JOSH STEIN
Governor
D. REID WILSON
Secretary
TANCRED MILLER
Director

NORTH CAROLINA
Environmental Quality

MEMORANDUM **CRC-26-80**

TO: N.C. Coastal Resources Commission

FROM: Rebecca Ellin, Coastal Reserve Program Manager

DATE: October 8, 2026

SUBJECT: N.C. Coastal Reserve Coastal Area Management Act Amendment and Proposed Rule Readoption Schedule for 15A NCAC 07O

This memorandum provides background on the N.C. Coastal Reserve, proposes ways to operationalize the recent amendment to the Coastal Area Management Act regarding the Coastal Reserve, and provides an update on the periodic rules review process for the Coastal Reserve rules and a proposed schedule for readoption. Action is requested on the proposed schedule for readoption.

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). The program's defined purposes of coastal habitat protection via protected components, research, education, and providing for compatible traditional uses are codified in its rules,15A NCAC 07O, along with component use requirements. The N.C. Coastal Reserve protects over 44,000 acres of coastal habitat across 10 components that span the length of N.C.'s coastline (Figure 1). Four of the 10 Coastal Reserve components comprise the N.C. National Estuarine Research Reserve (NCNERR), a state-National Oceanic and Atmospheric Administration (NOAA) partnership authorized under the federal Coastal Zone Management Act (16 U.S.C. § 1461 Section 315). Nine of the 10 Reserve components are recognized as outstanding natural areas and are dedicated state nature preserves under the North Carolina Nature Preserves Act (G.S. § 143B-135.250-.275).

The N.C. Coastal Reserve implements its defined purposes through its research and monitoring, education, training, and stewardship programs, utilizing the components as living laboratories and outdoor classrooms:

- 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-college students and teachers, educators, public);

- Training – Deliver science-based information and technical assistance to inform coastal decision making (regulators, managers, elected officials, real estate agents); and
- Stewardship – Protect components to inform management and appreciation of coastal and estuarine ecosystems; accommodate compatible traditional uses (recreation, hunting, fishing, navigation).

The NCNERR was designated in 1985 and the General Assembly amended CAMA in 1989 to establish the N.C. Coastal Reserve which includes the NCNERR.

