

# North Carolina Natural Heritage Program Presentation to Durham City Council

## Ellerbe Creek Waterbird Colony

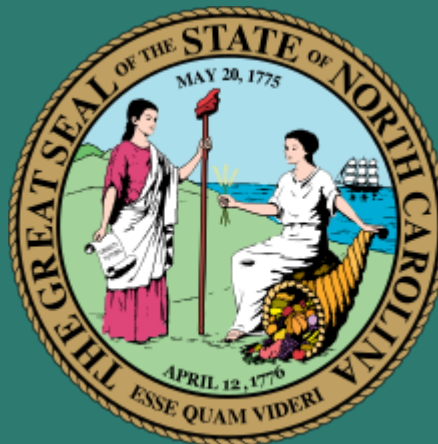
Misty Buchanan, Deputy Director for Natural Heritage  
Chris Dreps, Ellerbe Creek Watershed Association



January 6, 2022



- Introduce Natural Heritage Program
- Ellerbe Creek Waterbird Colony
- Nature Preserves Act
- Proposal: Establish Dedicated Nature Preserve



# Primary purpose: inventory NC's natural areas and establish nature preserves for future generations.

- Inventory NC's Biodiversity
- Document Natural Areas
- Prioritize Natural Areas for Conservation
- Share Information with Landowners and Partners
- Establish Nature Preserves

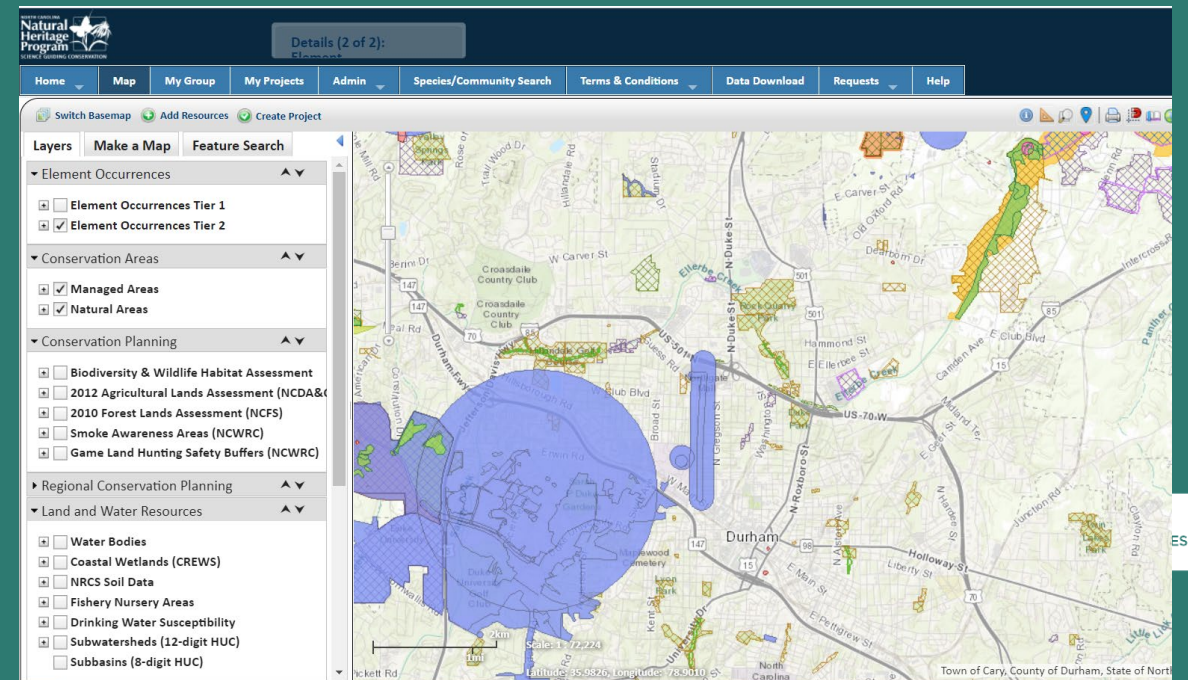


# Local Natural Heritage Program Inventories



- Durham Co Inventory of Important Natural Areas, Plants And Wildlife (1987 & 1999)
- Mafic Natural Areas in the NC Piedmont (1995)
- B. Everett Jordan Lake Inventory (1995)
- Statewide Assessment Of Conservation Priorities (2009)

[www.ncnhp.org](http://www.ncnhp.org)





