

NC Mountains-to-Sea Trail through Orange County

Frequently Asked Questions

What is the NC Mountains-to-Sea Trail?

The NC Mountains-to-Sea Trail (MST) is a 1,000-mile trail that will traverse the state from the Great Smoky Mountains in western North Carolina to Jockey's Ridge State Park on the Outer Banks. Partners across the state are helping to plan and build the trail that will link communities and serve as the backbone of a growing system of land and water trails in North Carolina.

In 2000 the NC General Assembly authorized the MST as a unit of the North Carolina Parks System.

A map showing the Mountains-to-Sea State Trail across North Carolina is available at:

http://www.orangecountync.gov/MST_statewide_map_0612_Status.pdf

How many miles of the NC Mountains-to-Sea Trail are finished?

Over 600 miles of dedicated trail — well over half the planned length— has been completed to date and is open for hiking. A series of interim roadway connectors (bicycle routes and back roads) have been identified by the Friends of the Mountains-to-Sea Trail organization that knit together the completed sections of the MST across the state.

Some examples of completed trail in this area include the following:

- In Durham and Wake counties there are 77 miles of the trail along the Eno River and Falls Lake
- Raleigh and Clayton completed a 33-mile Neuse River Greenway from Falls Lake Dam to Clayton
- Alamance County has 15 miles of trail – including 8 miles from Glencoe to Town of Haw River
- Hillsborough completed the 1.3-mile Riverwalk and Classical American Homes Preservation Trust extended the trail another 1.5 miles. A third bridge over the Eno River opened in July 2016.

How was the planned MST trail corridor chosen?

The NC Division of Parks and Recreation held stakeholder meetings in 2005-2007 to identify a suitable MST planning corridor through Alamance, Orange and Durham counties. Trail planners began by identifying existing trails on public lands and connected them to key natural areas across the region. The result of that effort was a MST Trail Planning Corridor sent to local governments for consideration. The Orange County Board of Commissioners endorsed the MST Planning Corridor in 2010 following a review by three of its advisory boards and the towns of Hillsborough, Chapel Hill and Carrboro. The planning corridor for southwestern Orange County (Segment 11) was part of the MST State Trail master plan that was developed in 2014-15 and released in July 2015.

County staff are working in collaboration with the State Trails Program (NC Division of Parks and Recreation), Eno River State Park, the Town of Hillsborough, the Friends of Mountains-to-Sea Trail (FMST), Orange Water and Sewer Authority, and others to develop specific plans for the MST in Orange County—thereby transitioning the trail planning corridor to an actual “trail alignment.” The initial focus is to determine the trail alignment through the County's Seven Mile Creek Preserve and linking the Preserve with Occoneechee Mountain and the Hillsborough Riverwalk. A secondary focus is working with the Orange Water and Sewer Authority (OWASA) to identify a potential trail alignment through OWASA's Cane Creek Reservoir lands, and then linking the Reservoir lands with the Alamance County section of the MST along the Haw River.

Where will the Trail go through Orange County?

The MST planning corridor through Orange County (from west to east) begins at the Haw River in the far southwest corner of the county, then parallels Cane Creek to the northeast through OWASA's Cane Creek Reservoir lands, then further northeast through the Seven Mile Creek Preserve and Occoneechee Mountain State Natural Area. From Occoneechee Mountain the trail will follow the Eno River along Hillsborough's Riverwalk and through land owned by Classical American Homes Preservation Trust and Eno River State Park into Durham County. The MST State Trail master plan identifies the portions of the planned trail through Orange County as Segment 11 and Segment 12.

Maps of the MST planning corridor across Orange County are available at:

http://www.orangecountync.gov/document_center/DEAPR/MST_thru_Orange_Co.pdf

http://www.ncmountainstosea.org/wp-content/uploads/2015/07/Seg_11_7-10-15.pdf

http://www.ncmountainstosea.org/wp-content/uploads/2015/07/Seg_12_7-10-15.pdf

Are there any sections of the MST already completed and open in Orange County?

