

SUBCHAPTER 13H - NATURAL HERITAGE PROGRAM

SECTION .0100 - GENERAL PROVISIONS

07 NCAC 13H .0101 STATEMENT OF POLICY
07 NCAC 13H .0102 STATEMENT OF PURPOSE

History Note: Authority G.S. 113-3; 113-8; 113A-164.2; 113A-164.4;
 Eff. April 4, 1979;
 Amended Eff. January 1, 1986; October 1, 1984;
 Expired Eff. February 1, 2016 pursuant to G.S. 150B-21.3A;
 Transferred from 15A NCAC 12H .0101-.0102 Eff. April 1, 2017.

07 NCAC 13H .0103 DEFINITIONS AS USED IN THIS SUBCHAPTER

In addition to the definitions in G.S. 143B-135.254, the following terms shall apply to this Subchapter:

- (1) "Natural diversity" means the native plant and animal species, geological features, plant communities, ecosystem types, and other natural features.
- (2) "Natural Heritage Areas List" means a list of those natural areas recommended by the Natural Heritage Program, pursuant to G.S. 143B-135.256(7), that are of special importance to the maintenance of the state's natural diversity and that may warrant protection by registration or dedication.
- (3) A "natural community" means any area with a recognizable and reoccurring assemblage of plants, animals, bacteria, and fungal species naturally associated with each other and their physical environment.

History Note: Authority G.S. 143B-135.254; 143B-135.256;
 Eff. April 4, 1979;
 Amended Eff. August 1, 1988; January 1, 1986; October 1, 1984; August 30, 1980;
 Readopted Eff. March 1, 2017;
 Transferred from 15A NCAC 12H .0103 Eff. April 1, 2017.

07 NCAC 13H .0104 RESPONSIBILITIES AND DUTIES OF NATURAL HERITAGE PROGRAM

History Note: Authority G.S. 113-3; 113-8; 113A-164.4;
 Eff. April 4, 1979;
 Amended Eff. January 1, 1986; October 1, 1984; August 30, 1980;
 Repealed Eff. March 1, 2017;
 Transferred from 15A NCAC 12H .0104 Eff. April 1, 2017.

07 NCAC 13H .0105 NATURAL HERITAGE ADVISORY COMMITTEE

(a) The Natural Heritage Advisory Committee shall be composed of nine members appointed by the Secretary, in accordance with G.S. 143B-135.256(6).

(b) The Natural Heritage Advisory Committee shall:

- (1) advise and make recommendations to the Department on inventory and evaluation of natural areas;
- (2) review and make recommendations for registration, acquisition, and dedication of natural areas and nature preserves by the Department;
- (3) review and make recommendations on Department priorities and plans for the selection of particular natural areas for State acquisition and for designation of nature preserves;
- (4) review and make recommendations on master plans, management plans, and other plans and proposals for development and use of lands administered by the Department;
- (5) advise the Secretary on policies and rules governing management, protection, and use of registered natural areas and dedicated nature preserves by the Department;
- (6) advise and consult with the Secretary and Department staff on policies and programs relating to preservation of natural diversity and outstanding natural areas in the state; and

- (7) consult and coordinate with other public agencies, conservation organizations, and scientific bodies on matters concerning natural diversity inventory and natural areas identification, acquisition, management, and dedication.

History Note: Authority G.S. 143B-10; 143B-135.256;
Eff. April 4, 1979;
Amended Eff. January 1, 1986; October 1, 1984; March 1, 1983; August 30, 1980;
Readopted Eff. March 1, 2017;
Transferred from 15A NCAC 12H .0105 Eff. April 1, 2017.

07 NCAC 13H .0106 INFORMATION SERVICES
07 NCAC 13H .0107 LOCATION

History Note: Authority G.S. 113-3; 113-8;
Eff. April 4, 1979;
Repealed Eff. October 1, 1984;
Transferred from 15A NCAC 12H .0106, .0107 Eff. April 1, 2017.

