

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 216
SENATE BILL 147

AN ACT TO PROVIDE FOR THE VOLUNTARY REGISTRATION AND
DEDICATION OF NATURAL AREAS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 113A of the General Statutes is amended by adding a new Article 9A to read:

"ARTICLE 9A.

"Nature Preserves Act.

"§ 113A-164.1. **Short title.** – This Article shall be known as the Nature Preserves Act.

"§ 113A-164.2. **Declaration of policy and purpose.** – (a) The continued population growth and land development in North Carolina have made it necessary and desirable that areas of natural significance be identified and preserved before they are destroyed. These natural areas are irreplaceable as laboratories for scientific research, as reservoirs of natural materials for uses that may not now be known, as habitats for plant and animal species and biotic communities, as living museums where people may observe natural biotic and environmental systems and the interdependence of all forms of life, and as reminders of the vital dependence of the health of the human community on the health of the other natural communities.

(b) It is important to the people of North Carolina that they retain the opportunity to maintain contact with these natural communities and environmental systems of the earth and to benefit from the scientific, aesthetic, cultural, and spiritual values they possess. The purpose of this Article is to establish and maintain a State Registry of Natural Heritage Areas and to prescribe methods by which nature preserves may be dedicated for the benefit of present and future citizens of the State.

"§ 113A-164.3. **Definitions.** – As used in this Article, unless the context requires otherwise:

- (1) 'Articles of dedication' means the writing by which any estate, interest, or right in a natural area is formally dedicated as a nature preserve as authorized in G.S. 113A-164.6.
- (2) 'Dedicate' means to transfer to the State an estate, interest, or right in a natural area in any manner authorized in G.S. 113A-164.6.
- (3) 'Natural area' means an area of land, water, or both land and water, whether publicly or privately owned, that (i) retains or has reestablished its natural character, (ii) provides habitat for rare or endangered species of plants or animals, (iii) or has biotic, geological, scenic, or paleontological features of scientific or educational value.

- (4) 'Nature preserve' means a natural area that has been dedicated pursuant to G.S. 113A-164.6.
- (5) 'Owner' means any individual, corporation, partnership, trust, or association, and all governmental units except the State, its departments, agencies or institutions.
- (6) 'Registration' means an agreement between the Secretary and the owner of a natural area to protect and manage the natural area for its specified natural heritage resource values.
- (7) 'Secretary' means the Secretary of the Department of Natural Resources and Community Development.

"§ 113A-164.4. Powers and duties of the Secretary. – The Secretary shall:

- (1) Establish by regulation the criteria for selection, registration, and dedication of natural areas and nature preserves.
- (2) Cooperate or contract with any federal, State, or local government agency, private conservation organization, or person in carrying out the purposes of this Article.
- (3) Maintain a Natural Heritage Program to provide assistance in the selection and nomination for registration or dedication of natural areas. The Program shall include classification of natural heritage resources, an inventory of their locations, and a data bank for that information. The Program shall cooperate with the Department of Agriculture in the selection and nomination of areas that contain habitats for endangered and rare plant species, and shall cooperate with the Wildlife Resources Commission in the selection and nomination of areas that contain habitats for endangered and rare animal species. Information from the natural heritage data bank may be made available to public agencies and private persons for environmental assessment and land management purposes. Use of the inventory data for any purpose inconsistent with the Natural Heritage Program may not be authorized. The Program shall include other functions as may be assigned for registration, dedication, and protection of natural areas and nature preserves.
- (4) Prepare a Natural Heritage Plan that shall govern the Natural Heritage Program in the creation of a system of registered and dedicated natural areas.
- (5) Publish and disseminate information pertaining to natural areas and nature preserves within the State.
- (6) Appoint advisory committees composed of representatives of federal, State, and local governmental agencies, scientific and academic institutions, conservation organizations, and private business, to advise him on the identification, selection, registration, dedication, and protection of natural areas and nature preserves.
- (7) Submit to the Governor and the General Assembly a biennial report on or before February 15, 1987, and on or before February 15 of

subsequent odd-numbered years describing the activities of the past biennium and plans for the coming biennium, and detailing specific recommendations for action that the Secretary deems necessary for the improvement of the Program.

