

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

H

1

HOUSE BILL 1271

Short Title: N.C. National Heritage Area/Commission. (Public)

Sponsors: Representatives Haire, Nesbitt (Primary Sponsors); Dedmon and Barefoot.

Referred to: Rules, Calendar, and Operations of the House.

April 12, 2001

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

- (1) The Great Smokies National Park is the most visited national park in America.
- (2) The Blue Ridge Parkway is the nation's longest scenic highway.
- (3) The Joyce Kilmer Memorial Forest is the last remaining stand of virgin timber in the eastern United States.
- (4) The Linville Gorge wilderness is the first wilderness in the eastern United States and the deepest gorge east of the Mississippi River.
- (5) Mt. Mitchell is the highest mountain in the eastern United States.
- (6) The New River is the second oldest river in the world and was designated as an American Heritage River in 1998.
- (7) The Fontana Dam is the highest in eastern America that was built by the Tennessee Valley Authority and is known as one of the country's greatest engineering feats in history.
- (8) Grandfather Mountain is the oldest mountain in the eastern United States, was designated as an International Biosphere Reserve by the United Nations, and is the only mountain that is privately owned.

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

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

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

1 (4) The National Park Service provides technical expertise to assist in all
2 stages of the process for seeking designation as a National Heritage
3 Area.

4 (5) Congress has designated 18 National Heritage Areas.

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

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

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

18 (1) Two members shall be appointed by the President Pro Tempore of the
19 Senate.

20 (2) Two members shall be appointed by the Speaker of the House of
21 Representatives.

22 (3) Two members shall be appointed by the Governor.

23 (4) One member shall be appointed by the Lieutenant Governor.

24 (5) One member shall be appointed by the Commissioner of Agriculture.

25 (6) One member shall be appointed by the Secretary of Cultural
26 Resources.

27 (7) One member shall be appointed by the Secretary of Commerce.

28 (8) Three members shall be appointed by the Western North Carolina
29 Regional Economic Development Commission, created in G.S. 158-
30 8.1.

31 (9) Three members shall be appointed by the regional host organizations:
32 one member from the Blue Ridge Mountain Host, Inc., one member
33 from the North Carolina High Country Host, Inc., and one member
34 from the Smoky Mountain Hosts of North Carolina, Inc.

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

37 (1) The Superintendent of the Great Smoky Mountains National Park.

38 (2) The Superintendent of the Blue Ridge Parkway.

39 (3) The District Supervisor of each of the following: the Pisgah National
40 Forest, the Nantahala National Forest, and the Cherokee National
41 Forest.

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

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

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

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

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

31 **SECTION 4.** This act becomes effective July 1, 2001.