SECTION .0200 – REGISTRY OF NATURAL HERITAGE AREAS

07 NCAC 13H .0201 OBJECTIVES OF REGISTRY

History Note: Authority G.S. 143B-135.254; 143B-135.256; 143-135.258;
Eff. April 4, 1979;
Repealed Eff. March 1, 2017;
Transferred from 15A NCAC 12H .0201 Eff. April 1, 2017.

07 NCAC 13H .0202 CRITERIA FOR ELIGIBILITY

(a) For an area to qualify as a Natural Heritage Area and be eligible for registration or dedication, the Natural Heritage Program staff shall determine that the area possesses one or more of the following natural values:

- (1) a habitat for individual species of plants or animals that are in danger of or threatened by extirpation;
- (2) a rare terrestrial natural community;
- (3) a rare aquatic community;
- (4) features that illustrate geologic processes or the history of the earth;
- (5) unique or unusual ecological types; or
- (6) biological or ecological phenomena of significance.

(b) Upon meeting one of the criteria in Paragraph (a) of this Rule, the Natural Heritage Program staff shall evaluate an area with respect to the following factors:

- (1) the presence of ecological values represented in previously registered Natural Heritage Areas;
- (2) the natural diversity of the area;
- (3) the quality and viability of the environmental features including self-sufficiency of the ecosystem when managed and degree of vulnerability to disturbances and intrusions;
- (4) the extent to which past disturbances or land uses have altered natural communities. An area may be considered even if it shows evidence of past disturbance or land use;
- (5) the ability to be managed to protect and maintain ecological features in a natural condition, and a buffer area, as set forth in Rule .0304 of this Subchapter, to ensure protection. A buffer zone, where possible, shall follow defensible boundaries and help protect the site against adverse effects from use and development of adjacent land. The buffer zone may be included in the designated area but need not itself possess any eligibility criteria as set forth in this Rule;
- (6) compatibility of protective management practices with current use practices on adjacent lands; and
- (7) scientific and educational value.

History Note: Authority G.S. 143B-135.256; 143B-135.258;
Eff. April 4, 1979;
Amended Eff. January 1, 1986;

*Readopted Eff. March 1, 2017;
Transferred from 15A NCAC 12H .0202 Eff. April 1, 2017.*

07 NCAC 13H .0203 REGISTRATION PROCESS

(a) Nomination.

- (1) Nominations for the Registry of Natural Heritage Areas may be made by the Natural Heritage Program staff, by other public agencies, by members of the Natural Heritage Advisory Committee, or by any other resident or property owner of the State. Nominations shall be submitted, in writing, to the North Carolina Natural Heritage Program, 1651 Mail Service Center, Raleigh, North Carolina 27699. Nominations shall include the name, address and phone number for both the nominator and the owner of the of the nominated area and the location where the area is located.
- (2) The Natural Heritage Program staff shall conduct an on-site evaluation of a nominated area in order to gather information to determine that the area meets eligibility criteria.
- (3) After reviewing information on a nominated area, the Natural Heritage Program staff shall determine if an area qualifies for the registry and shall document its findings in an evaluation report with recommendations for action.
- (4) Nominations initiated by the public or other agencies shall be accepted or rejected by the Department within one year of receipt. Rejections shall include an explanation. The nominator may request consideration again by submitting information that was not previously considered to the Natural Heritage Program.

(b) Notification of Landowner or Administrator. Once an area is nominated and is recommended for registration, the Natural Heritage Program staff shall notify the owner or administering agency. The owner may request that the property be or not be considered further for registration.

(c) All nominations and recommendation reports shall be submitted by the Natural Heritage Program to the Natural Heritage Advisory Committee ("Committee"). Upon approval of the nomination by the Committee, the chairman or acting chairman shall sign the statement of recommendation and submit it for review by the Division Director. If the Division Director approves the statement of recommendation, it shall be submitted to the Natural Heritage Program staff. The Natural Heritage Program staff shall solicit comments about the nomination from the landowner or managing agency. Recommendation statements, comments, and a report of the owner's willingness to accept registration shall then be submitted to the Secretary by the Natural Heritage Program staff.

