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TRANSYLVANIA CO, NC FEE \$26.00

PRESENTED & RECORDED:

10-07-2019 01:19:38 PM

CINDY M OWNBEY

REGISTER OF DEEDS

BY: BETH C LANDRETH
ASSISTANT

BK: DOC 896

PG: 255-265

STATE OF NORTH CAROLINA

COUNTY OF Transylvania

SPO File Number: 88-021, 88-021.001 and 88-021.003

**NOTICE OF DEDICATED
NATURE PRESERVE**

RETURN TO and PREPARED BY: Linda Rudd, N.C. Department of Natural and Cultural Resources Natural Heritage Program, 1651 Mail Service Center, Raleigh, NC 27699-1651

INDEX IN THE GRANTOR INDEX UNDER:

- (1) STATE OF NORTH CAROLINA;
- (2) NORTH CAROLINA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES PLANT PROTECTION SECTION; AND
- (3) CEDAR MOUNTAIN PLANT CONSERVATION PRESERVE

INDEX IN THE GRANTEE INDEX UNDER:

- (1) STATE OF NORTH CAROLINA;
- (2) NORTH CAROLINA DEPARTMENT OF NATURAL AND CULTURAL RESOURCES; AND
- (3) CEDAR MOUNTAIN PLANT CONSERVATION PRESERVE DEDICATED NATURE PRESERVE

TAKE NOTICE AND LET IT BE KNOWN that the below described **Affected Property** is subject to a Dedicated Nature Preserve pursuant to North Carolina General Statutes §143B-135.250 et. seq. The use of the Affected Property is subject in perpetuity to substantial restrictions and regulations by virtue of the Dedicated Nature Preserve. A true and accurate copy of the dedication document is attached hereto as **Exhibit A** and is incorporated herein by reference.

For more information about the Dedicated Nature Preserve, please contact Director, North Carolina Natural Heritage Program, Department of Natural and Cultural Resources, 1651 Mail Service Center, Raleigh, NC 27699-1651.

The property that is the subject of this Notice and subject to a dedicated nature preserve is that certain approximately 62 acre parcel of land lying in Little River Township, Transylvania County, North Carolina, which is more particularly described as follows:

Being all the lands described in and conveyed by the deeds from Keith and Kim Kramer, Dale and Martha Blythe, and the Conservation Land Partners, LLC to the State of North Carolina, which are recorded in Deed Book 780 at Page 673, Deed Book 775 at Page 299, and Deed Book 597 at Page 121, identification parcel numbers 9502-75-2314-000, 9502-64-9879-000, and 9502-55-9347-000 in the Office of the Register of Deeds for Transylvania County (The property described above is hereinafter referred to as the "Affected Property").

This Notice is recorded to provide perpetual notice of the above-described matters.

IN WITNESS WHEREOF, the undersigned has executed this Notice to Successors-in-Title this 24th day of September, 2019.

North Carolina Department of Natural and Cultural Resources

By: *Walter Clark*

Director, Division of Land and Water Stewardship of the North Carolina Department of Natural and Cultural Resources

STATE OF NORTH CAROLINA

COUNTY OF WAKE

I certify that Walter Clark, Director, Division of Land and Water Stewardship of the North Carolina Department of Natural and Cultural Resources, personally appeared before me this date and acknowledged that he or she signed the foregoing document.

This the 24th day of September, 2019.



Teresa G. Murray
Notary Public

Teresa G. Murray
Notary's Printed Name

My Commission Expires: 7 August 2023

Exhibit A

Cedar Mountain Plant Conservation Preserve

Dedicated Nature Preserve

Dedication Document and Letter of Dedication



STATE OF NORTH CAROLINA
DEPARTMENT OF ADMINISTRATION

ROY COOPER
GOVERNOR

MACHELLE SANDERS
SECRETARY

August 16, 2018

Secretary Susi H. Hamilton
Department of Natural and Cultural Resources
4601 Mail Service Center
Raleigh, North Carolina 27699-4601

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

Re: Dedication of the Cedar Mountain Bog Plant Conservation Preserve Nature Preserve,
Transylvania County

Dear Secretary Hamilton 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 April 11, 2016. The articles were amended to reflect ownership boundary corrections and additions of property to the preserve.

This real property is currently administered by the Plant Industry Division, N.C. Department of Agriculture and Consumer Services, and consists of approximately 62 acres located in Transylvania 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 **Cedar Mountain Bog Plant Conservation Preserve Nature Preserve**.

