

## ARTICLES OF DEDICATION

THIS DEDICATION OF THE APPALACHIAN STATE UNIVERSITY NATURE PRESERVE IS MADE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

1. 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 113A-164.3.
2. Pursuant to North Carolina General Statutes 113-164.8, all State-owned land lying within the above designated area is hereby dedicated as a nature preserve to be known as the **Appalachian State University 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. **Custodian**: The custodian of the preserve will be Appalachian State University (hereinafter "Custodian"), which will be responsible for managing the preserve in accordance with State Administrative Code 15 NCAC 12H.300.
4. **Primary Classification**: The primary classifications and purposes of the preserve will be conservation, nature education and research, wildlife management, and other recreational uses authorized by the Custodian. The ecological significance of the preserve is described in Exhibit A.
5. **Management Area**: For the purposes of management, the preserve shall consist of approximately 67 acres within the main campus of Appalachian State University, as more particularly described in Exhibit B, attached hereto and incorporated herein.
6. **Outstanding Natural Area**: The area referenced above and described in Exhibit A is deemed by the Secretary of the North Carolina Department of Environment and Natural Resources to qualify as an outstanding natural area pursuant to statutory requirements for nature preserve dedication (G.S. 113A-164.6) and further serves all of the public purposes for a dedicated preserve as stated in the North Carolina Administrative Code, 15 NCAC 12H.0301(b).
7. **Rules for Management of the Preserve**:
  - A. **Character of Visitor Activity**: The principal visitor activities in the preserve shall be repair, construction and preservation of trails and appropriate signage; walking; bicycling (on designated trails only); education; research; and observation. These activities shall be regulated by the Custodian to prevent significant disturbance of the preserve. These activities may be regulated specifically 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 other than that expressly authorized above; commercial activities and development; commercial silviculture; agriculture and grazing; gathering of native species of plants or plant products; camping; use of any motorized vehicle, except as authorized by the Custodian; the removal, disturbance, molestation, or defacement of minerals, archaeological remains and artifacts, or natural resources, except for research purposes as approved by the Custodian; and other 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. Orientation and Guidance of Visitors: The Custodian may construct and maintain access areas including service paths for patrol, right-of-way maintenance, and other management activities. Numbers of new paths will be minimized, and sensitive areas avoided when possible. When advance planning is possible, it will include consultation with the North Carolina Natural Heritage Program. 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 in a manner consistent with the purposes of these Articles. Salvage timber cuts which may be necessary due to natural catastrophe will be allowed, but only 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 be needed. When possible,

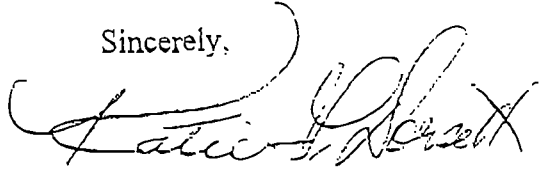
existing roads and other firebreaks will be utilized for wildfire control. When new firebreaks are needed, environmentally sensitive areas will be avoided when possible. Old firebreaks which affect the natural hydrology of wetlands will be filled and allowed to revegetate. Planning of firebreak restoration should occur in consultation with the North Carolina Natural Heritage Program.

- E. Water Control: The purposes of water control shall be to maintain the preserve's natural water regime to the extent practicable, and to prevent or mitigate erosion. Water levels that have been altered by man may be changed if necessary to restore the preserve to its natural condition. In an area with a long history of managed hydrology, water levels may be managed to perpetuate the ecosystems that have evolved around the hydrology or such levels may be restored to natural condition. This decision should be made in consultation with the Natural Heritage Program. A pond is an example of a situation in which water levels have been historically managed. Construction of additional ponds may be necessary or desirable to prevent or mitigate erosion.
  
- 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 a 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.
  
- 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, and in accordance with the Custodian's established regulations. 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 plants or animals 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 collection or otherwise affecting anything within the preserve shall first secure written permission from authorized officers of the Custodian.
  - J. Roads and Trails: Construction of roads and trails and other access structures will be limited to the level necessary to appropriately manage the preserve. New roads shall not be constructed in the preserve. Access management and construction will be part of the overall management planning process and will include appropriate interagency coordination.
  - K. Other Structures and Improvements: Structures or facilities shall not be erected by the Custodian within the 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: Appalachian State University, as Custodian of the preserve, shall be required to prepare and submit for approval to the Secretary of the Department of Environment and Natural 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, 15 NCAC 12H.0300, and such other regulations as may be established from time to time by the Secretary of the Department of Environment and Natural Resources. In any case where contradictions may arise between this dedication and other management regulations, the terms of this dedication shall take precedence.
8. Amendment and Modification: The terms and conditions of this dedication may be amended or modified upon agreement of the Chancellor of Appalachian State University and the Secretary of the Department of Environment and Natural Resources, and approval 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 Statutes, section 113A-164.8.
9. Permanent Plaque: The Custodian should erect and maintain a permanent plaque or other appropriate marker at a prominent location within the preserve bearing the following statement: "This Area is Dedicated as a State Nature Preserve."