(d) Designation. Upon review of the information submitted in Paragraph (c) of this Rule, the Secretary shall decide whether the nominated area is eligible for listing in the Registry of Natural Heritage Areas. The registration of a site shall be the voluntary decision of the landowner or administering agency, pursuant to G.S. 143B-135.258.

(e) The owner or a volunteer shall annually report to the Natural Heritage Program Director once a year on the condition of the registered area.

*History Note: Authority G.S. 143B-135.256; 143B-135.258;
Eff. April 4, 1979;
Amended Eff. January 1, 1986; October 1, 1984; August 30, 1980;
Readopted Eff. March 1, 2017;
Transferred from 15A NCAC 12H .0203 Eff. April 1, 2017.*

07 NCAC 13H .0204 REGISTRATION

*History Note: Authority G.S. 113-3; 113-8; 113A-164.4; 113A-164.5;
Eff. April 4, 1979;
Amended Eff. January 1, 1986;
Repealed Eff. March 1, 2017;
Transferred from 15A NCAC 12H .0204 Eff. April 1, 2017.*

07 NCAC 13H .0205 RESCISSION

(a) The registration agreement may be terminated at any time upon notification by either party. Such termination shall remove the area from the Registry.

(b) Any person may submit a written request to the Department to remove an area from the Registry if he or she believes the site no longer meets the criteria for registration as set forth in Rule .0202 of this Section. The request

for removal shall explain the changes that have occurred to the area since the area was registered and why the area no longer meets the criteria in Rule .0202 of this Section. All requests made under this Rule shall be submitted to the North Carolina Natural Heritage Program, 1651 Mail Service Center, Raleigh, North Carolina 27699. After considering the request, the Secretary, upon recommendation of the Natural Heritage Program staff and Natural Heritage Advisory Committee, may order removal from the Registry as set forth in G.S. 143B-135.258.

(c) Rescission shall remove the area from the Registry of Natural Heritage Areas, and the owner or administering agency shall be requested to return the certificate to the agency signifying the area's inclusion on the Registry, as set forth in G.S. 143B-135.256.

(d) Any person aggrieved by any of the steps in the process described in this Rule may seek an administrative hearing as set forth in G.S. 150B-23.

History Note: Authority G.S. 143B-135.256; 143B-135.258;
Eff. April 4, 1979;
Amended Eff. August 1, 1988; January 1, 1986; October 1, 1984;
Readopted Eff. March 1, 2017;
Transferred from 15A NCAC 12H .0205 Eff. April 1, 2017.

07 NCAC 13H .0206 PUBLIC ACCESS

Registration of a natural area shall not create a right of public access to the registered area. Any person visiting a registered area shall first obtain the permission of the owner or managing agency before entering the property. The landowner or managing agency retains the option to restrict publicity and access to the property.

History Note: Authority G.S. 143B-135.256;
Eff. April 4, 1979;
Readopted Eff. March 1, 2017;
Transferred from 15A NCAC 12H .0206 Eff. April 1, 2017.

07 NCAC 13H .0207 MANAGEMENT OF REGISTERED NATURAL AREAS

History Note: Authority G.S. 143B-135.256; 143B-135.258;
Eff. April 4, 1979;
Repealed Eff. March 1, 2017;
Transferred from 15A NCAC 12H .0207 Eff. April 1, 2017.

07 NCAC 13H .0208 DESIGNATION OF NATURAL AREAS ON STATE LANDS

History Note: Authority G.S. 143B-135.258; 143B-135.264;
Eff. March 1, 1983;
Amended Eff. October 1, 1984;
Repealed Eff. March 1, 2017;
Transferred from 15A NCAC 12H .0208 Eff. April 1, 2017.

