

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 780*

Short Title: NE Cape Fear - Burgaw Creek Preserve Study.

(Public)

Sponsors: Senator Soles.

Referred to: Rules and Operations of the Senate.

March 15, 2007

A BILL TO BE ENTITLED

1 AN ACT TO ESTABLISH AN INDEPENDENT STUDY COMMISSION TO
2 CONSIDER THE DESIRABILITY AND FEASIBILITY OF ADAPTING THE
3 USE OF A TRACT OF STATE-OWNED LAND, LOCATED IN THE
4 SOUTHEASTERN PART OF THE STATE ON THE NORTHEAST CAPE FEAR
5 RIVER AND THE BURGAW CREEK THAT IS CURRENTLY STATE
6 GAMELANDS, TO SHOWCASE THE NATURAL ENVIRONMENT OF
7 SOUTHEASTERN NORTH CAROLINA, PROVIDE ENVIRONMENTAL
8 EDUCATIONAL OPPORTUNITIES FOR YOUTH AND ADULTS, AND
9 PROVIDE RECREATIONAL OPPORTUNITIES FOR OUTDOOR
10 ENTHUSIASTS.
11

12 The General Assembly of North Carolina enacts:

13 **SECTION 1.** Commission Created. – The Northeast Cape Fear – Burgaw
14 Creek Preserve Study Commission is created.

15 **SECTION 2.(a)** Membership. – The Commission shall consist of 13
16 members. The Chairman of the Wildlife Resources Commission, or the Chairman's
17 designee; the Director of the Division of Forest Resources of the Department of
18 Environment and Natural Resources, or the Director's designee; and the Director of the
19 Division of Parks and Recreation of the Department of Environment and Natural
20 Resources, or the Director's designee, shall serve as ex officio members. The remaining
21 members shall be appointed no later than September 1, 2007, as follows:

- 22 (1) Three members of the Senate, appointed by the President Pro Tempore
23 of the Senate.
- 24 (2) Three members of the House of Representatives, appointed by the
25 Speaker of the House of Representatives.
- 26 (3) Two representative of local government, appointed by the President
27 Pro Tempore of the Senate.
- 28 (4) One representative of a conservation group, appointed by the Speaker
29 of the House of Representatives.

- 1 (5) One member of the general public appointed by the Speaker of the
2 House of Representatives.

3 **SECTION 2.(b)** Vacancies. – A vacancy in the Commission or as chair of
4 the Commission resulting from the resignation of a member or otherwise shall be filled
5 in the same manner in which the original appointment was made.

6 **SECTION 3.** Duties of Commission. – The Commission shall study issues
7 related to the desirability and feasibility of adapting the use of a tract of State-owned
8 land, located in the Southeastern part of the State on the Northeast Cape Fear River and
9 the Burgaw Creek that is currently State gamelands, to showcase the natural
10 environment of Southeastern North Carolina, provide environmental education
11 opportunities for youth and adults, and provide recreational opportunities for outdoor
12 enthusiasts. This tract is approximately 776 acres located approximately three miles east
13 of the Town of Burgaw and consists of creek swamp, ridges, and a planted pine
14 plantation. In particular, the Commission shall consider:

- 15 (1) The desirability and feasibility of establishing hiking trails on this
16 land.
- 17 (2) The desirability and feasibility of constructing a launch site on this
18 land that fronts the Burgaw Creek for canoes and kayaks, thereby
19 providing a venue for canoeing and kayaking on the Cape Fear River
20 and Burgaw Creek for the public.
- 21 (3) The environmental educational opportunities that are available for the
22 public at the bottomland swamps, pine plantation, and other wetlands
23 located on this land.
- 24 (4) The potential for developing at the pineland plantation a demonstration
25 forest to showcase best forest management practices.
- 26 (5) The potential for restricting the current use of this land as State
27 gamelands so that the use as gamelands would be compatible with
28 recreational, educational, and environmental uses.
- 29 (6) The potential for paying the costs, in whole or in part, of adapting the
30 use of this land to recreational, educational, and environmental uses
31 from the sale of timber from the pine plantation located on this land.
- 32 (7) Other possible funding sources than the funding source under
33 subdivision (6) of this section for the costs of adapting the use of this
34 land to recreational, educational, and environmental uses.
- 35 (8) Any other issues the Commission considers to be pertinent to its study.

36 **SECTION 4.** Report. – Prior to the convening of the 2009 General
37 Assembly, the Commission shall submit a report of its findings and recommendations,
38 including legislative and funding recommendations, to the 2009 General Assembly. The
39 Commission shall terminate upon filing its report.

40 **SECTION 5.** Expenses of Members. – Members of the Commission shall
41 receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1,
42 138-5, or 138-6, as appropriate.

43 **SECTION 6.** Chair; Meetings. – The President Pro Tempore of the Senate
44 and the Speaker of the House of Representatives shall each designate one member to

1 serve as cochair of the Commission. The cochairs shall call the initial meeting of the
2 Commission on or before October 1, 2007. The Commission shall subsequently meet
3 upon such notice and in such manner as its members determine. A majority of the
4 members of the Commission shall constitute a quorum. The Commission may meet in
5 the Legislative Building or the Legislative Office Building upon the approval of the
6 Legislative Services Commission.

7 **SECTION 7.** Staff. – Upon the prior approval of the Legislative Services
8 Commission, the Legislative Services Officer may assign professional and clerical staff
9 and other services and supplies, as needed for the Commission to carry out its duties in
10 an effective manner.

11 **SECTION 8.** Cooperation by Government Agencies. – The Commission
12 may call upon any department, agency, institution, or officer of the State or any political
13 subdivision thereof for data or other assistance.

14 **SECTION 9.** This section becomes effective July 1, 2007.