# Conservation Outcomes of Natural Heritage Inventory

## Registered Heritage Areas:

- Bennett Place Forest
- Duke Forest
- Eno River Association Blue Wild Indigo Slope
- Hill Forest (NCSU)
- Penny's Bend/Eno River Bluff

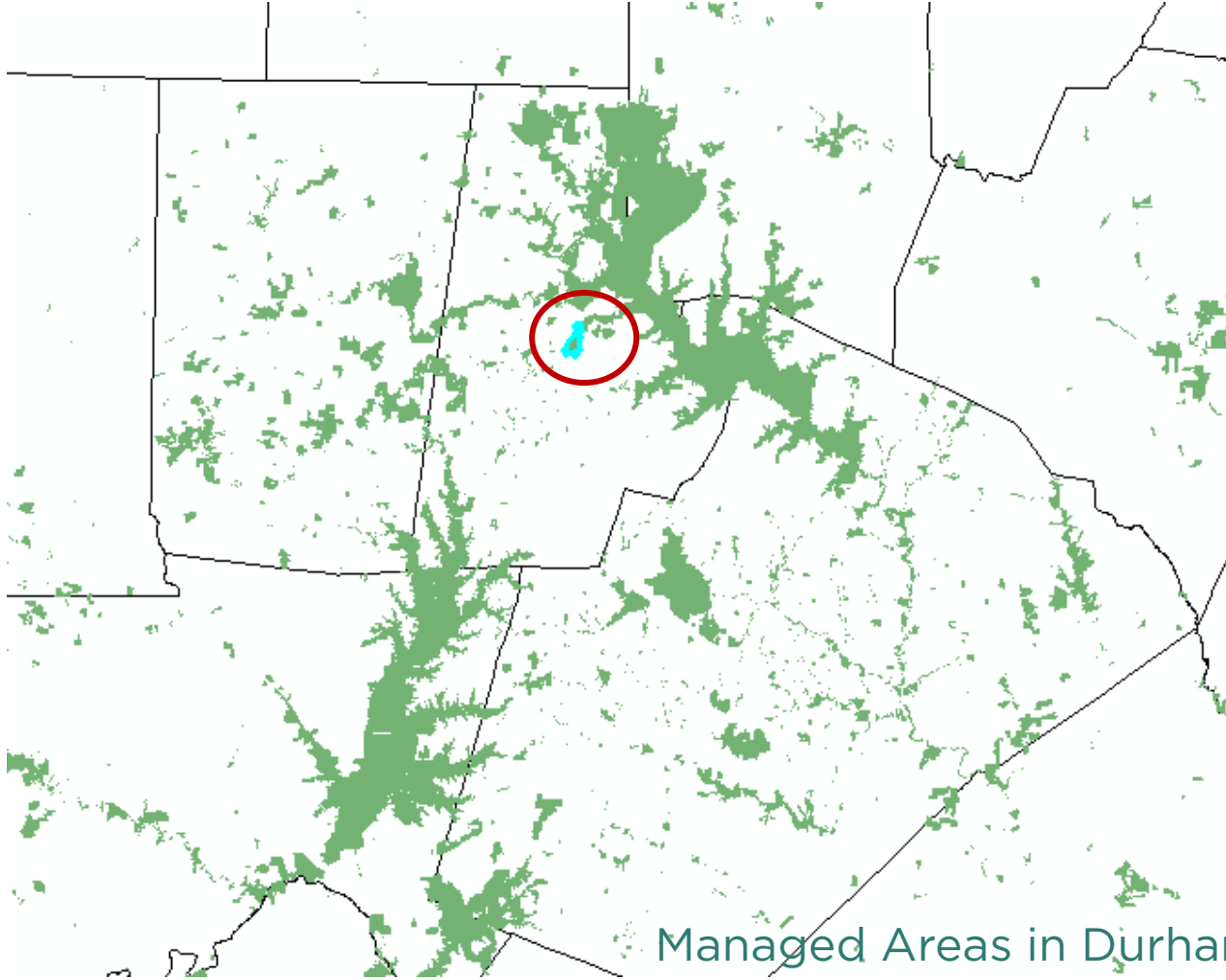


## Dedicated Nature Preserves:

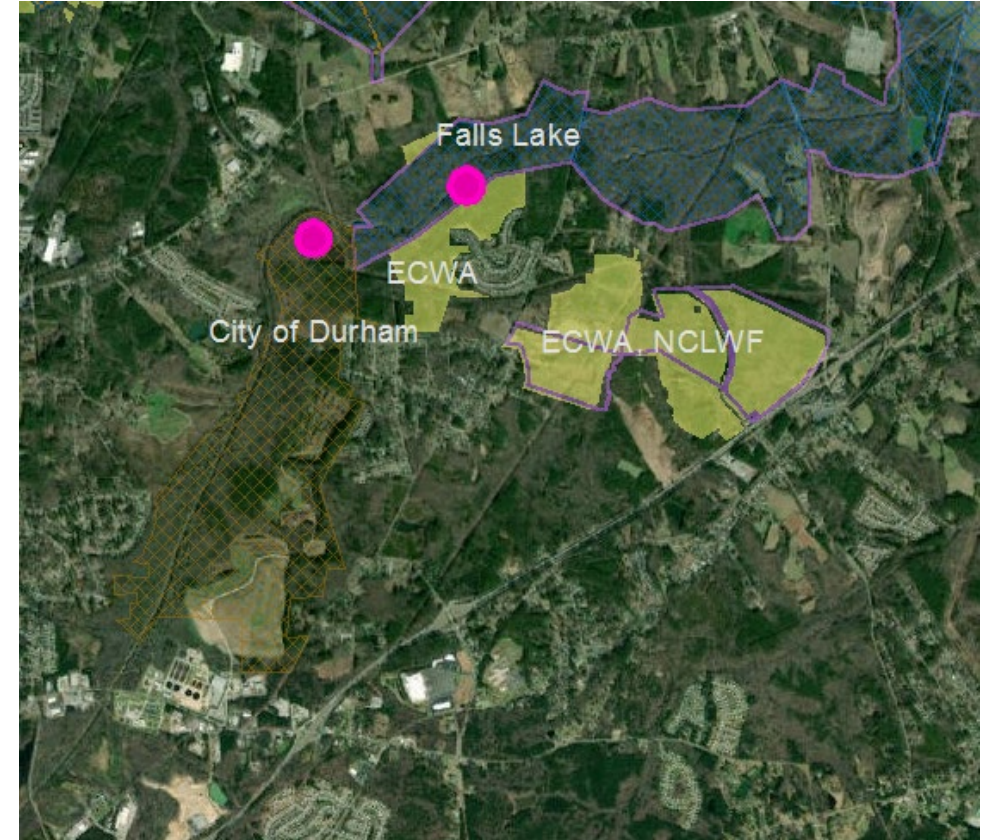
- Jordan Game Land
- Eno River State Park
- Eno River Diabase Sill Plant Conservation Preserve



