

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001**

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**HOUSE BILL 1271  
Committee Substitute Favorable 8/2/01**

Short Title: N.C. National Heritage Area/Commission.

(Public)

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Sponsors:

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Referred to:

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April 12, 2001

A BILL TO BE ENTITLED

1  
2 AN ACT TO ESTABLISH THE NATIONAL HERITAGE AREA COMMISSION TO  
3 SEEK THE DESIGNATION THROUGH THE UNITED STATES CONGRESS OF  
4 THE NORTH CAROLINA APPALACHIAN HERITAGE AREA AS A  
5 NATIONAL HERITAGE AREA.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.(a)** The General Assembly finds that the following physical and  
8 cultural features in the mountain region of Western North Carolina are of national  
9 significance:

- 10 (1) The Great Smokies National Park is the most visited national park in  
11 America.
- 12 (2) The Blue Ridge Parkway is the nation's longest scenic highway.
- 13 (3) The Joyce Kilmer Memorial Forest is the last remaining stand of virgin  
14 timber in the eastern United States.
- 15 (4) The Linville Gorge wilderness is the first wilderness in the eastern  
16 United States and the deepest gorge east of the Mississippi River.
- 17 (5) Mt. Mitchell is the highest mountain in the eastern United States.
- 18 (6) The New River is the second oldest river in the world and was  
19 designated as an American Heritage River in 1998.
- 20 (7) The Fontana Dam is the highest in eastern America that was built by  
21 the Tennessee Valley Authority and is known as one of the country's  
22 greatest engineering feats in history.
- 23 (8) Grandfather Mountain is the oldest mountain in the eastern United  
24 States, was designated as an International Biosphere Reserve by the  
25 United Nations, and is the only mountain that is privately owned.
- 26 (9) The Cherokee Indian Qualla Boundary is the home of the Eastern  
27 Band of the Cherokee Indians, and the Trail of Tears is a National  
28 Heritage Trail.

- 1 (10) Roan Mountain is the world's largest natural Catawba rhododendron  
2 garden.
- 3 (11) The Appalachian Trail is the longest national hiking trail in the United  
4 States.
- 5 (12) Whiteside Mountain has the highest cliffs of perpendicular bare rock  
6 east of the Rockies.
- 7 (13) The Nantahala River is the most popular white-water rafting river in  
8 America.
- 9 (14) The Biltmore Estate is America's largest private residence.
- 10 (15) The Cradle of Forestry is the first forestry school in America.
- 11 (16) The Cherohala Skyway is a National Scenic Byway.
- 12 (17) The Carl Sandburg Home is a National Historic Site.

13 **SECTION 1.(b)** The General Assembly further finds that:

- 14 (1) The National Park Service's definition of a National Heritage Area is a  
15 place designated by Congress where natural, cultural, historic, and  
16 scenic resources combine to form a cohesive, nationally distinctive  
17 landscape arising from patterns of human activity shaped by  
18 geography. These patterns make National Heritage Areas  
19 representative of the national experience through the physical features  
20 that remain and the traditions that have evolved in them. Continued  
21 use of the National Heritage Area by people whose traditions helped to  
22 shape the landscape enhances their significance.
- 23 (2) Designation by the United States Congress of the North Carolina  
24 Appalachian Heritage Area, the 23-county mountain region of Western  
25 North Carolina, as a National Heritage Area would recognize the  
26 nationally distinctive landscape of this area and the role of this  
27 distinctive landscape in defining the collective American cultural  
28 landscape. The natural, cultural, historic, and recreation resources in  
29 this 23-county region combine to form a cohesive, nationally  
30 distinctive landscape arising from patterns of human activity shaped by  
31 geography. These patterns make the mountain region of Western North  
32 Carolina representative of the national experience through the physical  
33 features that remain and the traditions that have evolved in the area.  
34 Continued use of this area by people whose traditions helped to shape  
35 the landscape enhances its significance.
- 36 (3) Since 1916, the National Park Service has been the federal agency  
37 responsible for preserving nationally significant natural and historic  
38 resources for present and future generations.
- 39 (4) The National Park Service provides technical expertise to assist in all  
40 stages of the process for seeking designation as a National Heritage  
41 Area.
- 42 (5) Congress has designated 18 National Heritage Areas.

1 (6) Residents, business interests, nonprofit organizations, and  
2 governments within the proposed National Heritage Area are  
3 interested and committed to completing the suitability and feasibility  
4 study that must be completed prior to Congress's designating a  
5 National Heritage Area.

