

1 15A NCAC 07O .0101 is readopted as published in 36:02 NCR 108 **with changes** as follows:

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3 **15A NCAC 07O .0101 STATEMENT OF PURPOSE**

4 The principal purposes of the North Carolina Coastal Reserve and supporting programs are to:

- 5 (1) preserve coastal ecosystems representative of the various biogeographic regions and typologies in
6 North Carolina and to make them available for continuous future study of the processes, functions,
7 and influences which shape and sustain the coastal ecosystems;
- 8 (2) provide new information on coastal ecosystem processes to decisionmakers as a basis for the
9 promotion of **sound** management of coastal resources;
- 10 (3) provide a focal point for educational activities that increase the public awareness and
11 understanding of coastal ecosystems, effects of humans ~~man~~ on them, and the importance of ~~the~~
12 coastal systems to the state and the Nation;
- 13 (4) accommodate traditional ~~recreational activities, uses, commercial fishing,~~ and other uses of the Reserve
14 as long as they do not disturb the Reserve environment and are compatible with the research and
15 educational activities within the Reserve components. ~~taking place there.~~

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17 *History Note: Authority G.S. 113-3; 113-8; **113A-129.1-3; 113A-129.2;** 143B-10;*
18 *Eff. July 1, 1986;*
19 *Amended Eff. April 1, 1988;*
20 *Readopted Eff. February 1, 2022.*

1 15A NCAC 07O. 0102 is amended as published in 36:02 NCR 108 with changes as follows:

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3 **15A NCAC 07O .0102 DEFINITIONS AS USED IN THIS SUBCHAPTER**

4 Definitions as used in this Subchapter are:

- 5 (1) "Coastal Reserve" or "Reserve" means those coastal land and water ~~areas~~ areas, which include land
6 and water portions of an estuary and adjacent transitional areas and uplands, set aside as a
7 natural field laboratory and classroom to be maintained in their natural state to provide for long-
8 term opportunities for research, education and compatible traditional uses ~~recreation~~ and
9 enjoyment of natural and scenic beauty. The Coastal Reserve includes the North Carolina
10 National Estuarine Research Reserve. Coastal Reserve components are identified in 15A
11 NCAC 07O .0105.
- 12 (2) "Estuary" means that part of a river or stream or body of water having unimpaired connection with
13 the open sea, where sea water is measurably diluted with fresh water derived from land
14 drainage.
- 15 ~~(3) "Research Reserve" means a group of areas or components, each of which may include all or the~~
16 ~~key land and water portion of an estuary and adjacent transitional areas and uplands,~~
17 ~~constituting to the extent feasible a natural unit, set aside as a natural field laboratory to provide~~
18 ~~long term opportunities for research, education, and interpretation of the ecological relationships~~
19 ~~within the area. The Coastal Reserve includes the North Carolina National Estuarine Research~~
20 ~~Reserve.~~
- 21 ~~(4)(3) "Reserve" means any area designated pursuant to this Subchapter.~~
- 22 ~~(5)(4)(3) "Traditional uses" means public trust uses as defined in G.S. 1-45.1, including fishing,~~
23 ~~hunting, navigation, and recreation.~~

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25 *History Note: Authority G.S. 113-3; 113-8; 113A-129.1-3; 113A-129.2; 143B-10;*

26 *Eff. July 1, 1986;*

27 *Amended Eff. April 1, 1988;*

28 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
29 *2017;*

30 *Amended Eff. February 1, 2022.*
31

1 15A NCAC 07O .0103 is readopted as published in 36:02 NCR 108 as follows:

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3 **15A NCAC 07O .0103 RESPONSIBILITIES: DUTIES OF THE COASTAL RESERVE PROGRAM**

4 The Coastal Reserve Program of the Division of Coastal Management shall be responsible for managing and
5 protecting the North Carolina Coastal Reserve; ~~for~~ promoting and coordinating research and educational programs at
6 the components while allowing for compatible traditional uses; ~~for~~ maintaining a management plan for the Reserve;
7 ~~for~~ maintaining cooperative agreements with scientific, educational, and resource management agencies and private
8 citizens that will assist in the management of the Reserve; and ~~for~~ providing new information on coastal processes to
9 coastal management decisionmakers.

