



Regular Meeting of the Natural Heritage Advisory Committee

Agenda February 7, 2024, 1:00 -3:00 p.m.

Remote participation: Contact natural.heritage@dncr.nc.gov for Teams meeting link.

In-person meeting location: Nature Research Center, 121 West Jones Street, Raleigh, NC, room 4508

Documents to be discussed during the meeting will be accessible online at:

<https://www.ncnhp.org/events>

NHAC Members: Jeff Marcus (chair), Alan Weakley, Joey Owle, Lee Leidy, Sue Cameron, Jocelyn Wilson, Jay Leutze, Kim Brown.

NHP Staff: Misty Buchanan, Scott Pohlman, Michael Schafale, Nathan Shepard

DNCR Staff: Deputy Secretary Jeff Michael, Division of Land and Water Stewardship Director Will Summer, General Counsel:

Call to Order and Reading of Ethics Reminder – Jeff Marcus, Chair

In accordance with the State Government Ethics Act, it is the duty of every Natural Heritage Advisory Committee member to avoid both conflicts of interest and appearances of conflict. Does any Natural Heritage Advisory Committee member have any known conflict of interest or appearance of conflict with respect to any matters coming before the Natural Heritage Advisory Committee today? If so, please identify the conflict or appearance of conflict and refrain from any undue participation¹ in the particular matter involved.

Land Acknowledgement – Jeff Marcus, Chair

As we gather to discuss wise stewardship of critically important properties in NC, we gratefully acknowledge the Native American peoples who were the original stewards of these lands. We pay our respect to those past, present, and emerging people who have been custodians of these lands and waters.

Welcome, Introductions, and Logistics: NHAC, DNCR, NHP

- Introduction of new Committee Member, Kim Brown (Misty Buchanan)
- DNCR Updates – Legislative and NCLWF updates (Deputy Secretary Jeff Michael and/or Division Director Will Summer)

- NHP updates (Misty) -Special projects, ongoing priorities
- 01 Review Agenda for Additions and Deletions - All
 - 02 Review Previous Meeting Minutes - All

Dedicated Nature Preserve Overview (Scott)

New Dedications and amendments to add property:

- 03 Wildlife Resources Commission Johns River Game Land
- 04 NCDA Plant Conservation Program Redlair Preserve
- 05 NC Division of Coastal Management Buckridge Reserve
- 06 Mecklenburg County West Branch Preserve (pending review)

Other Topics

Review plans for May 16-18 Meeting

Wrap Up and Adjourn



Natural Heritage Advisory Committee Meeting Minutes

November 1, 2023, 9:00 a.m. – 12:00 p.m. via Teams

Documents discussed during the meeting were distributed ahead of time and accessible online at:

<https://www.ncnhp.org/news/events/natural-heritage-advisory-committee-meeting-nov-01-2023>

NHAC Members:

Present: Jeff Marcus (chair), Alan Weakley, Joey Owle, Lee Leidy, Ron Myers, Sue Cameron, Jocelyn Wilson

Absent: Jay Leutze, Randolph Harrison

Guests: Stacey Poston (City of Durham), David Fleischer (City of Durham), Chris Dreps (Ellerbe Creek Watershed Association), Rusty Painter (Conservation Trust for NC)

NHP Staff: Misty Buchanan, Scott Pohlman, Jess Schaner (recording minutes)

DNCR Staff: Division of Land and Water Stewardship Director Will Summer, General Counsel: Zoe Hansen Burnet

Introductions

Jeff Marcus called the meeting to order at 9:00 AM.

Call to Order and Reading of Ethics Reminder – Jeff Marcus, Chair

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Recusals: None

Land Acknowledgement – Jeff Marcus, Chair

As we gather to discuss wise stewardship of critically important properties in NC, we gratefully acknowledge the Native American peoples who were

the original stewards of these lands. We pay our respect to those past, present, and emerging people who have been custodians of these lands and waters.

Welcome, Introductions, and Logistics: NHAC, DNCR, NHP

- Introduction of new Committee member Jocelyn Wilson
 - Jocelyn is the Southern Region Manager for Timberlands Business with the Weyerhaeuser Company. She has a broad range of forest management experience in the Southeast, including mitigation banking, land acquisition and other aspects of production forestry.
- DNCR Updates - Legislative and NCLWF updates (Division Director Will Summer)
 - NC Land and Water Fund's 2023 grant cycle was very successful and the \$45 million awarded will result in the protection of numerous rare species and natural communities.
- NHP updates (Misty) -Special projects, ongoing priorities
 - State budget awarded NCNHP 2 new permanent positions (Pollinator Biologist and Regional Field Biologist). The Field Biologist will likely cover the NE Coastal Plain and the Pollinator Biologist will work statewide. Positions have not been posted yet.
 - The vacated Botanist position should be filled soon. A large pool of good applicants included several strong candidates who were interviewed. A top candidate has been selected, and we are currently working with Human Resources for approval of the selected person.
 - Interviews for the vacated Business Coordinator position are occurring this week and there are excellent applicants. We are hoping to have the successful candidate on board by December 2023.
 - Applications have been received for the vacated Data Manager position and we hope to conduct interviews for this position in December 2023.
 - The Carolina Hemlock and Mountain Purple Pitcherplant Status Surveys are complete, and the reports were submitted to US Fish and Wildlife Service yesterday, wrapping up two years of work by NHP staff. Project lead David Siripoosup will give virtual presentations about his findings on Nov 9th (Hemlock) and Nov 30th (Pitcherplant). Let Misty know if you would like an invitation to the presentations.
 - We wrapped up surveys of Piedmont Prairies in Durham County and the report is available by request. No new sites were found but previously un-surveyed private lands were visited.
 - The updated Chatham Co. inventory will begin next year and is a 2-year project. NCNHP will be hiring a biologist in December to work on this project full-time. The inventory will visit existing known natural areas to update records, as well as look for new rare species

populations and good-quality natural communities to evaluate potential new natural areas as priorities for conservation.

01 Review Agenda for Additions and Deletions – All

- No one had additions or deletions to the agenda.

02 Review Previous Meeting Minutes – All

- Joey Owle moved to accept the previous meeting minutes as presented. Ron Myers seconded the motion, and all voted to approve by roll call.

Dedicated Nature Preserve Overview (Scott)

- A Dedication is a legally binding agreement attached to the land that cannot be rescinded by owner, very much like a conservation agreement. Reviewed types of dedication zones and aquatic standards for dedication.

Alan Weakley left the meeting due to a schedule conflict and indicated would rejoin in 20 minutes.

New Dedications and amendments to add property:

03 City of Durham Ellerbe Creek Waterbird Colony

- 215 acres total (83 acres Primary, 132 acres Buffer)
- This is a voluntary dedication by the City of Durham
- The site contains an important waterbird colony (heronry), Piedmont Semipermanent Impoundment and several high-quality floodplain communities that comprise the Primary dedicated area.
- Existing and anticipated future water and sanitary sewer lines affected the configuration of the primary dedicated area. Much of the area that would include this infrastructure – including riparian zones of Ellerbe Creek that might otherwise have been included as Primary Area - was included in a Buffer Area, with language for NHP review as plans are developed, and minimizing disturbance during construction.
- Additional areas would qualify for dedication, including an area that has been identified for the proposed Northern Durham Parkway. Those areas were not included in this dedication, but we hope to do a second phase dedication at some point in the future.
- City of Durham Water Department requested some changes to the Articles of Dedication after the proposed Articles had been sent to the Natural Heritage Advisory Committee as part of the materials for review prior to this meeting. NHP responded to the request, through David Fleischer, who was acting as the point of contact for City of Durham. City of Durham and NHP agreed on revised language October 31, and the powerpoint presentation and Articles of Dedication were updated and

sent to Committee members. The powerpoint contained the details of the requested changes and the negotiated resolution. Three changes were proposed:

- o City of Durham Water Department was concerned with language that prohibited new roads, and would like to be retain the authority to construct new roads if needed to access or create monitoring wells.
 - David Fleischer said the City owns land surrounding this site and wants to have access as needed to install new monitoring wells as needed. They will likely be hand-augured wells but want ability to bring in truck or equipment if needed to drill wells.
 - New language underlined below:
 - 6.e. Other Structures and Improvements: The custodian may construct monitoring wells, if needed. If needed, new access paths may be created to install and access monitoring wells. Installation of paths and wells shall be conducted in such a manner as to minimize disturbance of soil and vegetation. With these exceptions...
- o City of Durham Water Department requested additional clarity that NHP would be reviewing proposed water or sewer plans for potential impacts to the preserve, and not the engineering or technical aspects of design and construction.
 - New language underlined below:
 - 7 Rules for Management of the Buffer Area: ...The Grantor reserves the future right to construct water and sanitary sewer lines over and across the Buffer Area which Grantor deems necessary, the location of which shall be designated by Grantor as and when needed. All necessary care shall be taken to avoid and/or minimize impacting the natural area and resource values of the preserve. Prior to construction, the Grantor will submit for review to the Secretary of the Department of Natural and Cultural Resources a plan indicating location and method of construction for the proposed water or sanitary sewer lines, to analyze potential effects on the preserve, and evaluate for consistency with the purposes of the Preserve as stated in these Articles. The approximate area of anticipated sanitary sewer alignment is noted in Exhibit B map.

- Joey Owle asked if new water or sewer lines need to be scoped before being permitted.
- Scott Pohlman said we have changed the language of dedication to be clear NCNHP is not reviewing the engineering of these projects. Our role is to analyze the effects of these projects on the preserve, and their consistency with the purpose of the dedication.
- Joey Owle suggested that it might be prudent to add language to the dedication that applicable state and federal laws will be adhered to by the city.
- Jeff Marcus wondered if NCNHP would have the power to veto construction if it was inconsistent with the dedication or if they would take more of an advisory role?
- David Fleischer stated that the city would still have the right to build what they want but would lose the dedication if it was violated. The city has no intention of doing that, as they want to keep the dedication.
- Jeff Marcus stated that it is good for the legal language to be clear.
- Lee Leidy agrees with Jeff that there is a potential conflict with the language. Hard to interpret when an action is impacting the preserve.
- Misty Buchanan stated that when creating the Primary and Buffer areas NCNHP anticipated the future needs of the city's water program. We allowed the buffer to be bigger than it would otherwise to allow for potential new waterlines.
- Scott Pohlman asked for clarification of Lee's question.
- Lee Leidy asked whether NCNHP would work with Durham, or veto Durhams plans if they were believed to impact the preserve? She believes the wording does not make it clear that NCNHP does not have authority to prevent new waterlines in certain areas.
- Scott Pohlman stated that this language is to encourage a partnership where NHP is providing advice, and that new construction would not require written approval from NHP.
- Zoe Hansen-Burnet advised that we can reframe the language based on the comfort level of the committee.
- Jeff Marcus stated that the Dedications typically use collaborative language, and that the history of the advisory committee has been focused on minimizing impacts while still allowing reasonable uses.

- Misty Buchanan agreed that was the goal of the language and added that the Buffer area has already been degraded with other water lines and stream straightening.
- Jeff Marcus asked if this a voluntary dedication. Scott Pohlman shared that it is a voluntary dedication.
- Jeff Marcus commented that this demonstrates the good intent of the city and further strengthens his comfort level of moving forward with the current wording.
- Joey Owle agreed.
- City of Durham Water Department requested a change in the wording of the Articles to allow the city to pursue enhancements that may provide nutrient or buffer credits.
 - David Fleischer explained that this change in text was requested to ensure that Durham would retain the authority to seek nutrient credits from the state.
 - New language underlined below, including NHP additional language that the enhancements are consistent with the dedication, and would include NHP consultation.
 - 7 Rules for Management of the Buffer Area: ... The Grantor reserves the right to pursue environmentally beneficial enhancements that may provide needed nutrient or buffer credits in this area, consistent with the purposes of the Preserve as stated in these Articles, and in consultation with the Natural Heritage Program.
 - Jeff Marcus thought this sounded reasonable.

***Joey Owle moved to accept the dedicated nature preserve proposal. Sue Cameron seconded. The motion passed by unanimous consent via roll call vote. Alan Weakley, Randolph Harrison, and Jay Leutze were absent.

Alan Weakley re-joined the meeting. He did not vote on the above motion due to his absence.

04 Wildlife Resources Commission Green River Game Land

- Addition of 99 acres to Dedicated Nature Preserve (43 acres Primary, 56 acres Buffer).
- No element occurrences on tract.
- Riparian zones off tract that connect to existing Primary Area were included.

***Joey Owle moved to accept the dedicated nature preserve amendment proposal. Lee Leidy seconded. The motion passed by unanimous consent via roll call vote.

05 Department of Adult Correction Neuse River Floodplain - Johnston Correctional

- Voluntary dedication; 22 acres total (17 acres Primary, 5 acres Buffer)
- Several high-quality natural communities, some too small to map, but likely continue off property.

*** Jeff Marcus moved to accept the dedicated nature preserve proposal. Joey Owle seconded. The motion passed by unanimous consent via roll call vote.

Dedication Management Proposals for Review (Scott)

06 Update on Eno River Diabase Sill DNP house demo and pond

- Eno River Diabase Sill is a collection of properties owned by the Plant Conservation Program (PCP) (NC Department of Agriculture). Portions of the property, including a house and pond, were dedicated entirely as primary, as a condition of one of the funding sources used in acquisition. Homesites in particular would generally be excluded from DNP Primary Areas according to NHP internal working policies, and NHP staff worked with PCP staff over the past several years toward removal of the house to restore the area to more natural conditions. The house was demolished in October of 2023, and treatment of associated non-native species is ongoing.
- PCP is interested in removing part of the dam from the pond, as it appears to be starting to fail and outflow over the dam is causing erosion. Even partial removal of the dam will help return the site to more natural conditions, but it is very early in the process, and investigation of removing the dam fully or partially will continue.

07 Update on Shocco Creek Game Land amendment, public hearing

- NCDOT has requested permanent and temporary construction easements for bridge replacement.
- Public hearing occurred on Oct 17th. There were no negative comments about the amendment to the dedication from the public.
- Wildlife Resources Commission has no objections to the bridge replacement and associated easements.
- The next step is for the amendment to go to Land and Water Fund Board for review, and then to DNCR Secretary and the Council of State.
- Joey Owle asked if there was any pushback from NCDOT concerning the timeline of this project.
- Scott Pohlman said that it seems like we are still within the timeline they were hoping for.

Registry – Proposed

08 Bertie County Tall Grass of Water

- New Registry Agreement; 31 acres (all primary)
- Protects Coastal Plain Cliff and other natural communities along Chowan River
- Jeff Marcus asked if Bertie County approached NHP concerning this registry or how was it initiated. Scott Pohlman explained that Bertie Co. was interested in shoreline stabilization on the Chowan River and reached out to state agencies. NCHNP (Scott) was included in the discussion, and asked if Bertie County would be interested in pursuing registry. The County was supportive of registry, and Mike Schafale inventoried for registry in 2023. Stan Riggs deserves recognition for helping protect this property and promoting the educational component and local appreciation for it, as well as pushing for the sustainably-designed approach that was developed for the public to access the Chowan River.

***Alan Weakley moved to accept the registry proposal. Lee Leidy seconded. The motion passed by unanimous consent via rollcall.

Other Topics

Review of Committee membership – terms and appointments

- Misty Buchanan explained that we need to fill 2-3 committee positions at the end of December. Randolph Harrison, who formerly represented a conservation organization, has started a new job and needs to step down from his appointment. Ron Myers, who has served since 2016, has also decided to step down in December. He represents state government. Lee Leidy's term also ends in December. She has been serving since 2015 and may be willing to continue for 2 more years. Lee represents a conservation organization. Alan Weakley's term also ends in December, and he is still deciding whether to continue. He represents an academic institution. So, we will be looking for new committee members who represent state/local government and potentially an academic institution or conservation organization. New member Jocelyn Wilson represents private industry. We are seeking diverse geographic and cultural representation and would be glad to receive nominations if you know of someone who might be a good fit.
- Joey Owle asked what the process is to nominate someone for appointment? Misty replied that she would like to receive nominations in the next few weeks ideally and just providing her the name and contact info, and a resume if possible, would be great.

- Many thanks to Alan, Ron, Randolph, and Lee for years of guidance and service!

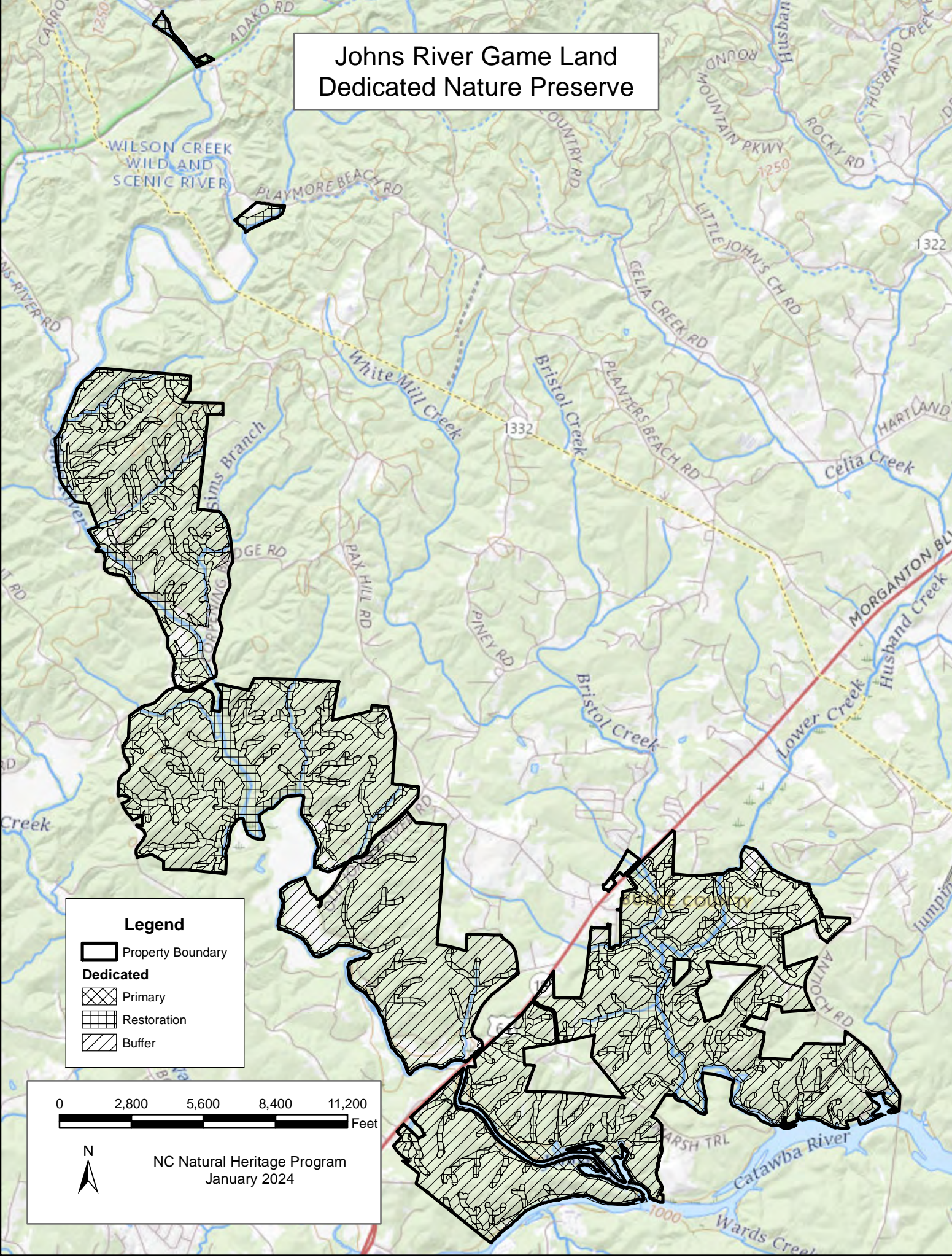
Set 2024 meeting dates

- Jeff Marcus explained that the committee has 2 major in-person meetings per year; one in the spring and one in the fall with two short virtual meetings in between, to deal with any time-sensitive matters. Typically, one meeting is in Raleigh and one is in the Mountains or Coastal Plain.
- Alan Weakley asked if we expect dedications to continue at the same pace.
- Scott Pohlman replied that many projects are out for review right now and a virtual meeting in February would be a good idea, so that spring meeting is not too full.
- Misty Buchanan asked if there was any interest in coordinating the spring committee meeting with the NC Land and Water Fund Board meeting like we did last year. Will Summer shared that the NC Land and Water Fund meeting may be in the Uwharrie Mountains in May. Possibly lodging and meeting at Mt. Shepard outside of Asheboro.
- Jeff Marcus thought it was great to overlap with Land and Water Fund board meeting, as it was good for networking and information sharing.
- Will Summer will get back to us with dates for May. Jocelyn Wilson is not available the week of May 13th. No one else reported any conflicts for May.
- February 7th, 2024 - virtual meeting from 1 pm - 3 pm.
- August 7th, 2024 - virtual 1 pm - 3 pm
- November 7th, 2024 - in person meeting in Raleigh from 9 am - 3 pm.

Wrap Up and Adjourn

Joey Owle made a motion to adjourn the meeting at 10:57 pm, Ron seconded the motion, and all voted to adjourn the meeting.