□ Dedication of the qualified portions of the tracts fulfill the terms of any prior grant agreements, including those of the Natural Heritage Trust Fund [2010 09404] and the Clean Water Management Trust Fund [2014-051].

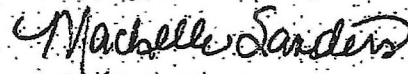
Mailing Address:
NC DEPARTMENT OF ADMINISTRATION
1301 MAIL SERVICE CENTER
RALEIGH, NC 27699-1301

Telephone: (919) 807-2425
Fax: (919) 733-9571
COURIER #51-01-00
Email: machelle.sanders@doa.nc.gov
Website: www.ncadmin.nc.gov

Location:
116 WEST JONES STREET
RALEIGH, NORTH CAROLINA

The Governor and Council of State have approved the dedication of the State-owned lands hereinabove described as the Cedar Mountain Bog 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 Raleigh, North Carolina, on the 3rd of March, 2018.

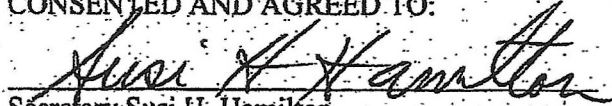
Sincerely;



Machel Sanders


MS

CONSENTED AND AGREED TO:



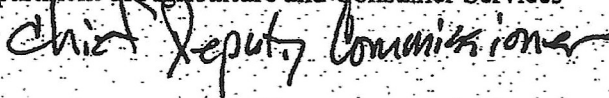
Secretary Susi H. Hamilton

Department of Natural and Cultural Resources

 for Commissioner Troxler

Commissioner Steven W. Troxler

Department of Agriculture and Consumer Services



THIS DEDICATION OF THE CEDAR MOUNTAIN BOG 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 Cedar Mountain Bog Plant Conservation 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 Cedar Mountain Bog Plant Conservation 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 and nature education. 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 62 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(s):**
 - a. **Character of Visitor Activity:** The principal visitor activities in the preserve may include nature observation, education, scientific research, and low-impact 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. Wild Fire Control: Wild fires may mimic natural processes historically occurring in an ecosystem on a landscape level. When the extent of a wild fire does not threaten human life or structures, it may be allowed to burn with minimal control. If wild fire control is necessary, firebreaks may need to be established. When possible, existing roads and firebreaks will be utilized for wild fire 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. 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. Exceptions for ecological restoration to more natural conditions, consistent with the Management Plan, may be made in consultation with the North Carolina Natural Heritage Program.

- i. 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.
 - j. 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.
 - k. 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.
 - l. 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.
 - m. 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 Department of 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. 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.

EXHIBIT A
CEDAR MOUNTAIN BOG PLANT CONSERVATION PRESERVE
DEDICATED NATURE PRESERVE

COUNTY: Transylvania

TOPOGRAPHIC QUAD: Standingstone Mountain

PHYSIOGRAPHIC PROVINCE: Southern Blue Ridge Province

SIZE OF AREA: 64 acres (62 acres Primary, 2 acres Excluded)

OWNER/ADMINISTRATOR: State of NC, Department of Agriculture, Plant Conservation Program

LOCATION: The bogs are located in the town of Cedar Mountain, 7.7 miles southeast of Brevard, along an unnamed tributary of Clear Creek stretching from Lake Arrowhead to its terminus at a springhead south of Flint Rock TRC (CCC Road). The site is now contained within Stone's Lake, a recently established residential development.

