

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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SENATE BILL 1211
Agriculture/Environment/Natural Resources Committee Substitute Adopted
7/22/02

Short Title: Nat & Hist Preserve and Park System Removals. (Public)

Sponsors:

Referred to:

June 6, 2002

A BILL TO BE ENTITLED

AN ACT TO REMOVE BOONE'S CAVE STATE NATURAL AREA AND A
PORTION OF BALDHEAD ISLAND STATE NATURAL AREA FROM THE
STATE NATURE AND HISTORIC PRESERVE, TO REMOVE THESE
PROPERTIES FROM THE STATE PARKS SYSTEM, TO AUTHORIZE THE
TRANSFER OF THESE PROPERTIES FOR LIMITED PURPOSES, AND TO
ALLOW CERTAIN PUBLIC ENTITIES TO USE THE FIRE TOWER AT
MOUNT JEFFERSON STATE NATURAL AREA FOR PUBLIC
COMMUNICATION PURPOSES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-260.10 reads as rewritten:

"§ 143-260.10. Components of State Nature and Historic Preserve.

The following are components of the State Nature and Historic Preserve accepted by
the North Carolina General Assembly pursuant to G.S. 143-260.8:

- (1) All lands and waters within the boundaries of the following units of
the State Parks System as of April 3, 2001: ~~Baldhead Island State
Natural Area~~, Bay Tree Lake State Park, ~~Boone's Cave State Natural
Area~~, Bullhead Mountain State Natural Area, Carolina Beach State
Park, Cliffs of the Neuse State Park, Chowan Swamp State Natural
Area, Dismal Swamp State Natural Area, Eno River State Park, Fort
Fisher State Recreation Area, Fort Macon State Park, Goose Creek
State Park, Gorges State Park, Hammocks Beach State Park, Hemlock
Bluffs State Natural Area, Jones Lake State Park, Lake James State
Park, Lake Norman State Park, Lake Waccamaw State Park, Lumber
River State Park, Medoc Mountain State Park, Merchants Millpond
State Park, Mitchells Millpond State Natural Area, ~~Mount Jefferson
State Natural Area~~, Mount Mitchell State Park, Occoneechee
Mountain State Natural Area, Pettigrew State Park, Pilot Mountain

1 State Park, Raven Rock State Park, Run Hill State Natural Area,
2 Singletary Lake State Park, Theodore Roosevelt State Natural Area,
3 and Weymouth Woods-Sandhills Nature Preserve.

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5 (16) All lands and waters located within the boundaries of Baldhead Island
6 State Natural Area as of April 3, 2001, with the exception of the
7 southern one-quarter of the appurtenant easement on that certain tract
8 or parcel of property at Baldhead Island State Natural Area in
9 Brunswick County, Smithville Township, described in Deed Book
10 401, Page 602, and more particularly described as follows: the tract
11 beginning at a point having North Carolina Grid Coordinates
12 y=40000.00, x=2315685.00; thence due west 510 feet to a point in the
13 high water mark of the marsh having North Carolina Grid Coordinates
14 y=40000.00, x=2315175.00; thence with the high water mark of the
15 marsh in a northerly direction to a point intersecting the northern
16 boundary of the tract, which is represented by a line running due east
17 and west and intersecting North Carolina Grid Coordinates
18 y=40750.00, x=2315685.00; thence along the northern boundary to a
19 point intersecting the mean high water line of the Atlantic Ocean;
20 thence in a southerly direction with the mean high water line of the
21 Atlantic Ocean to the point of beginning. The tract excluded from the
22 State Nature and Historic Preserve under this subdivision is deleted
23 from the State Parks System pursuant to G.S. 113-44.14. The State of
24 North Carolina may only exchange this land for other land for the
25 expansion of Baldhead Island State Natural Area or sell this land and
26 use the proceeds for that purpose. The State may not otherwise sell or
27 exchange this land.

28 (17) All lands and waters located within the boundaries of Mount Jefferson
29 State Natural Area as of April 3, 2001. With respect to the
30 communications tower site on the top of Mount Jefferson and located
31 on that certain tract or parcel of land at Mount Jefferson State Natural
32 Area in Ashe County, West Jefferson Township, described in Deed
33 Book F-3, Page 94, the State may provide space at the communications
34 tower site to State public safety and emergency management agencies
35 for the placement of antennas, repeaters, and other communications
36 devices for public communication purposes. Notwithstanding G.S.
37 146-29.2, the State may lease space at the communications tower site
38 to local governments in Ashe County for the placement of antennas,
39 repeaters, and other communications devices for public
40 communication purposes. State agencies and local governments that
41 are authorized to place communications devices at the communications
42 tower site pursuant to this subdivision may also locate at or near the
43 communications tower site communications equipment that is
44 necessary for the proper operation of the communication devices. The

1 use of the communications tower site pursuant to this subdivision is
2 authorized by the General Assembly as a purpose other than the public
3 purposes specified in Article XIV, Section 5, of the North Carolina
4 Constitution, Article 25B of Chapter 143 of the General Statutes, and
5 Article 2C of Chapter 113 of the General Statutes."

6 **SECTION 2.** Boone's Cave State Natural Area is deleted from the State
7 Parks System pursuant to G.S. 113-44.14. The State may transfer this property to
8 Davidson County for management as a park. The State may not otherwise sell or
9 exchange the property.

10 **SECTION 3.** This act is effective when it becomes law.