

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 717

Short Title: Lumber River/Natural River System.

(Public)

Sponsors: Representatives DeVane, Hasty, Locks, Mercer; and Craven.

Referred to: Basic Resources.

March 20, 1989

A BILL TO BE ENTITLED

1 AN ACT TO INCLUDE THE LUMBER RIVER IN THE NORTH CAROLINA
2 NATURAL AND SCENIC RIVER SYSTEM, TO ESTABLISH A NEW CLASS
3 WITHIN THE SYSTEM TO BE DESIGNATED RECREATIONAL RIVER
4 AREAS, TO ESTABLISH THE LUMBER RIVER STATE PARK AS A
5 COMPONENT OF THE STATE PARKS SYSTEM, TO PROVIDE THAT STATE
6 PARK RANGERS SHALL PATROL THE NORTH CAROLINA INDIAN
7 CULTURAL CENTER AND TO APPROPRIATE FUNDS TO IMPLEMENT
8 THIS ACT.
9

10 The General Assembly of North Carolina enacts:

11 Section 1. G.S. 113A-35.2 reads as rewritten:

12 "**§ 113A-35.2. Additional components.**

13 That segment of the Linville River beginning at the State Highway 183 bridge over
14 the Linville River and extending approximately 13 miles downstream to the boundary
15 between the United States Forest Service lands and lands of Duke Power Company
16 (latitude 35° 50' 20") shall be a ~~scenic-natural~~ river area and shall be included in the
17 North Carolina Natural and Scenic River System.

18 That segment of the Horsepasture River in Transylvania County extending
19 downstream from Bohaynee Road (N.C. 281) to Lake Jocassee shall be a natural river
20 and shall be included in the North Carolina Natural and Scenic Rivers System.

21 That segment of the Lumber River extending from county road 1412 in Scotland
22 County downstream to the North Carolina-South Carolina state line, a distance of
23 approximately 91 river miles, shall be included in the Natural and Scenic Rivers System
24 and classified as follows: from county road 1412 in Scotland County downstream to the

1 junction of the Lumber River and Back Swamp shall be classified as scenic; from the
2 junction of the Lumber River and Back Swamp downstream to the junction of the
3 Lumber River and Jacob Branch and the river within the Fair Bluff town limits shall be
4 classified as recreational; and from the junction of the Lumber River and Jacob Branch
5 downstream to the North Carolina-South Carolina state line, excepting the Fair Bluff
6 town limits, shall be classified as natural."

7 Sec. 2. G.S. 113A-34 reads as rewritten:

8 **"§ 113A-34. Types of scenic rivers.**

9 The following types of rivers are eligible for inclusion in the North Carolina natural
10 and scenic rivers system:

11 Class I. Natural river areas. Those free-flowing rivers or segments of rivers and
12 adjacent lands existing in a natural condition. Those rivers or segments of rivers that are
13 free of man-made impoundments and generally inaccessible except by trail, with the
14 lands within the boundaries essentially primitive and the waters essentially unpolluted.
15 These represent vestiges of primitive America.

16 Class II. Scenic river areas. Those rivers or segments of rivers that are largely free of
17 impoundments, with the lands within the boundaries largely primitive and largely
18 undeveloped, but accessible in places by roads.

19 Class III. Recreational river areas. Those rivers or segments of rivers that offer
20 outstanding recreation and scenic values and that are largely free of impoundments.
21 They may have some development along their shorelines and have more extensive
22 public access than natural or scenic river segments. Recreational river segments may
23 also link two or more natural and/or scenic river segments to provide a contiguous
24 designated river area. No provision of this section shall interfere with flood control
25 measures; provided that recreational river users can continue to travel the river."

26 Sec. 3. In accordance with Article 2C of Chapter 113, the General Assembly
27 creates the Lumber River State Park as a component of the State parks system, to be
28 managed as a State river.

29 (a) The Department of Natural Resources and Community Development,
30 Division of Parks and Recreation, shall prepare a general management plan for the
31 Lumber River State Park, to include a master plan which shall recognize and provide for
32 State and local government protection of the various parts of the river so as to preserve
33 its outstanding character in perpetuity.

34 (b) The general master plan shall be prepared by December 31, 1990, and
35 transmitted to the Governor, the Lt. Governor, the President Pro Tempore of the Senate,
36 and the Speaker of the House.

37 Sec. 4. There is appropriated from the General Fund to the Department of
38 Natural Resources and Community Development, Division of Parks and Recreation, the
39 sum of three million dollars (\$3,000,000) for the 1989-90 fiscal year to be allocated as
40 follows:

41 (a) Eight hundred thousand dollars (\$800,000) for land acquisition, provided that
42 eminent domain powers shall not be used for the purchase of easements along the river
43 corridor;

1 (b) Two million dollars (\$2,000,000) for capital improvements, provided that
2 there shall be constructed public river access areas and support facilities near county
3 road 1412, near the Indian Cultural Center, at Luther Britt Park in Lumberton, and at
4 Fair Bluffs, and provided that a ranger station be built at or near Luther Britt Park;

5 (c) Two hundred thousand dollars (\$200,000) for planning and operations,
6 provided State park rangers shall perform security patrols of the North Carolina Indian
7 Cultural Center property as part of their duties.

8 Sec. 5. There is appropriated from the General Fund to the Department of
9 Natural Resources and Community Development, Division of Parks and Recreation, the
10 sum of three hundred thousand dollars (\$300,000) for the 1990-91 fiscal year for the
11 purpose of operating the Lumber River State Park.

12 Sec. 6. For the purpose of law enforcement only, the North Carolina Indian
13 Cultural Center shall be considered as part of those lands subject to the provisions of
14 G.S. 113-28.1.

15 Sec. 7. This act shall become effective July 1, 1989.