SECTION .0300 – DEDICATION OF NATURE PRESERVES

07 NCAC 13H .0301 OBJECTIVES OF DEDICATION

The State may accept the dedication of nature preserves on lands deemed by the Secretary to qualify as "outstanding natural areas," based on the criteria of eligibility as set forth in Rule .0202 of this Subchapter. The Secretary shall recommend to the Governor and Council of State, through the Director of the State Property Office in the Department of Administration, that an area be dedicated as a nature preserve. Dedication of a preserve becomes effective only upon acceptance of Articles of Dedication by the Governor and Council of State. Articles of Dedication shall be recorded in the county or counties where the nature preserve is located, in the State Property Office and in the office of the Natural Heritage Program.

History Note: Authority G.S. 143B-135.252; 143B-135.256; 143B-135.260; 146-26;
Eff. August 30, 1980;
Amended Eff. January 1, 1986; October 1, 1984;

Readopted Eff. March 1, 2017;
Transferred from 15A NCAC 12H .0301 Eff. April 1, 2017.

07 NCAC 13H .0302 DEDICATION PROCESS

(a) Upon receipt of the recommendation reports from the Natural Heritage Program and statements of recommendation from the Natural Heritage Advisory Committee, the Secretary shall determine whether the proposed area qualifies under criteria set forth in Rule .0202 of this Subchapter and constitutes an "outstanding natural area" through dedication as a nature preserve.

(b) Nature preserves are created when natural areas are dedicated by:

- (1) the owner who transfers to the State the title or other interest in the land with Articles of Dedication agreed to by the owner and the State;
- (2) any local unit of government that transfers fee simple title or other interest in land to the State through Articles of Dedication agreed to by the local government agency and the State; or
- (3) the State itself for State-owned lands through Articles of Dedication, and declaring the State as trustee for the dedication, subject to allocation pursuant to the provisions of G.S. 143-341(4)g. The Secretary and Director of the State Property Office shall make recommendations to the Governor and Council of State for dedicating State-owned lands as nature preserves.

History Note: Authority G.S. 143B-135.256; 143B-135.260; 143B-135.262; 143B-135.264; 143B-135.266; 143B-135.268;
Eff. August 30, 1980;
Amended Eff. August 1, 1988; January 1, 1986;
Readopted Eff. March 1, 2017;
Transferred from 15A NCAC 12H .0302 Eff. April 1, 2017.

07 NCAC 13H .0303 ARTICLES OF DEDICATION

(a) Articles of Dedication shall include:

- (1) a statement of the public purposes served by the dedication and a declaration that the State shall hold such title or interest to the area in trust for the public as a dedicated nature preserve under the terms and authority set forth in G.S. 143B-135.262, and describe the rights and restrictions as will protect the dedicated area consistent with the criteria set forth in Rule .0202 of this Subchapter.
- (2) the primary custodian who will be responsible for managing the nature preserve in accordance with the Articles of Dedication and these Rules;
- (3) the right of the State or its agents to enter dedicated lands to inspect its condition and to enforce the Articles of Dedication. This right of inspection shall not in and of itself create an automatic right of public access; and
- (4) any other provision necessary to carry out the purpose of this Subchapter.

(b) Articles of Dedication on land remaining in private ownership shall contain a provision notifying the State before any sale or transfer by deed or lease of the land or other interests therein. The State shall not regulate or prohibit such sale or transfer, but shall ensure that the grantee or lessee is familiar with the Articles of Dedication. The Articles of Dedication shall contain a provision indicating that any transfer of any interest in the dedicated nature preserve shall be subject to the conditions set forth in the Articles of Dedication.

History Note: Authority G.S. 143B-135.260; 143B-135.262; 143B-135.264; 143B-135.266; 143B-135.268;
Eff. January 1, 1986;
Amended Eff. August 1, 1988;
Readopted Eff. March 1, 2017;
Transferred from 15A NCAC 12H .0303 Eff. April 1, 2017.

