

### **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.