Yes. Sections of the MST are open in Hillsborough along the Riverwalk and eastward to the Historic Occoneechee Speedway Trail. Another 1.5-mile section of the MST (although not yet formally designated) is completed east of the Historic Occoneechee Speedway Trail on private lands owned by Classical American Homes Preservation Trust. Further east of Hillsborough, there are designated sections of the MST open in Eno River State Park.

Will the Trail be located on public or private property?

Several initial sections of the MST in Orange County will be constructed on public land, including Eno River State Park, Occoneechee Mountain State Natural Area, Hillsborough's Riverwalk, and Orange County's Seven Mile Creek Preserve. Other sections will be on privately-owned land where the owner has granted a trail easement. For example, a section of MST near Hillsborough was constructed on a trail easement granted by Classical American Homes Preservation Trust to State of North Carolina.

What is OWASA's position regarding the use of the OWASA land for the MST?

On August 25, 2016 the OWASA Board of Directors adopted a resolution approving conditions for use of the OWASA land for the MST. For more information see the following:

<http://www.owasa.org/owasa-board-approves-conditions-for-mountains-to-sea-trail-on-owasa-land-near-cane-creek-reservoir>.

Is it true that trail planners trespassed on private property while marking the future Trail?

No. Trail planners have been very careful to stay off all private property unless invited by the landowners. Earlier, some people said they had found survey flagging on their property, but they have since agreed that the flagging was on the adjacent property or along their property boundary. If persons were on private lands for MST purposes, it was unauthorized and unknown to any of the MST partners.

Will there be any condemnation (or "taking") of private land for the Trail?

No. All lands for the future MST in Orange County will be acquired through voluntary means.

Who will build the Trail?

In Orange County, the MST will be planned, constructed, managed and maintained by partnerships involving local governments, land trusts, private landowners, local citizens, the NC Division of Parks and Recreation, and Friends of the Mountains-to-Sea Trail.

Overall, the MST is an official part of the State Parks system; however due to its statewide expanse, many segments of the trail are managed by different agencies and local governments. Local communities help by linking the MST to greenways and urban trails. Land trusts and other groups help acquire land using a combination of public and private funds. The Friends of the Mountains-to-Sea Trail provides volunteers, public support, and serves as a clearinghouse for trail information.

How is the Trail marked?

The mark (or “blaze”) designating the NC Mountains-to-Sea Trail is a white circle approximately three inches in diameter. This mark is sometimes used in conjunction with other blazes if trails overlap.

What will I see as I walk the Trail?

The MST will pass through a variety of landscapes in Orange County. Depending on the section of the trail, you may see rolling Piedmont farms, weathered tobacco barns, the Hillsborough historic district, a former textile village, country churches, flowing streams, hardwood and pine forests, and lake views.

Who will use the Trail? Is for hikers only, or will it be open for biking and horseback riding?

The MST is intended primarily for backcountry hiking, but the landowners or land management agency responsible for a particular section of trail decides on the types of allowed uses. The vast majority of the MST is natural surface trail with only a three-foot-wide tread and up to 6-8 feet of clearance through forested areas. In some places, the MST will pass through urban areas (including Hillsborough) where the trail is a paved greenway used by walkers, runners, cyclists, strollers, and people in wheelchairs.

How will people access the Trail?

There will be legal, managed access points along the trail, which will provide parking and trail information. Thus far there are formal access points in Eno River State Park and at River Park (downtown Hillsborough), Gold Park (West Hillsborough), and Occoneechee Mountain State Natural Area. Another access point will be developed at Seven Mile Creek Preserve (adjacent to historic Moorefields). Additional locations in southwestern Orange County will be identified and secured as the actual trail route (MST “trail alignment”) is determined through that area.

Will the MST increase the risk of fire on abutting woods and structures?

The consensus among the officials in charge of large forested properties in Orange and Durham counties is that any increase in human activity increases the risk of fire, but their experience indicates fires rarely occur along designated, maintained trails located in our forested areas.

According to Chris Hirni (Orange/Durham County Ranger, NC Forest Service) there have been few forest fires in areas with public trails, including Eno River State Park (31 miles of public trails), Duke Forest (36 miles of trails), and Orange County (15 miles of trails). Mr. Hirni researched the past 10 years of fire records and found that of the total 556 fires in Durham and Orange counties, only five fires were located in forests along or near trails, and all five were extinguished with help from the Forest Service.