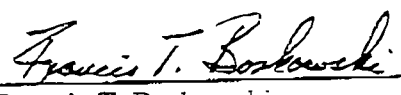
The Governor and Council of State have approved the dedication of the State-owned land described above as the **Appalachian State University Nature Preserve** to be held in trust by the Custodian for the uses and purposes expressed in the North Carolina Nature Preserves Act at a meeting held in the City of Raleigh, North Carolina, on the 5<sup>th</sup> of October, 1999.

Sincerely,

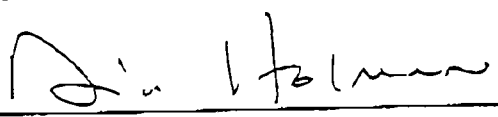


Katie G. Dorsett

ALLOCATION AND ARTICLES OF DEDICATION  
CONSENTED AND AGREED TO:



Francis T. Borkowski  
Chancellor  
Appalachian State University



Bill Holman  
Secretary  
Department of Environment and Natural Resources

EXHIBIT A  
TO  
ARTICLES OF DEDICATION

APPALACHIAN STATE UNIVERSITY NATURE PRESERVE

COUNTY: Watauga

TOPO QUAD: Boone, NC

PHYSIOGRAPHIC PROVINCE: Blue Ridge Mountains of Western North Carolina

SIZE OF AREA: 67 acres

OWNER/ADMINISTRATOR: State of North Carolina  
Appalachian State University

LOCATION: The Appalachian State University Nature Preserve is located on the campus of Appalachian State University in Boone, North Carolina. The preserve is bounded by Bodenheimer Drive to the north, other portions of the campus to the east and northwest (athletics and residence hall facilities, and Broyhill Inn & Conference Center and adjoining parking area, respectively), and residential properties to the south and southwest.

DESCRIPTION: The preserve consists of the largest contiguous forest area within Appalachian State University and Town of Boone boundaries. The terrain is mountainous, with slopes ranging from C (6-10%) to G (45+%). Elevations range approximately from 3,298 to 3,570 feet above sea level. Soils include Chester loam, Edneyville loam, and Ashe fine sandy loam. Geological structures include two small rock outcroppings of metasedimentary origin.

The preserve also contains a small pond (approximately one-half acre), which was constructed in 1976 to serve as a limnological teaching station, fresh water habitat and firefighting reservoir. Small, spring-fed branches feed a main channel that flows from north to south and ultimately contributes water to the South Fork of the New River.

Natural vegetation is evidenced in hardwood forests of white oak (*Quercus alba*), chestnut oak (*Q. montana*), hickory (*Carya* spp.), and maple (*Acer* spp.); mountain laurel (*Kalmia latifolia*) and great laurel (*R. maximum*) thickets; old field secondary growth; white pine (*Pinus strobus*) groves; yellow poplar (*Liriodendron tulipifera*) stands; and streamside stands of eastern hemlock (*Tsuga canadensis*) and yellow birch (*Betula alleghaniensis*). Herbaceous plants are abundant and representative of southern Appalachian flora. Large colonies of large-flowered trillium (*Trillium grandiflorum*), May apple (*Podophyllum peltatum*), American spikenard (*Aralia racemosa*), and bloodroot (*Sanguinaria canadensis*) are present. Turk's cap lily (*Lilium superbum*), Clinton's lily (*Clintonia borealis*), and other showy wildflower species and ferns are well represented.

Approximately twenty-two native mammal species have been cited as probable inhabitants or transients within the preserve. Most common species of mammals, reptiles, amphibians, birds and trees found in the preserve include those listed in Attachment One, attached hereto and incorporated herein.

