

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Department of Environmental Quality

RULE CITATION: 15A NCAC 070 .0101

**DEADLINE FOR RECEIPT: Friday, November 12, 2021**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Please delete "sound" in Item (2).*

*In the History Note, please change 113A-129.1-3 to 113A-129.2.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: October 29, 2021

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

2  
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.~~

16  
17 *History Note: Authority G.S. 113-3; 113-8; 113A-129.1-3; 143B-10;*

18 *Eff. July 1, 1986;*

19 *Amended Eff. April 1, 1988;*

20 *Readopted Eff. December 1, 2021.*

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Department of Environmental Quality

RULE CITATION: 15A NCAC 070 .0102

**DEADLINE FOR RECEIPT: Friday, November 12, 2021**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Are the "Coastal Reserve" and the "Reserve" the same? If so, do you need the definition of "reserve"? If it's not the same, where are these designated? I only see .0105 which provides for the components of the Coastal and the Estuarine Reserve.*

*In the History Note, please change 113A-129.1-3 to 113A-129.2.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: October 29, 2021

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

2  
3 **15A NCAC 07O .0102 DEFINITIONS AS USED IN THIS SUBCHAPTER**

4 Definitions as used in this Subchapter are:

- 5 (1) "Coastal Reserve" means those coastal land and water ~~areas~~ areas, which include land and water  
6 portions of an estuary and adjacent transitional areas and uplands, set aside as a natural field  
7 laboratory and classroom to be maintained in their natural state to provide for long-term  
8 opportunities for research, education and compatible traditional uses ~~recreation~~ and enjoyment  
9 of natural and scenic beauty. The Coastal Reserve includes the North Carolina National  
10 Estuarine Research Reserve. Coastal Reserve components are identified in 15A NCAC 07O  
11 .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)~~ "Traditional uses" means public trust uses as defined in G.S. 1-45.1, including fishing, hunting,  
23 navigation, and recreation.

24  
25 *History Note: Authority G.S. 113-3; 113-8; 113A-129.1-3; 143B-10;*

26 *Eff. July 1, 1986;*

27 *Amended Eff. April 1, 1988; December 1, 2021.*

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

30 *Amended Eff. December 1, 2021.*

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

2  
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. December 1, 2021.*

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Department of Environmental Quality

RULE CITATION: 15A NCAC 070 .0104

**DEADLINE FOR RECEIPT: Friday, November 12, 2021**

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*On line 5, what are they to advise the staff of? Please provide some additional clarifying information.*

*In the History Note, please change 113A-129.1-3 to 113A-129.2.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: October 29, 2021

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

2  
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, coordinator.~~ Members of the committees shall include researchers, educators, managers,  
6 partner agencies and organizations, and citizens that use or are affected by the ~~Reserve.~~ Reserve and its components.  
7 The committees shall be appointed by the Secretary of the Department of ~~Environment,~~ Environmental Quality, Health,  
8 ~~and Natural Resources.~~

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

11 *Eff. July 1, 1986;*

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

13 *Readopted Eff. December 1, 2021.*

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Department of Environmental Quality

RULE CITATION: 15A NCAC 070 .0105

**DEADLINE FOR RECEIPT: Friday, November 12, 2021**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Are lines 15-16 intended to be a separate Paragraph (b)? It appears as though it might be appropriate to do so. If you agree, please re-format accordingly.*

*In the History Note, please change 113A-129.1-3 to 113A-129.2.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: October 29, 2021



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

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; 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. December 1, 2021*

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Department of Environmental Quality

RULE CITATION: 15A NCAC 070 .0201

**DEADLINE FOR RECEIPT: Friday, November 12, 2021**

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*What is the overall intent of this Rule? Is it necessary? The way that I'm reading this Rule, it appears to apply to internal management of the Department in directing the Division to prepare the plan. Is the plan exempted from the Rulemaking process? What directives does it otherwise convey to the regulated public? I note that G.S. 113A-129.2 requires the Department to "by rule define areas to be included and set standards for its use." Is the intent of this Rule to provide for those standards or are those standards provided in Rules .0202 and .0203?? I further note that this Rule specifically provides for "policies", which are defined as "non-binding interpretive statements" in G.S. 150B-2, but the statute requires standards to be set by rule.*

*On line 5, please delete "specific"*

*On line 4, what reserve? The Coastal Reserve as provided in .0105?*

*On line 5, I assume that the "traditional uses" are as defined in .0102?*

*In the History Note, please change 113A-129.1-3 to 113A-129.2.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: October 29, 2021

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

2  
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. The Secretary of the Department of ~~Environment, Environmental Quality, Health, and Natural Resources~~  
7 shall approve the management plan and its revisions. The Division of Coastal Management shall seek input from the  
8 local advisory committees, the Coastal Resources Commission, and the public on revisions to the management plan.  
9 The Division of Coastal Management shall monitor and manage ~~the Reserve~~ components and report to the Secretary  
10 violations of the approved plan and any other situations that may be harmful to the natural resources of the Reserve.