"§ 113A-164.5. Registration of natural areas. – (a) The Secretary shall maintain a State Registry of voluntarily protected natural areas to be called the North Carolina Registry of Natural Heritage Areas. Registration of natural areas shall be accomplished through voluntary agreement between the owner of the natural area and the Secretary. State owned lands may be registered by agreement with the agency to which the land is allocated. Registration agreements may be terminated by either party at any time, and termination removes the area from the Registry.

(b) A natural area shall be registered when an agreement to protect and manage the natural area for its specified natural heritage resource value has been signed by the owner and the Secretary. The owner of a registered natural area shall be given a certificate signifying the inclusion of the area in the Registry.

"§ 113A-164.6. Dedication of nature preserves. – (a) The State may accept the dedication of nature preserves on lands deemed by the Secretary to qualify as outstanding natural areas. Nature preserves may be dedicated by voluntary act of the owner. The owner of a qualified natural area may transfer fee simple title or other interest in land to the State. Nature preserves may be acquired by gift, grant, or purchase. Dedication of a preserve shall become effective only upon acceptance of the articles of dedication by the State. Articles of dedication shall be recorded in the Office of the Register of Deeds in the county or counties in which the natural area is located.

(b) Articles of dedication may:

- (1) Contain restrictions and other provisions relating to management, use, development, transfer, and public access, and may contain any other restrictions and provisions as may be necessary or advisable to

further the purposes of this Article;

- (2) Define, consistently with the purposes of this Article, the respective rights and duties of the owner and of the State and provide procedures to be followed in case of violation of the restrictions;
- (3) Recognize and create reversionary rights, transfers upon conditions or with limitations, and gifts over; and
- (4) Vary in provisions from one nature preserve to another in accordance with differences in the characteristics and conditions of the several areas.

(c) Subject to the approval of the Governor and Council of State, the State may enter into amendments of any articles of dedication upon finding that the amendment will not permit an impairment, disturbance, use, or development of the area inconsistent with the purposes of this Article. If the fee simple estate in the nature preserve is not held by the State under this Article, no amendment may be made without the written consent of the owner of the other interests therein.

"§ 113A-164.7. Nature preserves held in trust. – Lands dedicated for nature preserves pursuant to this Article are held in trust by the State for those uses and

purposes expressed in this Article for the benefit of the people of North Carolina. These lands shall be managed and protected according to regulations adopted by the Secretary. Lands dedicated as a nature preserve pursuant to G.S. 113A-164.6 may not be used for any purpose inconsistent with the provisions of this Article, or disposed of, by the State without a finding by the Governor and Council of State that the other use or disposition is in the best interest of the State.

"§ 113A-164.8. Dedication of State owned lands to nature preserves; procedures. – Subject to the approval of the Governor and Council of State, State owned lands may be dedicated as a nature preserve. State owned lands shall be dedicated by allocation pursuant to the provisions of G.S. 143-341(4)g. Lands dedicated pursuant to this section may be removed from dedication upon the approval of the Governor and Council of State.

"§ 113A-164.9. Dedication of preserves by local governmental units. – All local units of government may dedicate lands as nature preserves by transfer of fee simple title or other interest in land to the State.

"§ 113A-164.10. Acquisition of land by State. – All acquisitions or dispositions of an interest in land by the State pursuant to this Article shall be subject to the provisions of Chapter 146 of the General Statutes.

"§ 113A-164.11. Assessment of land subject to permanent dedication agreement. – For purposes of taxation, privately owned land subject to a nature preserve dedication agreement shall be assessed on the basis of the true value of the land less any reduction in value caused by the agreement."

Sec. 2. G.S. 105-317(a)(1) is amended by adding after the language "water privileges;" the language "dedication as a nature preserve;"

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 22nd day of May, 1985.