



NORTH CAROLINA
Environmental Quality

JOSH STEIN
Governor
D. REID WILSON
Secretary
TANCRED MILLER
Director

MEMORANDUM

CRC-25-31

TO: N.C. Coastal Resources Commission
FROM: Rebecca Ellin, Coastal Reserve Program Manager
DATE: August 11, 2025
SUBJECT: 15A NCAC 070 N.C. Coastal Reserve – Legislative Periodic Review of Existing Rules

The Division of Coastal Management is seeking input from the Coastal Resources Commission on the Department of Environmental Quality's Draft Initial Agency Determination for the N.C. Coastal Reserve's rules in the N.C. Administrative Code as part of the Legislative Periodic Review and Expiration of Existing Rules process (G.S. 150B-21.3A).

Background on the N.C. Coastal Reserve

The N.C. Coastal Reserve is authorized by the Coastal Area Management Act (CAMA, G.S.113A-129.1-3) and its specific purposes of coastal habitat protection via protected component sites, research, education, and providing compatible traditional uses are outlined in its rules, 15A NCAC 070, along with site use requirements. The N.C. Coastal Reserve protects over 44,000 acres of coastal habitat across 10 component sites that span the length of N.C.'s coastline. Four of the 10 Coastal Reserve sites comprise the N.C. National Estuarine Research Reserve (NCNERR), a state-National Oceanic and Atmospheric Administration partnership authorized under the federal Coastal Zone Management Act (CZMA, Section 315). Nine of the 10 sites are dedicated State Nature Preserves. The N.C. Coastal Reserve implements its NCAC purposes through its research and monitoring, education, training, and stewardship programs:

- Research and monitoring – Advance scientific understanding and inform management of coastal and estuarine ecosystems,
- Education – Enhance understanding and awareness of the importance of coastal and estuarine systems (K-12 students and teachers, educators, general public),
- Training – Deliver science-based information and technical assistance to inform coastal decision making (regulators, managers, elected officials, real estate agents), and
- Stewardship – Protect component sites to inform management and appreciation of coastal and estuarine ecosystems; accommodate compatible traditional uses (recreation, hunting, fishing, navigation).



N.C. Coastal Reserve component sites are located in Currituck, Dare, Tyrrell, Hyde, Carteret, Onslow, New Hanover, and Brunswick Counties; see map below.

CAMA (G.S. 113A-129.2) stipulates that the N.C. Coastal Reserve shall be administered by the Department of Environmental Quality and “...shall consult with and seek the ongoing advice of the Coastal Resources Commission.”



Rules Review

The Department’s N.C. Coastal Reserve’s rules, 15A NCAC 070, are [linked here](#) and contain 8 rule citations that establish the following: the purpose of the N.C. Coastal Reserve, definitions for language in the subchapter, responsibilities of the N.C. Coastal Reserve, implementation of Local Advisory Committees, the component sites of the N.C. Coastal Reserve, implementation of a management plan, use requirements for the component sites, and a special activity authorization process.

Timeline and Process

The N.C. Coastal Reserve rules are scheduled to be reviewed by the Rules Review Commission in April 2026. Table 1 outlines the schedule to meet the review timeline for 15A NCAC 070. For reference, 15A NCAC 070 last went through the periodic review process in 2017 and the Coastal Resources Commission provided input at its July 2016 meeting. The rules were then readopted and amended effective February 2022.



The rules review process requires that all rule citations are classified as necessary or unnecessary per G.S. 150B-21.3A (a):

- Necessary: any rule other than an unnecessary rule, or
- Unnecessary: a rule that the agency determines to be obsolete, redundant, or otherwise not needed.

Due to how the N.C. Coastal Reserve is structured by statute and rule¹, the Division is seeking input on the Department’s draft initial agency determination from the Reserve Local Advisory Committees and the Coastal Resources Commission to inform the Department’s determination prior to the required public comment period.

Local Advisory Committee Input

Local Advisory Committees were surveyed June 4 – 25, 2025 via electronic survey for their input on the draft initial agency determination. Background materials on the rules review process were provided as part of the survey. Based on Department’s draft initial agency determination, committee members were asked for their input on whether each rule citation is necessary or unnecessary. If a committee member selected unnecessary, they were asked to share why they responded the rule is unnecessary in an open-ended comment box. Respondents were also provided with the opportunity to provide additional feedback at the end of the survey. Comments provided are included in Attachment 1.

The survey was sent to the 10 Local Advisory Committees, approximately 110 recipients. Forty-three responses were received. One response was submitted by the Natural Heritage Program which is appointed to 9 of the 10 advisory committees and per the Program’s response, the response covers the Program’s input for its representation on the 9 committees it sits on.

