



2023-2024 General Assembly

HOUSE BILL 168: Department of Natural and Cultural Resources Agency Bill, Sec. 13: State Nature and Historic Preserve Additions and Deletions

Committee:
Introduced by:
Analysis of: Sec. 13 of S.L. 2023-70

Date: December 8, 2023
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Staff Attorney

OVERVIEW: *Section 13 of S.L. 2023-70 accepts and removes certain properties as part of the State Nature and Historic Preserve.*

This section became effective June 30, 2023.

BACKGROUND: 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 (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 cannot be used for other purposes except as authorized by a law enacted by a vote of three-fifths of the members of each house.

Prior to the enactment of S.L. 2023-70, properties were last accepted to the Preserve in 2022. Since that time over 4,560 acres of land at 18 different park units have been added to the North Carolina State Parks System. The Council of State met on May 2, 2023, and petitioned the General Assembly to accept into the Preserve various State parklands and historic sites. The petition also requested that certain small parcels be deleted from the Preserve for various reasons, including to improve management of units and to authorize broadband access on an existing tower.

BILL ANALYSIS:

Section 13 adds the following units to the State Nature and Historic Preserve: Bakers Lake State Natural Area, Bethabara Park, Bethania Walnut Bluffs, Shallow Ford of the Yadkin State Historic Site, and Thomas Day House/Union Tavern State Historic Site.

This section also excepts from dedication and removes four parcels from the Preserve. The following explanation of the parcels removed from the Preserve has been provided by the Department of Natural and Cultural Resources (Department):

- **South Mountains State Park:** This clause authorizes the use of South Mountains State Park property for a broadband provider to be located on a State-owned tower. When this property was acquired by the State, this property was subject to an existing lease to a broadband provider. The service provider and the Department want to continue the use of the tower for broadband services in support of providing broadband access to rural communities. Communications towers and tower

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sites are not public purposes allowed in the State Nature and Historic Preserve, so this use must be authorized by a three-fifths vote of the General Assembly.

- Occoneechee Mountain State Natural Area: This clause excepts a small tract totaling approximately 2,662 square feet needed for a permanent drainage easement for a highway construction project.
- Lumber River State Park: This clause excepts two small tracts totaling 9,573 square feet needed for permanent drainage and utility easements for a highway construction project.
- Hanging Rock State Park: This clause excepts approximately 0.155 acres along the western boundary of State park land adjacent to Evans Road. At the time of acquisition, the State boundary was established by a survey as being on the western side of the road instead of its eastern boundary. This amendment correctly reflects where the boundary should be.

EFFECTIVE DATE: This section became effective June 30, 2023.

**Brad Krehely and Brian Gwyn, Staff Attorneys for the Legislative Analysis Division, substantially contributed to this summary.*