



**Masonboro Island Reserve  
Local Advisory Committee Meeting Minutes  
Monday, December 2, 2019, 5 pm  
Habitat Conference Room, UNCW CMS**

**Attendance**

<b><u>LAC Partner Organization Members</u></b>	<b><u>Present</u></b>
NC Audubon, Walker Golder	Yes
New Hanover County Sheriff's Office, Sergeant Steve Schmidlin	Yes
New Hanover County Planning Department, Dylan McDonnell	No
NC Coastal Land Trust, Jesica Blake	No
Division of Marine Fisheries	No
Division of Parks and Recreation – Carolina Beach State Park, Chris Helms	Yes
Natural Heritage Program, Judith Ratcliffe	Yes
UNCW Center for Marine Science, Martin Posey	Yes
Town of Wrightsville Beach Administration	No
<b><u>Community Members and Community Organizations Members</u></b>	
Neal Andrew	Yes
Thomas Carter	Yes
Dr. Lynn Leonard	Yes
Dr. Zachary Long	No
Masonboro.org, Richard Johnson	Yes
Haywood Newkirk	No
William Raney	Yes
Pat Rittenmeyer	No
Sam Romano	No
Surfrider, Cape Fear	No
Ted Wilgis	No
Martin Willard	No
<b><u>Others Present</u></b>	
Hope Sutton, DCM/NCCR & NCNERR Stewardship Coordinator & Southern Sites Manager	
Elizabeth Colhoun, DCM/NCCR & NCNERR Stewardship Specialist	

## **Welcome – Hope Sutton**

The site manager welcomed the committee to the Fall 2019 meeting and reviewed the agenda.

## **Reserve-wide Administrative Update – Hope Sutton**

The Reserve-wide Update, which now includes a range of reserve activities was shared with committee members prior to the meeting. Members expressed appreciation for the updates but had no specific questions or comments beyond the Rules Review topic, which is included in detail below. The update in its entirety is included as Appendix A.

The committee was asked for input on draft rule language developed as part of the Legislative Periodic Rules Review and Expiration of Existing Rules process (G.S. 150B-21.3A) that began in 2016. Draft rule language presented is included as Appendix B. Committee members were provided draft language per rule section for each section of the N.C. Administrative Code related to the N.C. Coastal Reserve (NCAC 15A 70). Committee input per section:

### SECTION .0100 – GENREAL PROVISIONS

#### 15A NCAC 070.0101 – STATEMENT OF PURPOSE

- Mr. Raney commented that he felt wording was vague in several areas of the rule language and that he would provide written comments following the meeting. Mr. Johnson commented that the description of recreational activities and use of the related words should be consistent across sections and the purpose of the program. Ms. Leonard suggested that the word “man” be changed to “human” in item 3.

#### 15A NCAC 070.0102 – DEFINITIONS AS USED IN THE SUBCHAPTER

- No comment.

#### 15A NCAC 070.0103 – RESPONSIBILITIES: DUTIES OF THE COASTAL RESERVE PROGRAM

- No comment.

#### 15A NCAC 070.0104 – STATE AND LOCAL COASTAL RESERVE ADVISORY COMMITTEES

- Mr. Johnson suggested that members of all Local Advisory Committees meet annually to discuss reserve-wide topics. No comment on rule language.

#### 15A NCAC 070.0105 – RESERVE COMPONENTS

- No comment.

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

#### 15A NCAC 070.0201 – MANAGEMENT PLAN

- Mr. Andrew and Mr. Johnson asked whether the Coastal Resources Commission should be included in the statement regarding revisions to the management plan. Mr. Posey asked how the rule language applies to state vs. national sites. Discussion occurred regarding the NOAA requirements for National Estuarine Research Reserve sites’ management plan and the management plans required by the Natural Heritage Program for sites that are Dedicated State Nature Preserves.

