

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 735

Short Title: Protect Natural/Scenic Rivers.

(Public)

Sponsors: Senators Sherron, Cochrane, Seymour, Speed; and Carpenter.

Referred to: State Personnel and State Government.

April 8, 1993

A BILL TO BE ENTITLED

1 AN ACT TO AMEND THE NATURAL AND SCENIC RIVERS ACT TO
2 STRENGTHEN THE PROTECTION OF RIVERS AND THE RIVERS
3 DESIGNATION PROCESS AND TO REQUIRE APPROVAL BY THE
4 DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES
5 OF COUNTY LAND-USE CONTROLS PRIOR TO DESIGNATION OF RIVERS.
6

7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 113A-34 reads as rewritten:

9 **"§ 113A-34. Types of scenic rivers.**

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

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

17 Class II. Scenic river areas. Those rivers or segments of rivers that are largely free of
18 impoundments, with the lands within the boundaries largely primitive and largely
19 undeveloped, but accessible in places by roads. Scenic river areas provide beautiful
20 views and aesthetically pleasing vistas that may include forested landscapes and
21 agricultural or pastoral areas.

22 Class III. Recreational river areas. Those rivers or segments of rivers that offer
23 outstanding recreation and scenic values and that are largely free of impoundments.
24 They may have some development along their shorelines and have more extensive

1 public access than natural or scenic river segments. Recreational river segments may
2 also link two or more natural and/or scenic river segments to provide a contiguous
3 designated river area. No provision of this ~~section~~ paragraph concerning Class III
4 recreational river areas shall interfere with flood control measures; provided that
5 recreational river users can continue to travel the river."

6 Sec. 2. G.S. 113A-36(c) reads as rewritten:

7 "~~(c) The Secretary of the Department shall study and from time to time submit to the~~
8 ~~Governor and to the General Assembly proposals for the additions to the system of~~
9 ~~rivers and segments of rivers which, in his judgment, fall within one or more of the~~
10 ~~categories set out in G.S. 113A-34. Each proposal shall specify the category of the~~
11 ~~proposed addition and shall be accompanied by a detailed report of the facts which, in~~
12 ~~the Secretary's judgment, makes the area a worthy addition to the system. The~~
13 ~~Department shall study and submit to the Governor and to the General Assembly reports~~
14 ~~proposing additions to the rivers system. Each report shall specify the category of the~~
15 ~~proposed addition according to G.S. 113A-34. The report shall also contain at a~~
16 minimum:

- 17 (1) A description of the area and whether it will be a worthy addition to
18 the system.
- 19 (2) The feasibility of the inclusion of a river or a segment within the
20 system.
- 21 (3) How the river or segment addresses needs identified in the
22 Systemwide Plan of the State Parks System pursuant to G.S. 113-44.11
23 and priorities identified in the river's assessment.
- 24 (4) Preliminary cost estimates for land acquisition, capital improvements,
25 further planning, and operations.
- 26 (5) What local governmental action has been taken to protect the river or
27 segment.

28 Before submitting any proposal to the Governor or the General Assembly for the
29 addition to the system of a river or segment of a river, the ~~Secretary or his authorized~~
30 ~~representative, Department~~ shall hold a public hearing in the ~~county or counties~~ each
31 county where said river or segment of river is situated. Notice of such public hearing
32 shall be given by publishing a notice once each week for two consecutive weeks in a
33 newspaper having general circulation in the county where said hearing is to be held, the
34 second of said notices appearing not less than 10 days before said hearing. Any person
35 attending said hearing shall be given an opportunity to be heard. Notwithstanding the
36 provisions of the foregoing, no public hearing shall be required with respect to a river
37 bounded solely by the property of one owner, who consents in writing to the addition of
38 such river to the system.

39 ~~The Department shall also conduct an investigation on the feasibility of the inclusion~~
40 ~~of a river or a segment of river within the system and file a written report with the~~
41 ~~Governor when submitting a proposal.~~

42 The Department shall also, before submitting such a proposal to the Governor or the
43 General Assembly, notify in writing the owner, lessee, or tenant of any lands adjoining
44 said river or segment of river of its intention to make such proposal. In the event the

1 Department, after due diligence, is unable to determine the owner or lessee of any such
2 land, the Department may publish a notice for four successive weeks in a newspaper
3 having general circulation in the county where the land is situated of its intention to
4 make a proposal to the Governor or General Assembly for the addition of a river or
5 segment of river to the system."

6 Sec. 3. G.S. 113A-36(c1) reads as rewritten:

7 "(c1) Upon receipt of a request in the form of a resolution from the commissioners
8 of the county or counties in which a river segment is located and upon studying the
9 segment and determining that it meets the criteria set forth in G.S. 113A-35, the
10 Secretary may designate the segment a potential component of the natural and scenic
11 rivers system. The designation as a potential component shall be transmitted to the
12 Governor and all appropriate State agencies. Any segment so designated is subject to
13 the provisions of this Article applicable to designated rivers, except for acquisition by
14 condemnation or otherwise, and to any rules adopted pursuant to this Article. The
15 designation as a potential component shall be a temporary designation which shall
16 expire after three years. No county shall request any designation unless it has adopted
17 land-use controls designed to regulate the use and development of the river corridor in a
18 manner approved by the Department.

19 Within one year of designation as a potential component, the Department shall
20 submit to the Governor and the General Assembly a report on the river or segment in
21 accordance with G.S. 113A-36. The Secretary shall make a full report and, if appropriate, a
22 proposal for an addition to the natural and scenic rivers system to the General Assembly within
23 90 days after the convening of the next session following issuance of the designation, and the
24 The General Assembly shall determine whether to designate the segment as a
25 component of the natural and scenic rivers system. If the next session of the General
26 Assembly fails to take affirmative action on the designation within the three-year
27 period, the designation as a potential component shall expire."

28 Sec. 4. G.S. 113A-37 reads as rewritten:

29 **"§ 113A-37. Raising the status of an area.**

30 Whenever in the judgment of the Secretary of the Department a scenic river segment
31 has been sufficiently restored and enhanced in its natural scenic and recreational
32 qualities so that a different classification is more appropriate, such segment may be
33 reclassified ~~with the approval of the Department, to a natural river area status by the~~
34 Department and thereafter administered accordingly."

35 Sec. 5. G.S. 113A-43 reads as rewritten:

36 **"§ 113A-43. Authorization of advances.**

37 The Department of Administration is hereby authorized to advance from land-
38 purchase appropriations necessary amounts for the purchase of land in those cases
39 where reimbursement will be later effected by the ~~Bureau of Outdoor Recreation-National~~
40 Park Service of the United States Department of the Interior."

41 Sec. 6. This act becomes effective October 1, 1993.