**BOUNDARY JUSTIFICATION:** Boundaries have been drawn to include a contiguous area of forested land which is significant in terms of educational curricula and scientific research, wildlife habitat and recreation, and an appropriate subject of preservation. Currently developed areas and areas planned for development have been excluded. A metes and bounds description of the preserve boundary is set forth in Exhibit B to the Articles of Dedication, attached hereto and incorporated herein.

**MANAGEMENT AND USE:** The area proposed for dedication is suitable for conservation, nature education and research, wildlife management, and other recreational uses described in Sections 4 and 7 of the Articles of Dedication. Primary users of the area will be faculty and students of Appalachian State University.

**MAP:** The area of the preserve is illustrated on the accompanying map.

ATTACHMENT ONE TO EXHIBIT A  
APPALACHIAN STATE UNIVERSITY NATURE PRESERVE

Most common mammal species found within the Preserve:

Red Squirrel	<i>Tamiasciurus hudsonicus</i>
Eastern Gray Squirrel	<i>Sciurus carolinensis</i>
Eastern Chipmunk	<i>Tamias striatus</i>
Southern Flying Squirrel	<i>Glaucomys volans</i>
Eastern Cottontail Rabbit	<i>Sylvilagus floridanus</i>
Short-tailed Shrew	<i>Blarina brevicauda</i>
Hairytail Mole	<i>Parascalops breweri</i>
Red Fox	<i>Vulpes fulva</i>
Long-tail Weasel	<i>Mustela frenata</i>
Striped Skunk	<i>Mephitis mephitis</i>
Mink	<i>Mustela vison</i>
Raccoon	<i>Procyon lotor</i>
Deer Mouse	<i>Peromyscus maniculatus</i>
White-footed Mouse	<i>Peromyscus leucopus</i>
Opossum	<i>Didelphis marsupialis</i>
Whitetail Deer	<i>Odocoileus virginianus</i>

Reptiles and amphibians found within the Preserve:

Eastern Box Turtle	<i>Terrapene c. carolina</i>
Eastern Garter Snake	<i>Thamnophis s. sirtalis</i>
Eastern Ribbon Snake	<i>Thamnophis s. sauritus</i>
Ringneck Snake	<i>Diadophis punctatus</i>
Black Rat Snake	<i>Elaphe o. obsoleta</i>
Appalachian Woodland Salamander	<i>Plethodon jordani</i>
Slimy Salamander	<i>Plethodon glutinosus</i>
Seal Salamander	<i>Desmognathus monticola</i>
Black-bellied Salamander	<i>Desmognathus quadra-maculatus</i>
Northern Dusky Salamander	<i>Desmognathus f. fuscus</i>
Mountain Dusky Salamander	<i>Desmognathus ochrophaeus</i>
Blue Ridge Two-lined Salamander	<i>Eurycea bislineata wilderae</i>
American Toad	<i>Bufo americanus</i>
Spring Peeper	<i>Hyla crucifer</i>
Bullfrog	<i>Rana catesbeiana</i>



Birds found within the Preserve either as year-round residents or seasonal visitors:

Ruffed Grouse	<i>Bonasa umbellus</i>
Black Duck	<i>Anas rubripes</i>
Mallard Duck	<i>Anas p. platyrhynchos</i>
Turkey Vulture	<i>Cathartes aura</i>
Mourning Dove	<i>Zenaidura macroura</i>
Yellow-billed Cuckoo	<i>Coccyzus a. americanus</i>
Screech Owl	<i>Otus asio</i>
Ruby-throated Hummingbird	<i>Archilochus colubris</i>
Yellow-shafted Flicker	<i>Colaptes auratus</i>
Red-bellied Woodpecker	<i>Ceunurus carolinus</i>
Red-headed Woodpecker	<i>Melanerpes e. erythrocephalus</i>
Yellow-bellied Sapsucker	<i>Sphyrapicus v. varius</i>
Hairy Woodpecker	<i>Dendrocopus villosus</i>
Downy Woodpecker	<i>Dendrocopus pubescens</i>
Pileated Woodpecker	<i>Hylatomus pileatus</i>
Kingbird	<i>Tyrannus tyrannus</i>
Phoebe	<i>Sayornis phoebe</i>
Wood Peewee	<i>Cantopus virens</i>
Tree swallow	<i>Iridoprocne bicolor</i>
Blue Jay	<i>Cyanocitta cristata</i>
Chickadee	<i>Parus sp.</i>
Eastern Crow	<i>Corvus brachyrhynchos</i>
Tufted Titmouse	<i>Parus bicolor</i>
White-breasted Nuthatch	<i>Sitta carolinensis</i>
Brown Creeper	<i>Certhia familiaris</i>
House Wren	<i>Troglodytes aedon</i>
Carolina Wren	<i>Thryothorus ludovicianus</i>
Mockingbird	<i>Mimus p. polyglottos</i>
Catbird	<i>Dumetella carolinensis</i>
Brown Thrasher	<i>Toxostoma r. rufum</i>
Robin	<i>Turdus migratorius</i>
Wood Thrush	<i>Hylocichla mustelina</i>
Hermit Thrush	<i>Hylocichla guttata faxoni</i>
Gray Check Thrush	<i>Hylocichla minima</i>
Bluebird	<i>Sialia sialis</i>
Blue-Gray Gnatcatcher	<i>Poliophtila c. coerulea</i>
Golden Crowned Kinglet	<i>Regulus s. satrapa</i>
Cedar Waxwing	<i>Bombycilla cedrorum</i>
Red-eyed Vireo	<i>Vireo olivaceus</i>
Prothonotary Warbler	<i>Protonotaria citrea</i>