6 (7) The National Heritage Area designation by the United States Congress  
7 for the 23-county mountain region of Western North Carolina would  
8 help to preserve and celebrate the uniqueness of this area and its  
9 defining landscape in North Carolina and offers the potential to ensure  
10 key educational and inspirational opportunities in perpetuity, without  
11 compromising traditional local control over, and use of, the landscape.

12 **SECTION 1.(c)** As used in this act, "23-county mountain region" means the  
13 following 23 counties, which are the counties designated to be served by the Western  
14 North Carolina Regional Economic Development Commission under G.S. 158-8.1:  
15 Alleghany, Ashe, Avery, Burke, Buncombe, Caldwell, Cherokee, Clay, Graham,  
16 Haywood, Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Polk,  
17 Rutherford, Swain, Transylvania, Watauga, Wilkes, and Yancey.

18 **SECTION 2.(a)** The National Heritage Area Designation Commission is  
19 created. This Commission shall consist of 16 members, to be appointed as follows:

- 20 (1) Two members shall be appointed by the President Pro Tempore of the  
21 Senate.
- 22 (2) Two members shall be appointed by the Speaker of the House of  
23 Representatives.
- 24 (3) Two members shall be appointed by the Governor.
- 25 (4) One member shall be appointed by the Lieutenant Governor.
- 26 (5) One member shall be appointed by the Commissioner of Agriculture.
- 27 (6) One member shall be appointed by the Secretary of Cultural  
28 Resources.
- 29 (7) One member shall be appointed by the Secretary of Commerce.
- 30 (8) Three members shall be appointed by the Western North Carolina  
31 Regional Economic Development Commission, created in G.S.  
32 158-8.1.
- 33 (9) Three members shall be appointed by the regional host organizations:  
34 one member from the Blue Ridge Mountain Host, Inc., one member  
35 from the North Carolina High Country Host, Inc., and one member  
36 from the Smoky Mountain Hosts of North Carolina, Inc.

37 **SECTION 2.(b)** In addition, the following five individuals shall serve as ex  
38 officio, nonvoting members of the Commission:

- 39 (1) The Superintendent of the Great Smoky Mountains National Park.  
40 (2) The Superintendent of the Blue Ridge Parkway.

1           (3) The District Supervisor of each of the following: the Pisgah National  
2           Forest, the Nantahala National Forest, and the Cherokee National  
3           Forest.

4           **SECTION 2.(c)** The National Heritage Area Designation Commission shall  
5 seek designation by the United States Congress of the North Carolina Appalachian  
6 Heritage Area, the 23-county mountain region of Western North Carolina, as a National  
7 Heritage Area. The Commission also shall develop and complete a suitability and  
8 feasibility study, a critical step prior to Congress's designating a National Heritage Area.  
9 The Commission shall elicit public involvement in the study and interest and  
10 commitment in the proposal by residents, business interests, nonprofit organizations,  
11 and governments within the proposed National Heritage Area.

12           **SECTION 2.(d)** The Speaker of the House of Representatives shall select  
13 one member to serve as cochair. The President Pro Tempore of the Senate shall select  
14 one member to serve as cochair. A majority of the Commission shall constitute a  
15 quorum for the transaction of business.

16           **SECTION 2.(e)** Members initially appointed under subdivisions (1), (4), (5),  
17 (6), and (8) of subsection (a) of this section shall serve a one-year term. All other  
18 members under subsection (a) of this section shall serve a two-year term. Commission  
19 members who are also General Assembly members may complete a term of service on  
20 the Commission even if they do not seek reelection or are not reelected to the General  
21 Assembly, but resignation or removal from service in the General Assembly shall result  
22 in removal from the Commission. A member continues to serve until a successor is  
23 appointed. A vacancy shall be filled within 30 days and shall be filled by the same  
24 appointing officer who made the original appointment. Members of the Commission  
25 who are State employees shall receive travel expenses under G.S. 138-6. Other  
26 members of the Commission shall receive travel expenses under G.S. 138-5.

27           **SECTION 2.(f)** Notwithstanding G.S. 158-8.1, the Western North Carolina  
28 Regional Economic Development Commission shall provide administrative and funding  
29 support to the National Heritage Area Designation Commission.

30           **SECTION 3.** Notwithstanding G.S. 158-8.1, the Western North Carolina  
31 Regional Economic Development Commission shall develop a regional heritage tourism  
32 plan and shall present the plan to the 2002 Regular Session of the 2001 General  
33 Assembly no later than May 1, 2002.

34           **SECTION 4.** This act is effective when it becomes law.