#### 15A NCAC 070.0202 – RESERVE USE REQUIREMENTS

- Item (1) – Mr. Raney reiterated the need for major rewrite of the rule language. Discussion regarding the use of the word “essential” occurred with some committee members suggesting that it should be removed and some considering it important for clarification. Mr. Johnson and Mr. Posey suggested linking back to the purposes in the Statement of Purpose.

- Item (2) – Ms. Ratcliffe suggested replacing the word “character” with ecosystem. Mr. Golder suggested making sure language is clear regarding which fisheries are being referenced. Ms. Leonard and Ms. Ratcliffe suggested broadening to include any discharge of firearms that is not part of a lawful hunting activity.
- Item (3) – No comment.
- Item (4) – Mr. Andrew suggested that 72 hours would be a better time limit, as campers staying for an entire weekend are likely to be present more than 48 hours. Ms. Ratcliffe suggested simplifying the language by breaking it into two sentences. Discussion occurred regarding the application of this rule to vessels. Staff clarified that this rule is not intended to apply to camping on an anchored vessel.
- Item (5) – Mr. Raney and Mr. Posey suggested adding a definition of “cultural resources” to the definitions section if this term is included here.
- Item (6) – Some discussion occurred regarding whether all research is inherently scientific. Ms. Leonard and Ms. Ratcliffe suggested looking at this phrasing to be sure it covers all research activities that occur at the sites. Mr. Raney and Mr. Johnson suggested including more details about what is required for the research permit process.
- Item (7) – Discussion occurred regarding how this rule would apply to mining of materials from dredge spoil cells. No further comment on rule language.
- Item (8) – Mr. Golder suggested clarifying whether natural shell would be prohibited by this language. Staff clarified that shell placed as part of a restoration would be allowed as per the exemption in item (10). Mr. Raney suggested including a penalty for littering. Ms. Ratcliffe suggested that reference to staff discretion should be included in (a).
- Item (9) – Ms. Leonard and Mr. Posey pointed out the need to clarify how some of the language in this section applies to the Center for Marine Science, which is within the boundaries of the Masonboro Island Reserve. No further comment on rule language.
- Item (10) – No comment.

#### 15A NCAC 070.0202 – SPECIAL ACTIVITY AUTHORIZATION

- Committee members had some discussion about the types of activities that would be required to get permits and expressed support for concept of requiring permits similar to other state agencies such as N.C. State Parks. Committee members expressed concern about whether the reserve has staff capacity to complete the work required by permit process outlined in the new rule. Mr. Johnson suggested that clarification is needed to make sure that traditional activities such as camping are not negatively affected by this new rule and that the rule needs to be clear about whether the reserve or the Division of Coastal Management would be processing the requests.

#### **Site Update and Old Business – Hope Sutton**

- *General site conditions*
  - The site manager reported that conditions and activities at the site during the summer and fall of 2019 were consistent with the past few years, although, anecdotally, visitation continues to increase. It is unusual for staff to be on site without encountering visitors, regardless of the day or time. Isolated instances of visitor misuse have occurred, such as damage to signage. There is more debris on site than usual due to the storms during the past two hurricane seasons. Reserve staff have conducted several small clean-up activities with volunteers and students. Efforts continue to work with partners, including the N.C. Coastal Federation to utilize federal funds to

remove larger items. However, the initial funds obtained were spent faster than anticipated. Work is still underway and additional efforts will be undertaken in the coming months. Meanwhile, reserve staff continue to explore other funding options. There are five derelict vessels on the site that need to be addressed.