Johns River Game Land Dedicated Nature Preserve



WILSON CREEK
WILD AND
SCENIC RIVER

PLAYMORE BEACH RD

White Mill Creek

1332

Bristol Creek

GELIA CREEK RD

LITTLE JOHN'S CH RD

1322

Celia Creek

Sims Branch

GE RD

PAX HILL RD

PINEY RD

Bristol Creek

Lower Creek

MORGANTON BLVD

Husbard Creek

Legend

Property Boundary

Dedicated

Primary

Restoration

Buffer

0 2,800 5,600 8,400 11,200 Feet



NC Natural Heritage Program
January 2024

Marsh Trl

Catawba River

Wards Creek

(ON DEPARTMENT OF ADMINISTRATION STATIONERY)

(DATE) (LINE 6) (NOT IN BOLD)

Secretary D. Reid Wilson
Department of Natural and Cultural Resources
4601 Mail Service Center
Raleigh, North Carolina 27699-4601

Mr. Cameron N. Ingram, Executive Director
N.C. Wildlife Resources Commission
Mail Service Center 1701
Raleigh, North Carolina 27699-1701

Subject: Dedication of Portions of the **Johns River Game Land**, Burke County

Dear Secretary Wilson and Mr. Ingram:

Pursuant to Part 42 of Chapter 143B of the North Carolina General Statutes, this letter of allocation is executed for the purpose of dedicating the State-owned lands hereinafter described as a North Carolina Nature Preserve. These articles of dedication replace the articles of dedication dated July 1, 2022.

This real property is currently administered by the North Carolina Wildlife Resources Commission as a portion of the **Johns River Game Land** and consists of approximately 6,420 acres located in Burke County, composed of:

- | | |
|---|-------------|
| 1. Johns River Game Land (Primary Area) | 2,095 acres |
| 2. Johns River Game Land (Buffer Area) | 4,325 acres |

which are specifically described in Exhibit A, attached hereto and by reference made a part hereof. The dedicated land shall be known collectively as the **Johns River Game Land Dedicated Nature Preserve**.

Dedication of the qualified portions of the tract fulfills the terms of certain prior grant agreements, including those of the North Carolina Land and Water Fund (2005B-012, 2005B-033, 2006A-013, NHTF200609601, 2016-062).

THIS DEDICATION OF THE JOHNS RIVER GAME LAND NATURE PRESERVE IS MADE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

1. **Definitions:** As used in this Letter, the terms "natural area" and "nature preserve" shall have the same meaning as contained in North Carolina General Statutes, section 143B-135.254.
2. **Dedication:** Pursuant to North Carolina General Statutes 143B-135.264, all State-owned lands lying within the above designated area(s) are hereby dedicated as a nature preserve to be known collectively as the **Johns River Game Land Dedicated Nature Preserve** (hereinafter "preserve") for the purposes provided in the North Carolina Nature Preserves Act, as amended, and other applicable law, and said State-owned land, shall be held, maintained, and used exclusively for said purposes.
3. **Primary Custodian:** The primary custodian of the preserve will be the North Carolina Wildlife Resources Commission, which will be responsible for managing the preserve in accordance with State Administrative Code 07 NCAC 13H.300 and .0400.
4. **Primary Classification:** The primary classifications and purposes of the preserve will be conservation, nature education, wildlife management, hunting, fishing, trapping, and other compatible recreational uses authorized by the Primary Custodian. The ecological significance of the preserve is described in Exhibit A.
5. **Management Areas:** For the purposes of management, the preserve shall be considered to consist of a Primary Area (approximately 2,095 acres, including 1,644 acres primary restoration) and a Buffer Area (approximately 4,325 acres), as more particularly described in Exhibit A, attached thereto and by this reference made a part hereof. The Primary Area consists of the riparian zones adjoining the Johns River and its tributaries, protecting water quality and aquatic habitats within the river and adjacent wetlands. The Johns River supports numerous rare invertebrates - including insects, crayfish, and freshwater mussels - and rare fish. Wetland habitat within the Primary Area supports other rare vertebrate species.

The Primary Area is deemed by the Secretary of the North Carolina Department of Natural and Cultural Resources to qualify as an outstanding natural area under statutory criteria for nature preserve dedication (G.S. 143B-135.260) and further serves all of the public purposes for a dedicated preserve as stated in G.S. 143B-135.252.

The Buffer Area, which contributes to the management and protection of the Primary Area, consists primarily of pine stands and portions of fields that were not included in the Primary Area.

6. **Rules for Management of the Primary Area(s):**

- A. Character of Visitor Activity: The principal visitor activities in the preserve shall be hunting, fishing, trapping, walking, research, and observation. These activities shall be regulated by the Custodian to protect and preserve the natural values of the Preserve.

Activities and uses unrelated to those listed above are prohibited except as otherwise provided in these Articles or unless necessary to carry out the purposes of the preserve. Prohibited activities include, but are not limited to: construction; commercial activities and development; commercial silviculture; agriculture and grazing; gathering of native species of plants or plant products; the removal, disturbance, molestation, or defacement of minerals, archaeological and natural resources, except for research purposes as approved by the Custodian; and those activities specifically restricted in these Articles.

There shall be no fires, except as necessary for ecological management of the preserve or in conjunction with supervised educational activities of the Custodian, or further excepted as herein provided or otherwise expressly permitted.

- B. Consumptive Wildlife Uses: Hunting, fishing, and trapping shall be permitted on the preserve subject to regulations and management by the North Carolina Wildlife Resources Commission.
- C. Orientation and Guidance of Visitors: The Custodian reserves the right to orient and guide visitors for educational programs, hunting and fishing uses, scientific research, and for preserve management. Exhibits, programs, and printed materials may be provided by the Custodian in service areas. The Custodian may create and maintain signage or kiosks, overlooks, fences, barriers, guardrails, steps and boardwalks (hereinafter referred to as "Trail Accessories") associated with trails to be constructed within the preserve. The location of any Trail Accessories shall be decided in consultation with the North Carolina Natural Heritage Program and shall be for the purpose of ensuring the safe, permitted use of the preserve while protecting the preserve from unwanted or excessive visitor traffic. The Custodian may restrict the access of visitors in those instances or in such areas that restrictions may be determined necessary to safeguard sensitive environmental resources in the preserve.
- D. Roads and Trails: Construction and maintenance of roads within Primary and Buffer Areas of the preserve will be limited to the level necessary to appropriately manage the preserve. New roads shall not be constructed in the Primary Area. When necessary, the Custodian may construct and maintain access limited to staff use for management purposes, such as service paths (single lane vegetated paths)

for patrol, right-of-way maintenance, and other management activities, within the Primary Area. Number and width of new paths will be minimized, and sensitive areas avoided when possible. The Custodian may locate, build and maintain trails within the boundary of the preserve in a manner consistent with this dedication and in consultation with the North Carolina Natural Heritage Program. The North Carolina Natural Heritage Program may require that the Custodian reroute, restrict or limit access to specific areas of the preserve or the Overmountain Victory State Trail if it is determined by the North Carolina Natural Heritage Program that such reroute, restriction or limitation is necessary to safeguard sensitive environmental resources in the preserve.

Existing roads that occur within or form a boundary of the Primary Area may be maintained by grading of the roadbed, replacing culverts, or adding stone as needed in order to maintain the integrity of the road for vehicular use. Daylighting of roads within the Primary Area should be minimized, but may be used if necessary, to maintain the condition of the road. Access management and construction will be part of the overall management planning process and will include consultation with the North Carolina Natural Heritage Program.

If an existing North Carolina Department of Transportation (“NCDOT”) road runs within or along a boundary of the Primary Area and NCDOT demonstrates a compelling need to do so, then subject to the written approval of both the Primary Custodian and the Natural Heritage Program, NCDOT may within the Primary Area use a strip of land up to fifty feet (50’) wide outside and adjacent to the road’s existing NCDOT right-of-way for the purpose of improving the NCDOT road. A strip of land approved under this provision shall not be longer than 1,000 feet long. The Primary Custodian and the Natural Heritage Program shall concur only if the proposed improvements and the associated activities will not cause significant impacts to rare species, small-patch natural communities, adjacent streams, or other Natural Heritage resource values. The existing NCDOT roads that run within or along a boundary of the Primary Area at the time of the issuance of this letter of allocation are as follows: U.S. Hwy 64, S.R. 1424, S.R. 1438, S.R. 1328, S.R.1423, and S.R. 1435

- E. Other Structures and Improvements: Structures or facilities shall not be erected within the preserve, except as may be consistent with the purposes of the preserve as stated in these Articles. Site selection shall be consistent with these Articles.
- F. Research and Collecting Permits: Any person wishing to engage in scientific research requiring collecting or otherwise affecting anything within the preserve shall first secure written permission from the Custodian.

- G. Pollution and Dumping: There will be no storage or dumping of ashes, trash, garbage, hazardous substances, toxic waste, other unsightly or offensive material, or fill material, including dredge spoil in, on, or under the preserve. No underground storage tanks may be placed within the preserve. Pollutants may not be added to surface or ground waters within the Preserve.
- H. Excavation: There will be no mining, drilling, removal of topsoil, sand, gravel, rock, minerals, artifact removal, or other material, nor any change in topography or surface hydrology of the preserve. Exceptions may be made for permitted archeological research or for ecological restoration to more natural conditions, consistent with the Management Plan, and in consultation with the North Carolina Natural Heritage Program.
- I. Water Level Control: The purpose of water level control shall be to maintain the Preserves' natural water regime. Water levels that have been altered by human activities may be changed, if necessary, to restore the preserve to its natural condition. In a preserve with a long history of managed hydrology, water levels may be managed to perpetuate the ecosystems that have evolved around the hydrology. This decision should be made in consultation with the Natural Heritage Program. Millponds are an example of situations in which water levels have been historically managed.
- J. Bringing in Flora and Fauna: No exotic flora and no animals shall be brought into the preserve with the exception of leashed dogs and cats, hunting dogs as permitted in game lands, horses on trails designated for horseback riding, or animals being reintroduced. Any reintroduction will be of species native to the natural community and shall be done according to an approved resource management plan.
- K. Wildfire Control: Wildfires may mimic natural processes historically occurring in an ecosystem on a landscape level. When the extent of a wildfire does not threaten human life or structures, it may be allowed to burn with minimal control. If wildfire control is necessary, firebreaks may need to be established. When possible, existing roads and firebreaks will be utilized for wildfire control. When new firebreaks need to be established, environmentally sensitive areas will be avoided when possible. Old firebreaks which affect the natural hydrology of wetlands will be filled and allowed to revegetate. Planning of firebreak restoration should occur in consultation with the North Carolina Natural Heritage Program.
- L. Disturbance of Natural Features: The cutting or removal of trees, dead or alive, or the disturbance of other natural resources is prohibited except as necessary for removal of hazards to visitors, control of disease that would damage or reduce the significance of the preserve, restoration after severe storm damage, trail clearance

and maintenance, or for purposes of maintenance or restoration of natural communities or rare species populations as stipulated in the preserve management plan and that which is consistent with the purposes of these Articles. Specifically, a component of management planning will address restoration of areas (identified as Primary (Restoration) Areas in the Exhibit A map). Restoration of native floodplain and riparian zone forest will minimally involve allowing natural succession to occur, but may involve active removal of the pine plantation canopy and planting of site-appropriate native woody species. Consideration will be given to encouraging regeneration of site-appropriate canopy species and minimizing weedy invasion. Site-specific modifications of restoration plans will be addressed through consultation between Wildlife Resources Commission and Natural Heritage Program staff.

Salvage timber cuts which may be necessary due to natural catastrophe will be allowed in both Primary and Buffer Areas, but in a manner that will contribute to the recovery of the prevailing natural conditions of the forest and in consultation with the North Carolina Natural Heritage Program.

- M. Control of Populations (natural and exotic): Any control of animal or plant populations on the preserve shall be for the purpose of correcting those situations where those populations are significantly affecting natural conditions on the preserve, and in accordance with the Custodian's established regulations for hunting, trapping, or fishing of designated game animals. The Custodian may, in consultation with the North Carolina Natural Heritage Program, apply biological controls, herbicides and pesticides, and other means deemed necessary or appropriate to control or eradicate exotic or native species of plant or animal that are degrading the natural character of the preserve. Because of potential impacts on native species, no exotic flora or fauna shall be introduced into the preserve.
- N. Control of Vegetational Succession: Control of vegetational succession may be undertaken if necessary, to maintain or restore a particular natural ecosystem type or to preserve endangered, threatened, rare, or other unusual species. Controls will be done in the manner that best imitates the natural forces believed responsible for maintaining the natural ecosystem type, or that minimizes unnatural effects on non-target portions of the ecosystem. Prescribed burning is particularly essential to ecosystems where natural wildfire historically suppressed woody vegetation and promoted herbaceous diversity.
- O. Management Plan: The Wildlife Resources Commission, as Primary Custodian of the preserve, shall be required to prepare and submit for approval to the Secretary of the Department of Natural and Cultural Resources a management plan for the preserve. The management plan will be part of the larger management plan developed for the Game Lands. This plan shall be subject to all the provisions of

this dedication and shall additionally be consistent with the management principles set forth in the North Carolina Administrative Code 07 NCAC 13H.0300 and .0400. In any case where contradictions may arise between this instrument of dedication and other management regulations, the terms of this dedication shall take precedence.

7. **Rules for Management of the Buffer Area(s)**: Primary Area rules also apply except that additional forestry and wildlife management activities may be planned and carried out as needed. These activities will be conducted in accordance with policy of the N.C. Wildlife Resources Commission and general management philosophy as outlined in Commission planning documents, in addition to providing for the buffer functions in relation to the Primary Area(s). WRC rules and guidelines require the protection and enhancement of wildlife populations and habitat so that hunting, fishing, trapping and other wildlife recreational opportunities are available to citizens of this State. Forest management is primarily conducted to enhance wildlife habitat.

Buffer functions within the dedicated area may include protecting the Primary Area(s) from indirect detrimental ecological effects, providing additional area for species and ecological processes that require larger areas, and providing important successional stages and disturbance regimes and other habitat diversity for wildlife. Based on these general objectives, the following buffer functions will be addressed in the management plan.

- 1) Landscape level function of community type and structure. (Buffer Area management may involve timber harvest and other forms of stand manipulation but will not involve forest canopy type conversion over more than limited areas, other than to restore stands to types suited for the site. Introduction of exotic species known to be invasive in natural communities will be avoided.)
 - 2) Maintenance of habitat connectivity and continuity among Primary Areas.
 - 3) Providing for habitat diversity.
 - 4) Management needs of rare animal and plant species populations occurring within the Buffer area; and
 - 5) Protection of soil and hydrologic resources and processes within the primary area and extending into the buffer. (Naturally vegetated riparian zones will be retained along streams, and watersheds of Primary Areas will be protected from hydrologic alteration.)
8. **Amendment, Modification, and Termination**: Any changes to this Dedication must be made in accordance with the provisions of North Carolina General Statutes 143B-135.264, which require the approval of the Governor and the Council of State.

The Governor and Council of State have approved the dedication of the State-owned lands hereinabove described as the **Johns River Game Land Dedicated Nature Preserve** to be held in

trust by the Custodian for the uses and purposes expressed in the Nature Preserves Act at a meeting held in the City of (City Name), North Carolina, on the _____ of _____, (YEAR). (TYPE IN DATE AFTER COUNCIL OF STATE APPROVAL)

Sincerely,

Pamela B. Cashwell

MS

CONSENTED AND AGREED TO:

Secretary D. Reid Wilson
Department of Natural and Cultural Resources

Cameron N. Ingram, Executive Director
Wildlife Resources Commission

EXHIBIT A

JOHNS RIVER GAME LAND DEDICATED NATURE PRESERVE

COUNTY: Burke County PHYSIOGRAPHIC PROVINCE: Piedmont/Southern Foothills

TOPOGRAPHIC QUADS: Collettsville, Morganton North, and Drexel

SIZE OF AREA: ca. 6,420 acres total (primary area 2,095 acres, including 1,644 acres primary restoration; buffer area 4,325 acres)

OWNER/ADMINISTRATOR: State of North Carolina, Wildlife Resources Commission

LOCATION: Johns River Townships; all or portions of Caldwell County parcels 1799630410 and 1798870491. Lower Creek, Quaker Meadows, Smoky Creek; all or portions of Burke County parcels 1797541144, 1797420157, 1797337302, 1797614924, 1796562113, 1796968929, 2706344396, 2705477996, 2704797620, 2705928081, 2715252294, 2716805544, and 2725225914.

DESCRIPTION: The Johns River Game Land protects rolling hills dissected by the Johns River and several tributaries. The tracts mainly consist of dense young stands of loblolly pine (*Pinus taeda*), Virginia pine (*Pinus virginiana*) and white pine (*P. strobus*) with some areas of regenerating forest and open fields. A network of gravel roads provides access. The reach of the Johns River/Mulberry Creek Aquatic Habitat flowing through this game land supports populations of Brook Floater (*Alasmidonta varicosa*) and Notched Rainbow (*Villosa constricta*), rare freshwater mussel species. Populations of rare aquatic insects and crayfish are documented from this portion of the Johns River as well, including Carolina Foothills Crayfish (*Cambarus johni*), Grandfather Mountain Crayfish (*Cambarus eeseehensis*), Edmund's Snaketail Dragonfly (*Ophiogomphus edmundo*), and Dotted Flatheaded Mayfly (*Epeorus punctatus*). A large Piedmont Semi-permanent Impoundment (Piedmont Marsh Subtype) lies along Bristol and Lower Creeks above their confluence with the Catawba River. This extensive wetland area supports high biodiversity and provides habitat for rare reptiles. Extensive Floodplain Pools along Johns River also provide habitat for many species of plants and animals. These narrow sloughs in the floodplain appear to hold water most of the year, as there are few trees or shrubs rooted in them. Although the Primary Area and Primary (Restoration) Area riparian zones have been altered by past timber harvest and conversion to fields, they are designated for protection of the aquatic species and their habitats and should be allowed to succeed, or be restored, to mature forests. A gas line crosses portions of the game land and is routinely mowed.

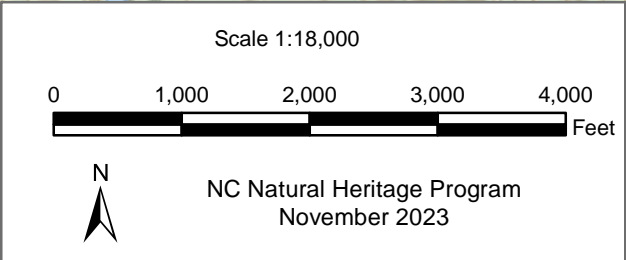
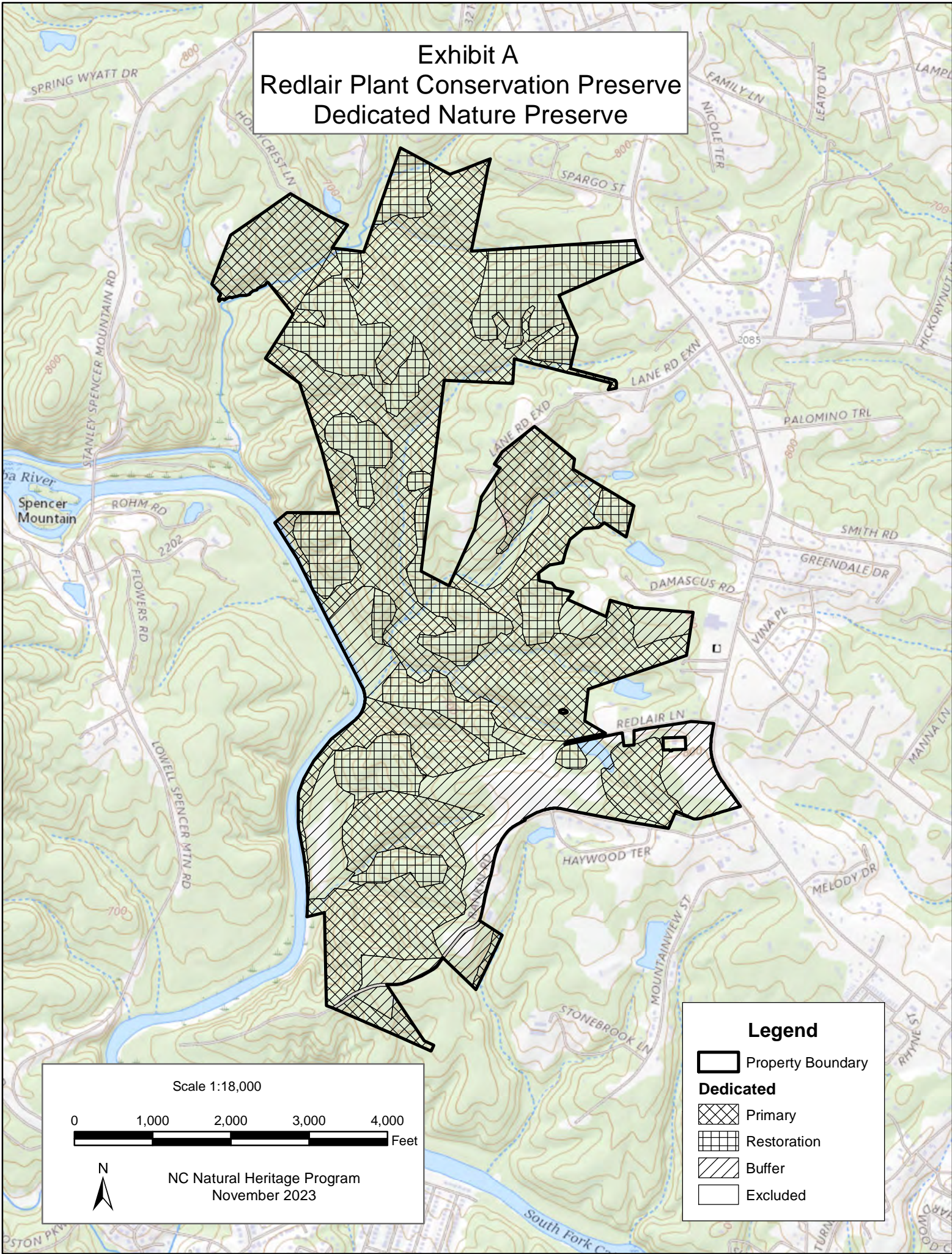
BOUNDARY JUSTIFICATION: The primary dedicated areas are drawn based on the extent of the high-quality natural communities. These include a Semi-permanent Impoundment along Bristol and Lower creeks, several Floodplain Pools along the Johns River, and intact forested riparian areas along the Johns River downstream of US 64 crossing and the Catawba River. 300-foot riparian zones along the Johns River upstream of US 64, 100-foot riparian zones along all mapped tributary streams, and the 100-year floodplain of the wetland complex along Bristol and Lower creeks are designated as Primary (Restoration) due to their current lower quality condition.

