



HOUSE BILL 332: State Nature and Historic Preserve Adds/Dels.

2021-2022 General Assembly

Committee:	Senate Rules and Operations of the Senate	Date:	June 16, 2022
Introduced by:	Rep. Tyson	Prepared by:	Aaron McGlothlin and Kyle Evans
Analysis of:	Third Edition		Staff Attorneys

OVERVIEW: House Bill 332 would (i) accept certain properties as part of the State Nature and Historic Preserve (Preserve), (ii) remove certain properties from the Preserve, and (iii) make various conforming and technical changes to the State Nature and Historic Preserve Dedication Act.

CURRENT LAW: Section 5 of Article XIV of the Constitution of North Carolina provides for addition of properties to and removal of properties from the State Nature and Historic Preserve by a law enacted by a three-fifths vote of the members of each house of the General Assembly. The Preserve is intended to ensure that lands and waters acquired and preserved for public park, recreation, conservation, and historic preservation purposes continue to be used for these purposes. Upon inclusion in the Preserve, these lands may not be used for other purposes except as authorized by a law enacted by a vote of three-fifths of the members of each house. G.S. 143B-135.54 provides conditions and procedures for additions to, and deletions from, the State Parks System that must be authorized by the General Assembly. G.S. 143-260.10 lists the current components of the Preserve.

BACKGROUND: Properties were last accepted into the Preserve in 2017. Since that time over 24,125 acres have been added to the North Carolina Parks System. The Council of State met on June 7, 2022, and petitioned the General Assembly to accept into the Preserve various State parklands and trails. The petition also requested that certain small parcels be deleted from the Preserve for various reasons (in order to improve the management of units, accommodate existing easements, allow for the installation of a fiber-optic transmission line, etc.).

BILL ANALYSIS: The bill would add the following units of the State Parks System to the State Nature and Historic Preserve: Bob's Creek State Natural Area, Fonta Flora State Trail, Pisgah View State Park, Salmon Creek State Natural Area, Warwick Mill Bay State Natural Area, and Wilderness Gateway State Trail.

This bill would also except from dedication and remove eight parcels from the Preserve. The following explanation of the parcels to be removed from the Preserve has been provided by the Department of Natural and Cultural Resources.

- Tryon Palace Historic Site and Gardens: This clause excepts the following properties:
 - The Cook House (c.1945), located at 308 George Street in New Bern, was donated to the State in 2000 and became part of Tryon Palace. Long-term plans call for the sale of the house with revenues invested back into Tryon Palace.
 - The City of New Bern's new sewer pump station will replace the City's existing pump station (located to the south of the proposed site), raising the pump station out of the

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flood wave action area. The pump station will move from City property to State property at Tryon Palace.

- Hanging Rock State Park: This clause excepts a small area totaling approximately 0.063 acres for an access easement across State-owned lands. Steep topography inhibits construction of a new driveway directly off Ed Booth Road. The access easement was in existence prior to the property being allocated to the State Park System, and its use was prescriptive.
- Lake Waccamaw State Park: This clause excepts a small tract totaling approximately 1.3 acres needed for the installation of a well to connect to the water system of the Town of Lake Waccamaw. Regulations require the Town to fence a portion of the area.
- Chimney Rock State Park: This clause excepts a small tract totaling approximately 0.24 acres needed to resolve an encroachment with a neighboring landowner. This encroachment pre-dates State ownership.
- Mountains-to-Sea Trail: This clause excepts an area totaling approximately 1.54 acres for a utility easement across State-owned lands. The grantee will be abandoning an existing easement across this property and replacing it with a new easement.
- Lower Haw State Natural Area: This clause excepts a small tract totaling approximately 0.038 acres needed for the installation of a fiber-optic transmission line to service the local community.
- Lumber River State Park: This clause excepts approximately 0.5 acres in a 20 ft wide easement along the western boundary of State Park land along the Lumber River and south of Country Club Road near Lumberton. Since acquisition the owner of the adjacent tract has come forward with reasonable evidence of a 20 ft wide easement that was not accounted for in the State's acquisition.

Furthermore, this bill would make various technical and conforming changes to Article 25B of Chapter 143 of the General Statutes (State Nature and Historic Preserve Dedication Act).

EFFECTIVE DATE: The bill would become effective when it becomes law.