07 NCAC 13H .0304 BUFFER AREAS

(a) For the purpose of protecting a nature preserve, adjoining land that is not otherwise suitable for dedication as a nature preserve may be dedicated as a buffer area in the same manner as a nature preserve under this Section. A buffer area, where possible, shall help protect the site against adverse effects from use and development of adjacent land. The buffer area may be included in the designated area but need not itself possess eligibility criteria.

(b) Provisions in the Articles of Dedication for the management, use, development, and public access of the buffer area may differ from those used for the adjacent nature preserve.

*History Note: Authority G.S. 143B-135.256; 143B-135.260;
Eff. January 1, 1986;
Readopted Eff. March 1, 2017;
Transferred from 15A NCAC 12H .0304 Eff. April 1, 2017.*

07 NCAC 13H .0305 PUBLIC TRUST

(a) Members of the public may bring notice to the Secretary or his or her agents of suspected violations of terms of dedications. Notice shall be made by U.S. Mail to 4601 Mail Service Center, Raleigh, North Carolina 27699. The Natural Heritage Program shall investigate notices of violations and shall maintain monitoring of all dedicated preserves. After investigation of a notice of violation, the Natural Heritage Program shall respond, via U.S. Mail, to the notifying party and recommend action to the Secretary.

(b) The Natural Heritage Program shall maintain administrative records for dedicated areas. These shall be available for public review online at www.ncnhp.org. or at 121 West Jones Street, Raleigh, North Carolina 27603, and copies shall be available at actual cost.

(c) The State may enter into contracts and agreements with other agencies and persons to manage and monitor dedicated preserves, but the State shall not abdicate its trusteeship for dedicated lands through such contracts or agreements.

*History Note: Authority G.S. 143B-135.256; 143B-135.262;
Eff. January 1, 1986;
Readopted Eff. March 1, 2017;
Transferred from 15A NCAC 12H .0305 Eff. April 1, 2017.*

07 NCAC 13H .0306 AMENDMENTS

(a) Amendments that remove some portion of the existing Articles of Dedication shall not be approved until after a public hearing in the county or counties where the dedicated preserve lies. The State shall provide not less than 30 days notice of the hearing in the newspaper of largest circulation in the county or counties where the land lies. The State shall provide not less than 30 days notice to the chief county and municipal administrative officials in the jurisdiction where the land lies.

(b) Notwithstanding the provisions of Paragraph (a) of this Rule, Articles of Dedication may be amended as they affect use or disposition of land, even if the purposes of G.S. 143B-135.262 or the original dedication will be violated under the following circumstances:

- (1) the Governor and Council of State find that an amendment serves the best interest of the State and no prudent alternative exists;
- (2) after a public hearing with notice provided in Paragraph (a) of this Rule; and
- (3) with the concurrence of the Governor and Council of State.

(c) After the public hearing and finding by the Governor and Council of State, the State shall publish a statement of its findings in the newspaper of largest circulation in the county or counties where the land lies at least 30 days before the amended Articles of Dedication is final.

*History Note: Authority G.S. 143B-135.256; 143B-135.260; 143B-135.262; 143B-135.268;
Eff. January 1, 1986;
Amended Eff. August 1, 1988;
Readopted Eff. March 1, 2017;
Transferred from 15A NCAC 12H .0306 Eff. April 1, 2017.*

07 NCAC 13H .0307 EXTINGUISHMENT BY THE STATE

(a) Articles of Dedication may be extinguished by amendment and the dedication abandoned if:

- (1) the Secretary finds that qualifying features of the land have been destroyed or damaged;
- (2) the Secretary finds that the public purposes of the dedication have been frustrated;
- (3) after a public hearing with notice provided as described in Rule .0306(a) of this Section; and
- (4) with the approval of the Governor and Council of State.