- Research activities have continued uninterrupted.
- *Seasonal activities*
  - **Sea turtles** – Eighty sea turtle nests were identified and protected on Masonboro Island during the 2019 nesting season (77 loggerhead and three green sea turtle); this is more than double the average number of nests in the past decade, so it was a busy and exciting year. One nest was lost to coyote predation and six nests were lost to Hurricane Dorian. Hatch success was approximately 73%, in line with state averages.
  - **Shorebirds** – Under a grant with the U.S. Fish and Wildlife Service from the National Fish and Wildlife Federation, the reserve conducted predator management to benefit nesting shorebirds, primarily the American oystercatcher (AMOY). Throughout the nesting season, 38 pairs of AMOY were monitored. Of the monitored pairs, 32 pairs nested and produced a total of 20 fledglings, for a fecundity of 0.63 fledglings per pair, making 2019 our second best year for fecundity since predator management and intensive monitoring were initiated in 2013. The fecundity goal to support population increase is 0.5 fledglings per pair.
  - **Diamondback terrapins** – The citizen science diamondback terrapin head count survey project, the Terrapin Tally, was conducted again in 2019. Three data collection sessions on May 4, 18, and 19 yielded 75 terrapin sightings. These data will be combined with previous years' data to begin looking into trends and better understanding the population at the site. Reserve staff also supported the Diamondback Terrapin Working Group's 8<sup>th</sup> Symposium on the Ecology, Status, and Conservation of the Diamondback Terrapin, which was held in Wilmington in October. Nearly 100 researchers, resource managers, and students working on diamondback terrapins came together to share results and discuss efforts to increase protection of this species.
- *Fourth of July debrief*
  - The holiday operations and gathering were similar to the past few years, with the size of the crowd being slightly smaller than the previous year. The New Hanover County Sheriff's Office acted as the lead enforcement agency on the site and surrounding waters. The reserve contracted supplemental officers for a total cost of \$6480. Law enforcement and emergency response activities included: 56 medical assists; 18 citations (underage consumption and liquor); 13 misc. verbal warnings; two arrests (fighting).
- *Sand placement activities*
  - The Army Corps of Engineers (Corps) will be using the ocean beach on Masonboro Island between the Upper Johns Creek area and the south end of the island for a dredge spoil disposal project this winter. Approximately 135,000 cubic yards of beach quality sand along a 3000' linear reach of the beach. The State Property Office, in coordination with the reserve, gave permission for one-time access for this operation. The reserve has been

working with a group of researchers from UNCW to conduct pre- and post- placement monitoring activities to provide for better understanding of the potential benefits and concerns associated with this activity. Monitoring will include high resolution imagery, sediment cores, elevation transects, invertebrate sampling in the surf zone, and shorebird monitoring. The project is anticipated to take place in February. The project must be completed by March 15 per agreement between the Corps, the U.S. Fish and Wildlife Service, the N.C. Wildlife Resources Commission, and the reserve.

- *Access study*
  - The reserve is still reviewing and working to incorporate results from the access study that was conducted by UNCW researchers during 2017 and 2018. Results from this study will be used to inform access improvement planning, to develop long-term needs strategies, and may be incorporated into outreach and communications projects. Some key messages that came out of this project include:
    - Respondents were generally satisfied with how access to the sites is currently handled;
    - The average site visitor is middle-aged, educated, economically well off, and white, pointing to a lack of diversity among site users;
    - Sites are considered to provide benefits to the local communities – economically, recreationally, and for connection with nature;
    - Sites are considered to be special places and access needs to be maintained in ways that protect the nature and solitude experience rather than try to increase access;
    - Approximately one-third of site visitors were not aware of who owns and manages the sites and many were not familiar with the sites’ research and education purposes, but most recognized the conservation/stewardship purpose of the sites; and
    - Some interest in additional land and water trails was expressed at most sites.

#### **New Business – Hope Sutton**

- None

#### **Roundtable**

- Mr. Johnson reported that Masonboro.org will no longer have funding for the Masonboro Island Explorers program after the end of the school year and that other options for continuing the program are being explored.

#### **Public comments**

- None

#### **Action Items**

- Reserve staff will contact committee members during the winter to establish a date for the spring meeting.

