



# NORTH CAROLINA GENERAL STATUTES

## ARTICLE 2C. STATE PARKS ACT

### § 113-44.7. Short title.

This Article shall be known as the State Parks Act. (1987, c. 243.)

### § 113-44.8. Declaration of policy and purpose.

(a) The State of North Carolina offers unique archaeological, geologic, biological, scenic, and recreational resources. These resources are part of the heritage of the people of this State. The heritage of a people should be preserved and managed by those people for their use and for the use of their visitors and descendants.

(b) The General Assembly finds it appropriate to establish the State Parks System. This system shall consist of parks which include representative examples of the resources sought to be preserved by this Article, together with such surrounding lands as may be appropriate. Park lands are to be used by the people of this State and their visitors in order to promote understanding of and pride in the natural heritage of this State.

(c) The tax dollars of the people of the State should be expended in an efficient and effective manner for the purpose of assuring that the State Parks System is adequate to accomplish the goals as defined in this Article.

(d) The purpose of this Article is to establish methods and principles for the planned acquisition, development, and operation of State parks.  
(1987, c. 243.)

### § 113-44.9. Definitions.

As used in this Article, unless the context requires otherwise:

- (1) "Department" means the Department of Environment and Natural Resources.
- (2) "Park" means any tract of land or body of water comprising part of the State Parks System under this Article, including existing State parks, State natural areas, State recreation areas, State trails, State rivers, and State lakes.
- (3) "Plan" means State Parks System Plan.
- (4) "Secretary" means the Secretary of Environment and Natural Resources.
- (5) "State Parks System" or "system" mean all those lands and waters which comprise the parks system of the State as established under this Article.

(1987, c. 243, s. 1; 1989, c. 727, s. 218(50); 1989 (Reg. Sess., 1990), c. 1004, s. 19(b); 1997-443, s. 11A.119(a).)



**§ 113-44.10. Powers of the Secretary.**

The Secretary shall implement the provisions of this Article and shall be responsible for the administration of the State Parks System.

(1987, c. 243.)

**§ 113-44.11. Preparation of a System Plan.**

(a) The Secretary shall prepare and adopt a State Parks System Plan by December 31, 1988. The Plan, at a minimum, shall:

(1) Outline a method whereby the mission and purposes of the State Parks System as defined in G.S. 113-44.8 can be achieved in a reasonable, timely, and cost-effective manner;

(2) Evaluate existing parks against these standards to determine their statewide significance;

(3) Identify duplications and deficiencies in the current State Parks System and make recommendations for correction;

(4) Describe the resources of the existing State Parks System and their current uses, identify conflicts created by those uses, and propose solutions to them; and

(5) Describe anticipated trends in usage of the State Parks System, detail what impacts these trends may have on the State Parks System, and recommend means and methods to accommodate those trends successfully.

(b) The Plan shall be developed with full public participation, including a series of public meetings held on adequate notice under rules which shall be adopted by the Secretary. The purpose of the public meetings and other public participation shall be to obtain from the public:

(1) Views and information on the needs of the public for recreational resources in the State Parks System;

(2) Views and information on the manner in which these needs should be addressed;

(3) Review of the draft plan prepared by the Secretary before he adopts the Plan.

(c) The Secretary shall revise the Plan at intervals not exceeding five years. Revisions to the Plan shall be made consistent with and under the rules providing public participation in adoption of the Plan.

(1987, c. 243.)

**§ 113-44.12. Classification of parks resources.**

After adopting the Plan, the Secretary shall identify and classify the major resources of each of the parks in the State Parks System, in order to establish the major purpose or purposes of each of the parks, consistent with the Plan and the purposes of this Article.

(1987, c. 243.)



### **§ 113-44.13. General management plans.**

Every park classified pursuant to G.S. 113-44.12 shall have a general management plan. The plan shall include a statement of purpose for the park based upon its relationship to the System Plan and its classification. An analysis of the major resources and facilities on hand to achieve those purposes shall be completed along with a statement of management direction. The general management plan shall be revised as necessary to comply with the System Plan and to achieve the purposes of this Article.

(1987, c. 243.)

