

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

Agency - Department of Environmental Quality

Comment Period - September 12, 2016 - November 21, 2016

Date Submitted to APO - June 19, 2017

Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(e)]	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
SECTION .0100 - GENERAL PROVISIONS	15A NCAC 070 .0101	STATEMENT OF PURPOSE	Amended Eff. April 1, 1988	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	16 USC 1461	Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 070 .0102	DEFINITIONS AS USED IN THIS SUBCHAPTER	Amended Eff. April 1, 1988	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	16 USC 1461	Yes	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	15A NCAC 070 .0103	RESPONSIBILITIES: DUTIES OF THE COASTAL RESERVE PROGRAM	Amended Eff. April 1, 1988	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	16 USC 1461	Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 070 .0104	STATE AND LOCAL COASTAL RESERVE ADVISORY COMMITTEES	Amended Eff. May 1, 1990	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 070 .0105	RESERVE COMPONENTS	Amended Eff. February 1, 2006	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	16 USC 1461	Yes	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
SECTION .0200 - MANAGEMENT: USE AND PROTECTION OF THE NORTH CAROLINA COASTAL RESERVE	15A NCAC 070 .0201	MANAGEMENT PLAN	Amended Eff. May 1, 1990	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	16 USC 1461	Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 070 .0202	RESERVE USE REQUIREMENTS	Amended Eff. April 1, 1999	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	16 USC 1461	Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt



Audubon NORTH CAROLINA

November 21, 2016

Audubon North Carolina
Coast Office and Sanctuaries
7741 Market Street, Unit D
Wilmington, NC, 28411

DEQ Rule Comments
1601 Mail Service Center
Raleigh, NC, 27699

Dear Sir or Madam,

Please accept these comments on the rules governing the North Carolina Coastal Reserve (15A NCAC 070) pursuant to the review authorized under G.S. 150B-21.3A.

Audubon North Carolina is the state office of the National Audubon Society. Audubon's coast office and sanctuary program, based in Wilmington, NC, protects, manages, and monitors about 21 sites from Ocracoke Inlet to the Lower Cape Fear River to the Pine Island Sanctuary in Corolla. The program's staff frequently collaborates with partners, including the North Carolina Coastal Reserve, to advance our shared goal of coastal stewardship.

We write to agree with the agency's determinations for rules 15A NCAC070.0101 through 15A NCAC070.0202 that all rules are necessary. The rules are essential to the administration and management of sites within the North Carolina Coastal Reserve for long-term preservation of coastal ecosystems, research, and education for both the general public and decision-makers. The rules are also necessary to follow the federal rules for the National Estuarine Research Reserve System that were enacted by the federal Coastal Zone Management Act of 1972 (16 U.S.C. § 1461. National Estuarine Research Reserve System (Section 315)). Similar to the state rules, the federal rules establish the National Estuarine Research Reserve System in order to provide long-term natural resource protection, opportunities for coastal research, and opportunities for public education and interpretation.

As an NGO working for conservation on the North Carolina coast, and as an active partner with the Reserve, we support the purpose and goals of the North Carolina Coastal Reserve and the rules needed to implement its work for ecosystem protection, research, and education.

Sincerely,

A handwritten signature in black ink that reads "Heather Starck Hahn".

Heather Starck Hahn
Executive Director, Audubon North Carolina

15A NCAC CHAPTER 070, NORTH CAROLINA COASTAL RESERVE

15A NCAC 070 .0101 - .0202

Comment received via letter:

Commenter Name: Heather Starck Hahn, Executive Director

Affiliation: Audubon North Carolina

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Agency Response:

The agency's selected initial determinations have been retained as the final determinations. We will consider these comments during the readoption process.