



HOUSE BILL 339: Add Fonta Flora Trail to State Parks System

2015-2016 General Assembly

Committee:

Introduced by:

Analysis of: S.L. 2015-113

Date:

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Staff Attorney

SUMMARY: S.L. 2015-113, as amended by Sec. 14.30(a) of S.L. 2015-241, authorizes the Department of Environment and Natural Resources to add the Fonta Flora Loop Trail to the State Parks System.

This act became effective June 24, 2015.

CURRENT LAW: G.S. 113-44.14(b) provides that the Department of Cultural and Natural Resources (Department)¹ may add a State park, State natural area, State recreation area, State trail, State river, or State lake to the State Parks System upon authorization by an act of the General Assembly.

BILL ANALYSIS: The act authorizes the Department to add the Fonta Flora Loop Trail to the State Parks System, and directs the Department to support, promote, encourage, and facilitate the establishment of trail segments on State park lands and on lands of other federal, State, local, and private landowners. The act specifically provides that on segments of the Fonta Flora Loop Trail that cross property controlled by agencies or owners other than the Department's Division of Parks and Recreation, the laws, rules, and policies of those agencies or owners would govern the use of the property.

BACKGROUND: The Fonta Flora Loop Trail would surround Lake James in Burke County. See attached memo supplied by the Division of Parks and Recreation.

EFFECTIVE DATE: The act became effective June 24, 2015.

¹ S.L. 2015-113 references the Department of Environment and Natural Resources, but Section 14.30(a) of S.L. 2015-241 assigned all functions, powers, duties, and obligations associated with the Division of Parks and Recreation with the Department of Natural and Cultural Resources.

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Burke County initiated the idea for a loop trail around Lake James, and the county has been working with landowners and partners around the lake to plan and implement the trail. In addition to the county, partners include Duke Energy Carolinas, Crescent Communities, NC Wildlife Resources Commission, NC DOT, Foothills Land Conservancy, Lake James State Park and several others. Burke County has prepared the *Lake James Loop Trail Master Plan*, which shows that the concept for the trail is well-developed, and the partners are committed to providing right-of-way for the trail on their respective properties. The Division of Parks and Recreation supports the trail concept, but suggested a different name to make clear that the proposed State Trail was to be administratively separate from Lake James State Park.

The benefit of authorizing the addition of the trail to the State Parks System is the added recognition and publicity provided by including the trail on the Division of Parks and Recreation website, maps, brochures and other public information, as well as the enhanced ability of the state to help coordinate and facilitate the work of the other partners.

The State Parks Act (GS 113-44.9) defines the types of units in the State Parks System to include State Parks, State Natural Areas, State Recreation Areas, State Trails, State Rivers and State Lakes. **The proposed Fonta Flora would be a State Trail, not a State Park.** Whereas a State Park is operated and managed by the Division of Parks and Recreation, a State Trail represents a partnership among multiple agencies, landowners and local governments, working together to implement a shared vision. Part of a State Trail may be managed by the Division of Parks and Recreation, but segments of the trail that cross property controlled by others will continue to be managed by those other landowners.

In the case of the proposed Fonta Flora State Trail, part of the trail would cross through Lake James State Park. That part of the trail will be built, maintained and operated as part of the existing park. Other portions of the trail will cross lands owned by the county and other partners, and these portions of the trail will continue to be built, maintained and operated by those partners.

Funds for building and maintaining trail within Lake James State Park will be obtained from the Parks and Recreation Trust Fund or other sources that currently fund any trail work within the state parks. The loop trail around the lake was contemplated when the Lake James State Park master plan was completed in 2006, and construction of the loop segment within the park is an anticipated expense in development of the park. Funds for building and maintaining trail outside the state park boundaries will be obtained by other partners. Burke County is eligible to apply for grant funding from the local share of the Parks and Recreation Trust Fund, the federal Recreational Trails Program and other sources. Authorization of the Fonta Flora State Trail may improve their ability to receive grants.

In summary, authorization of the Fonta Flora State Trail is not expected to result in any significant additional costs to the Division of Parks and Recreation. Existing staff would work with trail partners to coordinate and publicize the trail. Existing sources of funding would be used to build and maintain segments of trail on state park land, and other partners would be responsible for building and maintaining trail segments outside park boundaries. Authorization of Fonta Flora State Trail may provide higher priority for grant funding to local and private partners.

The Division of Parks and Recreation suggests naming the trail “Fonta Flora State Trail” rather than “Fonta Flora Loop Trail”. Someday, an extension of the trail to Morganton may be feasible.