

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 765
HOUSE BILL 1075

AN ACT TO REQUIRE THE DEPARTMENT OF NATURAL RESOURCES AND COMMUNITY DEVELOPMENT TO IMPLEMENT THE MANAGEMENT PLAN WHICH WAS DEVELOPED FOR THE SECTION OF THE NEW RIVER THAT WAS DESIGNATED A SCENIC RIVER.

The General Assembly of North Carolina enacts:

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

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

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

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

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

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

(b) The Department shall prepare an annual status report on the progress made in implementing the management plan required pursuant to subsection (a) of this section

and the progress in implementing the management plan submitted by the Department in support of the request to the Secretary of the Interior for the river's inclusion in the National System of Wild and Scenic Rivers. The status report shall evaluate the extent to which current implementation of the management plans has in fact maintained the river's free-flowing state and protected the scenic conditions of the river and the adjacent lands consistent with the purpose of this Article. If implementation of either management plan is incomplete at the time the report is filed, the Secretary shall submit a schedule for implementing the remainder of the plan. The status report shall be filed with the General Assembly no later than January 15 of each year, beginning in 1990."

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

In the General Assembly read three times and ratified this the 11th day of August, 1989.