10
11 *History Note: Authority G.S. 113-3; 113-8; 113A-129.1-3; 143B-10;*

12 *Eff. July 1, 1986;*

13 *Amended Eff. April 1, 1988;*

14 *Readopted Eff. February 1, 2022.*

1 15A NCAC 07O .0104 is readopted as published in 36:02 NCR 108 with changes as follows:

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3 **15A NCAC 07O .0104 STATE AND LOCAL COASTAL RESERVE ADVISORY COMMITTEES**

4 Advisory committees shall be established for each individual Reserve ~~component~~ component. ~~The committees and~~ shall
5 advise ~~the Reserve~~ staff, staff regarding program activities and component management, coordinator. Members of
6 the committees shall include researchers, educators, managers, partner agencies and organizations, and citizens that
7 use or are affected by the ~~Reserve~~. Reserve and its components. The committees shall be appointed by the Secretary
8 of the Department of ~~Environment~~ Environmental Quality, Health, and Natural Resources.

9
10 *History Note: Authority G.S. 113-3; 113-8; ~~113A-129.1-3; 113A-129.2~~; 143B-10;*

11 *Eff. July 1, 1986;*

12 *Amended Eff. May 1, 1990; April 1, 1988;*

13 *Readopted Eff. February 1, 2022.*

1 15A NCAC 07O .0105 is amended as published in 36:02 NCR 108 **with changes** as follows:

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3 **15A NCAC 07O .0105 RESERVE COMPONENTS**

4 (a) The North Carolina Coastal Reserve includes the following components:

- 5 (1) Zeke's Island;
6 (2) Rachel Carson;
7 (3) Currituck Banks;
8 (4) Masonboro Island;
9 (5) Permuda Island;
10 (6) Buxton Woods;
11 (7) Bald Head Woods;
12 (8) Kitty Hawk Woods;
13 (9) Bird Island; and
14 (10) Emily and Richardson Preyer Buckridge.

15 The North Carolina National Estuarine Research Reserve includes components in Subparagraphs (a)(1) - (4) of this
16 Rule.

17 (b) Detailed boundary maps for each component are maintained and available for inspection at the Division of
18 Coastal Management, 400 Commerce Avenue, Morehead City NC 28557.

19
20 *History Note: Authority G.S. 113-3; 113-8; ~~113A-129.1-3; 113A-129.2; 113A-129.3;~~ 143B-10;*
21 *Eff. July 1, 1986;*
22 *Amended Eff. February 1, 2006; April 1, 1999; August 1, 1991; April 1, 1988;*
23 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
24 *2017;*
25 *Amended Eff. February 1, 2022.*

1 15A NCAC 07O .0201 is readopted as published in 36:02 NCR 108 with changes as follows:

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3 **15A NCAC 07O .0201 MANAGEMENT PLAN**

4 The Division of Coastal Management shall prepare a management plan for the Reserve. The management plan shall
5 contain specific policies for research, education, natural resource management, and traditional uses at each
6 component. component and can be found at [https://deq.nc.gov/about/divisions/coastal-management/nc-coastal-](https://deq.nc.gov/about/divisions/coastal-management/nc-coastal-reserve/about-reserve/management-plans)
7 reserve/about-reserve/management-plans. The Secretary of the Department of ~~Environment~~, Environmental Quality
8 ~~Health, and Natural Resources~~ shall approve the management plan and its revisions. The Division of Coastal
9 Management shall seek input from the local advisory committees, the Coastal Resources Commission, and the public
10 on revisions to the management plan. The Division of Coastal Management shall monitor and manage ~~the~~ the Reserve
11 components and report to the Secretary violations of the approved plan and any other situations that may be harmful
12 to the natural resources of the Reserve.