# Falls Lake Greater Natural Area



Managed Areas in Durham





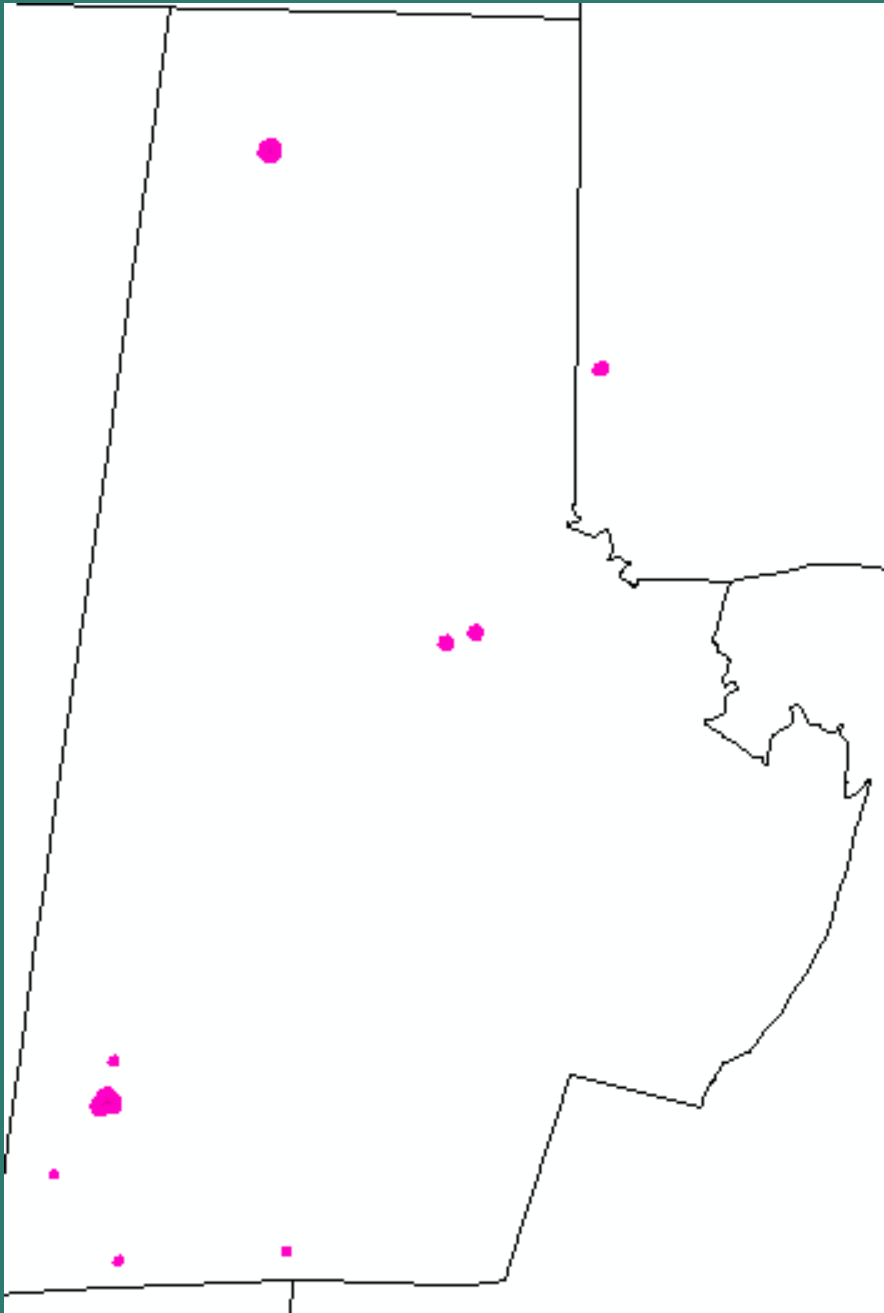
# Waterbird Colony


<https://www.youtube.com/watch?v=gTkkoz6U9vo>

- Great Blue Heron
- Great Egret
- Yellow-Crowned Night Heron?

D.L. Anderson drone  
footage





EO Rank 	Survey Site
AB - Excellent or good estimated viability	Ellerbe Creek - Glennstone Preserve vicinity
C - Fair estimated viability	New Hope Creek; Colony Site # DU-050-01
C - Fair estimated viability	Little Creek3; Colony # DU-050-02
C - Fair estimated viability	New Hope Creek 2; Colony # DU-050-03
C - Fair estimated viability	Northeast Creek 2; Colony # CH-050-10
D - Poor estimated viability	Quail Roost





