



# SENATE BILL 380: DNCR Add New Trails & Various Changes.

2019-2020 General Assembly

---

<b>Committee:</b>	Senate Rules and Operations of the Senate	<b>Date:</b>	April 18, 2019
<b>Introduced by:</b>	Sens. Wells, Hise, Daniel	<b>Prepared by:</b>	Jessica Sammons*
<b>Analysis of:</b>	Second Edition		Staff Attorney

---

**OVERVIEW:** *Senate Bill 380 would add two trails to the State Trails System, make various technical, clarifying, and conforming changes to the States Parks Act and the North Carolina Trails System Act, and transfer authority to administer the federal Land and Water Conservation Fund to the Department of Natural and Cultural Resources.*

[As introduced, this bill was identical to H532, as introduced by Reps. Blackwell, Setzer, McGrady, Dobson, which is currently in House State and Local Government.]

## **BILL ANALYSIS:**

### **Addition of Trails to the State Trails System:**

**Sections 1 and 2.(a)** would authorize the Department of Natural and Cultural Resources (DNCR) to add the Overmountain Victory National Historic Trail and the Wilderness Gateway Trail to the State Parks System as State trails, and directs DNCR 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.

On segments of the trails that cross property controlled by agencies or owners other than DNCR, the laws, rules, and policies of those agencies or owners shall govern the use of the property. This addition shall not be required to be accompanied by an appropriation, but the State may receive donations of appropriate land and may purchase other needed lands for the trails with existing funds in the Clean Water Management Trust Fund, the Parks and Recreation Trust Fund, the federal Land and Water Conservation Fund, and other available sources of funding.

**Section 2.(b)** would direct the Division of Parks and Recreation within DNCR to study the feasibility of connecting the Town of Valdese, the City of Hickory, the Overmountain Victory State Trail, natural areas located within Burke and Catawba counties, as well as other communities and places of interest to the Wilderness Gateway State Trail. The Division would be directed to specifically consider improving access from Interstate 40 to portions of South Mountains State Park. The Division would report its findings to the Environmental Review Commission and the Joint Legislative Oversight Committee on Agriculture and Natural and Economics Recourses no later than December 1, 2019.

### **Technical, Clarifying, and Confirming Changes to the State Parks Act:**

**Section 3.(a)** clarifies that DNCR has responsibility for the planning and coordination of State trails, as components of the State Parks System, authorized by the General Assembly.

**Section 3.(b)** makes conforming changes, removing references to "scenic" and "recreation" trail classifications.

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578

# Senate Bill 380

Page 2

**Section 3.(c)** changes the definition of "Trail" to remove the "park," "designated," "scenic," "recreation," and "connecting" classifications.

**Section 3.(d)** makes conforming changes, removing references to "scenic," "recreation," and "connecting" trail classifications.

**Section 3.(e)** requires that DNCR posts any selected trail route both online and at the proposed trail location, and removes the current requirement that the selected trail route is published in an newspaper of general circulation and the appropriate courthouse.

**Section 3.(f)** clarifies that segments of State trails that cross property controlled by agencies or owners other than the Division of Parks and Recreation shall be governed by the laws, rules, and policies of those other agencies or owners.

**Section 3.(g)** clarifies that nothing in the North Carolina Trails System Act would preclude a component of the National Trails System from becoming part of the State Trails System.

## **Federal Land and Water Conservation Fund to DNCR:**

**Section 4** would formally transfer authority to administer the federal Land and Water Conservation Fund from the Department of Environmental Quality to DNCR.<sup>1</sup> This section would also designate the Director of the Division of Parks and Recreation as having the authority and responsibility to accept or administer funding through the Land and Water Conservation Fund, subject to the State Budget Act.

**EFFECTIVE DATE:** This act would be effective when it becomes law.

*\*Kyle Evans, counsel to Senate Agriculture/Environment/Natural Resources, substantially contributed to this summary.*

---

<sup>1</sup> The Division of Parks and Recreation currently administers the program in partnership with the National Park Service (and has done so since the inception of the program), but the statute that enables it to do this was not transferred from DEQ to DNCR when the Division was moved. The statute currently enables DEQ to administer the program, but the Division has been administering the Fund through a Memorandum of Understanding with DEQ.