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14 *History Note: Authority G.S. 113-3; 113-8; 113A-129.1-3; 113A-129.2; 113A-129.3; 143-341; 143-342; 143B-10;*
15 *Eff. July 1, 1986;*
16 *Amended Eff. May 1, 1990; April 1, 1988;*
17 *Readopted Eff. February 1, 2022.*

1 15A NCAC 07O .0202 is readopted as published in 36:02 NCR 108 with changes as follows:

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3 **15A NCAC 07O .0202 RESERVE USE REQUIREMENTS**

4 The following use requirements shall apply to ~~all~~ the lands and waters within the boundaries of the components of
5 the Reserve:

- 6 (1) The ~~essential~~ natural character of the Reserve shall be maintained.
- 7 (2) Traditional ~~recreational~~ uses within each component shall be allowed to continue as long as the
8 activities are consistent with 15A NCAC 07O .0101(4). ~~do not disrupt the natural integrity of~~
9 ~~the Reserve or any research or educational projects.~~ Incompatible traditional uses are prohibited
10 and shall include:
- 11 (a) fishing, hunting, or trapping activities not allowed by federal, state, and local rules;
- 12 (b) target shooting; and
- 13 (c) mechanical hydraulic clam dredging ~~dredging~~ within Reserve boundaries;
- 14 (d) ~~use of vehicles off designated corridors at components where vehicles are allowed for~~
15 ~~upland transportation according to the management plan; and~~
- 16 (e) ~~production of noise disruptive to local wildlife and the aesthetic enjoyment of the~~
17 ~~Reserve as a natural area.~~
- 18 (3) ~~No user shall~~ [It is prohibited to] disturb Disturbing a [an authorized] research or natural resource
19 monitoring project or research equipment in place at the ~~Reserve.~~ Reserve that is authorized by
20 the Division of Coastal Management is prohibited.
- 21 (4) Camping or any form of habitation ~~habitation, whether~~ on the uplands ~~uplands, or wetlands~~
22 ~~wetlands, of the Reserve is prohibited~~ or waters within Reserve boundaries, ~~shall not be allowed~~
23 ~~unless written permission is posted by the Division of Coastal Management~~ except on the
24 uplands at the Masonboro Island Reserve, where camping is allowed for no more than two
25 consecutive nights.
- 26 (5) Fires are prohibited except at the Masonboro Island Reserve on [open] sand [and away] at least
27 15 feet from vegetation.
- 28 (5) ~~Personal property not authorized by the management agency may not be placed within the~~
29 ~~boundaries of the Reserve for more than two consecutive days.~~
- 30 (6) ~~Users of the Reserve shall not~~ [It is prohibited to] disturb Disturbing or removing ~~remove~~ any
31 live animals, except those allowed by local or state hunting ~~hunting, trapping, and fishing~~ rules
32 as they apply to the Reserve, or vegetation ~~vegetation, fungi, or cultural resources~~ within the
33 Reserve unless such action is part of a research or educational project approved ~~authorized~~ by
34 the ~~management agency.~~ Division of Coastal [Management.] Management is prohibited.
- 35 (7) Persons wishing to engage in scientific research and monitoring, or collection of natural and
36 cultural materials for scientific purposes within the Reserve shall ~~first~~ secure written permission
37 authorization from the ~~management agency.~~ Division of Coastal Management prior to

beginning said activity. Written authorization does not eliminate the need to obtain any other federal, state, or local authorization, nor to abide by regulations adopted by any federal, state, or local agency. Application for authorization shall be made by contacting Reserve staff at the Division of Coastal Management.