The pine plantation, younger forest, wildlife openings, and open fields outside the riparian zones are designated as Buffer Area. The Buffer Area also includes Disabled Access dove fields and gravel parking areas that extend into portions of the 300-foot riparian zone which otherwise would have been Primary (Restoration). A portion of the riparian zone (ca 0.5 acres) at the Playmore Beach area, to be developed as a permanent canoe access, is designated Buffer as well.

MANAGEMENT AND USE: The dedicated nature preserve will be managed as the Johns River Game Land, for protection of wildlife habitat and public hunting by permit. Within riparian zones, existing fields will be allowed to naturally regenerate and forests will be allowed to mature. Control of exotic and invasive species, especially prevalent along existing roads, should be implemented.

The Primary (Restoration) Areas should be managed to restore more natural vegetation while giving priority to protecting water quality in the river and wetlands. Passive restoration is generally appropriate, though silvicultural treatment may be beneficial in some areas where canopy composition is heavily altered. Pine plantation areas may be harvested. Additional treatment or planting may be needed to encourage regeneration of site-appropriate trees. The permanent canoe launch at Playmore Beach should incorporate environmentally sensitive design and maintenance; the parking should be located as far from the top of the riverbank as possible to avoid impacts to the aquatic habitat.

Exhibit A Redlair Plant Conservation Preserve Dedicated Nature Preserve



ON DEPARTMENT OF ADMINISTRATION STATIONERY)

(DATE) (LINE 6) (NOT IN BOLD)

Secretary D. Reid Wilson
Department of Natural and Cultural Resources
4601 Mail Service Center
Raleigh, North Carolina 27699-4601

Commissioner Steven Troxler
Department of Agriculture and Consumer Services
1001 Mail Service Center
Raleigh, North Carolina 27699-1001

Subject: Dedication of the **Redlair Plant Conservation Preserve Nature Preserve**, Gaston County

Secretary Wilson and Commissioner Troxler:

Pursuant to Part 42 of Article 2 of Chapter 143B of the North Carolina General Statutes, this letter of allocation is executed for the purpose of dedicating the State-owned lands hereinafter described as a North Carolina Nature Preserve. These Articles of Dedication replace the Articles of Dedication dated January 26, 2018. The articles were amended to reflect additions of property to the preserve and to provide more accurate boundaries.

This real property is currently administered by the Plant Industry Division, N.C. Department of Agriculture and Consumer Services, and consists of approximately 767 acres located in Gaston County which are specifically described in Exhibit A, attached hereto and by reference made a part hereof. The dedicated lands shall be known collectively as the **Redlair Plant Conservation Preserve Nature Preserve**.

The terms of the grant agreement between the North Carolina Department of Agriculture and Consumer Services and the North Carolina Land and Water Fund require dedication of the qualified portions of the tract acquired as state land with grants from the Fund.

THIS DEDICATION OF THE REDLAIR PLANT CONSERVATION PRESERVE NATURE PRESERVE IS MADE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

1. **Definitions:** As used in this Letter, the terms "natural area" and "nature preserve" shall have the same meaning as contained in North Carolina General Statutes, section 143B-135.254.
2. **Dedication:** Pursuant to North Carolina General Statutes 143B-135.264, all State-owned lands lying within the above designated area are hereby dedicated as a nature preserve to be known collectively as the Redlair Nature Preserve (hereinafter "preserve") for the purposes provided in the North Carolina Nature Preserves Act, as amended, and other applicable law, and said State-owned land, shall be held, maintained, and used exclusively for said purposes. Portions of the property were previously encumbered with conservation easements held by Catawba Lands Conservancy, Inc., recorded at Gaston County Register of Deeds: Deed Book 2621, Pages 711-725, January 9, 1997; Deed Book 2017, Pages 716-729; Deed Book 2621, Pages 670-690; Deed Book 2621, Pages 694-710; Deed Book 2512, Pages 858-867, December 21 1995; Deed Book 2512, Pages 868-877, December 29 1995; Deed Book 2512, Pages 878-887, December 29, 1995; Deed Book 3010, Pages 709-727, November 3, 1999; Deed Book 3022, Pages 772-788, December 8, 1999; Deed Book 3360, Pages 548-564, December 13, 2001; Deed Book 3354, Pages 455-468, December 4, 2001; and, Deed Book 4337, Page 1730, July 17, 2007. The terms of the conservation easements are compatible with those of this letter of allocation.
3. **Primary Custodian:** The primary custodian of the Redlair Nature Preserve will be the **North Carolina Plant Conservation Program, Department of Agriculture and Consumer Services**, which will be responsible for managing the preserve in accordance with State Administrative Code 07 NCAC 13H.0300 and .0400.
4. **Primary Classification:** The primary classification and purpose of the preserve will be natural area and rare plant conservation. Other compatible uses of the preserve may be authorized by the Primary Custodian, and may include scientific research, nature education, and low-impact passive recreation. The ecological significance of the preserve is described in Exhibit A.
5. **Management Areas:** For the purposes of management, the preserve shall be considered to consist of a Primary Area (approximately 616 acres, including a Primary Restoration Area of approximately 191 acres), and a Buffer Area (approximately 151 acres) more particularly described in Exhibit A, attached hereto and by this reference made a part hereof. The Primary Area is deemed by the Secretary of the North Carolina Department of Natural and Cultural Resources to qualify as an outstanding natural area under statutory criteria for nature preserve dedication (G.S. 143B-135.260) and further serves all of the public purposes for a dedicated preserve as stated in G.S. 143B-135.252.
6. **Rules for Management of the Primary Area:**
 - A. **Character of Visitor Activity:** The principal visitor activities in the preserve may include nature observation, education, scientific research, and passive recreation. These activities shall be regulated by the Custodian to prevent significant disturbance of the preserve.

These activities may specifically be regulated by the Custodian to protect and conserve the natural values of the preserve.

Activities and uses unrelated to those listed above are prohibited except as otherwise provided in these Articles or unless necessary to carry out the purposes of the preserve. Prohibited activities include, but are not limited to: construction; commercial activities and development; commercial silviculture; agriculture and grazing; gathering of native species of plants or plant products; the removal, disturbance, molestation, or defacement of minerals, archaeological and natural resources, except for research purposes as approved by the Custodian; and those activities specifically restricted in these Articles.

There shall be no fires, except as necessary for ecological management of the preserve, for wildfire hazard reduction to the surrounding community, or in conjunction with supervised educational activities of the Custodian, or further excepted as herein provided or otherwise expressly permitted.

- B. Orientation and Guidance of Visitors: The Custodian reserves the right to orient and guide visitors for educational programs, scientific research, and for preserve management. Exhibits, programs, and printed materials may be provided by the Custodian in service areas. The Custodian may restrict access to visitors in those instances or in such areas that restrictions may be determined necessary to safeguard sensitive environmental resources in the preserve.
- C. Disturbance of Natural Resources: The cutting or removal of trees, dead or alive, or the disturbance of other natural resources is prohibited except as necessary for removal of hazards to visitors, control of disease that would damage or reduce the significance of the preserve, restoration after severe storm damage, trail clearance and maintenance, or for purposes of maintenance or restoration of natural communities or rare species populations as stipulated in the preserve management plan and which is consistent with the purposes of these Articles. Salvage timber cuts which may be necessary due to natural catastrophe will be allowed in both Primary and Buffer Areas, but in a manner that will contribute to the recovery of the prevailing natural conditions of the forest and in consultation with the North Carolina Natural Heritage Program.
- D. Wildfire Control: Wildfires may mimic natural processes historically occurring in an ecosystem on a landscape level. When the extent of a wildfire does not threaten human life or structures, it may be allowed to burn with minimal control. If wildfire control is necessary, firebreaks may need to be established. When possible, existing roads and firebreaks will be utilized for wildfire control. When new firebreaks need to be established, environmentally sensitive areas will be avoided when possible. Old firebreaks which affect the natural hydrology of wetlands will be filled and allowed to revegetate. Planning of firebreak restoration should occur in consultation with the North Carolina Natural Heritage Program.

- E. Water Control: The purpose of water control shall be to maintain the preserve's natural water regime. Hydrology that has been altered by man may be changed if necessary and practicable to restore the preserve to its natural condition.
- F. Pollution and Dumping: There will be no storage or dumping of ashes, trash, garbage, hazardous substances, toxic waste, other unsightly or offensive material, or fill material, including dredge spoil in, on, or under the preserve. No underground storage tanks may be placed within the preserve. No surface or ground waters of the preserve may have pollutants added within the preserve.
- G. Control of Vegetational Succession: Control of vegetational succession may be undertaken if necessary to maintain or restore a particular natural ecosystem type or to preserve endangered, threatened, rare, or other unusual species. Controls will be done in the manner that best imitates the natural forces believed responsible for maintaining the natural ecosystem type, or that minimizes unnatural effects on non-target portions of the ecosystem. Prescribed burning is essential to some ecosystems and may be used where natural wildfire historically kept understories open and promoted herbaceous diversity.
- H. Control of Populations: Any control of animal or plant populations on the preserve shall be for the purpose of correcting those situations where those populations are significantly affecting natural conditions on the preserve. The Custodian may, in consultation with the North Carolina Natural Heritage Program, apply biological controls, herbicides and pesticides, and other means deemed necessary or appropriate to control or eradicate exotic or native species of plant or animal that are degrading the natural character of the preserve. Because of potential impacts on native species, no exotic flora or fauna shall be introduced into the preserve.
- I. Research and Collecting Permits: Any person wishing to engage in scientific research requiring collecting or otherwise affecting anything within the preserve shall first secure written permission from the Custodian.
- J. Roads and Trails: Construction and maintenance of roads, trails, and other access structures within the Primary Area of the preserve will be limited to the level necessary to appropriately manage the preserve. New roads shall not be constructed in the Primary Area. When necessary, the Custodian may construct and maintain access limited to staff use for management purposes, such as service paths (single lane vegetated paths) for patrol, right-of-way maintenance, and other management activities, within the Primary Area. Number and width of new paths will be minimized, and sensitive areas avoided when possible. Existing roads that occur within or form a boundary of the Primary Area may be maintained by grading of the roadbed, replacing culverts, or adding stone as needed in order to maintain the integrity of the road for vehicular use. Access management and construction will be part of the overall management planning process and will include consultation with the North Carolina Natural Heritage Program.

If an existing North Carolina Department of Transportation (“NCDOT”) road runs within or along a boundary of the Primary Area and NCDOT demonstrates a compelling need to do so, then subject to the written approval of both the Primary Custodian and the Natural Heritage Program, NCDOT may within the Primary Area use a strip of land up to fifty feet (50’) wide outside and adjacent to the road’s existing NCDOT right-of-way for the purpose of improving the NCDOT road. A strip of land approved under this provision shall not be longer than 1,000 feet long. The Primary Custodian and the Natural Heritage Program shall concur only if the proposed improvements and the associated activities will not cause significant impacts to rare species, small-patch natural communities, adjacent streams, or other Natural Heritage resource values. The existing NCDOT roads that run within or along a boundary of the Primary Area at the time of the issuance of this letter of allocation are as follows: S.R. 3065, S.R. 2092.

- K. Other Structures and Improvements: Structures or facilities shall not be erected by the Custodian within a preserve, except as may be consistent with the purposes of the preserve as stated in this dedication. Site selection shall be consistent with this dedication.
 - L. Management Plan: The Department of Agriculture and Consumer Services, Plant Industry Division, as Primary Custodian of the preserve, shall be required to prepare and submit for approval to the Secretary of the Department of Natural and Cultural Resources a management plan for the preserve. This plan shall be subject to all the provisions of this dedication and shall additionally be consistent with the management principles set forth in the North Carolina Administrative Code 07 NCAC 13H.0300 and .0400 and such other regulations as may be established from time to time by the Secretary of the Natural and Cultural Resources. In any case where contradictions may arise between this instrument of dedication and other management regulations, the terms of this dedication shall take precedence.
7. Rules for Management of the Buffer Area(s): Primary Area rules also apply except that additional forestry and wildlife management activities may be planned and carried out as needed. Construction and maintenance of roads, trails, and other access structures within Buffer Area(s) of the preserve will be limited to the level necessary to appropriately manage the preserve. These activities will be conducted in accordance with policy of the Plant Conservation Program, in addition to providing for the buffer functions in relation to the Primary Area(s).

Buffer functions within the dedicated area may include protecting the Primary Area(s) from indirect detrimental ecological effects, providing additional area for species and ecological processes that require larger areas, and providing important successional stages and disturbance regimes and other habitat diversity for wildlife. Based on these general objectives, the following buffer functions will be addressed in the management plan.

- 1) Landscape level function of community type and structure. (Buffer Area management may involve timber harvest and other forms of stand manipulation, but will not involve forest canopy type conversion over more than limited areas, other than to restore stands to types

suited for the site. Introduction of exotic species known to be invasive in natural communities will be avoided.)

- 2) Maintenance of habitat connectivity and continuity among Primary Areas.
- 3) Providing for habitat diversity.
- 4) Management needs of rare animal and plant species populations occurring within the Buffer Area; and
- 5) Protection of soil and hydrologic resources and processes within the Primary Area and extending into the Buffer Area. (Naturally vegetated riparian zones will be retained along streams, and watersheds of Primary Areas will be protected from hydrologic alteration.)

8. **Amendment and Modification:** The terms and conditions of this dedication may be amended or modified upon agreement of the Commissioner of the Department of Agriculture and Consumer Services and the Secretary of the Natural and Cultural Resources, and approved by the Council of State. Any portion of the tract dedicated pursuant to this instrument may be removed from dedication in accordance with the provisions of North Carolina General Statute 143B-135.264.

The Governor and Council of State have approved the dedication of the State-owned lands hereinabove described as the **REDLAIR PLANT CONSERVATION PRESERVE NATURE PRESERVE** to be held in trust by the Custodian for the uses and purposes expressed in the Nature Preserves Act at a meeting held in the City of (City Name), North Carolina, on the _____ of _____, (YEAR). (TYPE IN DATE AFTER COUNCIL OF STATE APPROVAL)

Sincerely,

Pamela Cashwell

MS

CONSENTED AND AGREED TO:

Secretary D. Reid Wilson
Department of Natural and Cultural Resources

Commissioner Steven Troxler
Department of Agriculture

EXHIBIT A
REDLAIR DEDICATED NATURE PRESERVE

COUNTY: Gaston County

TOPOGRAPHIC QUADS: Mount Holly

SIZE OF AREA: ca. 767 ACRES (616 acres Primary, including 191 acres Primary Restoration; 151 acres Buffer)

OWNER/ADMINISTRATOR: State of North Carolina, NCDA&CS Plant Conservation Program

LOCATION: The Redlair Dedicated Nature Preserve is located about 1.5 miles north of the town of Lowell. It is situated between Gastonia and center city of Charlotte, north of I-85 along the east side of the South Fork Catawba River within Riverbend and South Point Townships. The preserve includes all or portions of Gaston County parcels 3577368961 and 3577621438.

DESCRIPTION: Redlair Dedicated Nature Preserve protects one of the largest concentrations of bigleaf magnolia (*Magnolia macrophylla*) in the state. The preserve protects over a mile of stream frontage along the South Fork of the Catawba River as well as the watersheds of smaller streams flowing into the Catawba River. The preserve also contains a small but viable occurrence of the state and federally Endangered Schweinitz's sunflower (*Helianthus schweinitzii*) within a small open field located in the central portion of the preserve. In addition to the Schweinitz's sunflower, there is an occurrence of state Endangered Heller's rabbit tobacco (*Pseudognaphalium helleri*).

The majority of bigleaf magnolia is found in moist ravines and along small streams, with individuals becoming sparse uphill into drier areas. Most of this area is Mesic Mixed Hardwood Forest, dominated by beech (*Fagus grandifolia*), sometimes along with red oak (*Quercus rubra*). Small portions appear to be Basic Mesic Forest, where beech is less dominant and where a more diverse herbaceous layer is present.

The upper slopes and ridgelines throughout Redlair support a mosaic of Dry-Mesic Oak—Hickory Forest and Dry Oak—Hickory forest. Dry-Mesic Oak—Hickory Forest is dominated by white oak (*Quercus alba*), along with red oak (*Q. rubra*), scarlet oak (*Q. coccinea*), mockernut hickory (*Carya tomentosa*) and pignut hickory (*C. glabra*). The Dry Oak—Hickory Forest is also dominated by white oak, but has abundant southern red oak (*Quercus falcata*) and few red oaks. Bigleaf magnolia is scattered in these communities, but primarily as saplings without associated canopy individuals. These forest communities are mature, some of them with large trees. A small area in the northwest corner of the preserve had some selective cutting shortly before acquisition, but it too has some large trees.

Along the river areas are small bluff-like communities classified as Piedmont/Coastal Plain Heath Bluff. They have a moderate to dense shrub layer of mountain laurel (*Kalmia latifolia*) beneath a canopy of beech and oaks. They are generally set back away from the river floodplain and rise

abruptly 30-100 feet above the floodplain. In a few locations they contain rocky outcrops, while other areas are steep slopes without rock. In these areas bigleaf magnolia is present in small numbers, extending up from the river floodplain where it is more abundant. Some additional areas along streams have abundant mountain laurel beneath a canopy of red oak and tulip poplar, and are similar in some ways.

Along streams on the property are floodplain communities: Piedmont Levee Forest on the bank of the river, small areas of Piedmont Bottomland Forest elsewhere on the river floodplain, and small areas of Piedmont Alluvial Forest or Piedmont Headwater Stream Forest along smaller streams.

In addition to the natural communities present within the preserve, there are substantial areas of more altered communities. These include open fields or pastures, successional pine forests where there once were fields, and young hardwood forests of tulip poplar (*Liriodendron tulipifera*) or other species. Both the lowland and upland fields consist of a mixture of fescue, warm season grasses, and herbs. Most of these altered areas are included in the dedication as buffer areas. However, in some hardwood forest areas in particular, bigleaf magnolia is present at low to moderate density. These areas are dedicated as primary (restoration) areas. In one of the open upland fields is an occurrence of Schweinitz's sunflower (*Helianthus schweinitzii*), while just downhill from that field, along an access road, is an occurrence of Heller's rabbit tobacco (*Pseudognaphalium helleri*).

BOUNDARY JUSTIFICATION: The Primary dedicated areas are drawn based on the extent of the high quality natural communities, the densest concentrations of bigleaf magnolia, and the other rare species occurrences; there is also a 100-foot riparian zone dedicated as Primary within the parcel east of Rankin Road. The selectively cut area of oak forest is included as Primary because no particular restoration activity is thought needed for its recovery. Areas with more altered vegetation but containing rare species are dedicated as Primary (Restoration) areas. Other altered areas that do not contain high quality natural communities nor rare species are dedicated as Buffer areas that function to connect the Primary areas and to buffer them. Because of the past land use, the dedicated area is a mosaic of these different categories. Two small inholdings within the preserve are mapped as excluded – a cemetery and a barn.

MANAGEMENT AND USE: The Dedicated Nature Preserve is used for conservation and limited public recreation. There is an extensive trail system. The most important management needs will be to protect the rare species habitat from trampling along the trails. While bigleaf magnolia are widespread and numerous, the other rare plants are confined to small areas, some on or near trails.

Invasive non-native plants are extensive in some parts of the preserve. Control of them is encouraged, but control methods need to be selected to avoid impact on associated native species.

Fire was a natural part of upland oak forests, and may prove to be crucial to their ecology in the long run. Prescribed burning would be appropriate in the upland parts of the preserve. It is

expected to be especially beneficial to rare plants of open habitats, such as Schweinitz's sunflower and Heller's rabbit tobacco. However, fire is likely to be harmful to bigleaf magnolia. While mesic forest areas are appropriately included in burn units, prescribed fires should be planned to keep intensities low in areas where bigleaf magnolia is abundant.

While buffer areas may be used for a wider variety of management while avoid impact to primary areas, restoration of these areas to more natural condition is encouraged.