The Alamance County Ranger (Keith Walters) reports no increased incidence of fire as a result of new trails (including MST) in his county. Similarly, the Asheville District 1 Ranger (Rob Townley) reports no human-caused incidents of fire along the MST during his eight years with the Forest Service.

In many cases, establishing trails in forested areas can actually help with firefighting by enabling access to areas that might otherwise be inaccessible. Firefighters can enter the forest using all-terrain vehicles.

How would trail users be rescued if injured?

An emergency preparedness plan must be in place prior to opening any new section of the MST in Orange County. That plan identifies the locations where emergency vehicles (large or small) could access various locations along the trail. Orange County Emergency Services staff is confident they have the resources to help people most anywhere in the county, including hikers in remote areas. They recommend installing markers along the MST and other public park trails (every 1/10th mile) so visitors can keep track of their location and report their location if lost or injured along the trail. Those markers are assigned an “address” identified by the 911 Center with high-level accuracy for emergency response.

Will the MST increase the risk of trespass, theft, or assault for nearby property owners?

The Orange County Sheriff’s Office reports that incidents of crime associated with trails is rare in Orange County. Most crimes associated with public trails occur at trailhead parking areas and not along the trails or on neighboring properties. Unattended cars are the most likely target for break-ins and theft, and that is where site managers and the Sheriff’s Office will focus their attention. Trail users will be encouraged to eliminate opportunities for theft by leaving valuables at home and locking vehicles parked at trailheads. Signs will recommend best practices for thwarting theft from parked cars.

Park ranger Christopher Greiner reports there is little crime on the 8.2 miles of the MST in Eno River State Park. The worst problem is complaints of dogs off leash and some dog owners being rude to hikers that complained about their dogs off leash. The biggest area of law breaking/crime at the Park is the Eno Quarry (Durham County) where they have had several larcenies and car break-ins at parking areas. Some individuals have taken advantage of park visitors that swim in the quarry but leave their backpacks and wallets/purses unattended. Mr. Greiner believes that criminal activity is not because of the MST.

Who is responsible for enforcing against unauthorized activities on the trail, in parking areas, and off the trail in the nearby wooded areas (e.g., camping, parties)?

The Orange County Sheriff’s Office. The Sheriff’s Office is also an active participant in planning for the MST in Orange County. The County may also hire Trails Rangers in the future to assist with this role.

Who is responsible for enforcing against illegal parking?

The Orange County Sheriff Office. The Sheriff’s Office will make routine patrols of the MST parking/access areas and will respond to residents’ calls when they see illegally parked cars. The County will work closely with the Sheriff’s Office to monitor the situation and take further steps to reduce the incidence of illegal parking, including posting additional signage or re-routing the trail as needed.

Who is responsible for trail and parking area sanitation, maintenance, and upkeep?

County staff (or a future contracted or designated entity working under agreement with Orange County) will be responsible for these duties at the designated parking/access areas and along the trail. MST volunteers will also provide regular oversight and trail maintenance.

What are the risks to homeowners of being sued by injured trail users and trespassers?

State law specifically limits the liability of people who open their property to public use for hiking trails through NCGS 143B, Article II, Part 34. This is a limitation of liability but not an *elimination* of liability. The manager/operator of the trail must take reasonable measures to assure that it is safe for the public to walk the trail. If a landowner grants the County a trail easement across private property the County would assume some level of liability as the operator/manager of the trail. To explore this further and determine how the law applies to a particular property individuals should consult their own attorney.

Generally, landowners are protected by the law as long as they avoid willful or wanton injury to anyone who trespasses on their property. It is strongly recommended that landowners post their boundaries and do not entice people to enter their property. The County will also post boundary signs along its trail easements. Orange County staff will work with individual landowners to help them understand the general ways in which they might manage risks, but landowners should consult with an attorney to receive advice specific to their unique situation. *[This document does not purport to offer legal advice.]*

The NC Cooperative Extension provides excellent information on this subject:
<http://content.ces.ncsu.edu/land-ownership-liability-and-the-law-in-north-carolina>

The following statement is an example of the guidance found in that document:

"The law provides the least amount of protection to a trespasser, that is, someone who enters the premises of another without permission or any other right to be there. To avoid liability, the law requires only that the landowner avoid willful or wanton injury to the trespasser."

