

SUBCHAPTER 070 - NORTH CAROLINA COASTAL RESERVE

SECTION .0100 - GENERAL PROVISIONS

15A NCAC 070 .0101 STATEMENT OF PURPOSE

The principal purposes of the North Carolina Coastal Reserve and supporting programs are to:

- (1) preserve coastal ecosystems representative of the various biogeographic regions and typologies in North Carolina and to make them available for continuous future study of the processes, functions, and influences which shape and sustain the coastal ecosystems;
- (2) provide new information on coastal ecosystem processes to decisionmakers as a basis for the promotion of management of coastal resources;
- (3) provide a focal point for educational activities that increase the public awareness and understanding of coastal ecosystems, effects of humans on them, and the importance of coastal systems to the state and the Nation;
- (4) accommodate traditional uses, and other uses of the Reserve as long as they do not disturb the Reserve environment and are compatible with the research and educational activities within the Reserve components.

*History Note: Authority G.S. 113-3; 113-8; 113A-129.2; 143B-10;
Eff. July 1, 1986;
Amended Eff. April 1, 1988;
Readopted Eff. February 1, 2022.*

15A NCAC 070 .0102 DEFINITIONS AS USED IN THIS SUBCHAPTER

Definitions as used in this Subchapter are:

- (1) "Coastal Reserve" or "Reserve" means those coastal land and water areas, which include land and water portions of an estuary and adjacent transitional areas and uplands, set aside as a natural field laboratory and classroom to be maintained in their natural state to provide for long-term opportunities for research, education and compatible traditional uses and enjoyment of natural and scenic beauty. The Coastal Reserve includes the North Carolina National Estuarine Research Reserve. Coastal Reserve components are identified in 15A NCAC 070 .0105.
- (2) "Estuary" means that part of a river or stream or body of water having unimpaired connection with the open sea, where sea water is measurably diluted with fresh water derived from land drainage.
- (3) "Traditional uses" means public trust uses as defined in G.S. 1-45.1, including fishing, hunting, navigation, and recreation.

*History Note: Authority G.S. 113-3; 113-8; 113A-129.2; 143B-10;
Eff. July 1, 1986;
Amended Eff. April 1, 1988;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017;
Amended Eff. February 1, 2022.*

15A NCAC 070 .0103 RESPONSIBILITIES: DUTIES OF THE COASTAL RESERVE PROGRAM

The Coastal Reserve Program of the Division of Coastal Management shall be responsible for managing and protecting the North Carolina Coastal Reserve; promoting and coordinating research and educational programs at the components while allowing for compatible traditional uses; maintaining a management plan for the Reserve; maintaining cooperative agreements with scientific, educational, and resource management agencies and private citizens that will assist in the management of the Reserve; and providing new information on coastal processes to coastal management decisionmakers.

*History Note: Authority G.S. 113-3; 113-8; 113A-129.1-3; 143B-10;
Eff. July 1, 1986;
Amended Eff. April 1, 1988;
Readopted Eff. February 1, 2022.*

15A NCAC 070 .0104 STATE AND LOCAL COASTAL RESERVE ADVISORY COMMITTEES

Advisory committees shall be established for each Reserve component and shall advise Reserve staff regarding program activities and component management. Members of the committees shall include researchers, educators, managers, partner agencies and organizations, and citizens that use or are affected by the Reserve and its components. The committees shall be appointed by the Secretary of the Department of Environmental Quality.

*History Note: Authority G.S. 113-3; 113-8; 113A-129.2; 143B-10;
Eff. July 1, 1986;
Amended Eff. May 1, 1990; April 1, 1988;
Readopted Eff. February 1, 2022.*

15A NCAC 070 .0105 RESERVE COMPONENTS

(a) The North Carolina Coastal Reserve includes the following components:

- (1) Zeke's Island;
- (2) Rachel Carson;
- (3) Currituck Banks;
- (4) Masonboro Island;
- (5) Permuda Island;
- (6) Buxton Woods;
- (7) Bald Head Woods;
- (8) Kitty Hawk Woods;
- (9) Bird Island; and
- (10) Emily and Richardson Preyer Buckridge.