### **§ 113-44.14. Additions to and deletions from the State Parks System.**

(a) If, in the course of implementing G.S. 113-44.12 the Secretary determines that the major purposes of a park are not consistent with the purposes of this Article and the Plan, the Secretary may propose to the General Assembly the deletion of that park from the State Parks System. On a majority vote of each house of the General Assembly, the General Assembly may remove the park from the State Parks System. No other agency or governmental body of the State shall have the power to remove a park or any part from the State Parks System.

(b) New parks shall be added to the State Parks System by the Department after authorization by the General Assembly. Each additional park shall be authorized only by an act of the General Assembly. Additions shall be consistent with and shall address the needs of the State Parks System as described in the Plan. All additions shall be accompanied by adequate authorization and appropriations for land acquisition, development, and operations.

(1987, c. 243.)

### **§ 113-44.15. Parks and Recreation Trust Fund.**

(a) There is established a Parks and Recreation Trust Fund in the State Treasurer's Office. The Trust Fund shall be a nonreverting special revenue fund consisting of gifts and grants to the Trust Fund, monies credited to the Trust Fund pursuant to G.S. 105-228.30(b), and other monies appropriated to the Trust Fund by the General Assembly.

(b) Funds in the Trust Fund are annually appropriated to the North Carolina Parks and Recreation Authority and, unless otherwise specified by the General Assembly or the terms or conditions of a gift or grant, shall be allocated and used as follows:

(1) Sixty-five percent (65%) for the State Parks System for capital projects, repairs and renovations of park facilities, and land acquisition.

(2) Thirty percent (30%) to provide matching funds to local governmental units on a dollar-for-dollar basis for local park and recreation purposes. These funds shall be allocated by the North Carolina Parks and Recreation Authority based on criteria patterned after the Open Project Selection Process established for the Land and Water Conservation Fund administered by the National Park Service of the United States Department of the Interior.

(3) Five percent (5%) for the Coastal and Estuarine Water Beach Access Program. Of the funds appropriated to the North Carolina Parks and Recreation Authority from the Trust Fund each year, no more than three percent (3%) may be used by the Department for operating expenses associated with managing capital improvements projects, acquiring land, and administration of local grants programs.



(c) The North Carolina Parks and Recreation Authority shall report on an annual basis to the Joint Legislative Commission on Governmental Operations, the appropriations committees of the House of Representatives and the Senate, and the Fiscal Research Division on allocations from the Trust Fund.

(1993 (Reg. Sess., 1994), c. 772, s. 1; 1995, c. 456, s. 2; 1995 (Reg. Sess., 1996), c. 646, s. 20.)

## ARTICLE 9A. NATURE PRESERVES ACT

### § 113A-164.1. Short title.

This Article shall be known as the Nature Preserves Act.

(1985, c. 216, s. 1.)

### § 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.

(1985, c. 216, s. 1.)

### § 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 palcontological 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 Environment and Natural Resources.

(1985, c. 216, s. 1; 1989, c. 727, s. 218 (68); 1989 (Reg. Sess., 1990), c. 1004, s. 19 (b); 1997-443, s. 11A.119 (a).)

#### **§ 113A-164.4. Powers and duties of the Secretary.**

The Secretary shall:

(1) Establish by rule 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 and Consumer Services 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.

(1985, c. 216, s. 1; 1987, c. 827, s. 152; 1997-261, s. 82.)



### § 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.

(1985, c. 216, s. 1.)

### § 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.

(1985, c. 216, s. 1.)

**§ 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.

(1985, c. 216, s. 1.)

**§ 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.

(1985, c. 216, s. 1.)

**§ 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.

(1985, c. 216, s. 1.)

**§ 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.

(1985, c. 216, s. 1.)

**§ 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.

(1985, c. 216, s. 1.)





