawling development, surface paving, animal waste and fertilizers, and industrial and power plant emissions. DHEC recently announced its intention to begin posting mercury advisories at impaired streams. The conservation community calls for legislation to protect the public’s health from all polluted waters by requiring DHEC to post notices near beaches, boat landings and fishing holes to alert citizens about impaired waters with high fecal coliform counts or with mercury contaminated fish advisories. Notice of sewage spills would be required within 24 hours.

### **Community Rights** *(maintain the 2003 compromise on regulatory takings)*

In 2003 the Property Rights Task Force crafted a reasonable, compromise bill, Act 39, to balance the rights of individual property owners with the rights of local communities to plan for growth. Act 39 passed with the support of development interests, property rights advocates, local governments and conservationists. Since then, however, development interests and property

rights advocates have continued to push for passage of legislation that would undermine this consensus law by expanding regulatory takings.

The U.S. Supreme court's decision in *Kelo v. City of New London* centered on a town's ability to use eminent domain to take private property for the purpose of economic development. This decision prompted the General Assembly to tighten our state's eminent domain laws and to form the Eminent Domain Study Committee in 2006. The Committee is expected to present its recommendations to the General Assembly early in the 2008 legislative session. The conservation community continues to support Act 39 of 2003 and to oppose any legislation that would undermine communities' ability to plan for growth, protect their natural and historical properties, and enhance their quality of life.

**Uphold the Atlantic Compact** (*end South Carolina's role as the nation's nuclear dumping ground*)

Last year, the House Agriculture Committee voted unanimously to maintain the Atlantic Compact, which will close Barnwell to out-of-Compact waste beginning in July 2008. Recent revelations of high levels of radioactive tritium leaking from the site and found in monitoring wells confirm the wisdom of that decision. States outside the Compact have had eight years to prepare for the closure of the dump scheduled for this summer. Although some special interests still seek to undermine the Compact, Energy Solutions has stated publicly that it will not seek to expand the landfill. Questions remain about the safety of the Barnwell facility. However, it's important to honor the compact and to set aside the limited remaining burial space for the future use of South Carolina's own nuclear industry and its Compact partners—Connecticut and New Jersey. South Carolinians are counting on their elected leaders to maintain current law.

Details about the SC Conservation Common Agenda may be viewed at [www.makeconservationcount.org](http://www.makeconservationcount.org) or [www.conservativotersofsc.org](http://www.conservativotersofsc.org).

**2008 Common Agenda member organizations:**

*Aiken County Open Land Trust, American Rivers, Southeast Region, Audubon SC, Beaufort County Open Land Trust, Citizens for Community Protection, Coastal Conservation League, Community Open Land Trust, Conservation Voters of SC Education Fund, Edisto Island Open Land Trust, Friends of the Edisto, Friends of the Reedy River, Friends of the Rivers, League of Women Voters of SC, Responsible Economic Development, SC Ducks Unlimited, SC Environmental Law Project, SC Native Plant Society, Sierra Club, SC Chapter, SC Council of Trout Unlimited, SC Wildlife Federation, Southern Alliance for Clean Energy, Southern Environmental Law Center, Upstate Forever, Wildlife Action, Winyah Rivers Foundation*