Emily and Richardson Preyer
Buckridge Coastal Reserve
Dedicated Nature Preserve

Pocosin Lakes
National
Wildlife
Refuge

Northern Segment

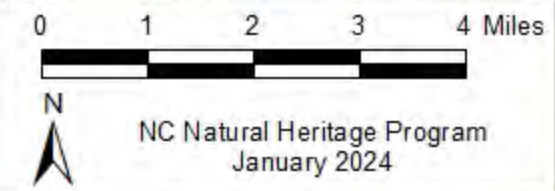
Northern Segment

GUM NECK

Northern Segment

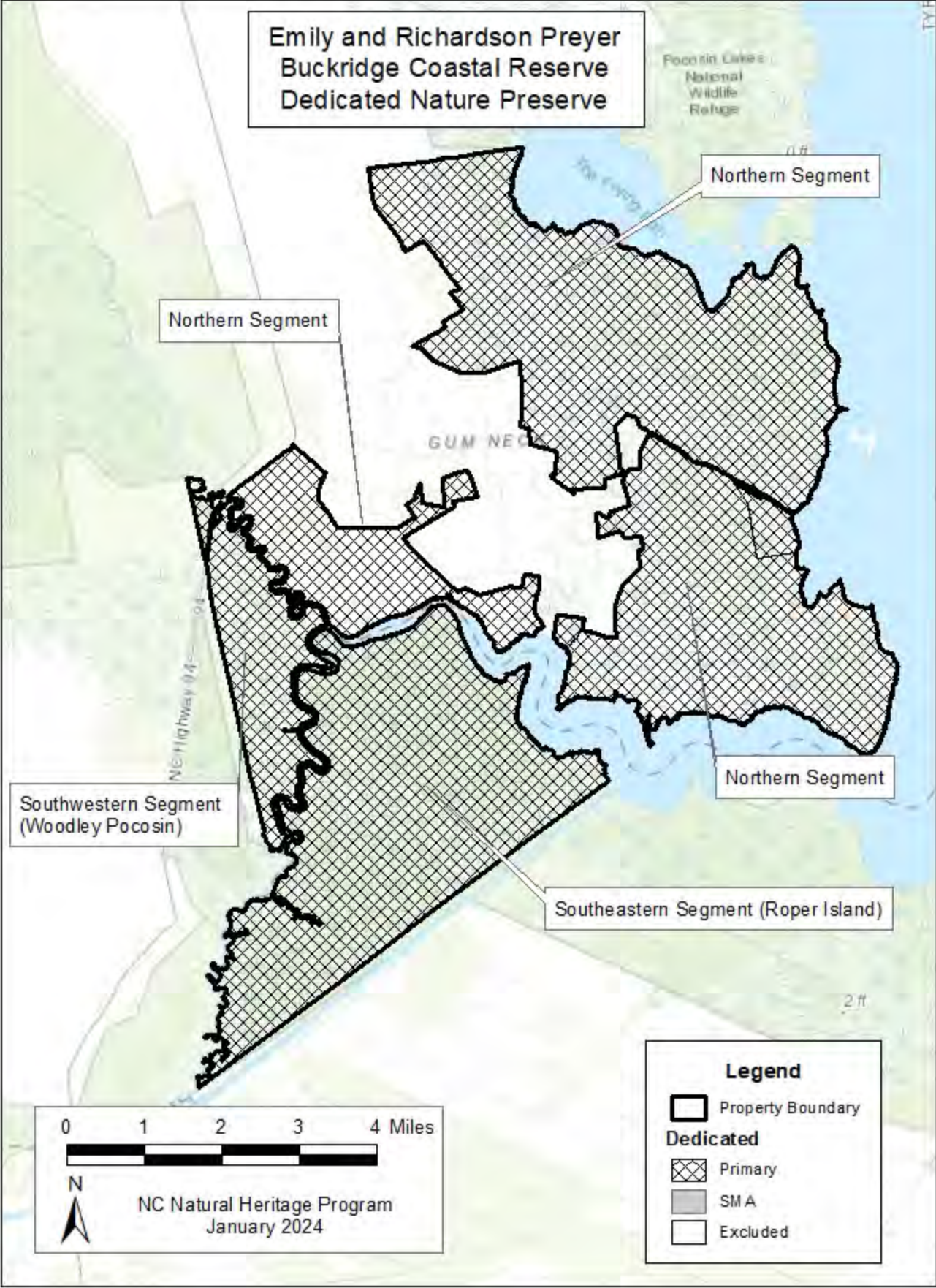
Southwestern Segment
(Woodley Pocosin)

Southeastern Segment (Roper Island)



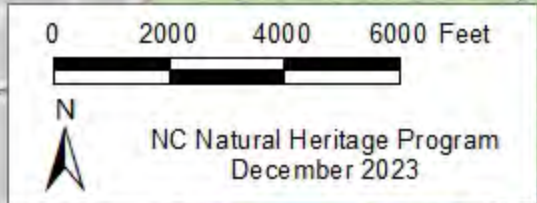
Legend

- Property Boundary
- Dedicated**
 - Primary
 - SMA
 - Excluded



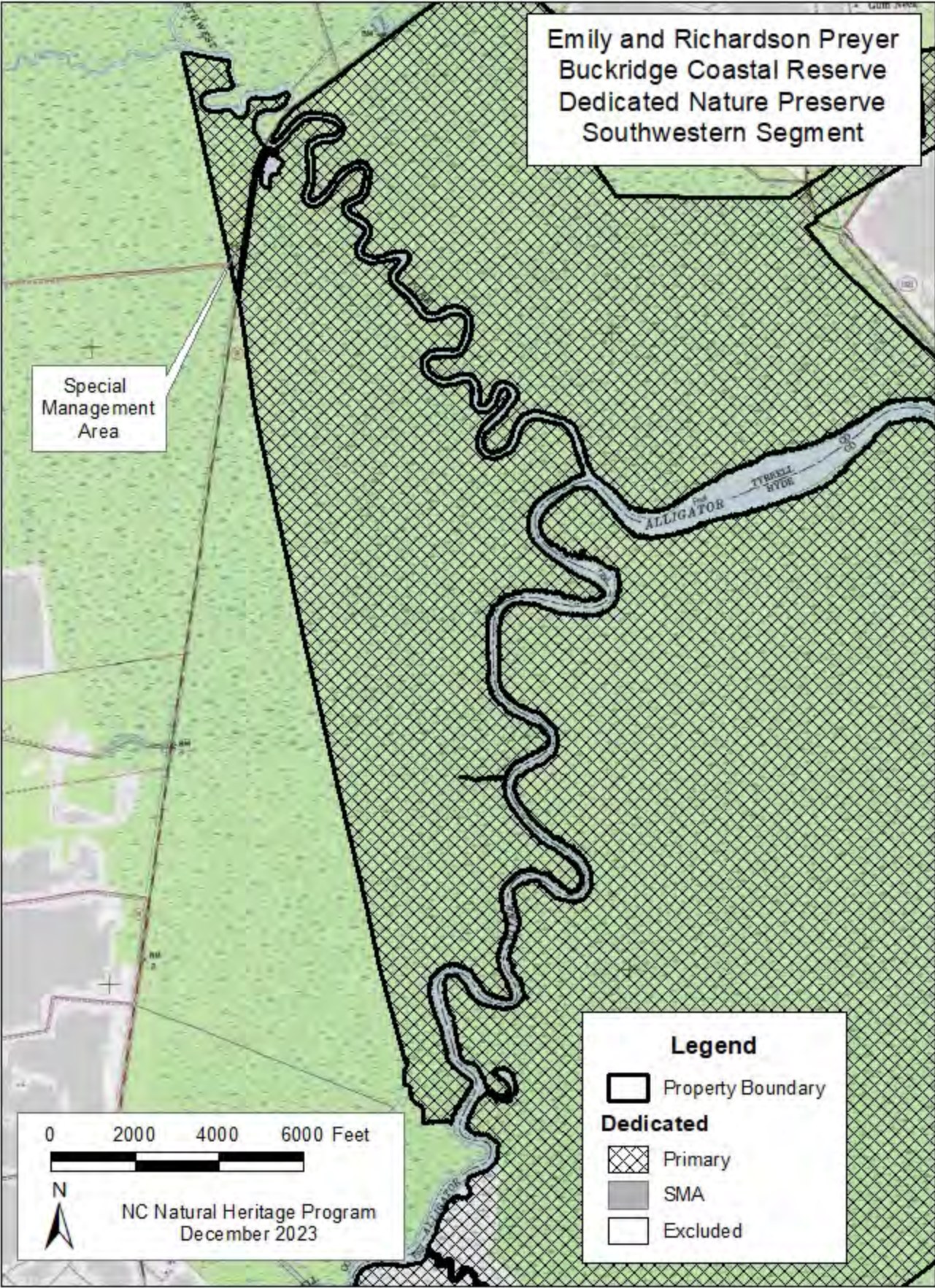
Emily and Richardson Preyer
Buckridge Coastal Reserve
Dedicated Nature Preserve
Southwestern Segment

Special
Management
Area



Legend

- Property Boundary
- Dedicated**
 - Primary
 - SMA
 - Excluded



(ON DEPARTMENT OF ADMINISTRATION STATIONERY)

(DATE) (LINE 6) (NOT IN BOLD)

Secretary D. Reid Wilson
Department of Natural and Cultural Resources
4601 Mail Service Center
Raleigh, North Carolina 27699-4601

Secretary Elizabeth S. Biser
Department of Environmental Quality
1601 Mail Service Center
Raleigh, NC 27699-1601

Re: Allocation of Property to the Department of Environmental Quality: Dedication of Areas within the **Emily and Richardson Preyer Buckridge Coastal Reserve**

Dear Secretary Wilson and Secretary Biser:

Pursuant to Part 42 of Articles 2 of Chapter 143B of the North Carolina General Statutes, this letter of allocation is executed for the purpose of dedicating the State-owned lands hereinafter described as a North Carolina Nature Preserve. These articles of dedication replace the articles of dedication dated September 3, 2021. The articles were amended to reflect additions of property to the preserve, and to improve boundary accuracy.

Those real properties are allocated to the Department of Environmental Quality and currently managed by the Division of Coastal Management, briefly described below and more specifically described in Exhibit A, attached hereto and by reference made a part hereof. The dedicated lands shall be known collectively as the **Emily and Richardson Preyer Buckridge Reserve Dedicated Nature Preserve**.

<u>Site Name</u>	<u>Approximate Acreage</u>
Emily and Richardson Preyer Buckridge Coastal Reserve	28,981 acres (GIS-calculated)

Dedication of the qualified portions of the tracts fulfills the terms of grant agreements, including the Natural Heritage Trust Fund (199803101, 199903101, 200104104), and NC Land and Water Fund (1997B-006, 2000B-010, 2016-051, 2019-030).

THIS ALLOCATION IS MADE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

1. **Definitions:** As used in the Letter of Allocation, the terms “natural area,” and “nature preserve” have the same meaning as contained in the North Carolina General Statutes 143B-135.254
2. **Dedication:** The Reserve, as described in this Allocation, is hereby dedicated as a **nature preserve** (hereinafter “preserve”) for the purposes provided in the North Carolina Nature Preserves Act.
3. **Primary Custodian:** The primary custodian of the preserve will be the Department of Environmental Quality, Division of Coastal Management, Coastal Reserve Program which will be responsible for managing the preserve in accordance with the regulations set forth in 07 NCAC 13H .0300 and .0400 and 07 NCAC 7O .0100 and .0200.
4. **Primary Classification:** The primary classification and purpose of the preserve shall be protection of coastal and estuarine ecosystems for research, education and such compatible traditional uses as are allowed by law and authorized by the Custodian and the terms of this allocation.
5. **Management Areas:** For the purposes of management, the preserve shall be considered to consist of a Primary Area of 28,981 acres, (GIS-calculated) including a two-acre special management area, as more particularly described in Exhibit A, attached hereto and by this reference made a part hereof. The Primary Area consists essentially of the natural area encompassing natural communities and the rare plant and animal populations.

The Primary Areas defined within the Southeastern Segment/Roper Island were protected through easement acquisition by the State of North Carolina. This easement was recorded in the Hyde County, NC, Register of Deeds, November 4, 2002, Deed Book 189, Pages 787-804.

The Primary and Special Management Areas--composed of the natural area as described above and in Exhibit A--is deemed by the Secretary of the North Carolina Department of Natural and Cultural Resources to qualify as an outstanding natural area under statutory criteria for nature preserve dedication (G.S. 143B-135.260) and further serves all of the public purposes for a dedicated preserve as stated in G.S. 143B-135.252.

6. **Rules for Management of the Primary Area:**

- A. **Character of Visitor Activity:** The principal visitor activities in the preserve shall be research, educational programs, hunting and fishing, walking, canoeing/kayaking and nature observation. These activities shall be regulated to protect and conserve the natural features of the preserve.

Activities and uses unrelated to those listed above are prohibited except as provided in this Dedication or unless necessary to carry out the purposes of the preserve. Prohibited activities include, but are not limited to, construction not compatible with the preserve, commercial activities and development, commercial silviculture, agriculture and grazing of domestic animals, gathering of plants or plant products for purposes other than approved research or restoration, the removal, disturbance, molestation, or defacement of minerals, archaeological and natural resources or natural features, or changes in topography except by existing easements or for restoration purposes, and those activities specifically restricted in this dedication.

There will be no fires, except as specifically permitted by the Custodian for approved fire management activities or as described in the site management plan. There shall be no littering. Camping shall be allowed only as permitted for research purposes by the site management plan and in relevant 15A NCAC sections.

- B. Visitors and Visitor Facilities: The Custodian reserves the right to orient and guide visitors for educational programs, scientific research, and preserve management. The Custodian may maintain existing primitive boating access areas to allow for safe, permitted use of the preserve. The Custodian may create and maintain nature trails, signage or kiosks, overlooks, fences, guardrails, steps and boardwalks adequate to promote the safe, permitted use of the preserve while protecting the preserve from unwanted or excessive visitor traffic and restricting visitor access to protect sensitive environmental resources.
- C. Roads, Structures and other Construction: New roads shall not be constructed in the preserve. When necessary, the Custodian may construct and maintain access limited to staff use for management purposes, such as service paths for patrol, fire control, right-of-way maintenance, and other management activities. The Custodian may maintain existing roads by grading of the roadbed, replacing culverts, or adding stone, as needed to maintain the integrity of the road for vehicular use and maintaining associated ditched areas using the most compatible methods available. Fences, barriers and other structures consistent with the purposes of the preserve as stated in this dedication may be installed. The Custodian shall locate, build and maintain trails and visitor control structures in a manner consistent with this dedication and in consultation with the North Carolina Natural Heritage Program.

If an existing North Carolina Department of Transportation (“NCDOT”) road runs within or along a boundary of the Primary Area and NCDOT demonstrates a compelling need to do so, then subject to the written approval of both the Primary Custodian and the Natural Heritage Program, NCDOT may within the Primary Area use a strip of land up to fifty feet (50’) wide outside and adjacent to the road’s existing NCDOT right-of-way for the purpose of improving the NCDOT road. A strip of land approved under this provision shall not be longer than 1,000 feet long. The Primary Custodian and the Natural Heritage Program shall concur only if the proposed improvements and the associated activities will not cause significant impacts to rare species, small-patch natural communities, adjacent streams, or other Natural Heritage resource values. The existing NCDOT roads that run within or along a boundary of the Primary Area at the time of the issuance of this letter of allocation are as follows: S.R. 1314, S.R. 1316, and S.R. 1321

- D. Vehicles: Motorized vehicles will be allowed as necessary for law enforcement and emergency, for research by permit only and to provide for the management of the preserve as consistent with this dedication. Use of motorized vehicles at the Buckridge Reserve site shall be allowed according to stewardship policies specified by the Custodian in the management plan. Select road segments may be opened seasonally for use by hunters in consultation with the NC Wildlife Resources Commission.
- E. Disturbance of Natural Features: The cutting or removal of trees, dead or alive, or the disturbance of other natural features is prohibited except that which is consistent with this dedication or as required under the terms of certain existing right-of-way easements/permits between the State and public utility companies and other government agencies, restoration of natural conditions or is necessary for public safety. There will be no mining, drilling, removal of topsoil, sand, gravel, rock, minerals, or other material, nor any change

in topography or surface hydrology of the preserve other than for purposes of approved restoration or permitted archaeological research. The mineral rights for a 550-acre property adjacent to NC 94 and for all of Roper Island were separated and retained by a third party, as recorded in Tyrrell County Deed Book 211 pg. 767 and Hyde County Land Book 7, pg. 486.

The Federally Endangered red-cockaded woodpecker (*Picoides borealis*) occurs at Buckridge, and over other portions of its range requires intensive management actions, such as prescribed burning and canopy thinning. The local population exhibits atypical behavior and habitat selection, therefore standard management practices for the species may not be applicable. As viable management options for this population are better understood, the Division may actively pursue those options because of the rarity of the species. Known populations on the property are extremely difficult to access, and at this time, no management options are possible. The topic will be revisited should new options become available or as new populations are discovered. Any management action taken will be done to the degree necessary to benefit this species while minimizing overall disturbance to the preserve.

- F. Hydrologic Alteration: The purpose of water level control shall be to maintain natural water regimes. Water levels that have been altered by human activities may be changed by the Custodian to restore the preserve to more natural condition. Removal of groundwater is allowable only as described through existing easements. Hydrologic alteration may temporarily occur to assist in road maintenance or as needed to perform fire or restoration activities. Hydrologic restoration activities should accommodate drainage easements where they exist. The specific conditions and limitations of existing easements shall be considered part of this dedication agreement.
- G. Pollution and Dumping: There will be no storage or dumping of ashes, trash, garbage, hazardous substances, toxic waste, other unsightly or offensive material, or fill material, including dredge materials in, on, or under the preserve. No underground storage tanks may be placed within the preserve. No surface or ground waters of the preserve may have pollutants added within the preserve. Dredge material deposits sometimes support rare species, and in such situations there may be ecological benefit in periodic new deposition. Such activity is permissible if the Primary Custodian and North Carolina Natural Heritage Program deem it to be beneficial.
- H. Control of Natural Processes: Natural processes will generally be managed by allowing natural environments to evolve through natural processes with minimal influence from human activities. Control of natural processes may be undertaken if necessary to maintain or restore an ecosystem for the preservation of threatened, rare, endangered or unusual species and habitats. Controls will be done in the manner that best imitates the natural forces believed responsible for maintaining the natural ecosystem type, or that minimizes unnatural effects on non-target portions of the ecosystem. Prescribed burning is essential to some ecosystems and may be used where natural wildfire historically kept understories open and promoted herbaceous diversity.

Additionally, a transmission line right-of-way containing the same or similar special elements of natural diversity representative of the preserve generally is designated as a Special Management Area (See Exhibit map). The Department of Natural and Cultural Resources and the Department of Environmental Quality, by and through the Natural

Heritage Program and Division of Coastal Management, respectively, may enter into agreement(s) with the party or parties responsible for managing the right-of-way in order to ensure that the management practices of such party or parties are consistent with the conservation values associated with the Special Management Area.

- I. Control of Populations (natural and exotic): Any control of animal or plant populations, other than permitted hunting and fishing activities, shall be only to correct situations where populations have been significantly altered from natural conditions. The Custodian may, using scientifically sound natural resource management practices implemented by appropriately trained staff, apply biological controls, herbicides and pesticides, and other means deemed necessary or appropriate to control or eradicate exotic or native species of plant or animal that are degrading the natural character of the preserve.
 - J. Hunting: Hunting shall be permitted subject to regulation and management by the Wildlife Resources Commission and applicable local, county and township ordinances. Regulation and management of hunting shall be consistent with protection of the natural diversity and primitive character of the preserve. The Custodian reserves the right to change hunting policy in the future should it be deemed necessary to ensure long-term protection of wildlife and habitats.
 - K. Bringing in Flora and Fauna: No exotic flora and no animals except leashed dogs and cats, hunting dogs as permitted in game lands, horses on trails designated for horseback riding, or animals being reintroduced shall be brought into the preserve. Any reintroduction will be of species native to the natural community and shall be done according to an approved resource management plan.
 - L. Fire: Wildfire management will ensure maintenance and protection of natural resources. Wildfires may mimic natural processes historically occurring in an ecosystem on a landscape level. When the extent of a wildfire does not threaten human life or structures, it may be allowed to burn with no direct suppression. If wildfire control is necessary, firebreaks may need to be established. When possible, existing roads and firebreaks will be utilized for wildfire control. When new firebreaks need to be established, environmentally sensitive areas will be avoided whenever possible. Any prescribed burning will be conducted in accordance with an approved fire management plan and in consultation with the North Carolina Natural Heritage Program.
 - M. Research and Collecting Permits: Any person wishing to engage in scientific research or collecting shall first secure written permission from the Custodian.
 - N. Management Plan: The Department of Environmental Quality, Division of Coastal Management, as Primary Custodian of the preserve, shall develop a management plan for the preserve as prescribed in NCAC 70.0201. This management plan should be subject to all the provisions of this dedication and with the management principles set forth in the North Carolina Administrative Code 07 NCAC 13H.0300 and .0400. In any case where contradictions may arise between this instrument of dedication and other management regulations, the terms of this dedication shall take precedence.
7. **Amendment, Modification, and Termination**: Any changes to this Dedication must be made in accordance with the provisions of North Carolina General Statutes 143B-135.264, which require the approval of the Governor and the Council of State. The lands dedicated to the preserve pursuant

to this instrument may be removed from dedication upon approval of the Governor and the Council of State.

