

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 1075  
Second Edition Engrossed 5/8/89

Short Title: Implement Scenic River Plan.

(Public)

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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.

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Referred to: Basic Resources.

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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.  
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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

1 to, cultivation of crops, raising of cattle, growing of trees and other practices necessary  
2 to such agricultural pursuits.

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

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

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

27 Sec. 2. This act is effective upon ratification and applies to any management  
28 plan that has not been completely implemented by that date.