The North Carolina National Estuarine Research Reserve includes components in Subparagraphs (a)(1) - (4) of this Rule.

(b) Detailed boundary maps for each component are maintained and available for inspection at the Division of Coastal Management, 400 Commerce Avenue, Morehead City NC 28557.

*History Note: Authority G.S. 113-3; 113-8; 113A-129.2; 113A-129.3; 143B-10;
Eff. July 1, 1986;
Amended Eff. February 1, 2006; April 1, 1999; August 1, 1991; April 1, 1988;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017;
Amended Eff. February 1, 2022.*

SECTION .0200 - MANAGEMENT: USE AND PROTECTION OF THE NORTH CAROLINA COASTAL RESERVE

15A NCAC 070 .0201 MANAGEMENT PLAN

The Division of Coastal Management shall prepare a management plan for the Reserve. The management plan shall contain policies for research, education, natural resource management, and traditional uses at each component and can be found at <https://deq.nc.gov/about/divisions/coastal-management/nc-coastal-reserve/about-reserve/management-plans>. The Secretary of the Department of Environmental Quality shall approve the management plan and its revisions. The Division of Coastal Management shall seek input from the local advisory committees, the Coastal Resources Commission, and the public on revisions to the management plan. The Division of Coastal Management shall monitor and manage Reserve components and report to the Secretary violations of the approved plan and any other situations that may be harmful to the natural resources of the Reserve.

*History Note: Authority G.S. 113-3; 113-8; 113A-129.2; 113A-129.3; 143-341; 143-342; 143B-10;
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Amended Eff. May 1, 1990; April 1, 1988;
Readopted Eff. February 1, 2022.*

15A NCAC 070 .0202 RESERVE USE REQUIREMENTS

The following use requirements shall apply to the lands and waters within the boundaries of the components of the Reserve:

- (1) The natural character of the Reserve shall be maintained.
- (2) Traditional uses within each component shall be allowed to continue as long as the activities are consistent with 15A NCAC 07O .0101(4). Incompatible traditional uses are prohibited and shall include:
 - (a) fishing, hunting, or trapping activities not allowed by federal, state, and local rules;
 - (b) target shooting; and
 - (c) mechanical clam dredging.
- (3) Disturbing a research or natural resource monitoring project or research equipment in place at the Reserve that is authorized by the Division of Coastal Management is prohibited.
- (4) Camping or any form of habitation on the uplands or wetlands of the Reserve is prohibited except on the uplands at the Masonboro Island Reserve, where camping is allowed for no more than two consecutive nights.
- (5) Fires are prohibited except at the Masonboro Island Reserve on sand at least 15 feet from vegetation.
- (6) Disturbing or removing any live animals, except those allowed by local or state hunting, trapping, and fishing rules as they apply to the Reserve, or vegetation, fungi, or cultural resources within the Reserve unless such action is part of a research or educational project authorized by the Division of Coastal Management is prohibited.
- (7) Persons wishing to engage in scientific research and monitoring, or collection of natural and cultural materials for scientific purposes within the Reserve shall secure written authorization from the Division of Coastal Management prior to beginning said activity. Written authorization does not eliminate the need to obtain any other federal, state, or local authorization, nor to abide by regulations adopted by any federal, state, or local agency. Application for authorization shall be made by contacting Reserve staff at the Division of Coastal Management.
- (8) Producing noise disruptive to local wildlife or the aesthetic enjoyment of the Reserve as a natural area is prohibited.
- (9) Conducting or engaging in acts or uses which are detrimental to the maintenance of the Reserve in its natural condition is prohibited including, disturbances of the soil, mining, commercial or industrial uses, timber harvesting, ditching and draining, and deposition of waste materials.
- (10) The following requirements pertain to littering, dumping, deposition, and pollution:
 - (a) Leaving any personal property unattended within the boundaries of any Reserve component longer than 24 hours is prohibited, at which point it shall be considered litter in accordance with G.S. 14-399 and subject to removal at the owner's expense. Owner may also be subject to prosecution.
 - (b) Abandoning or allowing to be abandoned any vessels of any kind within the boundaries of any Reserve component is prohibited. Vessels not removed within 30 days shall be considered litter in accordance with G.S. 14-399 and subject to removal at the owner's expense. Owner may also be subject to prosecution.
 - (c) Disposing of any litter, as described in G.S. 14-399, within the boundaries of any Reserve component is prohibited.
 - (d) Dumping, depositing, placing, or allowing to be abandoned any autos, appliances, trash, debris, garbage, shell, or discarded material(s) of any kind within the boundaries of any Reserve component is prohibited.
 - (e) Conducting or engaging in activities that pollute any land, wetland, stream, creek, or other body of water within the boundaries of any Reserve component is prohibited, in accordance with G.S. 75A-10, 76-40.
- (11) The following requirements pertain to vehicles and parking:
 - (a) Motorized vehicles as defined in G.S. 20-4.01(23) are prohibited within the boundaries of any Reserve component while not engaged in a Reserve-based activity, 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) Allowing a motorized vehicle to block traffic, gates, driveways, or emergency vehicle access is prohibited.

