

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

SESSION LAW 1999-459
HOUSE BILL 978

AN ACT TO AUTHORIZE THE OWNER OF A PRIVATE OR JOINT PRIVATE PIER AT WHITE LAKE STATE LAKE THAT WAS DAMAGED AS A RESULT OF A NATURAL DISASTER TO REBUILD THE PIER TO ITS CONDITION IMMEDIATELY PRECEDING THE DAMAGE, TO AUTHORIZE THE CONSTRUCTION OF ADDITIONAL BOAT STALLS ON A PIER AT WHITE LAKE STATE LAKE UNDER CERTAIN CIRCUMSTANCES, AND TO DELETE CERTAIN LANDS USED FOR THE FALLS LAKE STATE TRAIL FROM THE STATE PARKS SYSTEM AND REALLOCATE THOSE LANDS TO THE WILDLIFE RESOURCES COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding 15A NCAC 12C.0305(b), the Division of Parks and Recreation of the Department of Environment and Natural Resources shall permit the owner of a private pier or joint private pier constructed on the floor of White Lake State Lake that was damaged on or after 1 January 1996 and before 1 July 1999 as a result of a hurricane or other natural disaster to rebuild the pier to its condition immediately preceding the damage. A person who applied for a permit to rebuild a pier that was damaged on or after 1 January 1996 may reapply for a permit no later than 1 July 2000.

Section 2. Notwithstanding 15A NCAC 12C.0303, the Division of Parks and Recreation of the Department of Environment and Natural Resources shall permit a person to construct a second or subsequent boat stall on a private pier or joint private pier constructed on the floor of White Lake State Lake when all of the conditions set out in this section are satisfied. This section applies only to Pier Number 52 and is subject to the following conditions:

- (1) The person has a recorded deed that conveys an easement to use the pier.
- (2) The property owner has a recorded deed that conveys an easement of egress, ingress, and regress as to the water front property from which the pier extends.
- (3) The water frontage of the property from which the pier extends is at least 75 feet in length.
- (4) The pier is at least 10 feet from the boundary of any adjacent property.
- (5) Construction of the boat stall will not cause the overall length of the pier structure to exceed 225 feet.

Section 3. Pursuant to the requirements of G.S. 113-44.14 applicable to the deletion of land from the State Parks System, the General Assembly hereby deletes from the State Parks System all segments and the entire width of the Falls Lake State Trail located within game lands managed by the Wildlife Resources Commission including the segment from the eastern boundary of the Falls Lake State Recreation Area State Management Center at an unnamed Wildlife Resources Commission fire road to the western boundary of the Shinleaf Recreation Area at New Light Road; the segment from the eastern boundary of Shinleaf Recreation Area to State Highway NC 98; the segment from State Highway NC 98 to the second unnamed tributary on the north shore of the Upper Barton Creek arm of Falls Lake; the segment from the Six Forks Road bridge at the south shore of Lower Barton Creek to the western boundary of the Yorkshire Center Management Area at State Road 3326 (Mizelle Lane); and the segment from the footbridge across an unnamed creek on the western boundary of the Yorkshire Center Management Area to the boundary between the eastern end of the State-leased area and the western edge of the land managed by the United States Army Corps of Engineers. This land is shown on a map entitled "Lands to be Deleted from Falls Lake State Recreation Area", dated 5 March 1999 and filed in the State Property Office. The State's leased interest in this land is hereby reallocated to the Wildlife Resources Commission, and the Wildlife Resources Commission shall manage this land.

Section 4. If any section of this act is declared unconstitutional or invalid by the courts, the unconstitutional or invalid section does not affect the validity of this act as a whole or any section of this act other than the section declared to be unconstitutional or invalid.

Section 5. This act is effective when it becomes law. Section 1 of this act applies to any application for a permit to rebuild a pier that is made on or before 1 July 2000. Section 2 of this act applies to any application for a permit to construct a boat stall that is made on or before 1 July 2000.

In the General Assembly read three times and ratified this the 14th day of July, 1999.

s/ Dennis A. Wicker
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ James B. Hunt, Jr.
Governor

Approved 4:18 p.m. this 13th day of August, 1999