

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 895

Short Title: Modify Natural Heritage Fund.

(Public)

Sponsors: Senator Daughtry.

Referred to: Travel, Tourism, and Cultural Resources.

May 13, 1991

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT FUNDS FROM THE RECREATION AND
NATURAL HERITAGE FUND MAY BE USED TO PURCHASE ADDITIONAL
LANDS FOR THE STATE HISTORIC SITE SYSTEM AND TO PROVIDE THAT
THE SECRETARY OF CULTURAL RESOURCES SHALL PROPOSE LANDS
TO BE PURCHASED WITH THOSE FUNDS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 113-77.9 reads as rewritten:

"§ 113-77.9. Acquisition of lands from the Recreation and Natural Heritage Trust Fund.

(a) From time to time, but at least once each year, the Secretary, the Chairman of the North Carolina Wildlife Resources Commission, the Secretary of Cultural Resources, and the Commissioner of Agriculture shall propose to the Trustees lands to be acquired from the Fund. For each tract or interest proposed, the Secretary, the Chairman of the North Carolina Wildlife Resources Commission, the Secretary of Cultural Resources, and the Commissioner of Agriculture shall provide the Trustees with the following information:

(1) The value of the land for recreation, forestry, fish and wildlife habitat, and wilderness purposes, and its consistency with the plan developed pursuant to the State Parks Act, the State's comprehensive plan for outdoor recreation, parks, natural areas development, and wildlife management goals and objectives;

(1a) Any historical, archaeological, architectural, or cultural value of the land or property in depicting the heritage of the State;

- 1 (2) Any rare or endangered species on or near the land;
- 2 (3) Whether the land contains a relatively undisturbed and outstanding
- 3 example of a native North Carolina ecological community that is now
- 4 uncommon;
- 5 (4) Whether the land contains a major river or tributary, watershed,
- 6 wetland, significant littoral, estuarine, or aquatic site, or important
- 7 geologic feature;
- 8 (5) The extent to which the land represents a type of landscape, natural
- 9 feature, or natural area that is not currently in the State's inventory of
- 10 parks and natural areas;
- 11 (6) Other sources of funds that may be available to assist in acquiring the
- 12 land;
- 13 (7) The State department or division that will be responsible for managing
- 14 the land; and
- 15 (8) What assurances exist that the land will not be used for purposes other
- 16 than those for which it is being acquired.
- 17 (b) The Trustees may authorize expenditures from the Fund to acquire land:
- 18 (1) That represents the ecological diversity of North Carolina, including
- 19 natural features such as riverine, montane, coastal, and geologic
- 20 systems and other natural areas to ensure their preservation and
- 21 conservation for recreational, scientific, educational, cultural, and
- 22 aesthetic purposes; and
- 23 (2) As additions to the system of parks, State trails, State historic sites,
- 24 aesthetic forests, fish and wildlife management areas, wild and scenic
- 25 rivers, and natural areas for the beneficial use and enjoyment of the
- 26 public.
- 27 The Trustees may designate managers or managing agencies of the lands so acquired to
- 28 receive grants from the Fund's stewardship account. In authorizing expenditures from
- 29 the Fund to acquire land pursuant to this Article, the Trustees shall be guided by any
- 30 priorities established by the Secretary, the Chairman of the Wildlife Resources
- 31 Commission, the Secretary of Cultural Resources, and the Commissioner of Agriculture
- 32 in their proposals made pursuant to subsection (a), above.
- 33 (c) The Trustees may authorize expenditures from the Fund to pay for the
- 34 inventory of natural areas by the Secretary's Natural Heritage Program conducted
- 35 pursuant to Chapter 113A, Article 9A, of the General Statutes.
- 36 (d) The Department of Administration may, pursuant to G.S. 143-341, acquire by
- 37 purchase, gift, or devise all lands selected by the Trustees for acquisition pursuant to
- 38 this Article. Title to any land acquired pursuant to this Article shall be vested in the
- 39 State. State agencies with management responsibilities for lands acquired pursuant to
- 40 this Article may enter into management agreements in the form of leases with counties,
- 41 cities, and towns to aid in managing the lands, and such lease agreements shall be
- 42 executed by the Department of Administration pursuant to G.S. 143-341.
- 43 (e) The Secretary shall maintain and annually revise a list of acquisitions made
- 44 pursuant to this Article. The list shall include the acreage of each tract, the county in

1 which the tract is located, the amount paid from the Fund to acquire the tract, and the
2 State department or division responsible for managing the tract. The Secretary shall
3 furnish a copy of the list to each Trustee and to each House of the General Assembly
4 after each revision.

5 (f) No provision of this Article shall be construed to eliminate hunting and
6 fishing, as regulated by the laws of the State of North Carolina, upon properties
7 purchased pursuant to this Article.”

8 Sec. 2. This act is effective upon ratification.