Will people who own land along or near the MST need additional insurance?

Landowners abutting the public trail may not need additional insurance except in unusual cases where the trail might be located in close proximity to a private residence or in view of a landowner's personal property. In those cases the landowner might choose to increase his/her limits for personal liability.

According to the NC Department of Insurance (Consumer Affairs Property and Casualty Office) the presence of a pedestrian trail on a neighboring property would not be a "rating factor" or "premium-bearing factor" for homeowners' insurance, and would be unlikely to cause a rate increase. If a property owner had a large number of claims, or if there were a number of bodily-injury claims, then the insurance company might reassess the risk and increase the rate or choose to no longer insure the property. Staff at the NC Department of Insurance are not aware of any cases where the presence of a nearby trail has resulted in a scenario where rates were increased.

Each policy and insurance company is different, so for information specific to one's property landowners should contact their insurance agent and/or the corporate office of their insurance company. The corporate office is likely to have a more-complete response to the level of risk for such matters, and agents will typically follow the corporate office opinion on these matters. Nevertheless, some local agents may suggest raising the limits on a homeowner's personal liability to improve their protection.

Landowners may be protected by the law as long as they avoid willful or wanton injury to anyone who trespasses on their property. It is strongly recommended that landowners post the boundaries of their property and do not entice people to enter their property. Landowners should consult with an attorney to receive advice specific to their unique situation.

Will Orange County indemnify landowners if a trespasser got hurt on their land?

Orange County cannot indemnify a property owner against liability that may arise from someone wandering off of a hiking trail onto the property owner's land. Nor can the County assume an individual property owner's liability as it relates to someone who may wander off a trail onto the owner's land.

Landowners are protected by the law as long as they avoid willful or wanton injury to a trespasser. It is strongly recommended that landowners post their boundaries and do not entice people to enter their property. Landowners should consult an attorney for advice specific to their unique situation.

How can I learn more about the NC Mountains-to-Sea Trail in Orange County and across the state?

- Orange County Dept. of Environment, Agriculture, Parks and Recreation
Land Conservation Manager 919-245-2510
http://www.orangecountync.gov/departments/deapr/mountains_to_sea_trail.php
- N.C. Division of Parks and Recreation – State Trails Program
Smith Raynor, State Trails Specialist
<smith.raynor@ncparks.gov> or 919-707-9305
www.ncparks.gov
- Friends of the Mountains-to-Sea Trail
Kate Dixon, Executive Director
<kdixon@ncmst.org> or 919-698-9024
<http://www.ncmst.org/>

How can I find the Trail?

For information on the NC Mountains-To-Sea State Trail, please see the NC Division of Parks and Recreation website at www.ncparks.gov or <http://www.ncmountainstosea.org/>

The Friends of the Mountains-to-Sea Trail website (<http://www.ncmst.org/>) has general descriptions of trail sections with mileage and information about available guidebooks.

When will the entire Mountains-to-Sea Trail be completed?

The NC Mountains-to-Sea Trail remains a work in progress. With the help of more volunteers, the pace of progress has picked up in recent years. Since 2008, 195 new miles of trail have opened on the MST. Land along some sections of the trail corridor remains privately owned, and acquisition or easements will be needed to extend the trail. The goal is a 1,000-mile trail from Clingmans Dome to Jockey's Ridge.

How can I get involved?

- You can volunteer to build trail by contacting the Friends of the Mountains-to-Sea Trail at <http://www.ncmst.org/> or contact the Land Conservation Manager with Orange County DEAPR at 919-245-2510.
- You can sign up for the Friends of the Mountains-to-Sea Trail (FMST) e-mail newsletter to keep informed of progress and opportunities to get involved. You can also become a member of the FMST—a non-profit organization that promotes the trail, coordinates trail building activities and serves as a clearinghouse for information.

Sample photos from along the NC Mountains-to-Sea Trail



Miranda Knox



Sharon Meeker



Dan Doster



James Marquardt-Leach



Rich Shaw



Rich Shaw