## **APPENDIX A**

### **Reserve-wide Administrative Update**

- *30<sup>th</sup> Anniversary*  
Governor Roy Cooper declared June 19, 2019 as North Carolina Coastal Reserve day in honor of the N.C. Coastal Reserve and National Estuarine Research Reserve's 30th anniversary. N.C. Department of Environmental Quality Secretary Michael S. Regan presented the proclamation at a celebration with partners, Reserve volunteers, and local advisory committee members held at the N.C. Maritime Museum in Beaufort overlooking the Rachel Carson Reserve. Other speakers included the Town of Beaufort Mayor Everett Newton and NOAA's Office for Coastal Management Deputy Director Keelin Kuipers. This year marks the 30<sup>th</sup> anniversary of the amendment to the Coastal Area Management Act that created the N.C. Coastal Reserve to protect both state and national reserve sites for research, education, and compatible traditional uses.
- *Hurricane Recovery Updates*  
Recovery from Hurricanes Florence and Dorian continues, although many operations have returned to normal.

In preparation for Hurricane Dorian, all Reserve sites closed to visitors on September 3 to protect public safety from the potential risk of downed trees, flooding and other hazards. All Reserve sites have since reopened to visitors as a result of hard work by Reserve staff. The Reserve appreciates the assistance from partners and volunteers who assisted staff in getting the sites ready and safe to reopen; partners include N.C. Forest Service, N.C. Wildlife Resources Commission, Village of Bald Head Island, and The Nature Conservancy.

The Division secured federal funding from the U.S. Department of Agriculture's Emergency Watershed Protection program to address large marine debris such as dock sections and lumber and remaining vessels stranded on public lands as a result of Hurricane Florence. This funding will address these issues at the Rachel Carson, Permuda Island, and Masonboro Island Reserve sites. This work will be conducted in partnership with the N.C. Coastal Federation.

The Reserve worked with the N.C. Department of Environmental Quality, N.C. Wildlife Resources Commission, and N.C. Coastal Federation to host workshops for local government officials to learn about local and State-level efforts to address abandoned and derelict vessels, including those generated by Hurricane Florence. The workshops addressed community eligibility to participate in upcoming State vessel removal efforts, including the one described above, and successes and challenges associated with managing abandoned and derelict vessels. The workshops were held November 15 in Washington and November 25 in Wilmington.

The recently passed House Bill 200 appropriates \$50,000 to the N.C. Department of Environmental Quality for "repair, restoration, and related environmental disaster recovery activities" at the Reserve sites. The Division will also be applying for non-competitive Hurricane Florence recovery funds from NOAA to repair the boardwalk at the Rachel Carson Reserve and replace damaged interpretive signage at the Masonboro Island Reserve.

- *Periodic Rules Review*  
The Rules Review Commission approved the requested reoption timeline of November 30, 2021 for Coastal Reserve rules (15A NCAC 070). Proposed rule revisions have been drafted based on input

received at the fall 2018 local advisory committee meetings and the committees will have an opportunity

to review the language shortly. This work is part of the Legislative Periodic Review and Expiration of Existing Rules process (G.S. 150B-21.3A).

- *N.C. NERR Management Plan*

NOAA is seeking public comment on the N.C. National Estuarine Research Reserve’s revised draft management plan. NOAA requires periodic revision of management plans for sites in the National Estuarine Research Reserve System. Details regarding the NOAA public comment period are at [www.federalregister.gov](http://www.federalregister.gov); the comment period closes November 27. Additionally, the Reserve hosted public meetings in Corolla, Beaufort, and Wilmington November 4-6, 2019 to update the public on the revised management plan draft and gather comments on behalf of the N.C. Department of Environmental Quality; attendance was minimal at the public meetings and no comments were received.

- *N.C. NERR Federal Program Evaluation*

NOAA conducts periodic evaluations of coastal management programs and National Estuarine Research Reserves as required by the federal Coastal Zone Management Act. The N.C. National Estuarine Research Reserve and coastal management program are scheduled for evaluation in the current federal fiscal year (October 2019-September 2020) with a site visit occurring in Spring 2020. More details regarding the evaluation will be provided to the relevant committees as they become available.