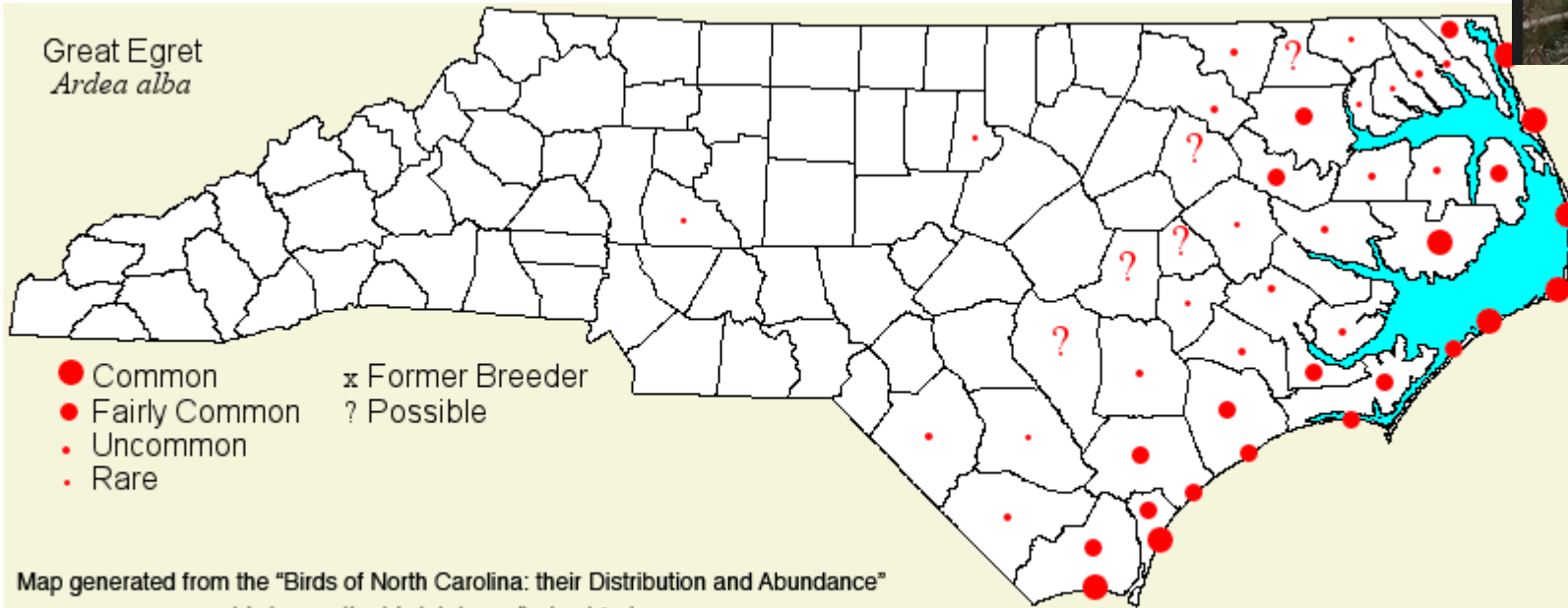


Breeding adults. Photo: Fraida Gutovich/Audubon Photography Award



**NC  
Breeding  
Season  
Map**  
Map  
depicts  
assumed  
breeding  
season  
abundance  
for the  
species.

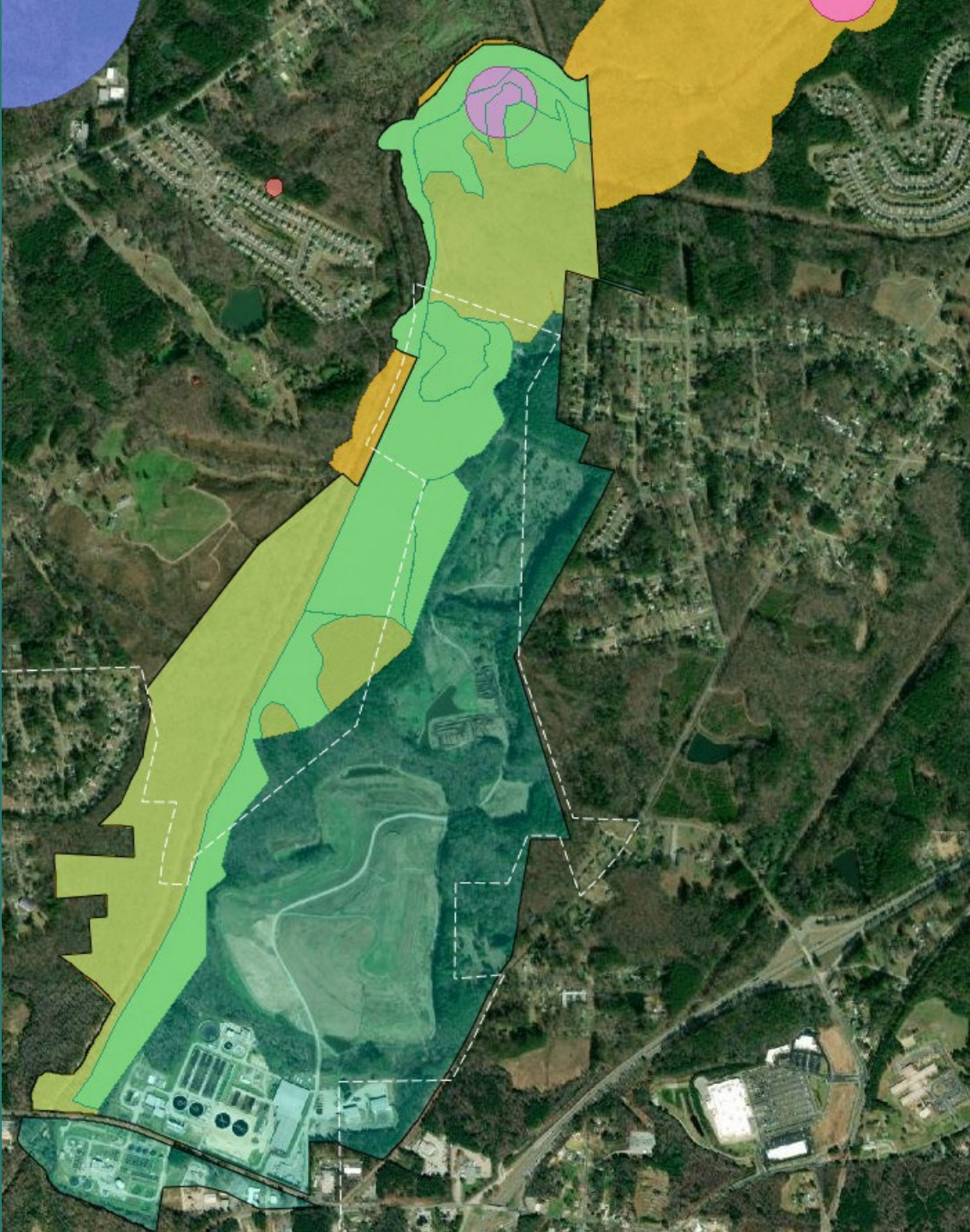
Great Egret  
*Ardea alba*



- Common
- Fairly Common
- Uncommon
- Rare
- x Former Breeder
- ? Possible

Map generated from the "Birds of North Carolina: their Distribution and Abundance"  
[ncbirds.carolinabirdclub.org/index.html](http://ncbirds.carolinabirdclub.org/index.html)







# Conservation values of City of Durham Parcel

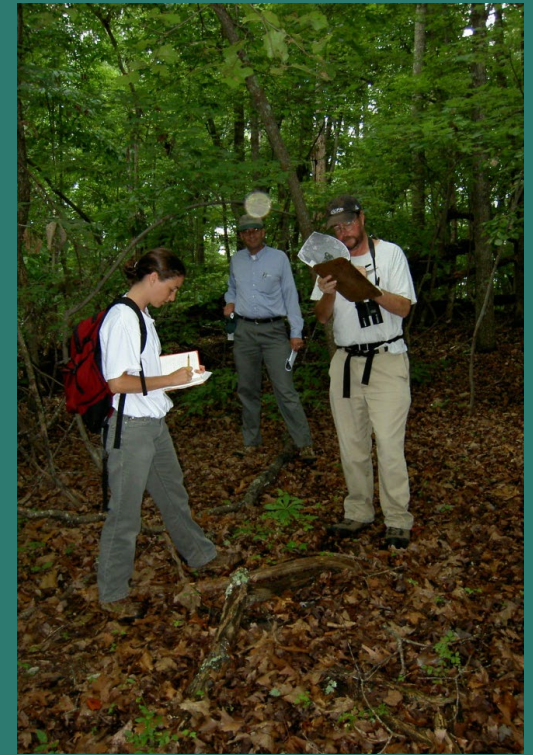
- Waterbird colony
- Floodplain natural communities
- Flood abatement, water quality
- Environmental Education
- Low impact recreation (North Ellerbe Creek Trail, hiking, birdwatching)
- Wildlife corridor connection with Falls Lake Game Lands





# Dedicated Nature Preserve

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



# Local Government Dedicated Nature Preserves

- Comparable to a Conservation Easement
- Property interest is transferred to the state
- Articles of Dedication are recorded with deed
  - Require legal description (metes and bounds) and clear title



# Local Government Dedicated Nature Preserves

## Examples

- Mecklenburg County - voluntary 1,014-acre McDowell Nature Preserve
- New Hanover County
- Town of Kitty Hawk
- *In progress:*
  - *Eight Mecklenburg County sites*
  - *Two Alamance County sites*