The Governor and Council of State have approved the dedication of the State-owned lands described by this document as the **Emily and Richardson Preyer Buckridge Coastal Reserve Nature Preserve** to be held in trust by the Custodian for the uses and purposes expressed in the Nature Preserves Act at a meeting in Raleigh, North Carolina on _____, 20_____.

Sincerely,

Pamela Cashwell

PC

CONSENTED AND AGREED TO:

D. Reid Wilson, Secretary
Department of Natural and Cultural Resources

Elizabeth S. Biser, Secretary
Department of Environmental Quality

EXHIBIT A
EMILY AND RICHARDSON PREYER BUCKRIDGE COASTAL RESERVE
DEDICATED NATURE PRESERVE
NORTHERN SEGMENT

COUNTY: Tyrrell

PHYSIOGRAPHIC PROVINCE: Coastal Plain

TOPOGRAPHIC QUADS: Fairfield NE, Fairfield NW, Frying Pan, and Scotia

SIZE OF AREA: ca. 18,252 acres (all primary, GIS-calculated)

OWNER/ADMINISTRATOR: State of North Carolina, Division of Coastal Management

LOCATION: Gum Neck Township; all or portions of Tyrrell County parcels 8764015096, 8762721291, 8772170849, 8732697995, 8742248901, 8742835341, 8772099747, 8751996851, and 8772290085.

DESCRIPTION: The northern section of the Emily and Richardson Preyer Buckridge Coastal Reserve Dedicated Nature Preserve supports an extensive peatland swamp complex, composed primarily of young-mature Nonriverine Swamp Forest (Mixed Subtype) natural community, with large patches of Pond Pine Woodland and Peatland Atlantic White Cedar Forest. A couple of slightly higher mineral soil “islands” are embedded in the swamp. A broad fringe of Tidal Swamp (Cypress—Gum Subtype) is present closer to the river, influenced by wind tidal movement of the Alligator River. Since the initial dedication of this area, the steady rise in sea level has led the Tidal Swamp to extend inland, reducing the size of the Nonriverine Swamp Forest. Along the shoreline, the increased flooding and saturation has led to death of the swamp canopy and development of a band of Tidal Freshwater Marsh (Shrub Subtype). Small patches of other subtypes of Tidal Freshwater Marsh, especially the Southern Wild Rice and Cattail Subtypes, have developed.

The Nonriverine Swamp Forest canopy is dominated by swamp tupelo (*Nyssa biflora*) and red maple (*Acer rubrum*), with abundant red bay (*Persea palustris*), shining fetterbush (*Lyonia lucida*), and inkberry (*Ilex glabra*). Greenbriar vines (*Smilax* spp.) and ferns, such as royal fern (*Osmunda spectabilis*) and netted-vein chain fern (*Steinchisma areolata*) are present in the herb layer. The Pond Pine Woodland is in very good condition, with large, gnarled old trees, mostly pond pine (*Pinus serotina*) with some loblolly bay (*Gordonia lasianthus*). A large expanse of Peatland Atlantic White Cedar Forest was clearcut before acquisition, leaving a few remnant mature stands. Atlantic white cedar was reported to be regenerating well in parts of the harvested area but other areas were regenerating instead in red maple. It is unclear how well the species will be able to regain dominance in the increasingly wet environment.

The Tidal Swamp (Cypress—Gum Subtype) occurs as far inland as the influence of wind tides extends. Its canopy is similar to that in the Nonriverine Swamp Forest, but also includes bald cypress (*Taxodium distichum*) in some areas. The shrub and herb layers are quite different from the Nonriverine Swamp Forest. Wax-myrtle (*Morella cerifera*) is the dominant shrub, and swamp rose (*Rosa palustris*) is abundant. Royal fern is one of the most abundant herbs, and many species shared with marsh communities are present.

The Emily and Richardson Preyer Buckridge Coastal Reserve serves an important landscape function, connecting Pocosin Lakes National Wildlife Refuge (to the north and west of the reserve, predominantly on the west side of the Alligator River) with the Alligator River National Wildlife Refuge (predominantly

on the east side of the Alligator River). The combined protected lands are used by many wide-ranging species, including the red wolf (*Canis rufus*), black bear (*Ursus americanus*), and American alligator (*Alligator mississippiensis*). Red-cockaded woodpecker (*Picoides borealis*) clusters occur here, though not in great density.

In addition to these species, the property supports three of the five highest priority neotropical migrants which are dependent on southeastern forested wetlands of the coastal plain: Black-throated Green Warbler, Swainson's Warbler, and Prothonotary Warbler.

The Alligator River is also designated by the NC Wildlife Resources Commission and the NC Division of Marine Fisheries as a primary nursery area for striped bass, spot, croaker, American and hickory shad, weakfish, and as a major spawning area for anadromous fishes, principally river herring. Protection of this large wetland area helps to maintain high water quality for these species, particularly in the vicinity of the Alligator River headwaters.

While changing rapidly, this segment is an excellent example of natural response to rising sea level. As this process continues, more of the Tidal Swamp will give way to Tidal Freshwater Marsh. More of the extensive Shrub Subtype can be expected to develop into other marsh subtypes. As freshwater and oligohaline marshes closer to the coast become more salty, this area is well suited to become one of the future strongholds of these communities and the species that depend on them.

BOUNDARY JUSTIFICATION: Most of the Coastal Reserve is dedicated as primary area. This includes the extensive wetlands, both mature swamp forests, forests that are disturbed and in transition to marsh as a result of rising sea level, and forests that were cut shortly prior to acquisition. All function as part of the wetland complex and all are likely to develop new natural communities in the future. Forest roads within the primary area and a former residential lot with storage buildings are previously existing disturbances that may be maintained under this agreement. A 10-acre area that includes some prior disturbance near Grapevine Landing is excluded from the dedication; along with the existing road, it may become the site of a future water access area. A disturbed 2-acre area along Grapevine Landing Road is also excluded from the dedication; this area contains a small storage building, septic, and water well, and is excluded as a potential location for future buildings or infrastructure to support management at the Buckridge Reserve.

MANAGEMENT AND USE: The dedicated nature preserve is owned by the State. The site will be used for research, education and compatible recreational uses according to State Statutes (G.S. 113A-129.1-3 et seq.) and departmental regulations (15A NCAC 70.0100-.0202) for the Coastal Reserve Program within the Division of Coastal Management. Restoration of natural hydrology within the site will be a high priority with particular emphasis on Atlantic white cedar communities. As part of the purchase arrangement, the United States Air Force holds an easement on a 260-acre portion (Primland Tract) of this segment as recorded in Tyrrell County Deed Book 242, Page 331.

Of particular concern in this segment is the presence of ditches which connect to the Alligator River and allow tidal waters into the inland portions. This threatens natural communities beyond the zone where they are naturally developing into marshes. Experimental efforts with water control structures have attempted to address this, and it is recommended that these efforts continue. In addition, common reed (*Phragmites*

australis), is present in some areas. This non-native species represents a significant threat to the developing Tidal Freshwater Marsh communities. It would be better addressed before populations of it become larger.

(2000, NC NHP, updated 2019 and 2023)

EXHIBIT B
EMILY AND RICHARDSON PREYER BUCKRIDGE COASTAL RESERVE
DEDICATED NATURE PRESERVE
SOUTHEASTERN SEGMENT (Roper Island)

COUNTY: Hyde

PHYSIOGRAPHIC PROVINCE: Coastal Plain

TOPOGRAPHIC QUADS: Fairfield NE, Fairfield NW, and Fairfield

SIZE OF AREA: ca. 8,510 acres, GIS-calculated (all primary, including a coterminous conservation easement held by the Division of Coastal Management)

OWNER/ADMINISTRATOR: State of North Carolina, Division of Coastal Management

LOCATION: Fairfield and Lake Landing Townships; all or portions of Hyde County parcels 8740570641.

DESCRIPTION: The southeastern section of the Emily and Richardson Preyer Buckridge Coastal Reserve, Roper Island, lies in a northerly bend in the Alligator River; the Intracoastal Waterway had been constructed across this bend and has isolated the land inside the bend, resulting in an “island”.

The southwestern part of Roper Island contains an extensive region of Tidal Freshwater Marsh, with oligohaline waters and flooded by wind tides. Several subtypes are present, including the Cattail Subtype, dominated by narrowleaf cattail (*Typha angustifolia*), the Sawgrass Subtype, dominated by sawgrass (*Cladium jamaicense*), and Threesquare Subtype, dominated by *Schoenoplectus pungens*. Also present is the Shoreline Lawn Subtype, a distinctive fringe community at the edge of the water where creeping spikerush (*Eleocharis fallax*), Carolina lilaepsis (*Lilaeopsis carolinensis*), and marsh lilaepsis (*Lilaeopsis chinensis*) dominate. These marshes have been present at least for decades and are part of large expanse that extends along the southern reaches of the Alligator River. Tidal fluctuations and salinity are affected by the connection to the Pungo River created by the Intracoastal Waterway canal, but these marshes have been present for many decades and are mature. As sea level continues to rise, the marshes are expanding into recently forested areas. As trees succumb to the increasing wetness, a Tidal Freshwater Marsh (Shrub Subtype) community develops. It is dominated by wax-myrtle (*Morella cerifera*), and contains species such as swamp rose (*Rosa palustris*), groundsel-tree (*Baccharis halimifolia*), and seashore mallow (*Kosteletzkya virginica*), as well as herbs such as pickerelweed (*Pontederia cordata*), white water-lily (*Nymphaea odorata*), bladderworts (*Utricularia* spp.), and water pimpernel (*Samolus parviflorus*). Along the shoreline, the rare riverbank evening-primrose (*Oenothera riparia*) occurs on cypress knees and based on living and dead trees.

Ninety percent of Roper Island was forested at the time of its original dedication agreement. Though rising sea level has reduced this amount somewhat, the island remains predominantly forest. The center of the island supports Pond Pine Woodland communities, with a canopy of pond pine (*Pinus serotina*) underlain by redbay (*Persea palustris*) and scattered sweetbay (*Magnolia virginiana*), fetterbush (*Lyonia lucida*), and sweet gallberry (*Ilex coriacea*). There are also several sizeable stands of Peatland Atlantic White Cedar Forest.

All three sections of the Emily and Richardson Preyer Buckridge Coastal Reserve serve an important landscape function, connecting Pocosin Lakes National Wildlife Refuge (to the north and west of the

reserve, predominantly on the west side of the Alligator River) with the Alligator River National Wildlife Refuge (predominantly on the east side of the Alligator River). The combined protected lands are used by many wide-ranging species, including red wolf (*Canis rufus*), black bear (*Ursus americanus*), and American alligator (*Alligator mississippiensis*). Several red-cockaded woodpecker nesting clusters (*Picoides borealis*) are present on the island.

In addition to these species, the property supports three of the five highest priority neotropical migrants which are dependent on southeastern forested wetlands of the coastal plain: Black-throated Green Warbler, Swainson's Warbler, and Prothonotary Warbler.

The Alligator River is also designated by the NC Wildlife Resources Commission and the NC Division of Marine Fisheries as a primary nursery area for striped bass, spot, croaker, American and hickory shad, weakfish, and as a major spawning area for anadromous fishes -- principally river herring. Protection of this large wetland area helps to maintain high water quality for these species, particularly in the vicinity of the Alligator River headwaters.

While changing rapidly, this segment is an excellent example of natural response to rising sea level. It represents an interesting complement to the Northern Segment because of the abundance of pine forest here. As this process continues, more of the island will give way to Tidal Freshwater Marsh. More of the extensive Shrub Subtype can be expected to develop into other marsh subtypes. As freshwater and oligohaline marshes closer to the coast become more salty, this area is well suited to become one of the future strongholds of these communities.

BOUNDARY JUSTIFICATION: All of the island managed through conservation easement by the Division of Coastal Management is dedicated as primary area, with distinct natural and artificial boundaries. It should be noted that parcels adjacent to the Intra Coastal Waterway canal are privately held without conservation easement, and are subject to a United States Army Corps of Engineers spoil deposition easement.

MANAGEMENT AND USE: The dedicated nature preserve is owned by the Roper Island Wildlife Refuge, LLC, with a conservation easement given to the NC Division of Coastal Management as recorded in Hyde County Deed Book 189, Page 787. The conservation easement allows for the retention of mineral rights by Weyerhaeuser Company. The site will be used for research, education and compatible recreational uses according to State Statutes (G.S. 113A-129.1-3 et seq.) and departmental regulations (15A NCAC 70.0100-.0202) for the Coastal Reserve Program within the Division of Coastal Management.

Common reed (*Phragmites australis*), is present in some areas. This non-native species represents a significant threat to the developing Tidal Freshwater Marsh communities. It would be better addressed before populations of it become larger.

(2012, NC NHP, updated 2019)

EXHIBIT C
EMILY AND RICHARDSON PREYER BUCKRIDGE COASTAL RESERVE
DEDICATED NATURE PRESERVE
SOUTHWESTERN SEGMENT (Woodley Pocosin)

COUNTY: Tyrrell

PHYSIOGRAPHIC PROVINCE: Coastal Plain

TOPOGRAPHIC QUADS: Fairfield NE, Fairfield NW, Frying Pan, and Scotia

SIZE OF AREA: ca. 2,219 acres, GIS-calculated (all primary, including a 2-acre special management area)

OWNER/ADMINISTRATOR: State of North Carolina, Division of Coastal Management

LOCATION: Gum Neck Township; all or portions of Tyrrell County parcels 8731592965

DESCRIPTION: The Southwestern Segment of the Emily and Richardson Preyer Buckridge Coastal Reserve is separated from Roper Island by the Alligator River and from the Northern Segment by the Northwest Fork Alligator River. It provides a broad connection between the Coastal Reserve and the Pocosin Lakes National Wildlife Refuge and other conservation lands to the west. It consists of a similar expanse of deep peat deposits lying near sea level and influenced by wind tides along the rivers.

The interior of this segment appears to be a domed peatland, where organic deposits have accumulated above the surrounding areas. The interior of the peatland supports an extensive Low Pocosin community, with small, stunted pond pine (*Pinus serotina*). The pocosin is of the Gallberry-Fetterbush Subtype, and is dominated by fetterbush (*Lyonia lucida*), honeycup (*Zenobia pulverulenta*), and leatherleaf (*Chamaedaphne calyculata*) only 2-3 feet tall. Interspersed with the Low Pocosin are patches of the Pocosin Opening (Pitcher Plant Subtype) community, dominated by peat moss (*Sphagnum* spp.), Walter's sedge (*Carex striata*), and leatherleaf, and containing pitcher plants (*Sarracenia flava*, *Sarracenia purpurea*). Around the edge of the Low Pocosin is a band of High Pocosin, dominated by the same species, along with titi (*Cyrilla racemiflora*), with larger trees and a taller, denser shrub layer.

The portions of this segment closer to the rivers support a broad band of Tidal Swamp (Cypress—Gum Subtype). It is dominated by swamp tupelo (*Nyssa biflora*) and red maple (*Acer rubrum*), with some loblolly pine (*Pinus taeda*) and bald cypress (*Taxodium distichum*). The shrub layer is dominated by wax-myrtle (*Morella cerifera*), and has abundant swamp rose (*Rosa palustris*) and species shared with marsh communities such as eastern rose-mallow (*Hibiscus moscheutos*) and groundsel-tree (*Baccharis halimifolia*). The herb layer includes abundant royal fern (*Osmunda spectabilis*) and typical marsh species such as pickerelweed (*Pontederia cordata*). Along the shoreline, the rare riverbank evening-primrose (*Oenothera riparia*) occurs on cypress knees and based on living and dead trees.

At the time of initial biological surveys, the Tidal Swamp lined the shoreline. Since that time, rising sea level has presumably caused the Tidal Swamp to extend inland. At the same time, increasing wetness has killed most of the trees along the river, leading to the development of Tidal Freshwater Marsh (Shrub Subtype). This subtype has a low density of remaining trees, mostly bald cypress, and has extensive cover by wax-myrtle, swamp rose, and other shrubs. A greater diversity of herbaceous species of marshes is present than in the swamp. The Shrub Subtype now forms a broad band around most of the shoreline in this

segment. Small patches of other Tidal Freshwater Marsh Subtypes are present; the Cattail Subtype, dominated by narrowleaf cattail (*Typha angustifolia*) is most extensive, and there are a few small patches of the Southern Wild Rice Subtype, dominated by *Zizaniopsis miliacea* upstream on the Northwest Fork. Patches of the Threesquare Subtype, Sawgrass Subtype, and Shoreline Subtype are believed to exist at the southern end of the segment.

Along NC Highway 94 and a transmission line corridor is a band of cleared vegetation through the peatland. Though not natural, the vegetation of this area resembles that of the Pocosin Opening community, with dense beds of peat moss, leatherleaf, and pitcher plants. Interspersed with it are boggy pools containing water lilies (*Nymphaea odorata*). This area supports two rare plant species that, though possibly present, have not been found farther into the pocosin: northern white beaksedge (*Rhynchospora alba*) and savanna nutrush (*Scleria verticillata*) Because of its significance for rare species, the area underneath the transmission line is dedicated as a Special Management Area.

While changing rapidly, this segment is an excellent example of natural response to rising sea level. It represents an interesting complement to the other two segments because of the presence of pocosin communities here. As this process continues, more of the area will give way to Tidal Freshwater Marsh. More of the extensive Shrub Subtype can be expected to develop into other marsh subtypes. As freshwater and oligohaline marshes closer to the coast become more salty, this area is well suited to become one of the future strongholds of these communities.

BOUNDARY JUSTIFICATION: All of this tract is dedicated as Primary Area, including the narrow strip within the transmission line corridor and NC Highway 94, which is dedicated as a Special Management Area.

MANAGEMENT AND USE: The dedicated nature preserve is owned by the State. As part of the purchase arrangement, the United States Air Force holds an easement on this segment as recorded in Tyrrell County Deed Book 245, Page 763. The site will be used for research, education and compatible recreational uses according to State Statutes (G.S. 113A-129.1-3 et seq.) and departmental regulations (15A NCAC 70.0100-.0202) for the Coastal Reserve Program within the Division of Coastal Management.

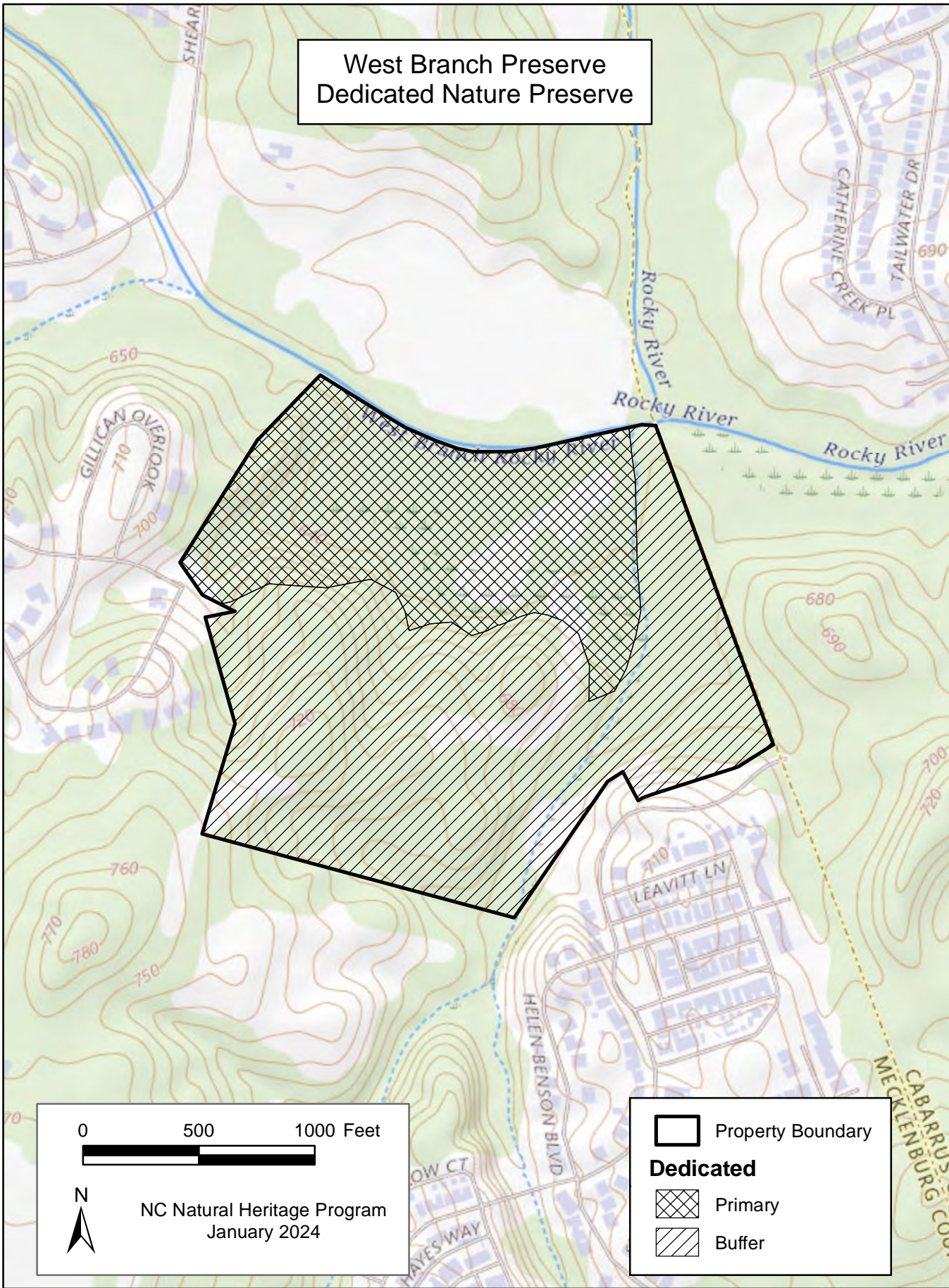
Common reed (*Phragmites australis*) is present in patches in the developing marshes along the rivers. It represents a significant threat in the future. Controlling it may be crucial to development of high quality natural marsh communities.