## TERMS AND CONDITIONS FOR DEDICATED NATURE PRESERVES

1. *Definitions:* As used in this allocation, the terms “natural area,” and “nature preserve” have the same meaning as contained in North Carolina General Statutes 113A-164.3.
2. *Dedication:* The Preserves, as described in this Allocation, are hereby dedicated as nature preserves for the purposes provided in the Nature Preserves Act.
3. *Primary Custodian:* The primary Custodian of the Preserves will be the Department of Environment and Natural Resources, Division of Parks and Recreation.
4. *Primary Classification:* The primary classification and purpose of the Preserves will be conservation, scientific research, passive recreation, and nature education.
5. *Rules/or Management:*
  - A. *Character of Visitor Activity:* The principal activities in the Preserves shall be non-consumptive outdoor recreation and education in designated areas. These activities may 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 provided in this Dedication or unless necessary to carry out the purposes of the Preserves. Prohibited activities include, but are not limited to, commercial development, commercial silviculture, agriculture and grazing, gathering of plants or plant products for purposes other than approved research, the removal, disturbance, molestation, or defacement of minerals, archaeological and natural resources, and those activities specifically restricted in this Dedication.
  - B. *Visitors and Visitor Facilities:* The Custodian reserves the right to orient and guide visitors for educational programs, scientific research, and Preserve management. Exhibits, programs and printed materials may be provided by the Custodian. The Custodian may create and maintain nature trails, overlooks, boardwalks, and primitive campsites adequate to promote the permitted use of the Preserves. Guardrails, fences, steps, bridges, and boardwalks may be provided when appropriate. The Custodian reserves the right to erect structures necessary to protect the Preserves from unwanted or excessive visitor traffic and structures to restrict visitor access to sensitive environmental resources. The Custodian may construct and maintain service roads for patrol, fire control, right-of-way maintenance, and other management activities. The Custodian may maintain roads presently existing within the Preserves. Otherwise, the construction of roads will be prohibited.
  - C. *Other Structures and Improvements:* Buildings or facilities other than those defined above shall not be erected by the Custodian within the Preserves.
  - D. *Research and Collecting Permits:* Any person wishing to engage in scientific research or collecting shall first secure written permission from the Custodian.
  - E. *Vehicles:* There will be no horseback riding or bicycling except on trails designated for these purposes and no use of any motorized vehicles except boats. The Custodian may use vehicles as necessary for the management of the Preserves.



- F.      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 Preserves.
- G.      Water Level Control: The purpose of water level control shall be to maintain the Preserves' natural water regimes. 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. Millponds are an example of situations in which water levels have been historically managed.
- H.      Bringing in Flora and Fauna: 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 Preserves. Any reintroduction will be of species native to the natural community and shall be done according to an approved resource management plan.
- I.      Fire: Use of prescribed burning is permitted as necessary for the biological management of the Preserves. Any prescribed burning must be done according to an approved fire management plan for the park unit in question. Fires are also permitted in conjunction with supervised activities of the Custodian, or in designated areas within primitive campsites.
- J.      Disturbance of Natural Features: The disturbance of other natural features is prohibited except for control of disease that would damage or reduce the significance of the Preserves, reduction of fire fuel load after severe storm damage, or for purposes of ecological management as stipulated in the Park unit's approved management plan and that which is consistent with the purposes of this Dedication.
- K.      Control of Populations (natural and exotic): Any control of animal or plant populations, other than fishing, shall be only to correct situations where populations have been significantly altered from natural conditions. The Custodian may, in accordance with an approved resource management plan, 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 Preserves.
- L.      Control of Natural Processes: Natural processes will be managed according to the policy of the North Carolina State Parks Natural Resource Management Policy. Generally, natural resources will be managed by allowing natural environments to evolve through natural processes with minimal influence from human activities. Exceptions are enumerated in the Policy Statement.
- M.      Management Plan: These rules for management constitute a management plan within the meaning of NCAC T15A:12H.Q401 until detailed plans for each park are prepared. The dedicated nature preserves continue to be subject to other applicable regulations within NCAC Title T15A, chapter 12. Where contradictions may arise between this instrument of dedication and other management regulations, the terms of this Dedication shall take precedence.
6.      Amendment, Modification, and Termination: Any changes to this Dedication must be made in accordance with the provisions of North Carolina General Statutes 113A-164.8, Which require the approval of the Governor and the Council of State.
7.      Permanent Plaque: The Custodian should display a permanent plaque or other appropriate marker at a prominent location in the office of the appropriate park unit.