

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 545
HOUSE BILL 460

AN ACT TO CREATE A NORTH CAROLINA APPALACHIAN TRAIL SYSTEM AND TO PROVIDE FOR THE DESIGNATION, ACQUISITION, ADMINISTRATION, AND REGULATION OF RECREATION, SCENIC AND CONNECTING OR SIDE TRAILS AND TRAIL RIGHTS-OF-WAY.

The General Assembly of North Carolina enacts:

Section 1. Short title. — This act may be cited as the North Carolina Appalachian Trails System Act.

Sec. 2. Policy and purpose. — (a) In order to provide for the ever-increasing outdoor recreation needs of an expanded population and in order to promote public access to, travel within, and enjoyment and appreciation of the open-air, outdoor areas of the State, the Appalachian Trail should be protected in North Carolina as a segment of the National Scenic Trails System.

(b) The purpose of this act is to provide the means for attaining these objectives by instituting a North Carolina Appalachian Trail System. designating the Appalachian Trail lying or located in the North Carolina counties of Avery, Mitchell, Yancey, Madison, Haywood, Swain, Graham, Macon, and Clay, as defined in the Federal Register of the National Trails Act as the basic component of that system, and by prescribing the methods by which, and standards according to which, additional connecting trails may be added to the system.

Sec. 3. Appalachian Trails System; connecting or side trails; coordination with the National Trails System Act. — (a) Connecting or side trails may be established, designated and marked as components of the Appalachian Trail System by the Department of Natural and Economic Resources in consultation with the federal agencies charged with the responsibility for the administration and management of the Appalachian Trail in North Carolina. Criteria and standards of establishment will coincide with those set forth in the National Trails System Act (PL 90-543).

Sec. 4. Assistance under this act with the National Trails System Act (PL 90-534). — (a) The Department of Administration in cooperation with other appropriate State departments shall consult with the federal agencies charged with the administration of the Appalachian Trail in North Carolina and develop a mutually agreeable plan for the orderly and coordinated acquisition of Appalachian Trail right-of-way and the associated tracts, as needed, to provide a suitable environment for the Appalachian Trail in North Carolina.

(b) The Department of Natural and Economic Resources and the federal agencies charged with the responsibility of the administration of the Appalachian Trail in North Carolina shall give due consideration to the conservation of the environment of the Appalachian Trail and, in accordance with the National Trails System Act, may obtain advice and assistance from local governments, Carolina Mountain Club, Natchala Hiking Club, Piedmont Appalachian Trail Hikers, Appalachian Trail Conference, other interested organizations and individuals, land owners and land users concerned.

(c) The North Carolina State Highway Commission shall cooperate and assist in carrying out the purposes of this act and the National Trails System Act where their highway projects cross or may be adjacent to any component of the Appalachian Trail System.

(d) Lands acquired by the State of North Carolina within the 200 feet right-of-way of the Appalachian Trail and within the exterior boundaries of the Pisgah or Nantahala National Forests, will be conveyed to the United States Forest Service as the federal agency charged with the responsibility for the administration and management of the Appalachian Trail within these specific areas.

(e) Lands acquired by the State of North Carolina outside of the boundaries of the Appalachian Trail right-of-way will be administered by the appropriate State department in such a manner as to preserve and enhance the environment of the Appalachian Trail.

(f) In consultation with the Department of Natural and Economic Resources, the federal agency charged with the responsibility of the administration of the Appalachian Trail in North Carolina shall establish use regulations in accordance with the National Trails System Act.

(g) The use of motor vehicles on the trails of the North Carolina Appalachian Trail System may be authorized when such use is necessary to meet emergencies or to enable adjacent landowners to have reasonable access to their lands and timber rights provided that the granting of this access is in accordance with limitations and conditions of such use set forth in the National Trails System Act.

Sec. 5. Acquisition of right-of-way and lands; manner of acquiring. — The State of North Carolina may use lands for trail purposes within the boundaries of areas under its administration that are included in the rights-of-way selected for the Appalachian Trail System. The Department of Administration may acquire lands or easements by donation or purchase with funds donated or appropriated for such purpose.

Sec. 6. Authorization of acquisition. — The Department of Natural and Economic Resources is authorized to spend any federal, State, local or private funds available for this purpose to the Department for acquisition and development of the Appalachian Trail System.

Sec. 7. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 17th day of May, 1973.