

G.S. 150B-21.3A Report for 15A NCAC 070, NORTH CAROLINA COASTAL RESERVE

Agency - Department of Environmental Quality

Comment Period - Sept 30, 2025-Dec 1, 2025

Date Submitted to APO - Filled in by RRC staff

| Subchapter | Rule Section | Rule Citation | Rule Name | Date and Last Agency Action on the Rule | Agency Determination [150B-21.3A(c)(1)a] | Required to Implement or Conform to Federal Regulation [150B-21.3A(d1)] | Federal Regulation Citation | Public Comment Received [150B-21.3A(c)(1)] | Agency Determination Following Public Comment [150B-21.3A(c)(1)] | RRC Determination of Public Comments [150B-21.3A(c)(2)] | RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)] | OAH Next Steps |
|---|---|--------------------|---|---|--|---|---|--|--|---|--|---------------------|
| SUBCHAPTER 070 NORTH CAROLINA COASTAL RESERVE | SECTION .0100 GENERAL PROVISIONS | 15A NCAC 070 .0101 | STATEMENT OF PURPOSE | Readopted Eff. February 1, 2022 | Necessary | Yes If yes, include the citation to the federal law | 16 U.S.C. § 1461. National Estuarine Research Reserve System (Section 315); 15 CFR 921 - NATIONAL ESTUARINE RESEARCH RESERVE SYSTEM REGULATIONS | Yes | Necessary | One or more comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 15A NCAC 070 .0102 | DEFINITIONS AS USED IN THIS SUBCHAPTER | Amended Eff. February 1, 2022 | Necessary | Yes If yes, include the citation to the federal law | 16 U.S.C. § 1461. National Estuarine Research Reserve System (Section 315); 15 CFR 921 - NATIONAL ESTUARINE RESEARCH RESERVE SYSTEM REGULATIONS | Yes | Necessary | One or more comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 15A NCAC 070 .0103 | RESPONSIBILITIES; DUTIES OF THE COASTAL RESERVE PROGRAM | Readopted Eff. February 1, 2022 | Necessary | Yes If yes, include the citation to the federal law | 16 U.S.C. § 1461. National Estuarine Research Reserve System (Section 315); 15 CFR 921 - NATIONAL ESTUARINE RESEARCH RESERVE SYSTEM REGULATIONS | Yes | Necessary | One or more comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 15A NCAC 070 .0104 | STATE AND LOCAL COASTAL RESERVE ADVISORY COMMITTEES | Readopted Eff. February 1, 2022 | Necessary | Yes If yes, include the citation to the federal law | 16 U.S.C. § 1461. National Estuarine Research Reserve System (Section 315); 15 CFR 921 - NATIONAL ESTUARINE RESEARCH RESERVE SYSTEM REGULATIONS | Yes | Necessary | One or more comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 15A NCAC 070 .0105 | RESERVE COMPONENTS | Amended Eff. February 1, 2022 | Necessary | Yes If yes, include the citation to the federal law | 16 U.S.C. § 1461. National Estuarine Research Reserve System (Section 315); 15 CFR 921 - NATIONAL ESTUARINE RESEARCH RESERVE SYSTEM REGULATIONS | Yes | Necessary | One or more comments with merit | Necessary and must be readopted | Agency must readopt |
| | SECTION .0200 MANAGEMENT; USE AND PROTECTION OF THE NORTH CAROLINA COASTAL RESERVE | 15A NCAC 070 .0201 | MANAGEMENT PLAN | Readopted Eff. February 1, 2022 | Necessary | Yes If yes, include the citation to the federal law | 16 U.S.C. § 1461. National Estuarine Research Reserve System (Section 315); 15 CFR 921 - NATIONAL ESTUARINE RESEARCH RESERVE SYSTEM REGULATIONS | Yes | Necessary | One or more comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 15A NCAC 070 .0202 | RESERVE USE REQUIREMENTS | Readopted Eff. February 1, 2022 | Necessary | Yes If yes, include the citation to the federal law | 16 U.S.C. § 1461. National Estuarine Research Reserve System (Section 315); 15 CFR 921 - NATIONAL ESTUARINE RESEARCH RESERVE SYSTEM REGULATIONS | Yes | Necessary | One or more comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 15A NCAC 070 .0203 | SPECIAL ACTIVITY AUTHORIZATION | Eff. February 1, 2022 | Necessary | Yes If yes, include the citation to the federal law | 16 U.S.C. § 1461. National Estuarine Research Reserve System (Section 315); 15 CFR 921 - NATIONAL ESTUARINE RESEARCH RESERVE SYSTEM REGULATIONS | Yes | Necessary | One or more comments with merit | Necessary and must be readopted | Agency must readopt |