(8) ~~No activity shall be allowed which might pollute any stream or body of water in the Reserve. Acts of pollution shall include:~~

(a) ~~Deposition of solid materials not indigenous to the local coastal ecosystem; and~~

(b) ~~Discharge of liquids other than uncontaminated estuarine water.~~

(8) ~~[It is prohibited to produce]~~ Producing noise disruptive to local wildlife or the aesthetic enjoyment of the Reserve as a natural ~~[area.] area is prohibited.~~

(9) ~~No other [It is prohibited to conduct or engage] Conducting or engaging in acts or uses which are detrimental to the maintenance of the Reserve property in its natural condition is prohibited shall be allowed including, but not limited to, disturbances of the soil, mining, commercial or industrial uses, timber harvesting, ditching and draining, and deposition of waste materials. [Disposal of dredge spoil materials within existing U.S. Army Corps of Engineers easements at Reserve components may be allowed with authorization from the U.S. Army Corps of Engineers and N.C. Department of Administration, in consultation with the Division.]~~

(10) The following requirements pertain to littering, dumping, deposition, and pollution:

(a) ~~[It is prohibited to leave]~~ Leaving any personal property unattended within the boundaries of any Reserve component longer than 24 ~~[hours.] hours is prohibited,~~ at which point it shall be considered litter in accordance with G.S. 14-399 and subject to removal at the owner's expense. ~~[expense and/or]~~ Owner may also be subject to prosecution.

(b) ~~[It is prohibited to abandon or allow]~~ Abandoning or allowing to be abandoned any vessels of any kind within the boundaries of any Reserve ~~[component.] component is prohibited.~~ Vessels not removed within 30 days ~~[will]~~ shall be considered litter in accordance with G.S. 14-399 and subject to removal at the owner's expense. ~~[expense and/or]~~ Owner may also be subject to prosecution.

(c) ~~[It is prohibited to dispose]~~ Disposing of any litter, as described in G.S. 14-399, within the boundaries of any Reserve ~~[component.] component is prohibited.~~

(d) ~~[It is prohibited to dump, deposit, place, or allow]~~ Dumping, depositing, placing, or allowing to be abandoned any autos, appliances, trash, debris, garbage, ~~[shell]~~ shell, or discarded material(s) of any kind within the boundaries of any Reserve ~~[component.] component is prohibited.~~

(e) ~~[It is prohibited to conduct or engage]~~ Conducting or engaging in activities that pollute any land, wetland, stream, ~~[creek]~~ creek, or other body of water within the boundaries of any Reserve ~~[component.] component is prohibited,~~ in accordance with G.S. 75A-

10, 76-40.

(11) The following requirements pertain to vehicles and parking:

- (a) Motorized vehicles as defined in G.S. 20-4.01 (23) are prohibited within the boundaries of any Reserve component while not ~~actively~~ engaged in a Reserve-based activity, Reserve business, or an activity authorized by the Division of Coastal Management.
- (b) Motorized vehicles are prohibited outside of designated corridors within the boundaries of Reserve components where vehicles are allowed for upland transportation according to the management plan.
- (c) ~~[It is prohibited to allow]~~ Allowing a motorized vehicle to block traffic, gates, ~~[driveways]~~ driveways, or emergency vehicle ~~[access]~~ access is prohibited.
- (d) ~~[It is prohibited to park]~~ Parking a motorized vehicle within the boundaries of any Reserve component overnight, or ~~[allow]~~ allowing a motorized vehicle to remain anywhere within the boundaries of any Reserve component unattended or abandoned for longer than 12 hours is prohibited, except at the Currituck Banks Reserve parking lot where there is a 2 hour limit.
- (e) The Division or its agents may immobilize or tow any motorized vehicle that is in violation of this Rule at the owner's expense.
- (f) Non-motorized vehicles are prohibited where the use of the vehicle will damage natural resources ~~[resources]~~ and on pedestrian trails not designated for this use. ~~[use, and in any areas of Reserve components not customarily used for such purpose.]~~

(12) The Division staff and its authorized agents are exempt from this rule when engaged in management activities, such as incorporation of natural materials, beneficial use of dredged materials, or other engineering practices that protect, restore, or enhance the natural character of the Reserve.