(b) Articles of Dedication may be extinguished by amendment and the dedication abandoned if:

- (1) the Secretary finds that the extinguishment and abandonment serves a public necessity and no alternative exists;

- (2) after a public hearing with notice provided as described in Rule .0306(a) of this Section; and
 - (3) with the approval of the Governor and Council of State.
- (c) After the public hearing, the State shall publish a statement of its findings in the newspaper of largest circulation in the county or counties where the land lies at least 30 days before the extinguishment is final.

*History Note: Authority G.S. 143B-135.256; 143B-135.260(c);
Eff. January 1, 1986;
Readopted Eff. March 1, 2017;
Transferred from 15A NCAC 12H .0307 Eff. April 1, 2017.*

07 NCAC 13H .0308 MUTUAL TERMINATION

Articles of Dedication shall terminate only under the following circumstances:

- (1) in accordance with the terms of the Articles of Dedication itself;
- (2) in accordance with the nature and duration of the underlying legal interest in the property being placed under the Articles of Dedication; or
- (3) upon mutual written consent executed by and between the owner, its successors or assigns, the State, and approved by the Governor and Council of State.

*History Note: Authority G.S. 143B-135.256; 143B-135.260(c);
Eff. January 1, 1986;
Readopted Eff. March 1, 2017;
Transferred from 15A NCAC 12H .0308 Eff. April 1, 2017.*

SECTION .0400 – MANAGEMENT; USE; AND PROTECTION OF DEDICATED NATURE PRESERVES

07 NCAC 13H .0401 MANAGEMENT PLAN

- (a) A management plan shall be prepared for each dedicated nature preserve. The Articles of Dedication shall assign responsibility for the preparation of the management plan.
- (b) The Secretary of the Department of Natural and Cultural Resources or his or her designee shall review all management plans and their revisions, and shall approve those plans that implement the principles set forth in Rule .0402 of this Section.
- (c) The Secretary or his or her designee shall monitor all dedicated preserves as set forth in Rule .0305 of this Subchapter and report violations of the approved plan, situations that violate the Articles of Dedication, or actions harmful to the natural resources of the preserve.
- (d) In the event that the owner or the State agency managing the dedicated preserve does not adopt an approved management plan or does not adhere to the provisions of the plan, the Secretary shall request the Department of Administration to take an action such as mediation, reallocation of the land to another agency, or referral to the Office of the Attorney General.

*History Note: Authority G.S. 143B-135.256; 143B-135.262;
Eff. January 1, 1986;
Readopted Eff. March 1, 2017;
Transferred from 15A NCAC 12H .0401 Eff. April 1, 2017.*

07 NCAC 13H .0402 MANAGEMENT PRINCIPLES

The following management principles shall apply to all dedicated preserves, unless exceptions are expressly provided in the Articles of Dedication:

- (1) the natural character of the property shall be maintained;
- (2) improvements, including building of all types, trails, parking areas, vehicular roadways, signs, fences, steps, and bridges, shall only be constructed when approved by the Secretary or his or her designee as necessary for the security, safety, access of the public or for the maintenance and management of the preserve;
- (3) destruction of flora and fauna shall not be permitted except for the purpose of preserving species and natural communities of concern, or for the purpose of establishing and maintaining public access facilities. In case of either exception, and upon approval of the exception by the Secretary