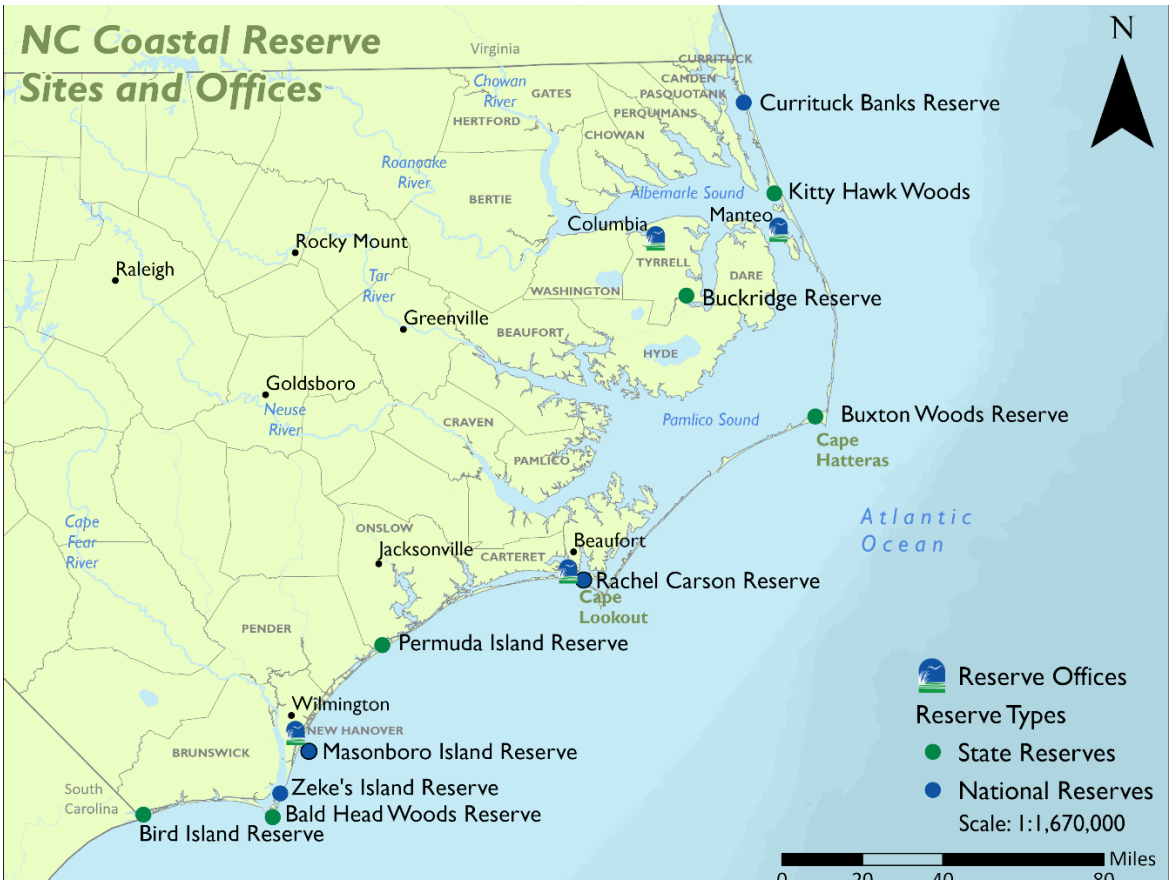


Figure 1. Map of the N.C. Coastal Reserve

Operational Framework

The N.C. Coastal Reserve is administered by the Department of Environmental Quality's (DEQ) Division of Coastal Management (DCM) in compliance with applicable state and federal requirements. The Coastal Reserve applies these requirements to guide daily operations and decision-making such as implementing research and monitoring, education, training, and stewardship programs; evaluating requests for research and special activity authorizations (15A NCAC 07O .0202(7), 15A NCAC 07O .0203); considering habitat restoration projects and public access infrastructure improvements; evaluating agency,

partner, and public requests; and addressing routine maintenance and misuse at the components.

State and Federal Requirements:

- Federal Coastal Zone Management Act (16 U.S.C. § 1461 Section 315) and associated Federal Regulations (15 CFR Part 921)
- Coastal Area Management Act (G.S. § 113A-129.1-3) and associated Administrative Code Rules (15A NCAC 07O)
- Dedicated State Nature Preserves: The Department of Natural and Cultural Resources' (DNCR) Natural Heritage Program implements the North Carolina Nature Preserves Act (G.S. § 143B-135.250-.275) and provides oversight of the dedicated state nature preserves. Articles of dedication, approved by the Governor and Council of State, specify custodianship and terms and conditions for dedicated nature preserves (07 NCAC 13H .0303). A primary custodian is the agency responsible for managing the nature preserve in accordance with its articles of dedication (07 NCAC 13H .0303 (a)(2)). The N.C. Coastal Reserve is identified as the primary custodian for the nine Reserve components that are also dedicated state nature preserves. Daily management of the preserves is conducted by Reserve staff who consult with the Natural Heritage Program on an as needed basis when interpretation of the articles of dedication is warranted.
- Management Plans: Management plans are required by NOAA for the NCNERR, by rule (15A NCAC 07O .0201), and for Reserve components that are also dedicated state nature preserves (07 NCAC 13H .0401). Per 15A NCAC 07O .0201, management plans contain research, education, natural resource management, and traditional use policies. Plans and updates are approved by the DEQ Secretary with input from Local Advisory Committees, the Coastal Resources Commission (CRC), and the public. Reserve management plans are available here.

Input is sought from the Local Advisory Committees and CRC on strategic initiatives as detailed below.

- Local Advisory Committees: Each Coastal Reserve component has a Local Advisory Committee (15A NCAC 07O .0104). The advisory committees consist of citizens and representatives from community organizations, government agencies, and non-governmental partner organizations who provide staff with guidance and feedback regarding program activities and management of the Reserve components. Input is sought from Local Advisory Committees on topics such as rule classification and amendments, management plan updates, and management and uses of the components; input received is used to inform recommendations to DEQ and the CRC as appropriate. Committees meet 1-2 times per year, and members are appointed by the DEQ Secretary.