11  
12 *History Note: Authority G.S. 113-3; 113-8; 113A-129.1-3; 143-341; 143-342; 143B-10;*

13 *Eff. July 1, 1986;*

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

15 *Readopted Eff. December 1, 2021.*

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Department of Environmental Quality

RULE CITATION: 15A NCAC 070 .0202

**DEADLINE FOR RECEIPT: Friday, November 12, 2021**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*On line 4, are the components as set forth in .0105?*

*What is meant by Item (1)? How is the natural character to be maintained? Please provide some additional, clarifying information.*

*In (a)(2), should "rules" be "law"?*

*In Item (3), please consider revising this to say "No person shall disturb" as was previously written. Alternatively, please consider "Disturbing an authorized... is prohibited" to be consistent with Item (4). Please consider the same for Item (6), (8), (9) and the Subparagraphs of (10) and (11). I make this suggestion in order to write these rules in active voice to say who shall do (or not do) what.*

*In Item (3), authorized by whom?*

*In Item (5), what is considered to be "open sand"? How far away from vegetation are fires allowed?*

*In Item (6), where are the rules regarding hunting, trapping, and fishing at the reserve? Please provide the cross-reference.*

*In Item (7), what does the application need to include and how will the decision be made as to whether the authorization will be granted?*

*In (10)(a) and (b), please change "and/or" to either "and" or "or".*

*In (10)(b), change "will" to "shall" on line 60*

*In (10)(d), please add a comma after "shell"*

*In (10)(e), please add a comma after "creek"*

Amber May  
Commission Counsel  
Date submitted to agency: October 29, 2021

*In (11)(a), delete or define “actively”*

*In (11)(a), authorized in accordance with what? Is this the same as the authorization sought in Item (7) of this Rule? Is this in accordance with .0203? If it's .0203, please consider saying “special activity authorization” to tie it together.*

*In (11)(b), is the management plan exempted from the rulemaking process required by the APA?*

*In (11)(c), please add a comma after “driveways”*

*In (11)(e), how are they to determine whether they will immobilize or tow the vehicle? Since this is at their discretion, what factors are they to use in making this determination?*

*In (11)(f), please delete or define “customarily”*

*Why is 113-264 included in the History Note?*

*In the History Note, please change 113A-129.1-3 to 113A-129.2.*

*Please and move the 113-264 before the 113A-129 in the History Note.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

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

2  
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 a an authorized research or natural resource monitoring  
19 project or research equipment in place at the Reserve.
- 20 (4) Camping or any form of habitation ~~habitation, whether~~ on the uplands ~~uplands, or wetlands~~  
21 ~~wetlands, of the Reserve is prohibited or waters within Reserve boundaries, shall not be allowed~~  
22 ~~unless written permission is posted by the Division of Coastal Management~~ except on the  
23 uplands at the Masonboro Island Reserve, where camping is allowed for no more than two  
24 consecutive nights.
- 25 (5) Fires are prohibited except at the Masonboro Island Reserve on open sand and away from  
26 vegetation.
- 27 (5) ~~Personal property not authorized by the management agency may not be placed within the~~  
28 ~~boundaries of the Reserve for more than two consecutive days.~~
- 29 (6) ~~Users of the Reserve shall not~~ It is prohibited to disturb or remove any live animals, except  
30 those allowed by local or state hunting ~~hunting, trapping,~~ and fishing rules as they apply to the  
31 Reserve, or ~~vegetation~~ vegetation, fungi, or cultural resources within the Reserve unless such  
32 action is part of a research or educational project approved authorized by the ~~management~~  
33 ~~agency.~~ Division of Coastal Management.
- 34 (7) Persons wishing to engage in scientific research and monitoring, or collection of natural and  
35 cultural materials for scientific purposes within the Reserve shall ~~first~~ secure written permission  
36 authorization from the ~~management agency.~~ Division of Coastal Management prior to  
37 beginning said activity. Written authorization does not eliminate the need to obtain any other