- *Federal Budget*

The budget table below is a summary of the current status of the federal budget\* for fiscal years 17, 18, 19, and 20 as it relates to the Coastal Reserve.

Federal Budget Lines	Final Omnibus Appropriations FY2017	Final Omnibus Appropriations FY2018	Final Omnibus Appropriations FY2019	President’s Budget Request FY2020	House FY2020	Senate FY2020
NERRS Operations	\$23.5 M	\$25 M	\$27M	\$0 M	\$29 M	\$27 M
CZM Grants	\$70 M	\$75 M	\$75.5M	\$0 M	\$81 M	\$76.5 M

- Federal Fiscal Year 20: The federal budget is under a continuing resolution through December 20, 2019. The President’s budget request does not include funding for the NERRS Operations or the CZM Grants budget lines. The House and Senate marks for the programs for federal fiscal year 20 are included in the table above.
- Thank you to the National Estuarine Research Reserve Association and Friends of the Reserve for their work to educate Congress on the value of the national system and the NCNERR.

- *Acquisition*

- The State has purchased 35 acres in Sunset Beach to be added to the Bird Island Coastal Reserve. The addition of the oceanfront Sunset Beach West property, which is located between the western end of West Main Street in Sunset Beach and the Bird Island Reserve’s eastern boundary, ensures long-term habitat protection, and allows for continuous management of the area, and the public to directly access the Bird Island Reserve from public access points in Sunset Beach. In 2018, the N.C. General Assembly appropriated \$2.5 million to fund the purchase of the property in order to permanently conserve it as part of the Bird Island Coastal Reserve. These funds followed requests from the Town of Sunset Beach and the owners of the property to resolve ongoing litigation regarding the ownership and



development of the site.

- The Division recently received funding from the U.S. Fish and Wildlife Service's National Coastal Wetlands Conservation Grant Program to purchase 35.6 acres of maritime forest and wetlands on Little Collington Island, known as the Meter Point tract, for incorporation into the Kitty Hawk Woods Coastal Reserve. The \$912,750 grant from USFWS is matched by a donation from the seller to complete the purchase. The purchase will protect the Meter Point tract from development and conserve critical maritime forest and wetland habitats, maintain water quality, enhance resilience to sea level rise and increasing storms, and provide habitat for a variety of important aquatic and terrestrial species. The acquisition will also enhance the ecological integrity of the Kitty Hawk Woods Coastal Reserve. The Council of State approved the purchase at its November meeting.
- The Division also recently received funding from the Clean Water Management Trust Fund to purchase 260 acres on the Alligator River, known as the Primland tract, for incorporation into the Buckridge Coastal Reserve. The Primland tract is surrounded by the Buckridge Reserve and is composed of rare pond pine woodland and tidal swamp; its acquisition will protect habitat, simplify management, provide access to the Reserve and Alligator River, and secure operational buffers around the Dare County Bombing Range. Acquisition will be accomplished in partnership with The Nature Conservancy and the U.S. Department of Defense through a long-term partnership to facilitate securing operational buffers through Department of Defense's Readiness and Environmental Protection Integration program. After acquisition, the Reserve will work with other agencies and Tyrell County to plan and secure funds for a regional water access that will increase ecotourism and recreational opportunities at the tract, while providing continued use by working watermen.
- *Margaret A. Davidson Fellowship Program*  
As a reminder, applications for NOAA's Margaret Davidson Fellowship supporting the National Estuarine Research Reserve System are due December 20. The fellowship will fund a graduate student for 2 years to conduct collaborative research on a management priority at at least one of the four N.C. National Estuarine Research Reserve sites (Currituck Banks, Rachel Carson, Masonboro Island, and Zeke's Island). Learn more at <https://deq.nc.gov/about/divisions/coastal-management/nc-coastal-reserve/research/graduate-fellowships/margaret>.
- *NERRS Science Collaborative Funding Opportunities*  
The 2020 National Estuarine Research Reserve System Science Collaborative [Request for Catalyst Proposals](#) and [Request for Collaborative Research Pre-Proposals](#) were recently published. Proposals must address one or more [reserve management need\(s\)](#) published in the RFP. Learn more at <http://www.nerrssciencecollaborative.org> or contact Reserve Research Coordinator Brandon Puckett.
- *Staffing News*  
Jason Brown joined the Reserve team as the Northern Sites Manager in June. He has a Master of Geospatial Information Science and Technology degree from North Carolina State University and studied natural resource recreation as an undergraduate at Virginia Tech. Jason has nearly 15 years of experience as a state park ranger, most recently at Jockey's Ridge State Park.
- *Upcoming Program Activities*  
The Reserve is hosting NOAA's Office for Coastal Management's Nature-Based Solutions for Coastal Hazards Workshop on January 29, 2020 at the NOAA Beaufort Lab. The workshop is free and continuing education credits are available. Registration is required; learn more at

