

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 1075

Short Title: Implement Scenic River Plan.

(Public)

Sponsors: Representatives Judy Hunt; Diamont, Duncan, B. Ethridge, Flaherty, Hackney, Hardaway, Jack Hunt, H. Hunter, R. Hunter, James, Kennedy, Payne, Perdue, Ramsey, Rogers, R. Thompson, Watkins, and G. Wilson.

Referred to: Basic Resources.

April 7, 1989

A BILL TO BE ENTITLED

1 AN ACT TO REQUIRE THE DEPARTMENT OF NATURAL RESOURCES AND
2 COMMUNITY DEVELOPMENT TO IMPLEMENT THE MANAGEMENT
3 PLAN WHICH WAS DEVELOPED FOR THE SECTON OF THE NEW RIVER
4 THAT WAS DESIGNATED A SCENIC RIVER.
5

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 113A-35.1 reads as rewritten:

8 **"§ 113A-35.1. Components of system; management plan; acquisition of land and**
9 **easements; inclusion in national system.**

10 (a) That segment of the south fork of the New River extending from its
11 confluence with Dog Creek in Ashe County downstream through Ashe and Alleghany
12 Counties to its confluence with the north fork of the New River and the main fork of the
13 New River in Ashe and Alleghany Counties downstream to the Virginia State line shall
14 be a scenic river area and shall be included in the North Carolina Natural and Scenic
15 Rivers System.

16 The Department of Natural Resources and Community Development shall prepare
17 and implement a management plan for said river section. This management plan shall
18 recognize and provide for the protection of the existing undeveloped scenic and pastoral
19 features of the river. Furthermore, it shall specifically provide for continued use of the
20 lands adjacent to the river for normal agricultural activities, including, but not limited
21 to, cultivation of crops, raising of cattle, growing of trees and other practices necessary
22 to such agricultural pursuits.

1 For purposes of implementing this section and the management plan, the Department
2 is empowered to acquire in fee simple not more than 700 acres, the computation of
3 which shall not include lands received by donation, and to acquire easements, to provide
4 for protection of scenic values as described in G.S. 113A-38 and to provide for public
5 access, in as many as 1,500 acres. Easements obtained for the purpose of implementing
6 this section and the management plan shall not abridge the water rights being exercised
7 on May 26, 1975.

8 Should the Governor seek inclusion of the said river segment in the National System
9 of Wild and Scenic Rivers by action of the Secretary of Interior, such inclusion shall be
10 at no cost to the federal government, as prescribed in the National Wild and Scenic
11 Rivers Act, and therefore shall be under the terms described in this section of the North
12 Carolina Wild and Scenic Rivers Act and in the management plan developed pursuant
13 thereto.

14 (b) The Department shall prepare an annual status report on the progress made in
15 implementing the management plan required pursuant to subsection (a) of this section
16 and the progress in implementing the management plan submitted by the Department in
17 support of the request to the Secretary of the Interior for the river's inclusion in the
18 National System of Wild and Scenic Rivers. The status report shall evaluate the extent
19 to which current implementation of the management plans has in fact maintained the
20 river's free-floating state and protected the scenic conditions of the river and the
21 adjacent lands consistent with the purpose of this Article. If implementation of either
22 management plan is incomplete at the time the report is filed, the Secretary shall submit
23 a schedule for implementing the remainder of the plan. The status report shall be filed
24 with the General Assembly no later than January 15 of each year, beginning in 1990."

25 Sec. 2. G.S. 113A-44 reads as rewritten:

26 "**§ 113A-44. Restrictions on project works on natural or scenic river.**

27 The State Utilities Commission may not permit the construction of any dam, water
28 conduit, reservoir, powerhouse transmission line, or any other project works on or
29 directly affecting any river that is designated as a component or potential component of
30 the State Natural and Scenic Rivers System. No department or agency of the State may
31 assist by loan, grant, license, permit, or otherwise in the construction of any water
32 resources project that would have a direct ~~and-or~~ significant indirect adverse effect on
33 any river that is designated as a component or potential component of the State Natural
34 and Scenic Rivers System. This section shall not, however, preclude licensing of or
35 assistance to a development below or above a designated or potential ~~component~~
36 component that results in insignificant effects. No department or agency of the State
37 may recommend authorization of any water resources project that would have a direct
38 ~~and-or~~ significant indirect adverse effect on any river that is designated as a component
39 or potential component of the State Natural and Scenic Rivers System, or request
40 appropriations to begin construction of any such project, regardless of when authorized,
41 without advising the Secretary in writing of its intention to do so at least 60 days in
42 advance. Such department or agency making such recommendation or request shall
43 submit a written impact statement to the General Assembly to accompany the
44 recommendation or request specifically describing how construction of the project

1 would be in conflict with the purposes of this act and how it would affect the component
2 or potential component."

3 Sec. 3. This act is effective upon ratification and applies to any management
4 plan that has not been completely implemented by that date.