



Coastal Management  
ENVIRONMENTAL QUALITY

PAT MCCRORY

*Governor*

DONALD R. VAN DER VAART

*Secretary*

BRAXTON DAVIS

*Director*

**MEMORANDUM**

**CRC-16-27**

**TO:** N.C. Coastal Resources Commission  
**FROM:** Rebecca Ellin, Coastal Reserve Program Manager  
**DATE:** June 27, 2016  
**SUBJECT:** 15A NCAC 070 N.C. Coastal Reserve – Legislative Periodic Review of Existing Rules

The N.C. Coastal Reserve's rules, 15A NCAC 070, are scheduled to be reviewed by the Rules Review Commission in June 2017 as part of the Legislative Periodic Review and Expiration of Existing Rules process (G.S. 150B-21.3A).

This process requires that all rule citations are classified as necessary with substantive public interest, necessary without substantive public interest, or unnecessary per G.S. 150B-21.3A (c)(1). To inform the Division's recommendation to the Department of Environmental Quality regarding the classification of its Coastal Reserve rules in 15A NCAC 070, staff classified each rule citation and sought input from the Reserve's ten local advisory committees on the initial draft agency determinations. The initial draft agency determinations, along with revised determinations based on local advisory committee input are summarized in the attached table. Two initial draft agency determinations were changed from necessary without substantive public interest to necessary with substantive public interest based on input received from the local advisory committees (15A NCAC 070 .0104, State and Local Coastal Reserve Advisory Committees and 15A NCAC 070 .0201, Management Plan).

As the Coastal Area Management Act states that the Department will consult with and seek advice of the Coastal Resources Commission in its administration of the Coastal Reserve, **the Division is requesting the Commission's support of staff's revised initial draft agency determinations for 15A NCAC 070 to inform its recommendation to the Department.**

After review by the Department, the initial agency determinations will be published for the required 60-day public comment period on the Office of Administrative Hearings, Rules Review Commission, Department, Division, and Reserve websites. Staff will then compile a report for submittal to the Rules Review Commission that responds to comments received and amends the initial agency determinations if necessary. Any proposed amendments to the rule language will be considered during the readoption process.

Rule Section	Rule Citation	Rule Name	Initial Agency Draft Determination [150B-21.3A(c)(1)a]	Revised Initial Agency Draft Determination [150B-21.3A(c)(1)a] <i>Shaded cells reflect changes based on Local Advisory Committee Input</i>
SECTION .0100 - GENERAL PROVISIONS	15A NCAC 070 .0101	STATEMENT OF PURPOSE	Necessary with substantive public interest	Necessary with substantive public interest
	15A NCAC 070 .0102	DEFINITIONS AS USED IN THIS SUBCHAPTER	Necessary without substantive public interest	Necessary without substantive public interest
	15A NCAC 070 .0103	RESPONSIBILITIES: DUTIES OF THE COASTAL RESERVE PROGRAM	Necessary with substantive public interest	Necessary with substantive public interest
	15A NCAC 070 .0104	STATE AND LOCAL COASTAL RESERVE ADVISORY COMMITTEES	Necessary without substantive public interest	Necessary with substantive public interest
	15A NCAC 070 .0105	RESERVE COMPONENTS	Necessary without substantive public interest	Necessary without substantive public interest
SECTION .0200 - MANAGEMENT: USE AND PROTECTION OF THE NORTH CAROLINA COASTAL RESERVE	15A NCAC 070 .0201	MANAGEMENT PLAN	Necessary without substantive public interest	Necessary with substantive public interest
	15A NCAC 070 .0202	RESERVE USE REQUIREMENTS	Necessary with substantive public interest	Necessary with substantive public interest