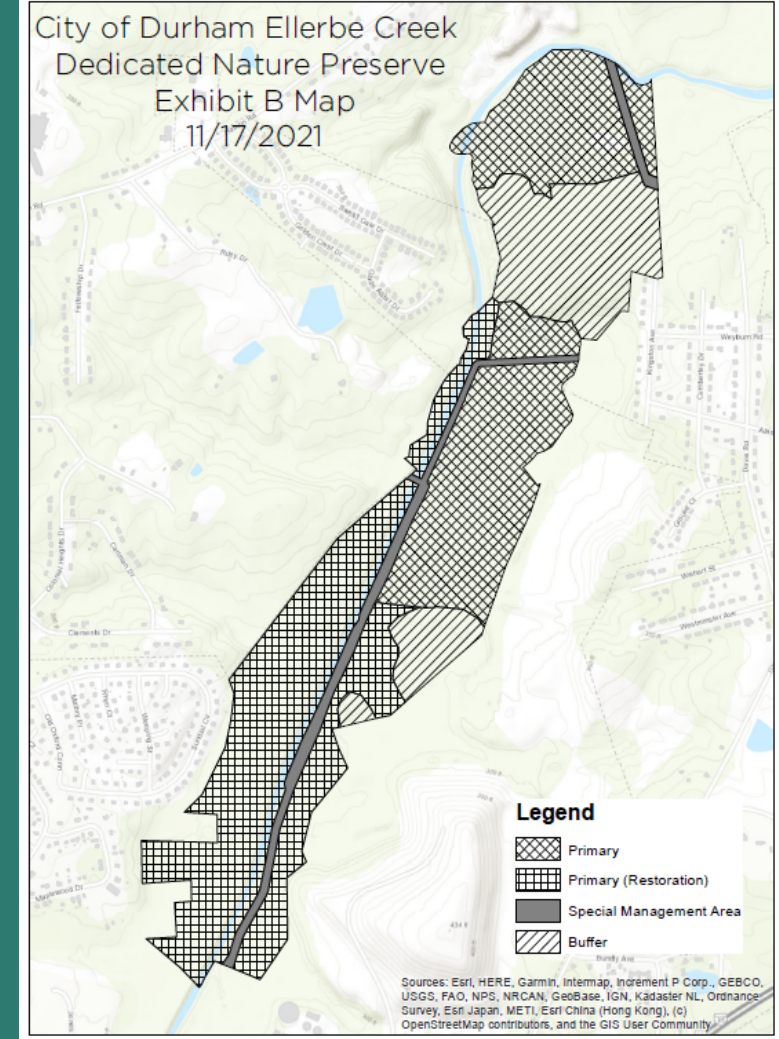
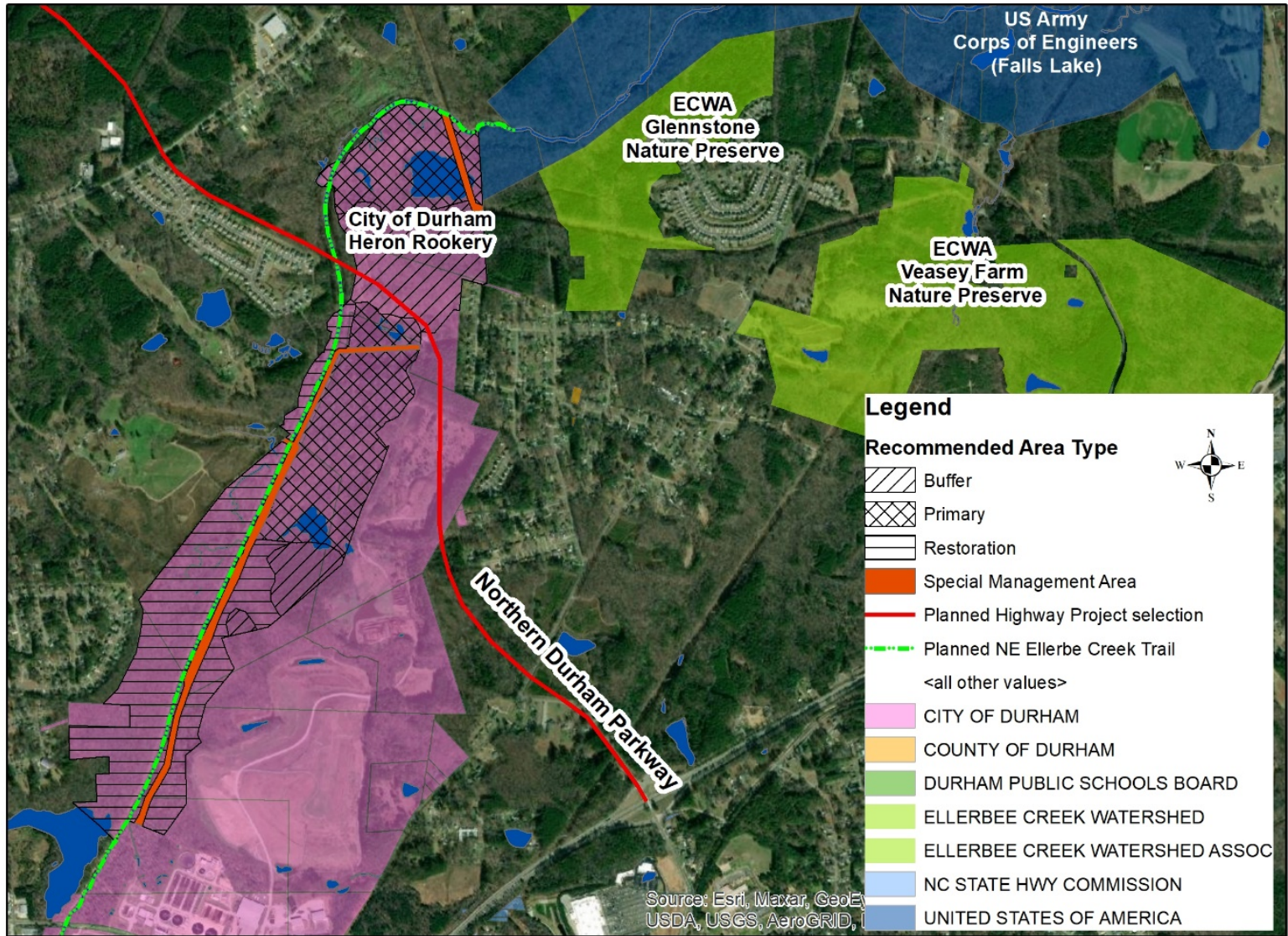