Pocosin communities are well adapted to fire. Prescribed burning in peatlands is difficult, but if methods are developed to do it safely, the pocosins in this segment would benefit from burning. Fire might also be beneficial to the developing marshes. Given the increasing wetness and surrounding water, this area may prove feasible to burn. The pocosin has burned in wildfires in recent decades. If wildfire were to occur again, it would be best to allow the tract to burn and not to attempt to fight the fire within it.

The Special Management Area is a transmission line right-of-way which supports rare plants. Given the extreme wetness and deep organic soils, trees are unlikely to grow tall enough to threaten the transmission line. If maintenance of the corridor is needed, use of herbicides should be avoided. Use of heavy equipment in the corridor should be minimized, as any traffic will cause extreme disturbance in the organic soils.

(2019, NC NHP)

West Branch Preserve
Dedicated Nature Preserve



0 500 1000 Feet



NC Natural Heritage Program
January 2024

Property Boundary

Dedicated

Primary

Buffer

ARTICLES OF DEDICATION
WEST BRANCH NATURE PRESERVE

THESE ARTICLES OF DEDICATION (hereinafter sometimes referred to as “Articles”) entered into on the _____ day of _____, 20 __, between MECKLENBURG COUNTY, a body politic and corporate organized and existing under the laws of the State of North Carolina with an address of 600 East Fourth Street, Charlotte, North Carolina 28202 (hereinafter “the Grantor”) and the STATE OF NORTH CAROLINA (hereinafter “the State”) whose address is State Property Office, 116 W. Jones Street, Raleigh, North Carolina 27603.

WITNESSETH:

Preamble

WHEREAS, the State is authorized by G.S. 143B-135.250 of the North Carolina General Statutes (hereinafter referred to as “the Nature Preserves Act”) to establish a system of nature preserves in the State of North Carolina in a variety of ways, including acquisition by purchase or gift of interests in land by accepting Articles of Dedication from owners of natural areas; and

WHEREAS, the Grantor owns, as of the date set forth above, real property consisting of 91 acres, more or less, in Mecklenburg County, North Carolina, as described in **Exhibit A** and warrants that the same is without mortgage, lien, or other encumbrance except easements and restrictions of record; and

WHEREAS, the Grantor desires to convey to the State a conservation easement in and to the West Branch Nature Preserve, said portion containing approximately 91 acres with the physical features described on **Exhibit B** attached hereto (referred to herein as the “preserve”), for dedication in perpetuity as a nature preserve pursuant to the Act, and the State recognizes that the West Branch Nature Preserve constitutes a qualified natural area and desires to accept the dedication of the West Branch Nature Preserve as a nature preserve pursuant to the Nature Preserve Act and in accordance with these Articles, and hold the same in trust for the public as a nature preserve; and

WHEREAS, the preserve area is deemed by the Secretary of the N.C. Department of Natural and Cultural Resources to qualify as an outstanding natural area under statutory criteria for nature preserve dedication (G.S. 143B-135.250) and further serves the public purposes for a dedicated preserve as stated in G.S. 143B-135.252.

WHEREAS, the Governor and Council of State have approved the acceptance of the conveyance of the conservation easement in trust for the uses and purposes expressed in the Act at a meeting held in the city of Raleigh, North Carolina, on the _____ day of _____, 20__.

NOW, THEREFORE, the Grantor hereby gives, grants, and conveys in perpetuity, and the State accepts, a conservation easement in, on, over, under, through, across, and to the lands comprising the West Branch Nature Preserve hereafter described in **Exhibit A**. The dedication and the conservation easement herein conveyed has and imposes on the Preserve in perpetuity the following terms, conditions, and restrictions, as agreed to by the Grantor and the State.

THIS DEDICATION IS MADE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

1. **Definitions:** As used in these Articles, including the foregoing Preamble, the terms “Articles of Dedication,” “natural area,” and “nature preserve” shall have the same meaning as contained in N.C. General Statute 143B-135.254.
2. **Dedication:** The West Branch Nature Preserve as described in Exhibit(s) A and B hereof is hereby dedicated as a nature preserve for the purposes provided in the Nature Preserves Act, as it now exists, or as it may hereafter be amended, and it shall be held, maintained, and used therefore.
3. **Primary Custodian:** The primary Custodian of the West Branch Nature Preserve will be the Grantor, which will be responsible for managing the preserve in accordance with State Administrative Code 07 NCAC 13H.300 and under periodic review from the State’s representative.
4. **Primary Classification:** The primary classification and purposes of the preserve shall be for conservation of biological diversity, restoration of natural communities, scientific research, nature education, and low-impact recreation uses compatible with the purposes of the preserve.
5. **Management Areas:** For the purposes of management, the Preserve shall be considered to consist of a Primary Area (approximately 34 acres), and a Buffer Area (approximately 57 acres), as more particularly described in Exhibits A and B, attached thereto and by this reference made a part hereof. The Primary Area – composed of the natural area as described above – is deemed by the Secretary of the North Carolina Department of Natural and Cultural Resources to qualify as an outstanding natural area under statutory criteria for nature preserve dedication (G.S. 143B-135.260) and further serves all of the public purposes for a dedicated preserve as stated in G.S. 143B-135.252. The Buffer Area, which contributes to the management and protection of the Primary Area, consists of less mature, lower quality natural communities that protects the immediate watershed of the primary area and provides additional habitat for some species in the site.
6. **Rules for Management of the Primary Area:**
 - a. **Character of Visitor Activity:** The principal visitor activities in the preserve shall be nature observation, teaching, walking, research, boating, hunting, and fishing. These activities shall be regulated to prevent disturbance of the preserve beyond what it can tolerate without significant environmental degradation. Activities and uses which are unrelated to the activities listed above are prohibited except as provided for herein or unless necessary to carry out the purposes of the preserve. Prohibited activities include, but are not limited to, construction of buildings, picnic shelters/picnic decks and parking lots, development of active recreation amenities (i.e. ballfields, playfields, playgrounds, tennis courts, basketball courts, volleyball courts, mountain bike trails, equestrian trails, etc.), dumping, changes in

topography, commercial silviculture, agriculture and grazing, gathering of plants or plant products, the removal, disturbance, molestation, or defacement of minerals, archaeological and natural resources except for educational, research, or ecological restoration purposes, and those activities specifically restricted in these Articles. There shall be no littering permitted. There shall be no open fires, except as necessary for research or ecological management of the preserve or in conjunction with supervised educational activities of the Grantor, or further excepted as herein provided or otherwise expressly permitted by the State or its designated representative.

- b. Consumptive Wildlife Uses: Hunting, fishing, and trapping may be permitted on the preserve subject to regulations and management by the North Carolina Wildlife Resources Commission.
- c. Orientation and Guidance of Visitors: The Grantor reserves the right to orient and guide visitors for educational programs, for scientific research, for hunting and fishing uses, for fund-raising activities, and for preserve management. Exhibits, programs, and printed materials may be provided by the Grantor in service areas. The Grantor may restrict access to visitors in those instances or in such areas that restrictions may be determined necessary to safeguard sensitive environmental resources in the preserve. Labeled nature trails, access areas, boat landings, overlooks, pedestrian bridges, and boardwalks may be provided by the Grantor within the preserve.
- d. Visitor Protection: Signs, fences, steps, guardrails, and bridges may be provided when essential to the safety of reasonably alert and cautious visitors. The Grantor reserves the right to erect such structures as may be necessary to protect the preserve from unwanted or excessive visitor traffic.
- e. Other Structures and Improvements: Structures or facilities shall not be erected by the Grantor within the preserve, except as may be consistent with the purposes of the preserve as stated in these Articles. Site selection shall be consistent with these Articles.
- f. Roads and Trails: A natural surface trail runs through the Primary Area of the preserve. A paved greenway trail is planned for the Buffer Area. These trails may be maintained as needed, but any planned rerouting should be done in consultation with the Natural Heritage Program to avoid impact to the resources of the preserve. New roads shall not be constructed in the Primary Area. When necessary, the Grantor may construct and maintain access limited to staff for management purposes, such as service paths for patrol, fire control, right-of-way maintenance, and other management activities, within the Primary Area. The Grantor may maintain roads presently existing within the preserve. Number and width of new paths will be minimized, and sensitive areas avoided when possible. Existing roads that occur within or form a boundary of the Primary Area may be maintained by grading of the roadbed, replacing culverts, or adding stone as

needed in order to maintain the integrity of the road for vehicular use. Daylighting of roads within the Primary Area should be minimized, but may be used if necessary to maintain the condition of the road. Access management and construction will be part of the overall management planning process and will include consultation with the North Carolina Natural Heritage Program.

- g. Research and Collecting Permits: Any person wishing to engage in scientific research requiring collecting or otherwise affecting anything within the preserve shall first secure written permission from the Grantor.
- h. Pollution and Dumping: There will be no storage or dumping of ashes, trash, garbage, hazardous substances, toxic waste, other unsightly or offensive material, or fill material, including dredge materials in, on, or under the preserve. No underground storage tanks may be placed within the preserve. Pollutants may not be added to surface or ground waters within the preserve.
- i. Excavation: There will be no mining, drilling, removal of topsoil, sand, gravel, rock, minerals, or other material, nor any change in topography or surface hydrology of the preserve. Exceptions for permitted archaeological research or ecological restoration to more natural conditions, consistent with the Management Plan, may be made in consultation with the North Carolina Natural Heritage Program.
- j. Fences: Fences and barriers may be installed as necessary to maintain and protect natural features, control access, deter trespass, and to further the purposes of the preserve.
- k. Water Level Control: The purpose of any water level control shall be to maintain the preserve's natural water regime. Water levels which previously have been altered may be maintained or may be changed if necessary to restore the preserve to its natural condition, and structures to accomplish this goal may be constructed.
- l. Bringing in Flora and Fauna: No exotic flora and no animals except leashed dogs and cats, horses on trails designated for horseback riding, or animals being reintroduced shall be brought into the preserve. Any reintroduction will be of species native to the natural community and shall be done according to an approved resource management plan.
- m. Wildfire Control/Prescribed Burning: Use of prescribed burning is permitted as necessary for the biological management of the Preserve. Any prescribed burning must be done according to a prescribed fire plan approved by the County Fire Marshal or current permitting authority. Wildfires may mimic natural processes historically occurring in an ecosystem on a landscape level. When the extent of a wildfire does not threaten human life or structures, it may be allowed to burn with minimal control. If firebreaks need to be established for prescribed burning or wildfire control, where possible, existing roads and firebreaks will be utilized.

When new firebreaks need to be established, environmentally sensitive areas will be avoided when possible. Old firebreaks which affect the natural hydrology of wetlands will be filled and allowed to revegetate. Planning of firebreak restoration should occur in consultation with the North Carolina Natural Heritage Program.

- n. Disturbance of Natural Features: The cutting or removal of trees, dead or alive, or the disturbance of other natural resources is prohibited except for removal of hazards to visitors, control of disease that would damage or reduce the significance of the preserve, reduction of fire fuel load after severe storm damage, trail clearance or maintenance, or for purposes of maintenance or restoration of natural communities or rare species populations as stipulated in the preserve management plan and that which is consistent with the purposes of this Dedication. Salvage timber cuts which may be necessary due to natural catastrophe will be allowed in both Primary and Buffer Areas, but in a manner that will contribute to the recovery of the prevailing natural conditions of the forest and in consultation with the North Carolina Natural Heritage Program.
- o. Control of Populations (natural and exotic): Any control of animal or plant populations on the preserve shall be for the purpose of correcting situations where those populations are significantly affecting natural conditions on the preserve, and in accordance with the established N.C. Wildlife Resources Commission regulations for hunting, trapping, or fishing of designated game animals. The Custodian may, in consultation with the North Carolina Natural Heritage Program, apply biological controls, herbicides and pesticides, and other means deemed necessary or appropriate to control or eradicate exotic or native species of plant or animal that are degrading the natural character of the preserve.
- p. Control of Vegetational Succession: Control of vegetational succession may be undertaken if necessary to maintain or restore a particular natural ecosystem type or to preserve endangered, threatened, rare, or other unusual species. Controls will be done in the manner that best imitates the natural forces believed responsible for maintaining the natural ecosystem type, or that minimizes unnatural effects on non-target portions of the ecosystem. Prescribed burning is particularly essential to ecosystems where natural wildfire historically suppressed woody vegetation and promoted herbaceous diversity.
- q. Designation of Representatives: In cases in which these Articles permit action to be taken by a designated representative of the State, the designation of the representative shall be made in writing by the Secretary of the Department of Natural and Cultural Resources, and copies of the designation shall be mailed to the Grantor and shall be maintained in the official files of the Department of Natural and Cultural Resources or the appropriate agency of the State. The Grantor Representative shall be:

Director
Mecklenburg County Park and Recreation Department

5841 Brookshire Blvd.
Charlotte, NC 28216.

- r. Custodian and Management Responsibility: The Grantor shall retain custody and possession of the preserve upon the execution of these Articles, and the Grantor shall enforce the rules for management in conformity with the purposes of the preserve.
 - s. Management Plan: The Primary Custodian shall be required to prepare and submit for approval to the Secretary of the Department of Natural and Cultural Resources a management plan for the preserve. This plan shall be subject to all the provisions of this Dedication and shall additionally be consistent with the management principles set forth in the North Carolina Administrative Code 07 NCAC 13H.0300 and .0400. The dedicated nature preserve will continue to be subject to other applicable regulations within NCAC Title 07, Chapter 13. Where contradictions may arise between this instrument of Dedication and other management regulations, the terms of this Dedication shall take precedence.
7. **Rules for Management of the Buffer**: Primary Area rules also apply except that additional forestry and wildlife management activities may be planned and carried out as needed. Construction and maintenance of roads within Buffer Area(s) of the preserve will be limited to the level necessary to appropriately manage the preserve. These activities will be conducted in accordance with policy of the Primary Custodian, in addition to providing for the buffer functions in relation to the Primary Area. Buffer functions within the dedicated area may include protecting the Primary Area(s) from indirect detrimental ecological effects, providing additional area for species and ecological processes that require larger areas, and providing important successional stages and disturbance regimes and other habitat diversity for wildlife. Based on these general objectives, the following buffer functions will be addressed in the management plan.
- a. Managing landscape level function of community type and structure. Buffer Area management may involve timber harvest and other forms of stand manipulation but will not involve forest canopy type conversion over more than limited areas, other than to restore stands to types suited for the site. Introduction of exotic species known to be invasive in natural communities will be avoided.
 - b. Maintaining habitat connectivity and continuity among Primary Areas.
 - c. Providing for habitat diversity.
 - d. Managing the needs of rare animal and plant species populations occurring within the Buffer Area.
 - e. Protecting soil and hydrologic resources and processes within the Primary Area and extending into the Buffer. (Naturally vegetated riparian zones will be retained along streams, and watersheds of Primary Areas will be protected from hydrologic alteration.)
8. **Amendment and Modification**: The terms and conditions of this Dedication may be amended or modified upon agreement of the Grantor and the Secretary of the Department

of Natural and Cultural Resources, and approved by the Council of State.

9. **Termination:** A portion of the tract dedicated pursuant to this instrument may be removed from dedication in accordance with the provisions of North Carolina General Statutes 143B-135.250, the Nature Preserves Act, as it now exists or as it may hereafter be amended. These Articles may be terminated upon agreement of both parties as set forth in the Nature Preserves Act.
10. **Liability:** To the extent and in the manner allowed under law, the Grantor agrees to indemnify, defend, and hold harmless the State against any claims, damages, obligations, or suits arising out of or connected with the use of the preserve, caused by acts of negligence by Grantor, its assigns, or invitees, servants, employees, or agents, or any of them, except for any claims, damages, obligations, or suits arising out of acts by the State, or its assigns, invitees, servants, employees, or agents, or any of them. In the event any such claim is made or lawsuit initiated, the State shall promptly notify Grantor in writing and the State shall cooperate fully in the defense of such lawsuit and permit the Grantor or its insurance carrier to participate in the defense of such claim or lawsuit. It is further agreed that the right to settle or offer the settlement of any such claim or lawsuit shall reside with the Grantor, subject to the State's approval of any final settlement, which approval shall not be unreasonably withheld.
11. **Transfer of Preserve:** Any time the preserve, or any interest therein, is transferred by the Grantor to any third party, the Grantor shall notify the State in writing within thirty (30) days prior to the transfer of the Property, and the document of conveyance shall expressly refer to these Articles. The failure of Grantor to perform any act required by this Paragraph shall not impair the validity of these Articles or of the transfer or limit their enforceability in any way.
12. **Parties:** Every provision of these Articles that applies to the Grantor shall also apply to Grantor's successors in title as their interest may appear.

TO HAVE AND TO HOLD the same to the State of North Carolina in trust for benefit of the public in accordance with the provisions of 143B-135.250 of the North Carolina General Statute.

These Articles of Dedication shall run with the land and burden the preserve in perpetuity unless terminated as provided herein or extinguished in accordance with the provision of the Nature Preserves Act.

The Governor and Council of State have approved the dedication of the lands hereinabove described as the West Branch Nature Preserve, by acceptance of the conservation easement, to be held in trust by the Grantor and the State for the uses and purposes expressed in the Nature Preserves Act at a meeting held in the City of Raleigh, North Carolina, on the ____ day of _____, 20__.

[SIGNATURES AND NOTARIZATION APPEAR ON THE NEXT PAGE]

{ Grantor }

Name-
Title-

Corporate Seal

ATTESTED BY:

Name-
Title-

STATE OF NORTH CAROLINA
COUNTY OF

I _____ a Notary Public duly authorized in the County and State aforesaid, certify that _____ personally came before me this day and acknowledged that he/she represents _____ { Grantor } _____, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its _____ and sealed with its corporate seal.

WITNESS my hand and official seal, this the _____ day of _____, 20__.

Notary Public

My Commission Expires:

EXHIBIT A
LEGAL DESCRIPTION
of the West Branch Nature Preserve

BEING those certain tracts or parcels of land situated in Deweese Township, Mecklenburg County, North Carolina and being more particularly described as follows:

All or portions of Tract I, being ____ acres, more or less, and ... and recorded in Plat Book ____, Page ____, Mecklenburg County Registry.

Tract I: Parcel 00747198

EXHIBIT B

WEST BRANCH DEDICATED NATURE PRESERVE

DESCRIPTION

COUNTY: Mecklenburg County

TOPO QUAD: Cornelius

SIZE OF AREA: ca. 91 acres total (primary area 34 acres; buffer area 57 acres)

OWNER/ADMINISTRATOR: Mecklenburg County Park and Recreation Department

LOCATION: West Branch Nature Preserve is located on the south side of the West Branch Rocky River at the Mecklenburg-Cabarrus County boundary. The river joins the main fork of the Rocky River at the east side of the preserve. A trail along the river accesses the site from the River Run subdivision to the west. A greenway trail accesses the upper slope in the Buffer Area.

DESCRIPTION: West Branch Nature Preserve consists of a broad floodplain and a dissected north-facing bluff along the West Branch Rocky River. The floodplain contains an extensive beaver pond complex that is mature and has been present for 30 years or more. An extensive Piedmont/Mountain Semipermanent Impoundment (Piedmont Marsh Subtype) community is in good condition despite alterations in the area before its creation. The area supports a high diversity of amphibian and reptile species as well as a diverse community of wetland plants such as knotweed (*Persicaria* spp.), American bur-reed (*Sparganium americanum*), lizard's-tail (*Saururus cernuus*), sedges (*Carex* spp.), and cattail (*Typha latifolia*). The floodplain area was substantially altered before the beaver ponds were created, including channelizing of the river, deposition of spoil banks, agricultural clearing, and drainage ditches. However, the beaver pond vegetation is typical of that natural community.

The bluffs support small areas of several upland communities. Small areas of mature forest are present in the Primary Area, while younger and more altered versions of the same communities are present in the Buffer Area. Dry-Mesic Oak—Hickory Forest (Piedmont Subtype) occurs on the granitic substrate areas. It is dominated by white oak (*Quercus alba*) and red oak (*Quercus rubra*), with typical acid-tolerant species in the understory and lower strata. Dry-Mesic Basic Oak—Hickory Forest (Piedmont Subtype) occurs in the western part of the Preserve. Its canopy also is dominated by white oak and red oak, with the addition of ash (*Fraxinus americana*, *Fraxinus biltmoreana*). Because of the spread of the introduced emerald ash borer, much or all of the ash may have died. The lower strata include multiple species indicative of less acidic soil conditions. Basic Mesic Forest (Piedmont Subtype), dominated by beech (*Fagus grandifolia*) and red oak, occurs in moister areas on the north-facing bluff. Piedmont Alluvial Forest along small streams and in the small part of the river floodplain that is not impounded.

BOUNDARY JUSTIFICATION: The Primary Area encompasses the areas of natural communities in good condition, including the extensive wetlands and the small areas of mature upland forest. The Buffer Area includes younger forests on gentler slopes above the Primary Area.