<https://deq.nc.gov/news/events/nature-based-solutions-coastal-hazards-workshop>.

\* The federal fiscal year is October 1-September 30. The National Estuarine Research Reserve System (NERRS) budget line provides funding to the 29 reserves within the System through cooperative agreements that are matched by the states, and supports national coordination of programs and implementation of system-wide and competitive projects. The Coastal Zone Management (CZM) grants budget line provides funding to coastal states with approved coastal management programs through cooperative agreements that are matched by the states. The Division of Coastal Management (DCM) receives funding from both budget lines to operate the N.C. National Estuarine Research Reserve (NCNERR) and N.C. Coastal Management Program. The CZM grant funds DCM receives provides funding for Reserve staffing, state site operations, and administrative support.

**APPENDIX B**

**SUBCHAPTER 70 - 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 sound management of coastal resources;
- (3) provide a focal point for educational activities that increase the public awareness and understanding of coastal ecosystems, effects of man on them, and the importance of the coastal systems to the state and the Nation;
- (4) accommodate traditional recreational activities, commercial fishing, 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 taking place there.

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

**Commented [ER1]:** RCC: Necessary with substantive public interest  
Reserve: No text change recommended

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

Definitions as used in this Subchapter are:

- (1) "Coastal Reserve" means those coastal land and water areas set aside to be maintained in their natural state for research, education and compatible recreation and enjoyment of natural and scenic beauty.
- (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) "Research Reserve" means a group of areas or components, each of which may include all or the key land and water portion of an estuary and adjacent transitional areas and uplands, constituting to the extent feasible a natural unit, set aside as a natural field laboratory to provide long-term opportunities for research, education, and interpretation of the ecological relationships within the area. The Coastal Reserve includes the Estuarine Research Reserve.
- (4) "Reserve" means any area designated pursuant to this Subchapter.

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

**Commented [ER2]:** RCC: Necessary without substantive public interest  
Reserve: No text change recommended

**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; for promoting and coordinating research and educational programs at the components while allowing for compatible traditional uses; for maintaining a management plan for the Reserve; for maintaining cooperative agreements with scientific, educational, and resource management agencies and private citizens that will assist in the management of the Reserve; and for providing new information on coastal processes to coastal management decisionmakers.

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

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Reserve: No text change recommended

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

Advisory committees shall be established for each individual Reserve component. ~~The committees and~~ shall advise the Reserve staff coordinator. Members of the committees shall include researchers, educators, managers, partner agencies and organizations, and citizens that use or are affected by the each Reserve. The committees shall be appointed by the Secretary of the Department of Environmental ~~Quality, Health, and Natural Resources~~.