- Coastal Resources Commission: See following section regarding the 2026 CAMA amendment. Prior to the CAMA amendment, input was sought from the CRC on rule classification and amendments and management plan updates.

Coastal Area Management Act Amendment

Session Law 2026-41 (pgs. 369-370) amended CAMA to give the CRC additional authority over the Coastal Reserve.

- G.S. § 113A-129.2 (b) states that administration of the Coastal Reserve by DEQ is now subject to use standards adopted for the Reserve System by the CRC and permits and orders issued by the CRC. This is a change from the CRC's previous consultation and advisory role. The law retains its original language authorizing DEQ to adopt rules to define the boundaries of the Reserve System and to adopt use standards for those areas. This would appear to give DEQ and the CRC joint rulemaking authority.
- G. S. § 113A-129.2 (f) adds the CRC as an additional primary custodian of the Coastal Reserve components that are also dedicated state nature preserves, clarifies DNCR's role in oversight of the preserves that are Reserve components, and outlines a process for dispute resolution for violations of approved management plans or articles of dedication.

The full text of CAMA Part 5 (Coastal Reserves) with the amended text is included as Attachment 1.

Operationalize the CAMA Amendment

Below are DCM's recommendations on ways to operationalize the CAMA amendment to support an effective working relationship between DEQ, DCM, and the CRC.

- Joint Rulemaking Authority:
  - The intent of joint Coastal Reserve rules is identical rules that DEQ and the CRC must act on within the same rulemaking process and timeline.
  - Coastal Reserve staff will bring the various steps included in the rulemaking and periodic review processes to the CRC and then to DEQ for approval.
  - The proposed rule readoption schedule included herein provides an example of the joint decision-making process.
  - The CRC's rules apply to Reserve components so additional coastal development rules do not need to be developed.
- Management Plans: Coastal Reserve staff will solicit CRC input on and approval of updates to Reserve management plans.
- Dedicated State Nature Preserves:
  - DNCR recognizes the joint primary custodianship in the CAMA amendment for Coastal Reserve components that are also dedicated state nature preserves. The agency will update custodial roles in the articles of dedication for those preserves through its Advisory Committee and the Council of State

as the articles are amended for other purposes. Articles of dedication are amended to add qualifying portions of newly acquired properties.
    - DCM suggests the CRC authorize Coastal Reserve staff to represent the joint primary custodianship interests of both DEQ and the CRC in consultations with the Natural Heritage Program regarding proposed restoration and/or enhancement projects and emerging or requested uses of Reserve components to ensure compliance with provisions of the dedication letters.
- General Coordination: In addition to Coastal Reserve staff attendance at CRC meetings, examples of general coordination activities may include:
    - Communicate Coastal Reserve updates, concerns, and topics of interest to the CRC. Share Reserve-wide written updates provided to all Local Advisory Committees;
    - Deliver presentations and provide consultation to the CRC upon request on Coastal Reserve subject matter such as use requirements and allowable uses, research, education, training, and stewardship; and
    - Provide Coastal Reserve component tours to the CRC upon request.
- Memorandum of Understanding between DEQ and CRC: DCM recommends establishing a memorandum of understanding between DEQ and the CRC to provide a clear, written framework to support an effective working relationship between the agencies to operationalize the CAMA amendment. The memorandum would outline the responsibilities of each agency, the scope and sequence of events needed to comply with G.S. § 113A-129.2 (b) and G. S. § 113A-129.2 (f), and the process and documentation of CRC's assignment and evaluation of requirements.

N.C. Coastal Reserve Rules

The N.C. Coastal Reserve's rules, 15A NCAC 07O, are linked here and contain the following eight rule citations.