Local Advisory Committee responses unanimously supported the proposed “necessary” classification for 6 of the 8 rule citations:

- 15A NCAC 070 .0101 STATEMENT OF PURPOSE
- 15A NCAC 070 .0102 DEFINITIONS AS USED IN THIS SUBCHAPTER
- 15A NCAC 070 .0103 RESPONSIBILITIES: DUTIES OF THE COASTAL RESERVE PROGRAM
- 15A NCAC 070 .0104 STATE AND LOCAL COASTAL RESERVE ADVISORY COMMITTEES
- 15A NCAC 070 .0105 RESERVE COMPONENTS
- 15A NCAC 070 .0201 MANAGEMENT PLAN

Forty-two of 43 respondents supported the proposed “necessary” classification for 2 of the 8 rule citations.

- 15A NCAC 070 .0202 RESERVE USE REQUIREMENTS
- 15A NCAC 070 .0203 SPECIAL ACTIVITY AUTHORIZATION

¹ The Coastal Area Management Act (G.S. 113A-129.2.) states that “...the Department shall consult with and seek the ongoing advice of the Coastal Resources Commission.” 15A NCAC 070 .0104 establishes local advisory committees for each component site of the Coastal Reserve; there are currently 10 committees, one per component site. The Division has consistently sought the input of the local advisory committees and the Coastal Resources Commission on matters pertaining to the Reserve’s rules.



Based on the input from the Local Advisory Committees, no changes were made to the draft initial agency determination; all rules remain classified as “necessary”.

Coastal Resources Commission Input

Input is requested on the draft initial agency determination as outlined in Table 2; all rule citations in 15A NCAC 070 are classified as “necessary”.

Thank you in advance for your time and input.

Table 1. 15A NCAC 070 Schedule for Rules Review	
<u>Schedule</u>	<u>Action</u>
April 2025	Division develop draft initial determination
May 2025	Department review draft initial determination
June 2025	Local Advisory Committee input sought on draft initial determination
August 2025	Coastal Resources Commission input sought on draft initial determination
September 2025	Department sends initial determination to public comment
September– October 2025	60-day public comment period
November 2025	Division compile report with draft final determination and public comment response
November 2025- February 2026	Local Advisory Committee and Coastal Resources Commission input sought on draft report, if requested
March 20, 2026	Department submit final report with determinations and responses to public comment to the Rules Review Commission
April 2026	Rules Review Commission review report
TBD	Division initiates readoption process for “necessary” rules



Table 2. Draft Initial Agency Determination for 15A NCAC 070 following Department and Local Advisory Committee input.

Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	DRAFT INITIAL Agency Determination [150B-21.3A (a)]	Local Advisory Committee Input June 2025
SUBCHAPTER 070 - NORTH CAROLINA COASTAL RESERVE	SECTION .0100 - GENERAL PROVISIONS	15A NCAC 070 .0101	STATEMENT OF PURPOSE	Readopted Eff. February 1, 2022	Necessary	43/43 agree with Necessary determination
		15A NCAC 070 .0102	DEFINITIONS AS USED IN THIS SUBCHAPTER	Amended Eff. February 1, 2022	Necessary	43/43 agree with Necessary determination
		15A NCAC 070 .0103	RESPONSIBILITIES: DUTIES OF THE COASTAL RESERVE PROGRAM	Readopted Eff. February 1, 2022	Necessary	43/43 agree with Necessary determination
		15A NCAC 070 .0104	STATE AND LOCAL COASTAL RESERVE ADVISORY COMMITTEES	Readopted Eff. February 1, 2022	Necessary	43/43 agree with Necessary determination
		15A NCAC 070 .0105	RESERVE COMPONENTS	Amended Eff. February 1, 2022	Necessary	43/43 agree with Necessary determination
	SECTION .0200 - MANAGEMENT: USE AND PROTECTION OF THE NORTH CAROLINA COASTAL RESERVE	15A NCAC 070 .0201	MANAGEMENT PLAN	Readopted Eff. February 1, 2022	Necessary	43/43 agree with Necessary determination
		15A NCAC 070 .0202	RESERVE USE REQUIREMENTS	Readopted Eff. February 1, 2022	Necessary	42/43 agree with Necessary determination
		15A NCAC 070 .0203	SPECIAL ACTIVITY AUTHORIZATION	Eff. February 1, 2022	Necessary	42/43 agree with Necessary determination

Attachment 1.

One Local Advisory Committee survey respondent out of the 43 respondents answered that 2 rule sections are “unnecessary”. The rule sections and the respondent’s comments as to why they answered that the rule is unnecessary are below.

