

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 654
HOUSE BILL 1025

AN ACT TO AMEND THE NATURAL AND SCENIC RIVERS ACT TO
AUTHORIZE THE DIVISION OF PARKS AND RECREATION TO ACQUIRE
LANDS IN FEE SIMPLE AT THE NEW RIVER.

The General Assembly of North Carolina enacts:

Section 1. G.S. 113A-35 reads as rewritten:

"§ 113A-35. Criteria for system.

For the inclusion of any river or segment of river in the natural and scenic river system, the following criteria must be present:

- (1) River segment length – must be no less than one mile.
- (2) Boundaries – of the system shall be the visual horizon or such distance from each shoreline as may be determined to be necessary by the Secretary, but shall not be less than 20 feet. ~~Provided, that this shall not be construed to authorize the Secretary to acquire, except by donation or gift, more than 320 acres of land per mile for inclusion within the boundaries.~~
- (3) Water quality – shall not be less than that required for Class 'C' waters as established by the North Carolina Environmental Management Commission.
- (4) Water flow – shall be sufficient to assure a continuous flow and shall not be subjected to withdrawal or regulation to the extent of substantially altering the natural ecology of the stream.
- (5) Public access – shall be limited, but may be permitted to the extent deemed proper by the Secretary, and in keeping with the property interest acquired by the Department and the purpose of this Article."

Sec. 2. G.S. 113A-35.1 reads as rewritten:

"§ 113A-35.1. Components of system; management plan; acquisition of land and easements; inclusion in national system.

That segment of the south fork of the New River extending from its confluence with Dog Creek in Ashe County downstream through Ashe and Alleghany Counties to its confluence with the north fork of the New River and the main fork of the New River in Ashe and Alleghany Counties downstream to the Virginia State line shall be a scenic river area and shall be included in the North Carolina Natural and Scenic Rivers System.

The Department shall prepare a management plan for said river section. This management plan shall recognize and provide for the protection of the existing

undeveloped scenic and pastoral features of the river. Furthermore, it shall specifically provide for continued use of the lands adjacent to the river for normal agricultural activities, including, but not limited to, cultivation of crops, raising of cattle, growing of trees and other practices necessary to such agricultural pursuits.

For purposes of implementing this section and the management plan, the Department is ~~empowered~~ authorized to acquire ~~in fee simple lands or interests in lands not more than 700 to exceed 2,200 acres, the computation of which shall not include lands received by donation, and to acquire~~ such lands in fee simple or to acquire such interests in lands as easements, to provide for protection of scenic values as described in G.S. ~~113A-38-113A-38,~~ and to provide for public ~~access, in as many as 1,500 acres.~~ access. Easements obtained for the purpose of implementing this section and the management plan shall not abridge the water rights being exercised on May 26, 1975.

Should the Governor seek inclusion of the said river segment in the National System of Wild and Scenic Rivers by action of the Secretary of Interior, such inclusion shall be at no cost to the federal government, as prescribed in the National Wild and Scenic Rivers Act, and therefore shall be under the terms described in this section of the North Carolina Wild and Scenic Rivers Act and in the management plan developed pursuant thereto."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 15th day of July, 1989.