- 15A NCAC 07O .0101 STATEMENT OF PURPOSE
- 15A NCAC 07O .0102 DEFINITIONS AS USED IN THIS SUBCHAPTER
- 15A NCAC 07O .0103 RESPONSIBILITIES: DUTIES OF THE COASTAL RESERVE PROGRAM
- 15A NCAC 07O .0104 STATE AND LOCAL COASTAL RESERVE ADVISORY COMMITTEES
- 15A NCAC 07O .0105 RESERVE COMPONENTS
- 15A NCAC 07O .0201 MANAGEMENT PLAN
- 15A NCAC 07O .0202 RESERVE USE REQUIREMENTS
- 15A NCAC 07O .0203 SPECIAL ACTIVITY AUTHORIZATION

Legislative Periodic Review and Readoption Process

The Coastal Reserve rules are proceeding through the Legislative Periodic Review and Readoption Process (G.S. § 150B-21.3A). The classification report for the rules is effective following action by the Rules Review Commission; all eight rule citations are classified as necessary based on input from the Local Advisory Committees, CRC, and DEQ. Per the periodic review process, all rules classified as necessary must be readopted. Table 1

outlines a proposed schedule for readoption of 15A NCAC 07O which requires approval by the CRC, DEQ, and the Rules Review Commission.

> *Requested Action:* DCM requests the CRC approve the proposed readoption schedule for 15A NCAC 07O as outlined in Table 1. The proposed schedule assumes receipt of the consultation email from the Rules Review Commission by the CRC October 2026 meeting mailout.

For reference, 15A NCAC 07O last went through the periodic review process in 2017. The rules were then amended and readopted effective February 2022. The CRC provided input on rule classification and amendments during this process.

Any proposed changes to the rules during the readoption process must be consistent with CAMA, including the requirements for the federally designated NCNERR (G.S. § 113A-129.3 (a)) and the state nature preserve articles of dedication (G.S. § 113A-129.3 (b)), and the funding sources used to acquire the Coastal Reserve components.

Thank you in advance for your time and input.

Table 1. Proposed Readoption Schedule for 15A NCAC 07O

Assumption: RRC consultation email is received by October 2026 meeting mailout.		
Date	Action	Agency
September-October 7, 2026	Review draft readoption schedule	DEQ Secretary Office
October 28-29, 2026	Vote on readoption schedule	CRC
October -November 2026	Approve readoption schedule, following CRC approval	DEQ Secretary Office
November 2026	Send readoption schedule and CRC and DEQ approvals to RRC	DEQ Rules Coordinator
November 2026	Share readoption process and schedule with Local Advisory Committees (LAC)	DCM
December 2026-February 2027	Draft rule amendments	DCM
March 2027	Input on preliminary draft rule amendments	DEQ Secretary Office
April 2027	Receive readoption update including preliminary draft rule amendments	CRC
May 2027	Solicit LAC input on draft rule amendments	DCM
Summer 2027	Incorporate LAC input	DCM
August 2027	Input on updated draft rule amendments	DEQ Secretary Office
October 2027	Vote on draft rule amendments	CRC
November 2027	Approve draft rule amendments	DEQ Secretary Office
December 2027	Draft two fiscal analyses (one from the CRC and one from DEQ) and submit for OSBM comments and approval	DCM
February 2028	Vote on fiscal analysis and to send it and rule amendments to public comment	CRC
March 2028	Approve fiscal analysis and to send it and rule amendments to public comment	DEQ Secretary Office
April 2028	Submit 2 Notice of Texts for filing in NC Register - one for CRC and one for DEQ	DEQ and DCM Rule Coordinators

May 2028	Publication in NC Register – this begins the 60- day comment period	
May -July 2028	60-day public comment period	DEQ and DCM Rule Coordinators
June 2028 (during public comment period)	Hold separate public hearings	CRC and DEQ
July-September 2028	Review public comments and amend rule language if needed, but not substantial changes (See G.S. 150B-21.2(g)).	DCM
October 2028	Review public comments and provide input on updated draft rule amendments and fiscal analyses as needed	DEQ Secretary Office
November 2028	Receive readoption update including public comments and updated draft rule amendments and fiscal analyses as needed	CRC
November 2028	Share public comments and updated draft rule amendments with LACs	DCM
December 2028	Incorporate LAC input as needed	DCM
January 2029	Input on updated draft rule amendments as needed	DEQ Secretary Office
February 2029	Vote to adopt rule amendments and fiscal analysis	CRC
March 2029	Adopt rule amendments and fiscal analysis	DEQ Secretary Office
July 1, 2029	The final readoption date is proposed as July 1, 2029 for both CRC and DEQ. The CRC and the DEQ Secretary must readopt the rules no later than June 30, 2029. This allows additional time in the event of any unexpected delays. The rules can be readopted earlier than this date (see February and March 2029 actions).	CRC and DEQ