- 15A NCAC 070 .0202 RESERVE USE REQUIREMENTS

Respondent comment response as to why the rule is “unnecessary”: *Many of these rules are in conflict with traditional uses and are not necessary, they should be removed. There needs to be a thorough review and rewriting of the rules to respect a greater diversity of traditional uses.*

- 15A NCAC 070 .0203 SPECIAL ACTIVITY AUTHORIZATION

Respondent comment response as to why the rule is “unnecessary”: *Totally unnecessary and a complete waste of everyone’s time. Many people don’t realize it’s even a requirement. It’s clearly an overreach that is not consistent with the mission of the organization and highly discriminatory against traditional uses.*

Additional feedback provided by Local Advisory Committee survey respondents (18) as part of the survey is included below.

- *Reserve Use Requirements and Special Activity Authorization are necessary rules, but they may benefit from some updating.*
- *Thanks for the opportunity to comment.*
- *Over time, several dredge islands along the ICW west of Masonboro Island have developed into important habitats for wildlife, recreation and coastal resilience. Do these dredge islands fall under the monitoring and management of Division of Coastal Management Reserve components? If not, under what authority are these dredge islands managed and does the Reserve provide management input and enforcement of regulations?*
- *The framework of restrictions are well focused and appropriate—they meet the appropriate needs for Reserve goals and public interest*
- *Thank you for all the hard work.*
- *The Natural Heritage Program response covers the NCNHP perspective for all 9 Local Advisory Committees.*
- *I was invited to serve on the LAC beginning in 2025. I have attended one LAC meeting and was not available for the second meeting. I am still not sure what my role as a LAC member is in relation to "advising" at the Kitty Hawk Reserve. I have also offered to serve as a volunteer at the KH Reserve to help with maintenance issues. I live on the edge of the reserve and visit the area frequently. I have suggested maintenance work on the Kayaking trail, new paddling trail signage, interactive maps for the public, trash pickups in the surrounding marsh, and other Reserve related items. I do not know the status of any of my recommendations. I am currently working with another conservation group to try and preserve an additional 24 acres of land to be added eventually to the KH Reserve. I am happy to work on various projects but feel I should be working in conjunction with the Reserve Site Manager. The rules which I have reviewed and deemed necessary have been done so with limited knowledge of the rules*

process. I welcome the opportunity to work closer with the Site Manager as I understand he works on several Reserve sites.

- *None.*
- *At close to 30 years, it seems time to update the management plans to reflect evolving issues, challenges and opportunities.*
- *n/a*
- *These are important rules for defining the Coastal Reserve system and ensuring the protection of its resources.*
- *I have a couple of questions for clarification.*
 - 1) *Does the order of "principal purposes" listed under Statement of Purpose (070 .0101) provide a hierarchy of importance?*
 - 2) *Are motorized bikes (2-wheel bicycle with motor) included in G.S. 20-4.01(23) as mentioned in item #11 under Reserve Use Requirements (070 .0202)?*

I assume the answer to both of these is yes, but would like to confirm that is the case.

Thanks.
- *Thank you!*
- *For protection of wildlife, I recommend prohibiting private-visitor drones flying over islands, particularly over wild horses; scientific research drones may be allowed. Under 15A NCAC 070 #11A I recommend distinguishing limits of "motorized vehicles" because waters are part of Preserves as well as land. Motorized watercraft, both private, scientific, and management, do travel on water channels within boundaries of Rachel Carson Preserve*
- *I have participated in many advisory panels over the years. We used these panels for guidance and advice about priorities and approaches we used by posing questions to the panel members to obtain their feedback. Since I have been involved on this panel, this is not how this panel has been run. It is more of a forum to hear some things that are going on rather than solicit feedback. This is fine but it seems to be inconsistent with the whole purpose of panel. In this survey, many of the things referred to as rules are not actually rules. Rather they are explanations of the purpose, definitions, etc. Without this background, the reader wouldn't have a full sense of what follows. For instance, if the coastal areas aren't delineated, where would one find that information? Does this constitute a rule? I don't think so. Maybe there should be an explanation of what a rule is.*
- *I believe the details included in the rules are necessary to provide clarity to the public on the program, components, and plans to protect/preserve our coastal ecosystems which are irreplaceable.*
- *There are way too many signs on Masonboro Island that are put in place by the reserve and other parties, like the bird people. It has been a growing problem that needs to be addressed. Sign pollution is a real thing and the small number of people visiting remote areas of the island don't deserve to be constantly bombard by totally unnatural signage. It's getting ridiculous and is not consistent with traditional use if the island.*
- *Commercial activity within the reserve should be carefully studied and the question asked should this be limited IF it impacts ecosystems services.*