MANAGEMENT AND USE: West Branch Nature Preserve is managed for natural area protection and public recreation. A public trail along the river sees heavy public use, and a planned greenway trail likely would also be heavily used. Recreational use and trail conditions should be monitored and places that are eroding or otherwise affecting natural features should be remedied.

A sewer line crosses the east side of the Preserve. As a previously existing disturbed area, it and its right-of-way may be maintained in their current location.

Several invasive non-native species are present. These are primarily in the floodplain areas, but Russian olive (*Elaeagnus umbellata*) is present in the uplands. Invasive non-native fire ants are also present. Control of these invasive species is encouraged, using means that will not harm associated native species.

Natural Heritage Advisory Committee

North Carolina Natural Heritage Program

7 February 2024



1

North Carolina Natural Heritage Program

Recommendations for Dedication and Registry

Submitted to the Natural Heritage Advisory Committee

7 February 2024



2

Dedication

- Agreement is attached to the land
- Agreement cannot be rescinded by the owner
- Requires approval of Council of State and Governor
- Specific management rules



3

Dedication zones

Primary Area: contains rare species populations, rare communities, and/or high-quality examples of common communities.

Primary (Restoration) Area: contains elements as above, but requires some form of active management to restore. If timber management is allowed within these areas, it is with a specific time-limited objective (e.g., removal of off-site canopy species). Part of the Primary Area.

Special Management Area: a zone which retains some natural features (e.g., rare species population(s)), but is maintained for other purposes (e.g., transmission line right-of-way).

Buffer Area: areas within a tract which contribute to the ecological function of the Primary Area, but which do not qualify as Primary.



4

State land dedications

- Dedication of qualifying portions required when lands were acquired with NC Land and Water Fund grants.
- Dedication is done by Letter of Allocation



5

Aquatic Standards for State Land Dedication

- 100 ft riparian zone on all perennial streams
 - Minimum standard
- 300 ft riparian zones along perennial streams with NHP Aquatic Habitat
 - If Aquatic Habitat has federally listed species, add 200 ft riparian zone on all perennial tributary streams to the Aquatic Habitat
 - If Aquatic Habitat does not have federally listed species, add 100 ft riparian zones on all perennial tributary streams
- NHP maintains a dataset with these parameters
 - Updated annually
 - Based on National Hydrography Dataset (NHD) maintained by USGS and NC Stream Mapping Project



6

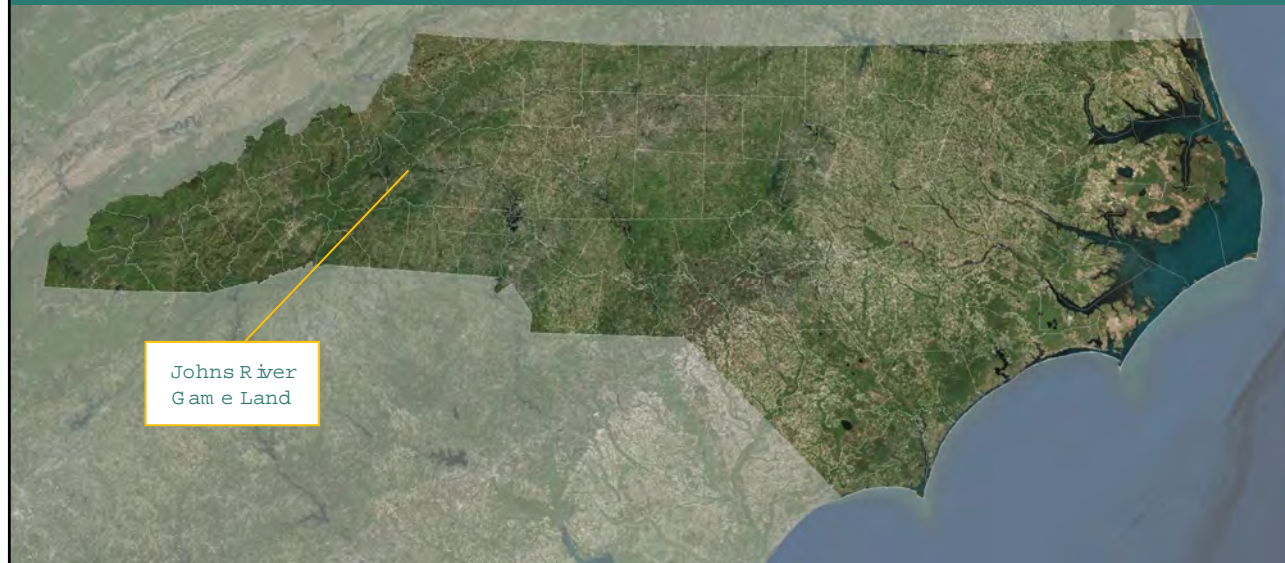
Johns River Game Land Dedicated Nature Preserve

Photos courtesy of Jess Schaner



7

Johns River Game Land DNP

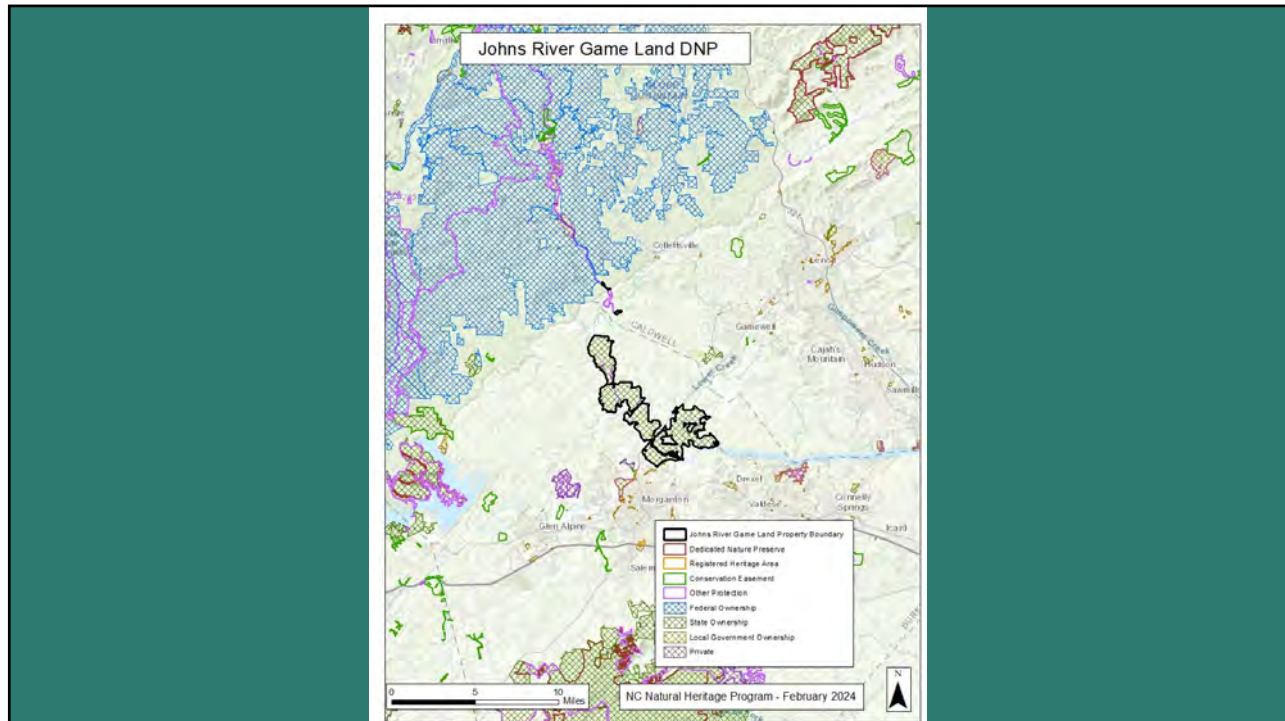


Burke County

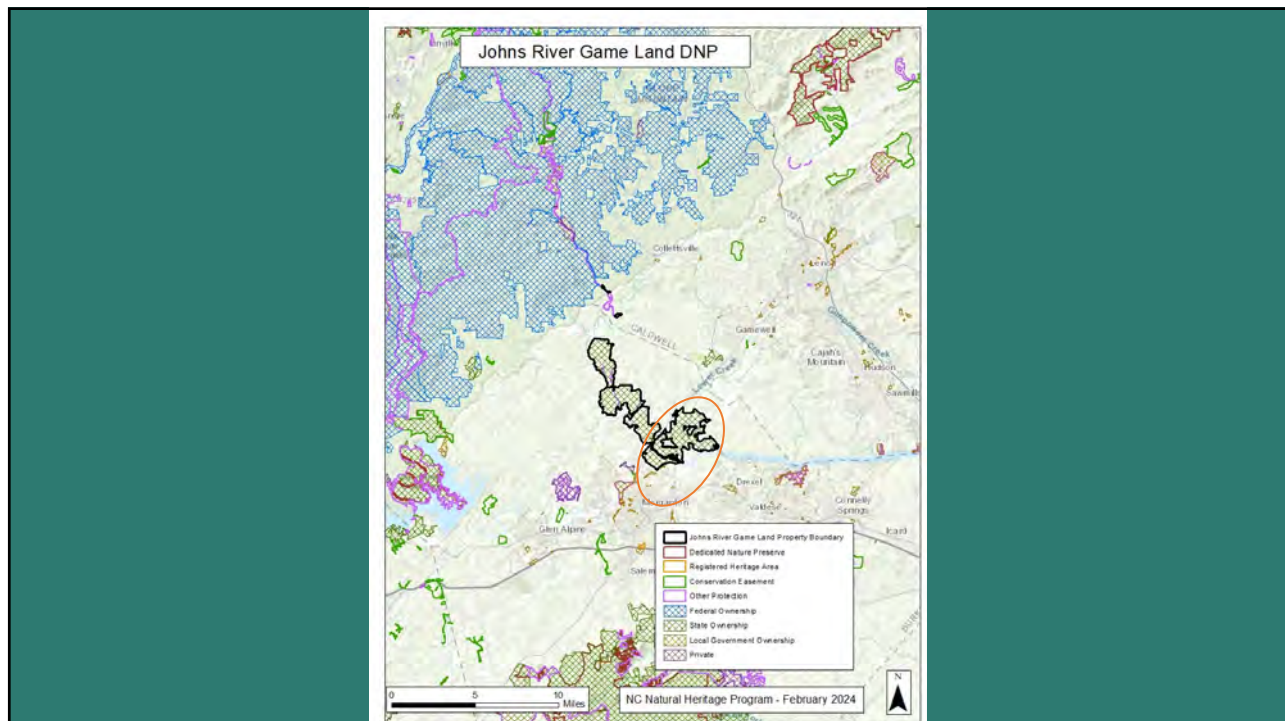
Catawba, Yuchi



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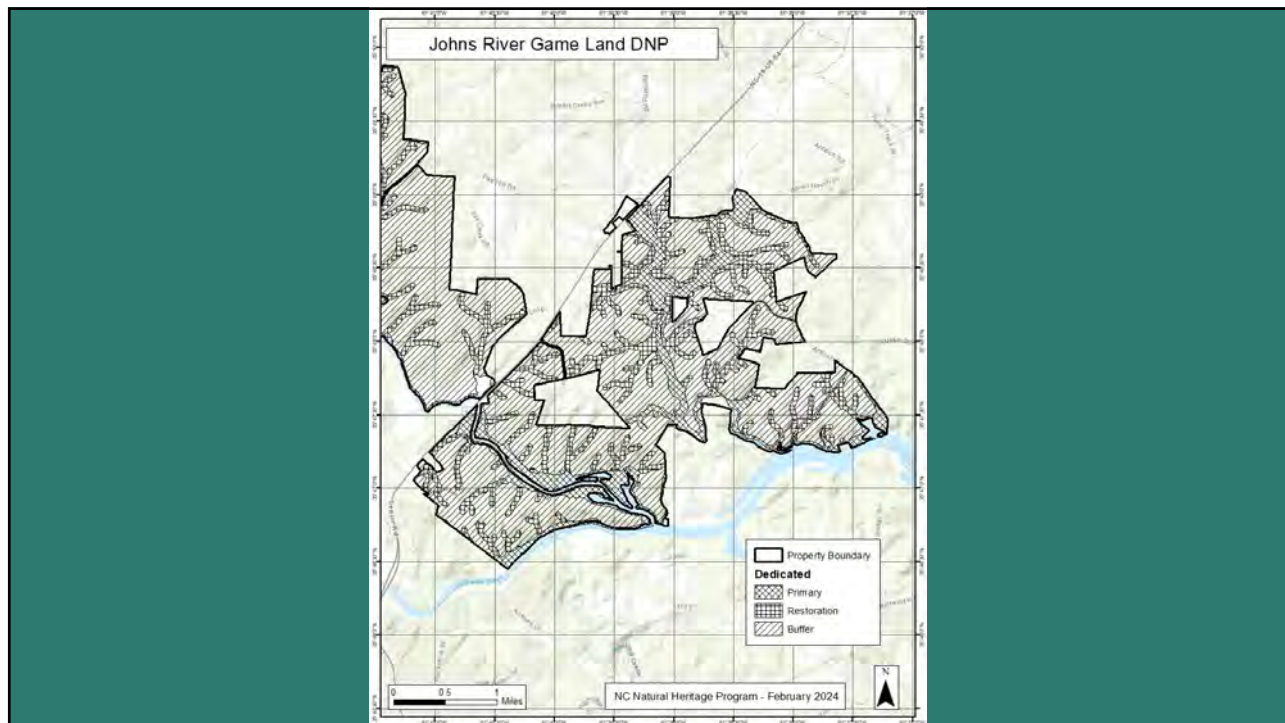
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Johns River Game Land Dedicated Nature Preserve

Amendment to add Johns River tracts (NCLWF #2005B-012 and #2006A-013)

- Adds 2,877 acres to DNP:
 - 1,056 acres Primary, including 605 acres restoration
 - 2,271 acres Buffer
- Total DNP 6,420 acres:
 - Primary Area 2,095 acres, including 1,644 acres restoration
 - Buffer Area 4,325 acres
- Element Occurrences include:
 - Bog Turtle (*Glyptemys muhlenbergii*) S2G2
 - Floodplain Pool S2G3
 - Piedmont/Mountain Semipermanent Impoundment (Piedmont Marsh Subtype) S4G4



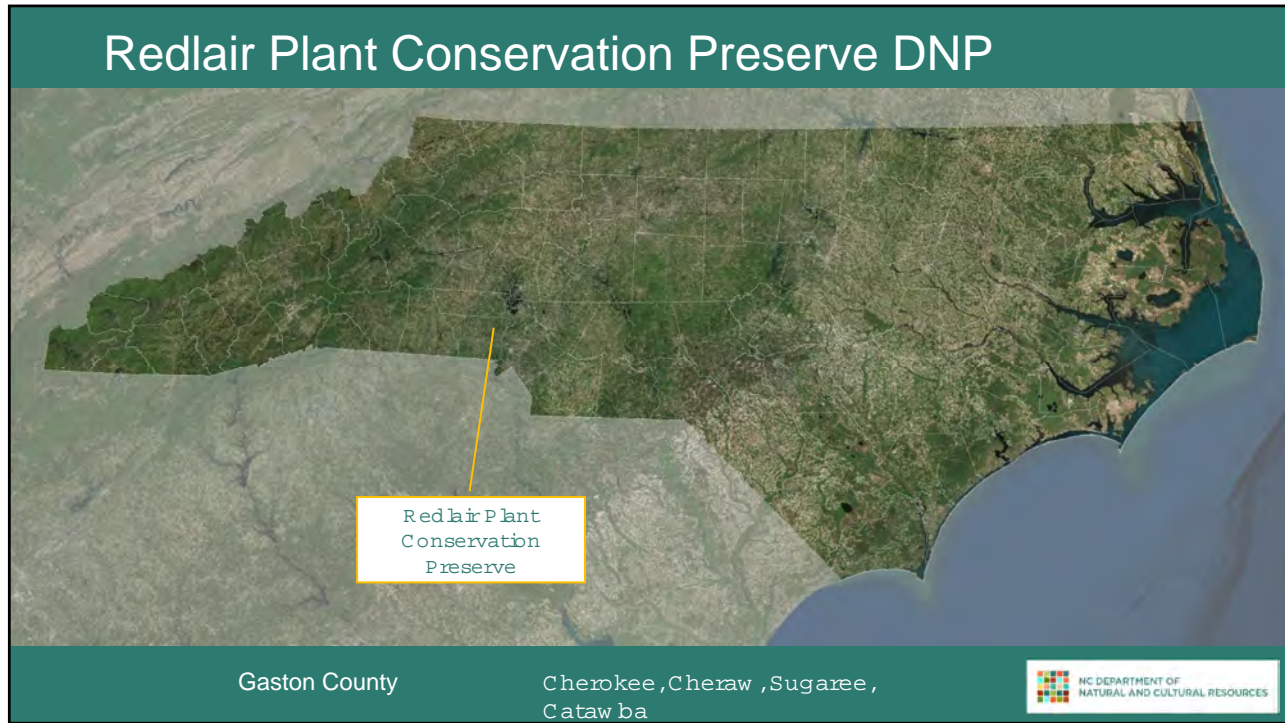
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Redlair Preserve Dedicated Nature Preserve