- 38 federal, state, or local authorization, nor to abide by regulations adopted by any federal, state, or  
39 local agency. Application for authorization shall be made by contacting Reserve staff at the  
40 Division of Coastal Management.
- 41 ~~(8) No activity shall be allowed which might pollute any stream or body of water in the Reserve.~~  
42 ~~Acts of pollution shall include:~~
- 43 ~~(a) Deposition of solid materials not indigenous to the local coastal ecosystem; and~~  
44 ~~(b) Discharge of liquids other than uncontaminated estuarine water.~~
- 45 (8) It is prohibited to produce noise disruptive to local wildlife or the aesthetic enjoyment of the  
46 Reserve as a natural area.
- 47 (9) ~~No other~~ It is prohibited to conduct or engage in acts or uses which are detrimental to the  
48 maintenance of the Reserve property in its natural condition shall be allowed including, but not  
49 limited to, disturbances of the soil, mining, commercial or industrial uses, timber harvesting,  
50 ditching and draining, and deposition of waste materials. [Disposal of dredge spoil materials  
51 within existing U.S. Army Corps of Engineers easements at Reserve components may be  
52 allowed with authorization from the U.S. Army Corps of Engineers and N.C. Department of  
53 Administration, in consultation with the Division.]
- 54 (10) The following requirements pertain to littering, dumping, deposition, and pollution:
- 55 (a) It is prohibited to leave any personal property unattended within the boundaries of any  
56 Reserve component longer than 24 hours, at which point it shall be considered litter in  
57 accordance with G.S. 14-399 and subject to removal at the owner's expense and/or  
58 prosecution.
- 59 (b) It is prohibited to abandon or allow to be abandoned any vessels of any kind within the  
60 boundaries of any Reserve component. Vessels not removed within 30 days will be  
61 considered litter in accordance with G.S. 14-399 and subject to removal at the owner's  
62 expense and/or prosecution.
- 63 (c) It is prohibited to dispose of any litter, as described in G.S. 14-399, within the  
64 boundaries of any Reserve component.
- 65 (d) It is prohibited to dump, deposit, place, or allow to be abandoned any autos, appliances,  
66 trash, debris, garbage, shell or discarded material(s) of any kind within the boundaries  
67 of any Reserve component.
- 68 (e) It is prohibited to conduct or engage in activities that pollute any land, wetland, stream,  
69 creek or other body of water within the boundaries of any Reserve component, in  
70 accordance with G.S. 75A-10, 76-40.
- 71 (11) The following requirements pertain to vehicles and parking:
- 72 (a) Motorized vehicles as defined in G.S. 20-4.01 (23) are prohibited within the boundaries  
73 of any Reserve component while not actively engaged in a Reserve-based activity,  
74 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 a motorized vehicle to block traffic, gates, driveways or emergency vehicle access.
- (d) It is prohibited to park a motorized vehicle within the boundaries of any Reserve component overnight, or allow a motorized vehicle to remain anywhere within the boundaries of any Reserve component unattended or abandoned for longer than 12 hours 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, on pedestrian trails not designated for this 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; 113A-129.1-3; 113-264; 143B-10;  
Eff. July 1, 1986;  
Amended Eff. April 1, 1999; December 1, 1991; April 1, 1988;  
Readopted Eff. December 1, 2021.*



## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Department of Environmental Quality

RULE CITATION: 15A NCAC 070 .0203

**DEADLINE FOR RECEIPT: Friday, November 12, 2021**

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*What is considered to be a "special activity"? Are these provided in Item (1)? Please make this clear.*

*In Item (1), please add a comma after "commercial activities"*

*In item (3), please provide the required contents of the request in list form.*

*In Item (3), what could "other information necessary" be?*

*In (4)(b), add a comma after "safety"*

*In (7)(e), please change please change "Section 15A NCAC 070 .0202" to "Rule .0202 of this Subchapter."*

*In (7)(e), there appear to be too many ors. Please change the "or" to a comma after ".0202."*

*In (7)(e), please add a comma after "Nature Preserves Act"*

*In Item (8), are the "Reserve Rules" the rules of this Subchapter? If so, please say that.*

*In Item (9), what is the purpose in saying "existing law" rather than "law"?*

*In Item (9), please change "and/or" to "and" or "or"*

*In the History Note, what is 133-264? I think this may be a typo.*

*In the History Note, please change 113A-129.1-3 to 113A-129.2.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: October 29, 2021

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

2  
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 and other special  
7 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  
11 federal, state, or local authorization, nor to abide by regulations adopted by any federal, state, or  
12 local agency.
- 13 (3) A request for written authorization shall be made a minimum of 30 days prior to and up to one year  
14 in advance of the activity or use. The request shall include the name, address and phone number of  
15 the applicant; the name of the organization (if any); the name, address and phone number of a  
16 contact person; the date, time, duration, nature and location of the proposed activity or use; the  
17 estimated number of persons expected to participate; the equipment to be used during the activity;  
18 and other information necessary to allow for evaluation of an application.
- 19 (4) The Reserve Manager or designee shall provide written authorization unless one or more of the  
20 following apply:
- 21 (a) A prior request for a written authorization for a similar activity or use has been made and  
22 granted; and the activities or uses authorized by the written authorization do not allow  
23 multiple activities or uses of that location during the same timeframe;
- 24 (b) The activity or use will threaten the health, safety and welfare of persons using the  
25 Reserve;
- 26 (c) The activity or use is of such a nature or duration that it cannot be conducted or  
27 performed in the location due to:
- 28 (i) the potential for damage to the Reserve or facilities;
- 29 (ii) interference with research or education programs, or site management  
30 activities of the Reserve;
- 31 (iii) disturbance of wildlife, habitats, or other natural features of the Reserve; or
- 32 (iv) burden placed on public agencies by the activity;
- 33 (d) The activity or use conflicts with the principal purposes of the Reserve as defined in 15A  
34 NCAC 07O .0101; or
- 35 (e) The activity or use does not comply with the Reserve use requirements found in section  
36 15A NCAC 07O .0202 or dedicated nature preserve letters of allocation under G.S. 143B

Article 2 Part 42 Nature Preserves 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 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.

History Note: Authority G.S. 113-3; 113-8; 113A-129.1-3; 133-264; 143B-10;  
Eff. December 1, 2021.