Black and White Warbler  
 Tennessee Warbler  
 Yellow Warbler  
 Myrtle Warbler  
 Black-throated Blue Warbler  
 Blackburnian Warbler  
 Chestnut-sided Warbler  
 Oven-Bird  
 American Redstart  
 English sparrow  
 Meadowlark  
 Baltimore Oriole  
 Cowbird  
 Purple Grackle  
 Starling  
 Scarlet Tanager  
 Cardinal  
 Rose-breasted Grosbeak  
 Indigo Bunting  
 Evening Grosbeak  
 Purple Finch  
 Pine Siskin  
 Goldfinch  
 Eastern Red Crossbill  
 Towhee  
 Junco  
 Chipping sparrow  
 White-throated Sparrow  
 Fox Sparrow  
 Song Sparrow  
 Red-tailed Hawk

*Mniotilta varia*  
*Vermivora peregrina*  
*Dendroica petechia*  
*Dendroica e. coronata*  
*Dendroica coerulescens*  
*Dendroica fusca*  
*Dendroica pensylvanica*  
*Seiurus aurocapillus*  
*Setophaga ruticilla*  
*Passer d. domesticus*  
*Sturnella magna*  
*Icterus galbula*  
*Molothrus a. ater*  
*Quiscalus quiscula*  
*Sturnus vulgaris vulgaris*  
*Piranga olivacea*  
*Richmondia cardinalis*  
*Pheucticus ludouicianus*  
*Passerina cyanea*  
*Hesperiphona vespertina*  
*Carpodacus p. purpureus*  
*Spinus p. pinus*  
*Spinus t. tristis*  
*Zoxia curvirostra minor*  
*Pipilo erythrophthalmus*  
*Junco hyemalis*  
*Spizella p. passerina*  
*Zonotrichia albicollis*  
*Passerella i. iliaca*  
*Melospiza melodia*  
*Buteo jamaicensis*

Major tree species found in the Preserve:

White Oak  
 Chestnut Oak  
 Northern Red Oak  
 Scarlet Oak  
 Yellow Poplar  
 Mountain Magnolia  
 Cucumber Magnolia  
 Red Maple

*Quercus alba*  
*Quercus prinus*  
*Quercus rubra*  
*Quercus coccinea*  
*Liriodendron tulipifera*  
*Magnolia frazeri*  
*Magnolia acuminata*  
*Acer rubrum*

Sugar Maple  
Striped Maple  
Flowering Dogwood  
Bush Dogwood  
Deciduous Holly  
Sassafras  
Black Birch  
Yellow Birch  
Canadian Hemlock  
White Pine  
Ash  
Black Cherry  
Mockernut Hickory  
Shagbark Hickory  
Black Locust  
Sourwood  
Black Gum  
Hawthorn  
Service Berry  
Witchhazel

*Acer saccharum*  
*Acer spicatum*  
*Cornus florida*  
*Cornus amomum*  
*Ilex decidua*  
*Sassafras albidum*  
*Betula lenta*  
*Betula alleghaniensis*  
*Tsuga canadensis*  
*Pinus strobus*  
*Fraxinus sp.*  
*Prunus serotina*  
*Carya tomentosa*  
*Carya ovata*  
*Robinia pseudoacacia*  
*Oxydendrum arboreum*  
*Nyssa sylvatica*  
*Crataegus sp.*  
*Amelanchier arborea*  
*Hamamelis virginiana*