

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

2

HOUSE BILL 978

Senate Agriculture/Environment/Natural Resources Committee Substitute Adopted
7/8/99

Short Title: Damaged Piers/Boat Stalls/White Lake.

(Public)

Sponsors:

Referred to:

April 12, 1999

A BILL TO BE ENTITLED

1
2 **AN ACT TO AUTHORIZE THE OWNER OF A PRIVATE OR JOINT PRIVATE PIER**
3 **AT WHITE LAKE STATE LAKE THAT WAS DAMAGED AS A RESULT OF A**
4 **NATURAL DISASTER TO REBUILD THE PIER TO ITS CONDITION**
5 **IMMEDIATELY PRECEDING THE DAMAGE, TO AUTHORIZE THE**
6 **CONSTRUCTION OF ADDITIONAL BOAT STALLS ON A PIER AT WHITE**
7 **LAKE STATE LAKE UNDER CERTAIN CIRCUMSTANCES, AND TO DELETE**
8 **CERTAIN LANDS USED FOR THE FALLS LAKE STATE TRAIL FROM THE**
9 **STATE PARKS SYSTEM AND REALLOCATE THOSE LANDS TO THE**
10 **WILDLIFE RESOURCES COMMISSION.**

11 The General Assembly of North Carolina enacts:

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

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

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

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

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

40 Section 5. This act is effective when it becomes law. Section 1 of this act
41 applies to any application for a permit to rebuild a pier that is made on or before 1 July
42 2000. Section 2 of this act applies to any application for a permit to construct a boat stall
43 that is made on or before 1 July 2000.