30 days after readoption	File rules from both the CRC and DEQ with the RRC within 30 days of when both agencies adopt the rules	DEQ and DCM Rule Coordinators
	Effective date follows filing the readopted rules with the RRC	

Attachment 1. CAMA Part 5 (Coastal Reserves) with Session Law 2026-41 amendments to § 113A-129.2.

Part 5. Coastal Reserves.

§ 113A-129.1. Legislative Findings and Purposes.

(a) Findings. - It is hereby determined and declared as a matter of legislative finding that the coastal area of North Carolina contains a number of important undeveloped natural areas. These areas are vital to continued fishery and wildlife protection, water quality maintenance and improvement, preservation of unique and important coastal natural areas, aesthetic enjoyment, and public trust rights such as hunting, fishing, navigation, and recreation. Such land and water areas are necessary for the preservation of estuarine areas of the State, constitute important research facilities, and provide public access to waters of the State.

(b) Purposes. - Important public purposes will be served by the preservation of certain of these areas in an undeveloped state. Such areas would thereafter be available for research, education, and other consistent public uses. These areas would also continue to contribute perpetually to the natural productivity and biological, economic, and aesthetic values of North Carolina's coastal area. (1989, c. 344, s. 1.)

§ 113A-129.2. Coastal Reserve Program.

(a) There is hereby created a North Carolina Coastal Reserve System for the purpose of acquiring, improving, and maintaining undeveloped coastal land and water areas in a natural state.

(b) This system shall be established and administered by the Department of Environmental ~~Quality. In so doing the Department shall consult with and seek the ongoing advice of~~ Quality, subject to: (i) use standards adopted for the system by the Coastal Resources Commission and (ii) permits and orders issued by the Coastal Resources ~~Commission.~~ Commission concerning activities allowed in the system. The Department may by rule define the areas to be included in this system and set standards for its use.

(c) This system shall be established within the coastal area as defined by G.S. 113A-103(2).

(d) All acquisitions or dispositions of property for lands within this system shall be in accordance with the provisions of Chapter 146 of the General Statutes.

(e) All lands and waters within the system shall be used primarily for research and education. Other public uses, such as hunting, fishing, navigation, and recreation, shall be allowed to the extent consistent with these primary uses. Improvements and alterations to the lands shall be limited to those consistent with these uses.

(f) With respect to any component of the system that is also a dedicated nature preserve pursuant to Part 42 of Article 2 of Chapter 143B of the General Statutes, the Department and the Commission, in accordance with the authority granted to each pursuant to subsection (b) of this section, shall act as primary custodian to manage such components, in accordance with the articles of dedication. The Secretary of Natural and Cultural Resources shall monitor these preserves, and shall retain authority to report alleged violations of the approved management plan or the articles of dedication for such preserves, in which case the Secretary shall request the Department of Administration to coordinate mediation with the

primary custodian. If mediation is unsuccessful in resolving the issue, the Department of Natural and Cultural Resources shall have standing and a right of action in the Superior Court of Wake County, or the county in which the component is located, to enforce the terms of any articles of dedication applicable to such components.

§ 113A-129.3. Coordination.

(a) To the extent feasible, this system shall be carried out in coordination with the National Estuarine Reserve Research System established by 16 U.S.C. § 1461.

(b) To the extent feasible, lands and waters within this system shall be dedicated as components of the "State Nature and Historic Preserve" as provided in Article XIV, Section 5, of the Constitution and as nature reserves pursuant to G.S. 143B-135.250 to G.S. 143B-135.270. (1989, c. 344, s. 1; c. 770, s. 47; 2019-241, s. 4.)