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

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Reserve: Changes recommended

**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 (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; 143B-10;  
Eff. July 1, 1986;  
Amended Eff. February 1, 2006; April 1, 1999; August 1, 1991; April 1, 1988.*

**Commented [ER5]:** RCC: Necessary without substantive public interest  
Reserve: No text change recommended

**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 specific policies for research, education, natural resource management, and traditional uses at each component. The Secretary of the Department of Environmental ~~Quality, Health, and Natural Resources~~ shall approve the management plan and its revisions. The Division of Coastal Management shall seek input from the local advisory committees and public on revisions to the management plan. The Division of Coastal Management shall monitor and manage ~~the 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; 143-341; 143-342; 143B-10;  
Eff. July 1, 1986;  
Amended Eff. May 1, 1990; April 1, 1988.*

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Reserve: Changes recommended

**15A NCAC 070 .0202 RESERVE USE REQUIREMENTS**

The following use requirements shall apply to all of the components of the Reserve:

- (1) ~~The essential~~ natural character of the Reserve shall be maintained.
- (2) Traditional recreational uses within each component shall be allowed to continue as long as the activities do not disrupt the natural character integrity of the Reserve or any research or educational projects. Incompatible traditional uses shall include:
  - (a) fishing, hunting, or trapping activities not allowed by state rules;
  - (b) target shooting;
  - (c) hydraulic clam dredging within Reserve boundaries;
  - (d) use of motorized vehicles off designated corridors at components where motorized vehicles are allowed for upland transportation according to the management plan; and
  - (e) production of noise disruptive to local wildlife and the aesthetic enjoyment of the Reserve as a natural area.
- (3) No user shall disturb a an authorized research project or research equipment in place at the Reserve.
- (4) Camping or any form of habitation, ~~whether on the uplands; or wetlands of the Reserve, or waters within Reserve boundaries;~~ shall not be allowed unless except on the uplands at the Masonboro Island Reserve for no more than a 48-hour period where written permission is posted by the Division of Coastal Management.
- ~~(5) Personal property not authorized by the management agency may not be placed within the boundaries of the Reserve for more than two consecutive days.~~
- (56) Users of the Reserve shall not disturb or remove any live animals, except those allowed by local or state hunting 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 approved authorized by the ~~management agency~~ Division of Coastal Management.
- ~~(67) Persons wishing to engage in scientific research and monitoring, or collection of natural and cultural materials for scientific purposes within the Reserve shall first secure written permission from the management agency Division of Coastal Management prior to beginning said activity. Written permission does not eliminate the need to obtain any other state, local, or federal authorization, nor to abide by regulations adopted by any federal, state, or local agency.~~
- ~~(8) No activity shall be allowed which might pollute any stream or body of water in the Reserve. Acts of pollution shall include:
  - (a) Deposition of solid materials not indigenous to the local coastal ecosystem; and
  - (b) Discharge of liquids other than uncontaminated estuarine water.~~
- (79) No other acts or uses which are detrimental to the maintenance of the property in its natural condition shall be allowed including, ~~but not limited to,~~ disturbances of the soil, mining, commercial or industrial uses, timber harvesting, ditching and draining, and deposition of waste materials. Disposal of dredge spoil materials within existing U.S. Army Corps of Engineers easements at Reserve sites may be allowed with authorization from the U.S. Army Corps of Engineers and N.C. Department of Administration.
- (8) The following requirements pertain to littering, dumping, deposition, and pollution:
  - (a) Any personal property, excluding vessels, left unattended within the Reserve longer than 24 hours