DESCRIPTION: Cedar Mountain Bog lies in the floodplain of a small, flat creek with a mix of open herbaceous, shrub, and pine dominated vegetation zones. The bogs found here represent the French Broad Valley Subtype of the Southern Appalachian Bog natural community and are characterized by a mosaic of pitch pine (*Pinus rigida*) dominated areas with dense rosebay rhododendron (*Rhododendron maximum*) and mountain laurel (*Kalmia latifolia*) and herbaceous or shrub-dominated openings. Wetland shrubs commonly encountered in the bogs include the endemic confederate huckleberry (*Gaylussacia oregola*), mountain dog-hobble (*Leucothoe fontanesiana*), winterberry (*Ilex verticillata*), swamp dewberry (*Rubus hispidus*), wild raisin (*Viburnum nudum*), and highbush blueberry (*Vaccinium fuscatum*). The dominant herbs include royal fern (*Osmunda regalis*), cinnamon fern (*Osmundastrum cinnamomeum*), northern long sedge (*Carex folliculata*), eastern star sedge (*C. radiata*), bog sedge (*C. venusta*), and reed grass (*Calamagrostis cinnoides*). Dense mats of Sphagnum moss also grow in the boggy openings. Rare or unusual plants growing within the bogs include purple pitcher plants (*Sarracenia purpurea* ssp. *montana*), cottongrass (*Eriophorum virginicum*), Cuthbert's turtlehead (*Chelone cuthbertii*), and white-fringed orchids (*Platanthera blephariglottis*). Numerous State and Federally listed species are found in the bogs including Federally Endangered mountain sweet pitcher plants (*S. jonesii*), State Endangered Robin Runaway (*Rubus repens*), and bog rose orchid (*Arethusa bulbosa*), and State Threatened French Broad heartleaf (*Hexastylis rhombiformis*). A number of rare plant species were historically reported from the largest and westernmost bog opening, including swamp pink (*Helonias bullata*), but have not been relocated and may have been impacted by road improvements implemented by the previous landowner. The eastern most bog, found along the shore of Lake Arrowhead has been periodically managed to control woody plant succession by the previous land owner.

Forested areas within the bog are relatively mature with some pitch pines as large as 2 feet in diameter present. The dry, sandy nature of the upland soils and the presence of fire adapted vegetation (particularly pitch pine and turkey beard) suggest that the area was historically subject to periodic fire which may have helped maintain the bogs in open condition. In addition, it has been suggested that the bogs experienced past hydrologic alteration as a result of either changes in the water flow pattern, groundwater, or sedimentation. The bogs have become heavily encroached

by woody vegetation and cinnamon ferns in places, which shades out the pitcher plants and other rare plants. Recent management efforts by the Plant Conservation Program and other conservation partners, such as slashing and burning heath thickets in the bog, have expanded the openings and improved the habitat for the mountain sweet pitcher plants.

Historically the primary bog was likely surrounded by the Low Dry Subtype of Montane Oak Hickory Forest, and vestiges of the former dry oak forest are still observable on the surrounding slopes. The remnant vegetation consists of young pitch pine and white pine (*P. strobus*), white oak (*Quercus alba*), scarlet oak (*Q. coccinea*), sourwood (*Oxydendron arborea*), black huckleberry (*Gaylussacia baccata*), dense mountain laurel, sheep-kill (*Kalmia caroliniana*), sweet fern (*Comptonia peregrina*), horse sugar (*Symplocos tinctoria*), Curtiss' milkwort (*Polygala curtissi*), colicroot (*Aletris farinosa*), dwarf crested iris (*Iris verna*), anise-scented goldenrod (*Solidago odora*), bracken fern (*Pteridium aquilinum*), galax (*Galax urceolata*), and French Broad heartleaf. Portions of this forest adjacent to the bog were cleared and have since grown up in pine thickets and dense heath and shrubs. Some of these areas are also being managed and opened by the Plant Conservation Program.

The small creek upstream and downstream of the bog is dominated by Acidic Cove Forest with pines and occasional white oak as canopy dominants. Rosebay rhododendron and mountain dog-hobble form thick tangles of vegetation. Galax and French Broad heartleaf are common herbs within this community.

BOUNDARY JUSTIFICATION: The majority of the tract is designated as Primary Area for protection of rare plants and natural communities. Surrounding uplands and riparian land are included within the primary area in recognition of the buffering effect they have on the ecological integrity and water quality of these critically imperiled (G1) bogs. Existing internal roads within the primary area are noted on the attached map.

MANAGEMENT AND USE: The dedicated nature preserve will be managed as a NC Department of Agriculture and Consumer Services Plant Conservation Preserve. Use will be low to very low intensity passive recreation, education, and research. Ongoing management efforts are underway or will occur to restore the bogs and promote their once open nature. Continued clearing of historically open areas and use of low-intensity fire are encouraged. The woody shrub element should not be completely suppressed in the bogs and protection of rare and unusual shrub species, sheep-kill (*Kalmia carolina*) and confederate huckleberry, is critical during woody vegetation clearing operations. Long-term monitoring of restoration efforts are needed to document management approaches and success.

Exhibit A

Cedar Mountain Bog Plant Conservation Preserve Dedicated Nature Preserve

This map may not be a certified survey and has not been reviewed by a local government agency for compliance with any applicable land development regulations and has not been reviewed for compliance with recording requirements for plats.