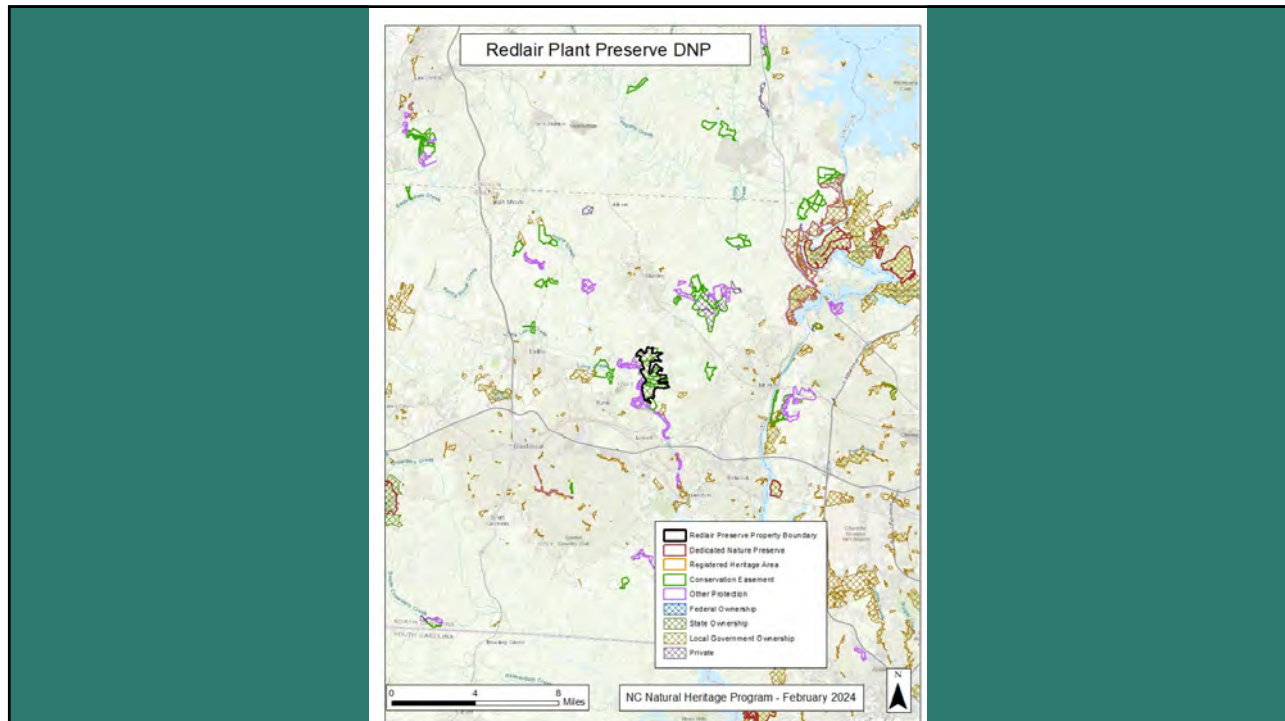


Photo courtesy of Mike Schafale

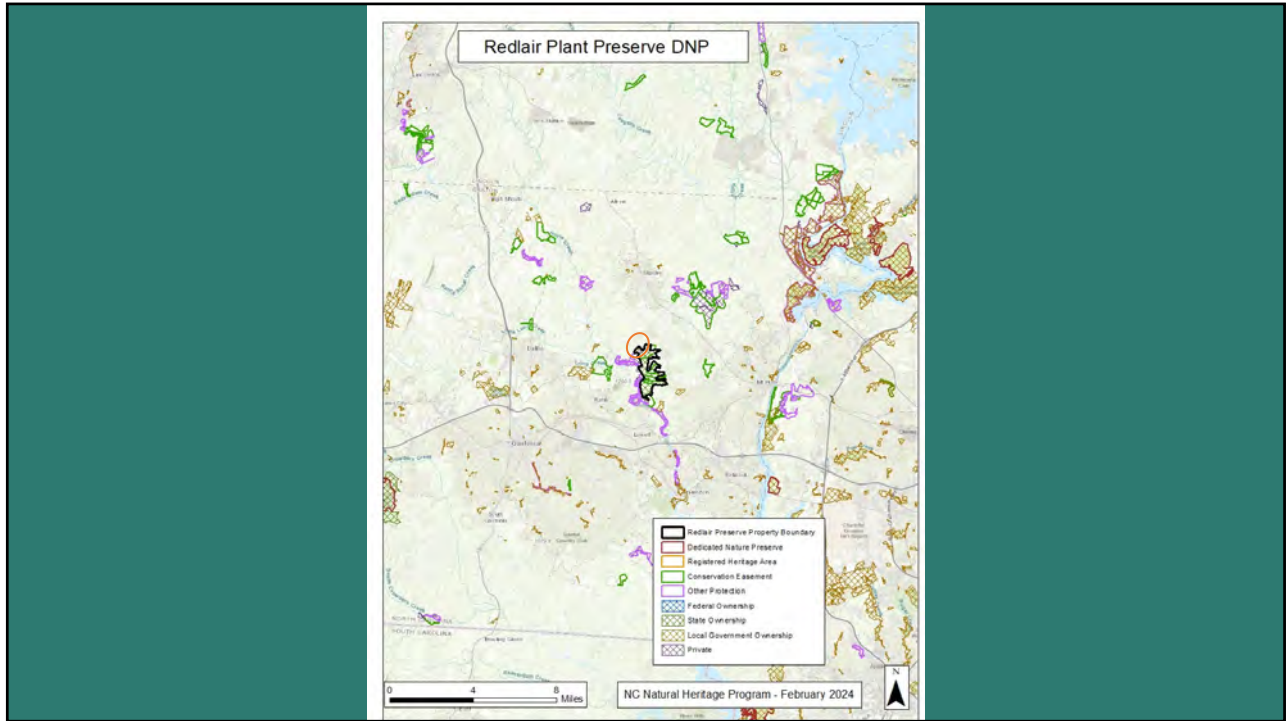
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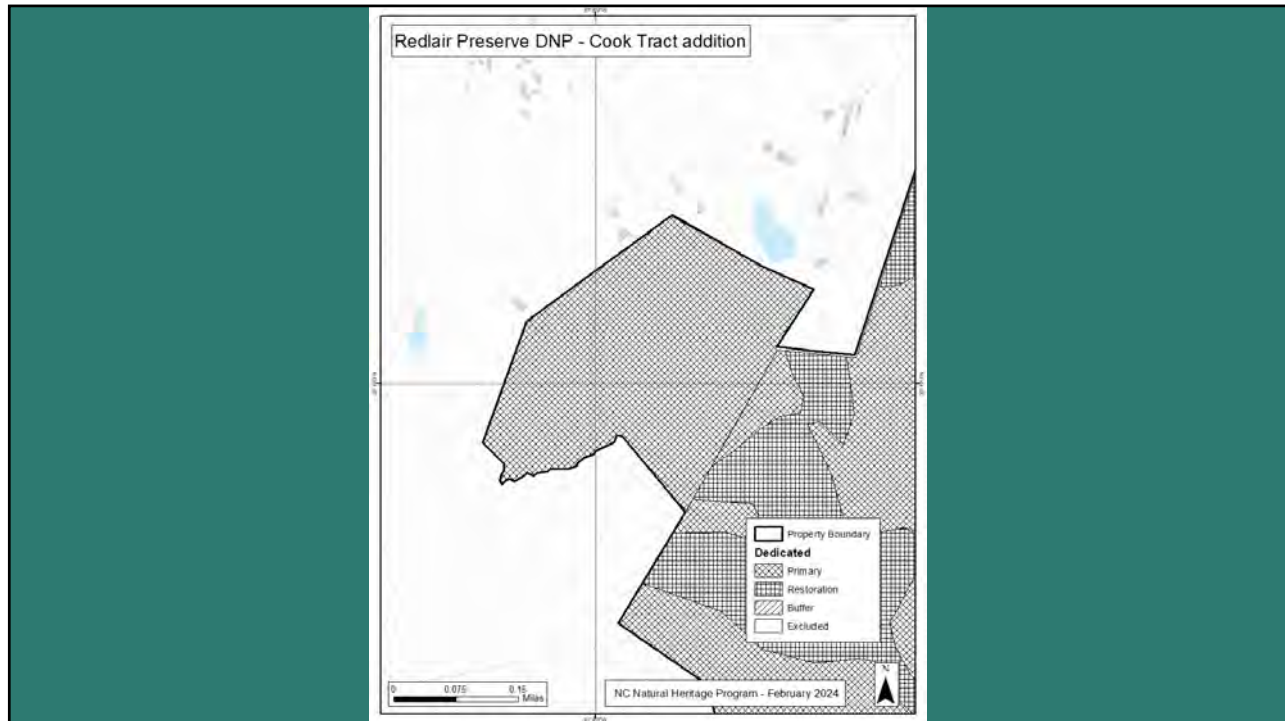
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19

Redlair Plant Conservation Preserve Dedicated Nature Preserve

Amendment to add Cook tract (NCLWF #2021D-003)

- Adds 41 acres to DNP:
 - 35 acres Primary
 - 6 acres Buffer
- Total DNP 767 acres:
 - Primary Area 616 acres, including 191 acres restoration
 - Buffer Area 151 acres
- Element occurrences include:
 - Basic Mesic Forest (Piedmont Subtype) S3G3
 - Dry-Mesic Oak--Hickory Forest (Piedmont Subtype) S4G4
 - Piedmont Alluvial Forest S4G4

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Buckridge Reserve Dedicated Nature Preserve

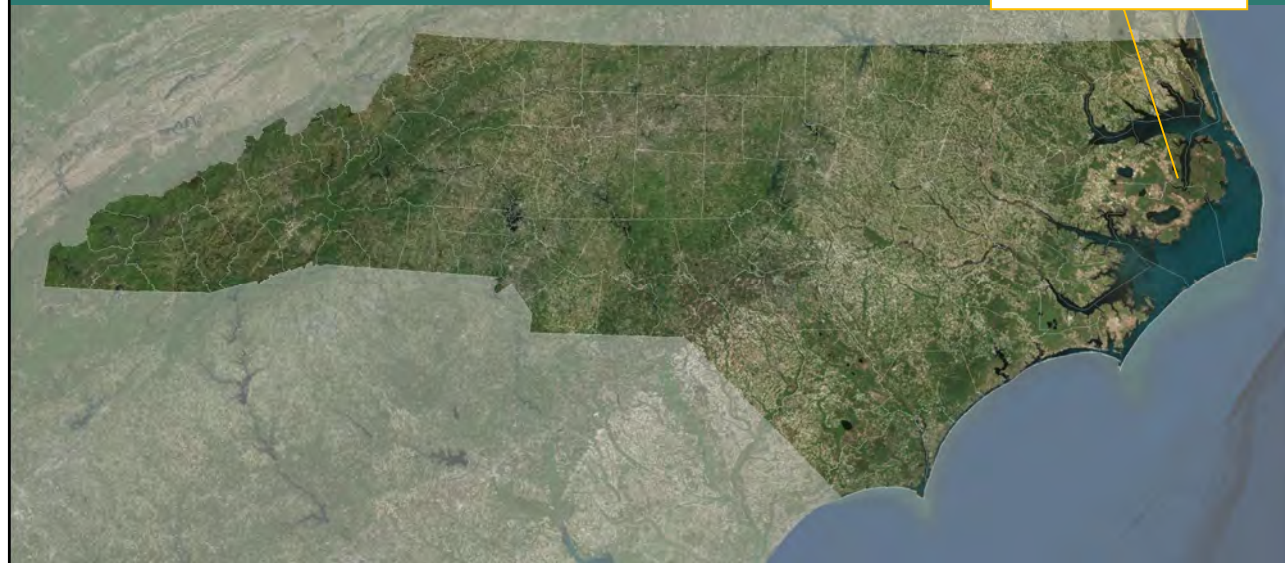


Photo courtesy of Mike Schafale

21

Buckridge Coastal Reserve DNP

Buckridge Reserve
DNP

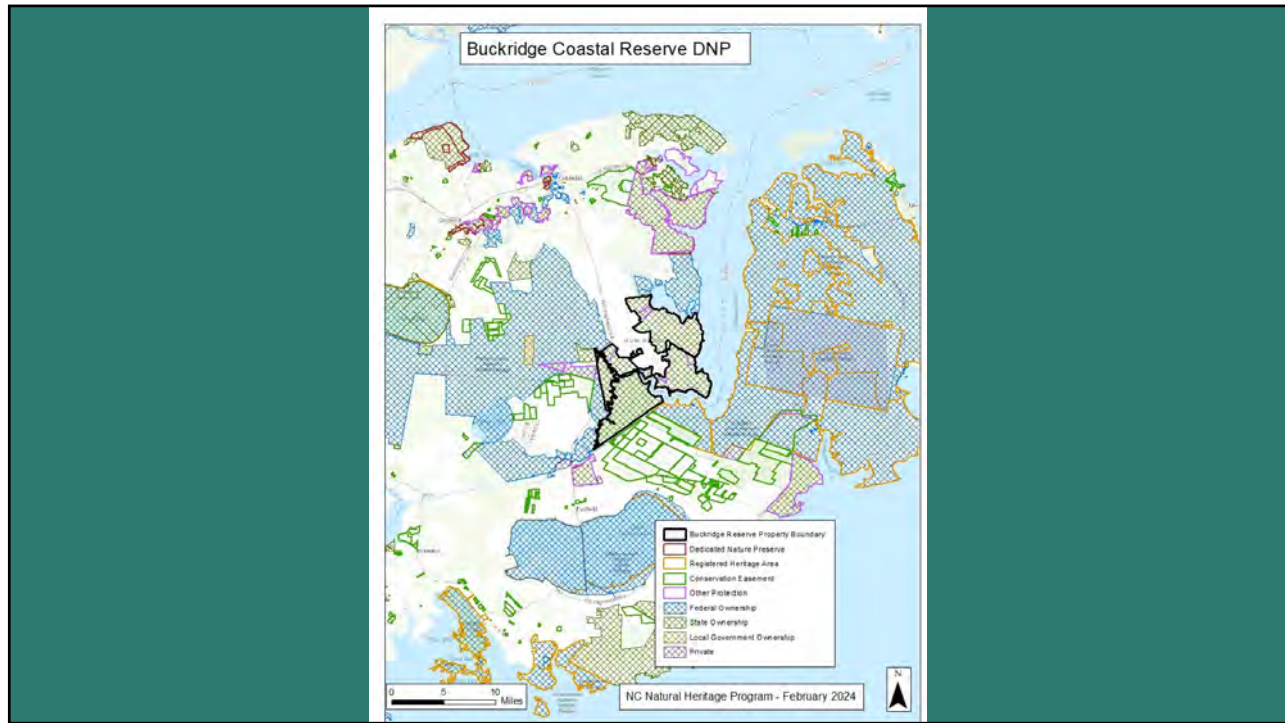


Tyrrell County

Roanoke, Lumbee



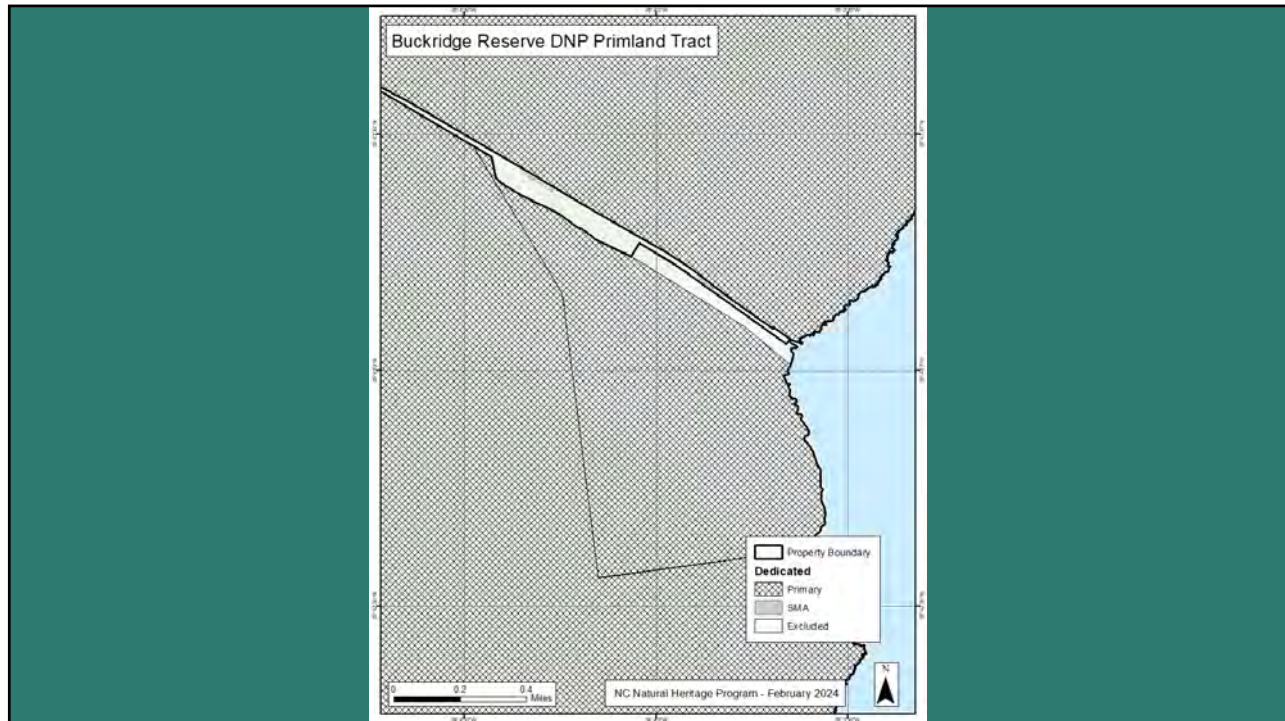
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Emily and Richardson Preyer Buckridge Coastal Reserve Dedicated Nature Preserve

Amendment to add Primland tract (NCLWF #2019-030)

- Adds 207 acres to DNP
 - All Primary
- Total DNP 28,981 acres
 - All Primary, including two-acre Special Management Area
- Element occurrences include:
 - Tidal Freshwater Marsh (Shrub Subtype) S4G4
 - Tidal Swamp (Cypress--Gum Subtype) S4G3
 - Carolina Pigmy Rattlesnake (*Sistrurus miliarius miliarius*) S2T4 – NC Special Concern



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Municipal and Private land dedications

- State versus non-state dedications: Non-state dedications more closely resemble conservation easements – recorded with deed
- Work with State Property Office. Property interest is transferred to the state.
- Require legal description – metes and bounds
- Mecklenburg County pioneered dedication of local government lands with McDowell Nature Preserve dedication in 2008.
 - Currently ten dedicated nature preserves on 3,790 acres of local government lands



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West Branch Nature Preserve DNP Mecklenburg County

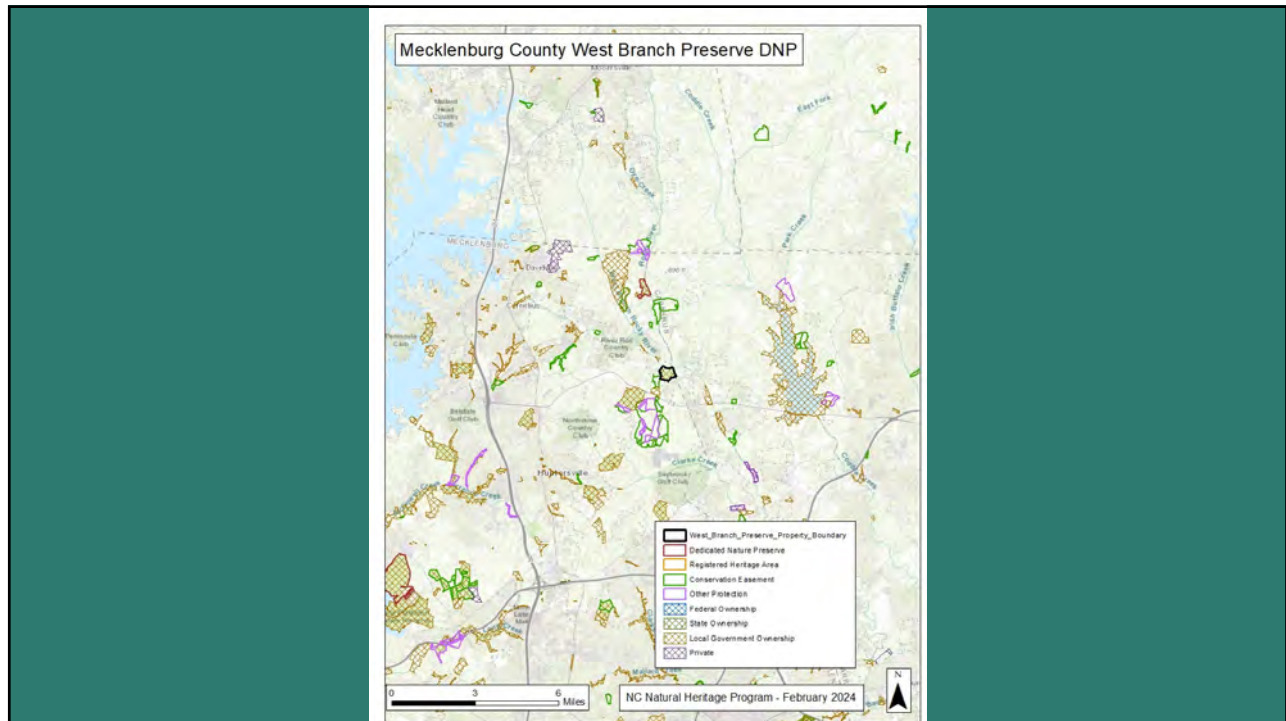


W etland Photo from Davidson Lands Conservancy website

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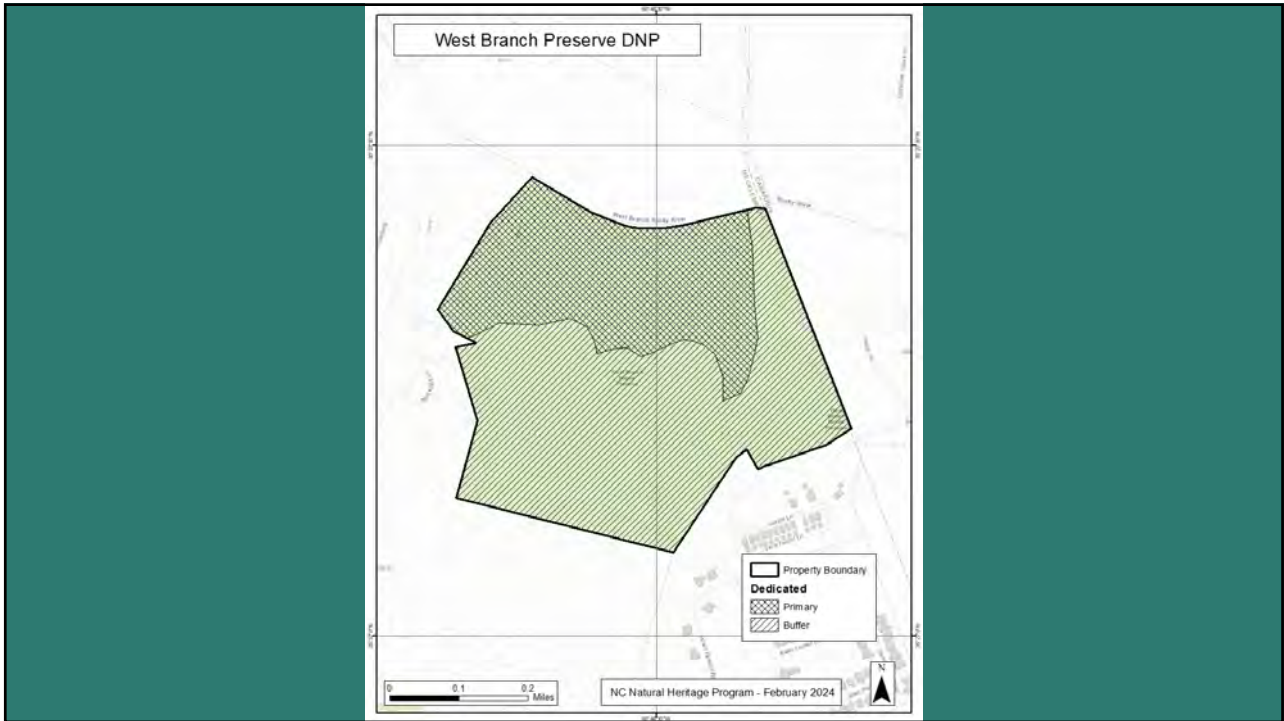
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32

Mecklenburg County West Branch Nature Preserve Dedicated Nature Preserve

- New voluntary dedication
- 91 acres
 - 34 acres Primary; 57 acres Buffer
- Element occurrences include:
 - Piedmont/Mountain Semipermanent Impoundment (Piedmont Marsh Subtype) S4G4
 - Dry-Mesic Oak—Hickory Forest (Piedmont Subtype)*
 - Dry-Mesic Basic Oak—Hickory Forest (Piedmont Subtype) *
 - Basic Mesic Forest (Piedmont Subtype)*
 - Piedmont Alluvial Forest*
- The area supports a high diversity of amphibian and reptile species
- Located within the headwaters of a watershed with several rare mussels including Carolina Heelsplitter (Federally and State Endangered).



33

Questions:

Misty Buchanan
Division of Land and Water Stewardship
Natural Heritage Program
MistyBuchanan@ncdcr.gov



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