**Commented [ER7]:** RCC: Necessary with substantive public interest  
Reserve: Changes recommended

**Commented [ER8]:** Topic addressed under new item 9

**Commented [ER9]:** Topic addressed under new item 10

- shall be considered litter in accordance with G.S. § 14-399, and subject to removal at the owner's expense and/or prosecution.
- (b) No person(s) shall scatter, spill, place or cause to be blown, scattered, spilled, or placed or otherwise dispose of any litter upon any Reserve property, including public trust waters within the boundaries of the Reserve.
  - (c) No person(s) shall dump, deposit, place, or allow to be abandoned any autos, appliances, trash, debris, garbage, shell or discarded material(s) of any kind on Reserve property, including public trust waters within the boundaries of the Reserve.
  - (d) No person(s) shall abandon or allow to be abandoned any vessels of any kind on Reserve property, including in public trust waters within the boundaries of the Reserve. Vessels not removed within 10 days will be considered litter in accordance with G.S. § 14-399 and subject to removal at the owner's expense and/or prosecution.
  - (e) No activity shall be allowed which might pollute Reserve property or any stream, creek or other body of water within the boundaries of the Reserve, in accordance with G.S. § 75A-10, 76-40.
- (9) The following requirements pertain to parking:
- (a) Motorized vehicles are prohibited from Reserve property while not actively engaged in a Reserve-based activity, Reserve business, or an activity authorized by the Division of Coastal Management.
  - (b) An owner or driver shall not allow a vehicle to remain stationary anywhere in any Reserve blocking a gate, driveway or emergency vehicle access except for a reasonable time to receive or discharge passengers or load or unload supplies. Vehicles are not permitted to block traffic.
  - (c) An owner or driver shall not allow a vehicle to remain anywhere in any Reserve unattended or abandoned for longer than 12 hours except at the Currituck Banks parking lot where there is a 2 hour limit.
  - (d) An owner or driver shall not park a vehicle on Reserve property overnight.
  - (e) The Division or its agents may remove or tow any vehicle that is in violation of this rule at the owner's expense.
- (10) The Division staff and its agents are exempt from this rule when engaged in management activities, including beneficial use of dredged materials or other engineering practices that restore or enhance the natural character of the Reserve.

*History Note: Authority G.S. 143B-10;  
Eff. July 1, 1986;  
Amended Eff. April 1, 1999; December 1, 1991; April 1, 1988.*

#### **15A NCAC 070.0203 SPECIAL ACTIVITY AUTHORIZATION**

- (1) A Special Activity Authorization is required for organized events, commercial activities and other activities or uses requested by visitors that fall outside of the primary uses of research, education and compatible traditional uses such as hunting, fishing, navigation, and recreation.
- (2) Applications for Special Activity Authorization at a Reserve component may be made by contacting the Division of Coastal Management.
- (3) An application for a Special Activity Authorization shall be made a minimum of 30 days prior to and up to one year in advance of the activity or use; shall include the name, address and phone number of the applicant; the name of the organization (if any); the name, address and phone number of a contact person; the date, time, duration, nature and location of the proposed activity or use; the estimated number of persons expected to participate; and the equipment to be used during the activity. Special Activity Authorization applications will be approved or denied within 14 business days of receipt of a complete application.
- (4) The Reserve Manager or designee shall issue a Special Activity Authorization on receipt of a complete application unless one or more of the following apply:
  - (a) A prior application for a Special Activity Authorization for the same activity or use has been made and granted; and the activities or uses authorized by that Special Activity Authorization do not allow multiple activities or uses of that particular location;
  - (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 particular location applied for, considering such things as safety of the applicant or other Reserve visitors; damage to Reserve property or facilities; interference with research or education

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- programs, or the site management activities of the Reserve; disturbance of wildlife, habitats, or other natural features of the Reserve; or
- (d) The activity or use conflicts with the principal purposes of the Reserve as defined in 15A NCAC O70.0101.
  - (e) The activity or use does not comply with the Reserve use requirements found in section 15A NCAC O70.0202 or dedicated nature preserve letters of allocation or would constitute a violation of other applicable law or regulation.
- (5) The Special Activity 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 Special Activity Authorization application.
  - (7) If a Special Activity Authorization 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 Reserve rules, including adherence to locations and conditions specified for the activity or use detailed in the approved Special Activity Authorization.
  - (9) A Special Activity Authorization authorizes an act only when that act conforms to the terms contained in the authorization or in applicable rules and conforms to existing state laws. Violation of the terms and conditions of a Special Activity Authorization, including engaging in any activities or uses not expressly authorized, issued in accordance with this section is prohibited and shall result in revocation of the Special Activity Authorization by the Division of Coastal Management or designee.