NCSU Hill Forest Dedicated  
Nature Preserve – Durham Co



# Dedication

- Management principles include maintaining natural character of the preserve, limiting impact to topography & flora/fauna, etc.
  - Preserving the best examples of ecosystems for North Carolinians to enjoy, and for research and education, while maintaining a place for North Carolina wildlife.
- Additional provisions are in the Administrative Code, and Articles of Dedication specific to each preserve
- Specific activities are managed by the Custodian





# Timeline for 2022 Implementation

- January: City Council Review
- Jan-April: City and NHP negotiate any proposed changes to boundaries and Articles
- April 15: Deadline to submit materials for Natural Heritage Advisory Committee
- May: Natural Heritage Advisory Committee Review
- By June 1: Department of Natural and Cultural Resources Recommendation to State Property for approval by Council of State
  - State Property Office will review materials and consult with Attorney General's Office. After documentation is approved, the item will advance to Council of State. This may take 1-6 months.
- July-December: Council of State Approval. After approval, State Property Office will mail final agreement to Durham City manager and DNCR Secretary for signatures.



# Questions?



James Johnston (Ayr Mount) Dedicated Nature Preserve



## § 143B-135.260. Dedication of nature preserves.

- The State may accept the dedication of nature preserves if deemed by the Secretary to qualify as outstanding natural areas.
- Dedication of a preserve shall become effective only upon acceptance of the articles of dedication by the State.
- Articles of dedication may include:
  - Restrictions and other provisions relating to management, use, development, transfer, and public access
  - Definitions of the respective rights and duties of the owner and State; procedures to be followed in case of violation of restrictions.
  - Varying provisions from one nature preserve to another in accordance with differences in the characteristics and conditions.
- Subject to the approval of the Governor and Council of State, the State may amend any articles of dedication upon finding that the amendment will not impair, disturb, or develop the area inconsistent with the purposes of the preserve.

The remaining slides are supplemental information,  
not to be presented unless questions require  
referring to the information shown.



# 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 or sewer 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.



## 07 NCAC 13H .0302 DEDICATION PROCESS

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

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

(1) the owner who transfers to the State the title or other interest in the land with Articles of Dedication agreed to by the owner and the State;

(2) any local unit of government that transfers fee simple title or other interest in land to the State through Articles of Dedication agreed to by the local government agency and the State; or

(3) the State itself for State-owned lands through Articles of Dedication, and declaring the State as trustee for the dedication, subject to allocation pursuant to the provisions of G.S. 143-341(4)g. The Secretary and Director of the State Property Office shall make recommendations to the Governor and Council of State for dedicating State-owned lands as nature



## 07 NCAC 13H .0402 MANAGEMENT PRINCIPLES

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

- (1) the natural character of the property shall be maintained;
- (2) building, trails, parking areas, roadways, signs, fences, steps, and bridges, shall only be constructed when approved by the Secretary as necessary for the safety, access or for management of the preserve;
- (3) destruction of flora and fauna shall not be permitted except for preserving species and natural communities of concern, or for establishing and maintaining public access facilities.
- (4) no motorized vehicles other than those utilized by the owner in management and protection or used by the public for ingress and egress in compliance with the management plan;
- (5) no signs, billboards, or other advertising of any kind , with the exception of informational and directional signs, related to the designation of the area as a preserve or for public access to the preserve;
- (6) no change in the topography of the preserve except for alterations necessary to provide on-foot access to the public, if the change is compatible with the character of the property, and where no effects are detrimental.