History Note: Authority G.S. 113-3; 113-8; ~~113-264; 113A-129.1-3; 113A-129.2~~; 143B-10;

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1 15A NCAC 07O .0203 is adopted as published in 36:02 NCR 108 ~~with changes~~ as follows:

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3 **15A NCAC 07O .0203 SPECIAL ACTIVITY AUTHORIZATION**

4 The following Items shall apply to special activity authorization within the boundaries of the components of the
5 Reserve:

- 6 (1) Written authorization is required for organized events, commercial ~~[activities]~~activities, and other
7 special activities or uses within the boundaries of any Reserve component not included in the primary
8 uses of research, education, and compatible traditional uses.
- 9 (2) A request for written authorization shall be made by contacting Reserve staff at the Division of
10 Coastal Management. Written authorization does not eliminate the need to obtain any other federal,
11 state, or local authorization, nor to abide by regulations adopted by any federal, state, or local agency.
- 12 (3) A request for written authorization shall be made a minimum of 30 days prior to and up to one year in
13 advance of the activity or use. The request shall include: ~~[the name, address and phone number of the~~
14 applicant; the name of the organization (if any); the name, address and phone number of a contact
15 person; the date, time, duration, nature and location of the proposed activity or use; the estimated
16 number of persons expected to participate; the equipment to be used during the activity; and other
17 information necessary to allow for evaluation of an application.]
- 18 (a) the name, address, and phone number of the applicant;
- 19 (b) the name of the organization (if any);
- 20 (c) the name, address, and phone number of a contact person;
- 21 (d) the date, time, duration, nature, and location of the proposed activity or use;
- 22 (e) the estimated number of persons expected to participate;
- 23 (f) the equipment to be used during the activity; and
- 24 (g) other information necessary to allow for evaluation of an application.
- 25 (4) The Reserve Manager or designee shall provide written authorization unless one or more of the
26 following apply:
- 27 (a) A prior request for a written authorization for a similar activity or use has been made and
28 granted; and the activities or uses authorized by the written authorization do not allow multiple
29 activities or uses of that location during the same timeframe;
- 30 (b) The activity or use will threaten the health, ~~[safety]~~safety, and welfare of persons using the
31 Reserve;
- 32 (c) The activity or use is of such a nature or duration that it cannot be conducted or performed in
33 the location due to:
- 34 (i) the potential for damage to the Reserve or facilities;
- 35 (ii) interference with research or education programs, or site management activities of the
36 Reserve;
- 37 (iii) disturbance of wildlife, habitats, or other natural features of the Reserve; or

(iv) burden placed on public agencies by the activity;

(d) The activity or use conflicts with the principal purposes of the Reserve as defined in 15A NCAC 070 .0101; or

(e) The activity or use does not comply with the Reserve use requirements found in Rule .0202 of this Subchapter, ~~section 15A NCAC 070 .0202 or~~ dedicated nature preserve letters of allocation under G.S. 143B Article 2 Part 42 Nature Preserves ~~Act~~ Act, or would constitute a violation of other applicable law or regulation.

(5) The written authorization may contain conditions consistent with protection and use of the Reserve for the purposes for which it is operated.

(6) The authorized user shall not transfer or assign authorization, or grant any part of an authorized use, to any person not indicated on the written authorization request.

(7) If a request is denied, the applicant shall be informed in writing, with the reason(s) for the denial.

(8) Participants engaged in activities authorized under this Rule shall also be subject to the Rules of this Subchapter. ~~Reserve Rules.~~

(9) A written authorization only authorizes uses or activities that conform to the terms contained in the authorization or in applicable federal, state, and local rules and ~~existing~~ laws. Violation of the terms and conditions of a written authorization, including engaging in any activities or uses not expressly authorized, shall result in revocation of the authorization by the Division of Coastal Management. Violations shall be subject to any other civil ~~and/or criminal~~ penalties prescribed by law. Violations may also be subject to criminal penalties.

History Note: Authority G.S. 113-3; 113-8; 113-264; ~~113A-129.1-3~~; 113A-129.2; 113A-129.3; 143B-10 Eff. February 1, 2022.