Comprehensive Assessment of Coastal Reserve Regulations (15A NCAC 070)

Implications for the Masonboro Mission & Recommended Actions



Prepared for: Masonboro.org Board

Prepared by: Michael J. Bower

Date: 25-November 2025

Executive Summary

A full review of the Coastal Reserve regulations (15A NCAC 070) shows that **no rule explicitly restricts public access** to Masonboro Island. However, several rules contain **broad or subjective language** that could be applied in ways that unintentionally impede:

- Traditional recreational use
- Island Explorer landings
- Volunteer stewardship activities
- Educational outreach programs

The rules most likely to affect Masonboro.org's mission are:

1. **Noise Regulation (.0202(8))** – Highly subjective; could be used to restrict normal recreation or educational gatherings.
2. **Special Activity Authorization (.0203)** – Broad criteria could classify many Masonboro.org activities as “special events,” requiring advance approval or risking denial.
3. **Camping (.0202(4))** – Masonboro has a special two-night allowance, but enforcement ambiguity could affect traditional use (3 day family camping trips and annual fishing camps).
4. **Resource Protection Catch-All (.0202(9))** – Very broad language could be leveraged to restrict partner programming or interpret some activities as “commercial.”

Several other rules—especially those governing parking and vehicular access—are **not applicable** to Masonboro.org because there is **no land-based public parking** or road access to the Island.

Across the board, the primary risk is **interpretation**, not the rule text itself.

This creates a strategic opportunity for Masonboro.org to:

- Seek clarity and written guidance
- Secure formal standing as a partner in stewardship and education
- Ensure that the management plan reflects Masonboro.org's role
- Prevent overbroad enforcement that could impair public access

This report analyzes every rule, its applicability to Masonboro Island and Masonboro.org's mission and provides targeted action items.

Section-by-Section Analysis of 15A NCAC 070

.0101 — Statement of Purpose

What the Rule Says

The Reserve exists to preserve coastal ecosystems, provide research opportunities, support public education, and **accommodate traditional uses** (fishing, navigation, recreation) if they are compatible.

Applicability to Masonboro.org

This rule is highly favorable to Masonboro.org.

Our mission—education, stewardship, responsible recreation, and public access—is **directly aligned** with the stated purpose. Island Explorer programs are explicitly supported by the education and public-awareness mandates.

Recommended Action Items

- Use this rule to **justify our presence** in all stakeholder conversations.
- Request that the management plan explicitly identify Masonboro.org as an **education and stewardship partner** under .0101.
- Point to this rule whenever restrictive interpretations conflict with public recreation or Island Explorer landings.

.0102 — Definitions

What the Rule Says

Defines the Coastal Reserve as a natural classroom and makes **recreation a protected “traditional use.”**

Applicability to Masonboro.org

Supports:

- Public recreation
- Family access
- Educational landings
- Island Explorer operations

Recommended Action Items

- Incorporate this definition into LAC comments to reinforce the legitimacy of our programs.
- Request that DCM reaffirms that **Island Explorer = recreation + education**, squarely within the rule.

.0103 — Responsibilities of the Coastal Reserve Program

What the Rule Says

Places Reserve management in the **Division of Coastal Management (DEQ)** and authorizes **cooperative agreements with private organizations**.

Applicability to Masonboro.org

This strengthens our governance position:

- Confirms DEQ/DCM—*not DNCR*—is the Reserve home.
- Authorizes formal partnerships with organizations like Masonboro.org.

Recommended Action Items

- Request a **formal partnership or Memorandum of Understanding** with DCM under this rule, recognizing Masonboro.org as a stewardship and education partner.
- Push for a governance clarification in public documents referencing DNCR.

.0104 — Advisory Committees

What the Rule Says

LAC membership must include **partner organizations** and citizens appointed by the Secretary of DEQ.

Applicability to Masonboro.org

Supports Masonboro.org's inclusion as a partner organization.

Our absence from acknowledgments is inconsistent with this rule.

Recommended Action Items

- Request that Masonboro.org be **explicitly identified** as a partner organization in LAC documentation.
- Ask to update the LAC charter/listing to reflect our ongoing contributions.

.0105 — Reserve Components

What the Rule Says

Lists Masonboro Island as a designated Reserve component.

Applicability to Masonboro.org

Directly establishes the regulatory foundation for the Island.

Recommended Action Items

- Request publication of **updated boundary maps** to resolve any jurisdictional disputes (e.g., oyster leases, sandbar boundaries).

.0201 — Management Plan

What the Rule Says

Management plan must incorporate research, education, traditional uses, and be approved by DEQ. LAC and CRC input is required.

Applicability to Masonboro.org

This is the main policy document that shapes how rules are applied at Masonboro. Masonboro.org should have influence.