- (d) Parking a motorized vehicle within the boundaries of any Reserve component overnight, or allowing a motorized vehicle to remain anywhere within the boundaries of any Reserve component unattended or abandoned for longer than 12 hours is prohibited, 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 and on pedestrian trails not designated for this use.
- (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; 113-264; 113A-129.2; 143B-10;
Eff. July 1, 1986;
Amended Eff. April 1, 1999; December 1, 1991; April 1, 1988;
Readopted Eff. February 1, 2022.*

15A NCAC 070 .0203 SPECIAL ACTIVITY AUTHORIZATION

The following Items shall apply to special activity authorization within the boundaries of the components of the Reserve:

- (1) Written authorization is required for organized events, commercial activities, and other special activities or uses within the boundaries of any Reserve component not included in the primary uses of research, education, and compatible traditional uses.
- (2) A request for written authorization shall be made by contacting Reserve staff at the Division of Coastal Management. Written authorization does not eliminate the need to obtain any other federal, state, or local authorization, nor to abide by regulations adopted by any federal, state, or local agency.
- (3) A request for written authorization shall be made a minimum of 30 days prior to and up to one year in advance of the activity or use. The request shall include:
 - (a) the name, address, and phone number of the applicant;
 - (b) the name of the organization (if any);
 - (c) the name, address, and phone number of a contact person;
 - (d) the date, time, duration, nature, and location of the proposed activity or use;
 - (e) the estimated number of persons expected to participate;
 - (f) the equipment to be used during the activity; and
 - (g) other information necessary to allow for evaluation of an application.
- (4) The Reserve Manager or designee shall provide written authorization unless one or more of the following apply:
 - (a) A prior request for a written authorization for a similar activity or use has been made and granted; and the activities or uses authorized by the written authorization do not allow multiple activities or uses of that location during the same timeframe;
 - (b) The activity or use will threaten the health, safety, and welfare of persons using the Reserve;
 - (c) The activity or use is of such a nature or duration that it cannot be conducted or performed in the location due to:
 - (i) the potential for damage to the Reserve or facilities;
 - (ii) interference with research or education programs, or site management activities of the Reserve;
 - (iii) disturbance of wildlife, habitats, or other natural features of the Reserve; or
 - (iv) burden placed on public agencies by the activity;
 - (d) The activity or use conflicts with the principal purposes of the Reserve as defined in 15A NCAC 070 .0101; or
 - (e) The activity or use does not comply with the Reserve use requirements found in Rule .0202 of this Subchapter, 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 the rules of this Subchapter.
- (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 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 penalties prescribed by law. Violations may also be subject to criminal penalties.

History Note: Authority G.S. 113-3; 113-8; 113-264; 113A-129.2; 113A-129.3; 143B-10; Eff. February 1, 2022.