- or his or her designee, manipulation of the flora and fauna shall be consistent and compatible with the ecological character of the area and shall not be damaging or detrimental to the preserve;
- (4) no motorized vehicles shall be permitted on the dedicated property other than those utilized by the owner or the owner's agents in management and protection of the property or used by the general public for ingress and egress to the property in compliance with the management plan for the preserve;
 - (5) no signs, billboards, or other advertising of any kind shall be erected, with the exception of informational and directional signs, designed by the Secretary, owner, or State agency, related to the designation of the area as a preserve or for public access to the preserve;
 - (6) no change shall be made in the topography of the preserve except as approved by the Secretary or his or her designee for those alterations that may be necessary to provide on-foot access to the public for visitation or observation, if the change is compatible and consistent with the character of the property, and where no detrimental effect will result;
 - (7) no activity shall be allowed that may pollute any stream or body of water in the preserve;
 - (8) no stream in the preserve shall be dammed, impounded, or have its course altered as a result of human activity;
 - (9) visitor activities shall be controlled to prevent disturbance and environmental degradation of the preserve;
 - (10) prescribed fire and necessary fire lines may be used as management tools to maintain or protect the natural community type;
 - (11) the cutting or removal of trees, dead or alive, shall be prohibited, except when it is necessary for public safety, as determined by the Secretary, owner, or State agency;
 - (12) persons wishing to engage in scientific research or collection of natural materials within a preserve shall first secure written permission from the owner or the State agency;
 - (13) when necessary, as determined by the Secretary, owner, or State agency, boundaries of a preserve shall be made evident by placing markers or boundary signs at corners and other strategic locations;
 - (14) control of exotic (non-native) species may be undertaken where eradication may be accomplished without disturbance of the area's natural conditions; and
 - (15) no other acts or uses that are detrimental to the maintenance of the property in its natural condition shall be allowed, including disturbance of the soil, mining, commercial or industrial uses, timber harvesting, ditching and draining, or depositing waste materials.

History Note: Authority G.S. 143B-135.256; 143B-135.262;
Eff. January 1, 1986;
Readopted Eff. March 1, 2017;
Transferred from 15A NCAC 12H .0402 Eff. April 1, 2017.

07 NCAC 13H .0403 MANAGEMENT RULES FOR PRESERVES

Additional management principles consistent with the general management principles for dedicated preserves, as set forth in Rule .0402 of this Section, may be adopted through an amendment to the Articles of Dedication by the owner or State agency, in accordance with Rule .0306 of this Subchapter.

History Note: Authority G.S. 143B-135.256; 143B-135.262;
Eff. January 1, 1986;
Readopted Eff. March 1, 2017;
Transferred from 15A NCAC 12H .0403 Eff. April 1, 2017.

07 NCAC 13H .0404 NATURAL HERITAGE PROGRAM FEES; INVENTORY DATA, ENVIRONMENTAL SERVICES, AND DATA

(a) Individuals may obtain access to Natural Heritage Program (NHP) data by purchasing a subscription at <https://ncnhde.natureserve.org/> as set forth in Paragraph (b) of this Rule.

(b) Data subscriptions shall be available in accordance with the following fee schedules:

- (1) Annual subscription for online project review: six hundred dollars (\$600.00) per individual user. Annual subscription shall include 12 months of access to reports and maps of rare species, natural areas, and nature preserves related to a user specified geographic location. Reviews conducted by

NHP shall not be included with an annual subscription. Access shall last for 12 months from the purchase date of the subscription.

- (2) Online project review with no annual subscription: one hundred dollars (\$100.00) per project review request. Online project review with no annual subscription shall include a generated map of a rare species, natural community, natural area, and nature preserves for user specified geographic location.
 - (3) Customized environmental review services: sixty-five dollars (\$65.00) per hour. Customized environmental review services shall include a report and a map, prepared by NHP of rare species, natural communities, natural areas, and nature preserves related to a user specified geographic location.
 - (4) Electronic Geographic Information Systems (GIS) files of natural heritage element occurrence records: one hundred dollars (\$100.00) per county, species, or eight digit hydrologic unit code (HUC) established by the U.S. Geological Survey. NHP shall provide updated GIS files upon request for the same county, species, or eight digit HUC for a 12-month period from delivery of the initial GIS files.
 - (5) Biological field surveys: sixty-five dollars (\$65.00) per hour. Biological field surveys shall include an observation summary and habitat assessment of maps, rare species, natural communities, natural areas, and nature preserves for the user specified project area.
- (c) Federal, State, local government, and nonprofit agencies using natural heritage data to establish or manage nature preserves in accordance with this Section shall be exempt from fees set forth in Paragraph (b) of this Rule.

*History Note: Authority G.S. 143B-135.256; 143B-135.272;
Eff. October 1, 2018.*