



**Bald Head Woods Reserve
Local Advisory Committee Meeting Minutes
Tuesday, December 3, 2019 – 10 am
Bald Head Island Conservancy Auditorium**

Attendance

<u>LAC Partner Organization Members</u>	<u>Present</u>
Bald Head Island Conservancy – Chris Shank, Poul Lindegaard, Beth Darrow, Marissa Blackburn	Yes
Village of Bald Head Island, Jeff Griffiths	Yes
Village of Bald Head Island Public Safety	No
Natural Heritage Program, Mike Schafale	Yes
<u>Community Members and Community Organizations Members</u>	
Al Buzzard	Yes
<u>Others Present</u>	
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 sections 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

- No comment.

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

- No comment.

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

- No comment.

15A NCAC 070.0202 – RESERVE USE REQUIREMENTS

- Item (1) – Ms. Darrow expressed support for the change to “natural” rather than “essential,” considering it easier to define.
- Item (2) – Mr. Schafale pointed out that the language regarding motorized vehicles needs to be written to make it clear whether bicycles are allowed or not. Ms. Blackburn suggested removing “motorized” and adding “unless otherwise expressly allowed” to clarify this.
- Item (3) – Mr. Lindegaard commented that the use of “Reserve,” “site,” and “component” seems to be inconsistent throughout the rules. Ms. Darrow suggested adding “monitoring” as a complementary activity to research.
- Item (4) – Ms. Darrow suggested adding “consecutive” before “48 hours.” Mr. Schafale suggested that a number of nights might be more clear. He also questioned whether boats had been intentionally left out of this rule. The site manager clarified that this change was intentional to allow for boaters anchoring while traveling.
- Item (5) – Mr. Schafale suggested ensuring that any known traditional collection of plants such as berry picking be accommodated in the rule language.
- Item (6) – Mr. Marziano suggested looking at language regarding “federal, state, and local” authorities to make sure it is consistent throughout.
- Item (7) – No comment.
- Item (8) – Mr. Griffiths suggested reconsidering the duration included as a longer timeframe may be needed to remove a vessel in the least damaging way possible. Mr. Lindegaard suggested that the level of detail in parts (8) and (9) was not in balance with the rest of the rules and should be less detailed.
- Item (9) – Mr. Schafale suggested that definitions of vessels and vehicles be included and that “motorized” should be used consistently.
- Item (10) – No comment.

15A NCAC 070.0202 – SPECIAL ACTIVITY AUTHORIZATION

- Mr. Schafale suggested condensing item (3) to simply state that an application would need to be filled out with the remaining details being available on the website. Ms. Darrow suggested including a limit for the number of participants that would trigger the

need for a special activity authorization. Mr. Blackburn suggested that the details in item (4) may not be needed since the rule already states that DCM will make the decision on whether to give authorization.

Additional general discussion of the rules also occurred. Mr. Lindegaard suggested that it should be clarified whether the goal of updating the rules was to make things more strict or more free and questioned whether changing the rules would have any real effect. Mr. Schafale stated that the rules need to be in line with the General Statutes related to the Coastal Reserve.

Site Update and Old Business – Hope Sutton

- *Site work and hurricane recovery trail work*
 - Trails and site were opened back up on November 14 with the help of The Nature Conservancy and U.S. Forest Service staff with chain saw qualifications. The reserve greatly appreciates this partner support. Reserve staff will visit the site again following this meeting to address additional trail maintenance needs, particularly on the north trail, which is newer and utilized less, so needs more maintenance. Another trail maintenance date will be scheduled early in the new year to finish addressing derelict infrastructure and other trail needs.
- *Trail maintenance standards*
 - Any final comments on the reserve's trail maintenance standard operating procedures should be submitted to the site manager as soon as possible. This document will be finalized early in the new year.
- *Monitoring program associated with wellfield*
 - Chris McCall, Village Manager, is working to get information from the well contractor to allow for the next steps with reviewing monitoring data from this project. Monitoring began during the summer of 2015, so a five-year review of data is needed, as described in the monitoring plan. The monitoring advisory group will be convened to discuss the results of the monitoring effort and determine future needs.
- *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

- *Memorandum of Understanding (MOU)*
 - Discussion with the reserve program manager has resulted in permission to go forward with development of an updated MOU between Bald Head Island Conservancy and the reserve. The stewardship coordinator will work on this during the winter months and will discuss the document's details with Chris Shank by email.

Roundtable

- Ms. Darrow reported that the conservancy will be working with a researcher from UNCW to do vegetation monitoring during 2020. A research permit will be submitted for this project.
- Ms. Darrow reported that conservancy will be continuing deer immunocontraception during the winter months. They have noticed deer blinds in the forest that are not part of this project. The site manager will provide a sign to notify the owners of the blinds that they must be removed.
- Ms. Blackburn asked about protection of the Timmons Oak and how the conservancy can work with the reserve to accomplish this while still providing educational program participants with a good experience. Reserve staff will install a rope to designate an area around the tree so that visitors maintain an appropriate distance from the tree.

Public comments

- None

Action Items

- Reserve staff will contact committee members during the winter to establish a date for the spring meeting.
- Reserve staff will provide a “personal property” sign for conservancy staff use.
- Reserve staff will provide brochures for distribution at the conservancy office.

APPENDIX A

Reserve-wide Administrative Update

- *30th 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 30th 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; 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.*

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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.*

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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

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Reserve: Changes recommended

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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

Commented [ER10]: New section

- 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 070.0101.
 - (e) The activity or use does not comply with the Reserve use requirements found in section 15A NCAC 070.0202 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.