Recommended Action Items

- Request a **revision timeline** and input process for the Masonboro Management Plan.
- Seek inclusion of:
 - Island Explorer
 - July 4 stewardship
 - Waste management cooperation
 - Volunteer support operations
 - Adding the language that the Management Plan must also be approved by the CRC is consistent with the CRC's role in establishing policies for the N.C Coastal Management Program and certifying local land use plans.

.0202 — Reserve Use Requirements

(1) Natural Character Maintained

Applicability

Supports our stewardship role; helps justify education and cleanup presence.

Action Items

- Frame Masonboro.org as a **force multiplier** for meeting this requirement.

(2) Traditional Uses Allowed Unless Incompatible

Applicability

Recreation is a protected use.

This protects family landings and Island Explorer trips.

Action Items

- Request explicit guidance on what qualifies as an “incompatible” use beyond the listed examples.
- Ask for assurance that **educational landings are not treated as incompatible**.

(3)–(3c) Research Protection

Applicability

No direct conflicts.

Action Items

- Offer Masonboro.org’s support in promoting specific Masonboro Island research protection.

(4) Camping Restrictions (Masonboro Exception)

Applicability

Masonboro uniquely allows **two consecutive nights** of camping.

Action Items

- Request clarification on:
 - Rotating volunteer groups
 - Disaster response exceptions
 - Consideration of “traditional use” exceptions, or increasing the number of consecutive nights to four.

- Ask for a **stewardship-based exemption** allowing Masonboro.org volunteers to operate across multi-day windows.

(5) Fire Restrictions (Masonboro Exception)

Applicability

Relates to visitor safety and stewardship.

Action Items

- Request clear signage and education to reduce fire risk.
- Offer to co-develop guidance for holiday periods.

(6) Removal of Animals/Plants/Artifacts

Applicability

Could affect educational collecting.

Action Items

- Request simple “what’s allowed” guidance for school groups.
- Does this violate “traditional use”

(7) Scientific Research Authorization

Applicability

Educational activities without collecting are unaffected.

Citizen science may require authorization.

Action Items

- Seek standing authorization for **Masonboro.org citizen-science projects** (e.g. educational experiments performed by 5th grade students).

(8) Noise Disruption Prohibition (High-Risk Rule)

Applicability

Rule is subjective; could be used to restrict:

- Group gatherings
- Loud boats
- Education programs
- July 4 activity

Action Items

- Request **objective standards** (decibel limits, zones, nesting-season rules).

- Recommend adding examples of permitted normal recreational noise.

(9) “Acts Detrimental to Natural Condition” Catch-All

Applicability

Could be used to treat minor stewardship equipment or fee-based programs as prohibited.

Action Items

- Request clarification on the definition of “commercial use.”
- Ask that **cost-recovery educational programs** conducted by recognized partners are *not* considered commercial.

(10) Littering, Dumping, Abandoned Property

Applicability

Aligns with our mission.

Action Items

- Request a **joint abandonment protocol** for boats, tents, etc.

(11) Vehicles and Parking (Minimal Applicability)

Applicability

Not applicable to Masonboro visitors, as there is **no public vehicular access or public parking**. Only applies to staff and partner vehicles on official business.

Action Items

- Request written confirmation that this rule does **not apply** to Island Explorer operations or public access by boat.
- Seek authorization for Masonboro.org vehicle use (if needed) for emergency/ stewardship tasks.

(12) Staff/Agent Exemption

Applicability

This could be beneficial if Masonboro.org is recognized as an authorized agent.

Action Items

- Request “authorized agent” status for stewardship periods or cleanup operations.

.0203 — Special Activity Authorization

What the Rule Says

Large, organized events, commercial uses, or “other special activities” require written authorization; denials may be based on broad criteria.

Applicability to Masonboro.org

Island Explorer events, volunteer cleanups, or large family gatherings could be interpreted as “special activities.”

Recommended Action Items

- Request clear definitions separating **normal public use** from “special activities.”
- Seek a **standing authorization** or **multi-year approval** for:
 - Island Explorer programs
 - July 4 Stewardship
 - Volunteer cleanups
- Ask for written examples of what *does not* require a permit.

Conclusions & Strategic Recommendations

Where Masonboro.org Should Focus

1. **Clarify subjective rules:** Noise, “special activities,” and the “detrimental acts” catch-all.
2. **Formalize our role:** Secure MOU/partner status under .0103 and .0104.
3. **Influence the management plan:** Ensure Island Explorer and stewardship operations are formally recognized.
4. **Protect public access:** Emphasize that public recreation and education are protected traditional uses under .0101 and .0102.

Where There Is No Conflict

- Parking rules
- Vehicle corridors
- Most research protection rules

These pose no risk to public access or Masonboro.org’s mission.