

CHAPTER 13 - PARKS AND RECREATION AREA RULES

SUBCHAPTER 13A - ORGANIZATION AND DUTIES

07 NCAC 13A .0101 ORGANIZATION AND PURPOSE

History Note: Authority G.S. 143B-135.16; 143B-135.200;
Eff. February 1, 1976;
Amended Eff. May 1, 2010; January 1, 1983; April 4, 1979;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014;
Transferred from 15A NCAC 12A .0101 Eff. April 1, 2017;
Expired Eff. June 1, 2018 pursuant to G.S. 150B-21.3A.

07 NCAC 13A .0102 SUBORGANIZATION

07 NCAC 13A .0103 PARKS AND RECREATION COUNCIL

History Note: Authority G.S. 113-8; 113-35; 143B-311;
Eff. February 1, 1976;
Amended Eff. January 1, 1983;
Repealed Eff. October 1, 1984;
Transferred from 15A NCAC 12A .0102, .0103 Eff. April 1, 2017.

07 NCAC 13A .0104 DIRECTORY OF STATE PARKS AND RECREATION AREAS

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Transferred from 15A NCAC 12A .0104 Eff. April 1, 2017;
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07 NCAC 13A .0105 DEFINITIONS

The definitions in G.S. 143B-135.44 apply to this Chapter. The following words and phrases, which are not defined therein, are defined as follows:

- (1) "Division" means the Division of Parks and Recreation;
- (2) "Owner" means any person owning, leasing, or having the exclusive use of any property;
- (3) "Permits" means any written document issued by or under authority of the Department, permitting the performance of a specified act or acts;
- (4) "Person" means any natural person, corporation partnership, association, or governmental unit; and
- (5) "Long term operating agreement" means any current or future agreement between the Division and a private or government entity for one year or longer where that entity agrees to operate and manage a facility or property.

Within State Trails and State Rivers that travel lands of diverse ownership, the rules in this Chapter apply only to segments within and on property managed by the Division.

History Note: Authority G.S. 113-8; 143B-135.16;
Eff. January 1, 1983;
Amended Eff. May 1, 2010; August 1, 1988; October 1, 1984;
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SUBCHAPTER 13B - PARKS AND RECREATION AREAS

SECTION .0100 - GENERAL PROVISIONS

07 NCAC 13B .0101 DEFINITIONS OF TERMS

As used in this Subchapter, the following terms shall mean:

- (1) "Bridle Trail" means any trail maintained by the Division on Division Property for persons riding on horseback;
- (2) "Division Property" or "State Parks" means any state park, recreation areas, natural areas, state lakes, or other property leased or managed by the Division;
- (3) "E-bike" means a two- or three-wheeled cycle with operable pedals and an electric motor of less than 750 watts (1 h.p.). Devices with electric motors of 750 watts (1 h.p.) or more of power and not included in the Definition set forth in this Item shall be managed as motor vehicles under Chapter 20 of the North Carolina General Statutes. E-bike shall be further classified pursuant to the following definitions:
 - (a) "Class 1 e-bike" shall mean an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour;
 - (b) "Class 2 e-bike" shall mean an electric bicycle equipped with a motor that may be used to propel the bicycle, even when the rider is not pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour; and
 - (c) "Class 3 e-bike" shall mean an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour.
- (4) "Hiking Trail" means any trail maintained for pedestrians by the Division on Division Property;
- (5) "Mountain Bike Trail" or "Single-Track Trail" means any trail maintained for mountain biking by the Division on Division Property;
- (6) "Multi-Use Trail" means any trail that is designated for more than one type of use;
- (7) "Public nudity" means a person's intentional failure to cover with an opaque covering the person's genitals, pubic area, anal area, or female breasts below a point from the top of the areola while in a public place;
- (8) "Swimming Area" means any beach or water area designated by the Division through posted signage as a swimming and bathing area;
- (9) "Unnecessary Stopping" means a vehicle coming to a stop at a point other than any of the following:
 - (a) in a parking place;
 - (b) in conformity with traffic regulations; or
 - (c) because of a defect in the vehicle.

History Note: Authority G.S. 143B-135.16;
Eff. February 1, 1976;
Amended Eff. September 1, 1988; January 1, 1983; April 4, 1979;
Transferred from 15A NCAC 12B .0101 Eff. April 1, 2017;
Readopted Eff. March 1, 2022.

07 NCAC 13B .0102 CONSTRUCTION

History Note: Authority G.S. 113-35;
Eff. February 1, 1976;
Amended Eff. January 1, 1983;
Repealed Eff. October 1, 1984;
Transferred from 15A NCAC 12B .0102 Eff. April 1, 2017.

07 NCAC 13B .0103 TERRITORIAL SCOPE

This Chapter shall apply to all state parks, parkways, state lakes, natural areas, sites, and other recreational areas administered by this Division.

*History Note: Authority G.S. 143B-135.16;
Eff. February 1, 1976;
Amended Eff. October 1, 1984; January 1, 1983; April 4, 1979;
Transferred from 15A NCAC 12B .0103 Eff. April 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.*

07 NCAC 13B .0104 PERMITS

(a) Applications for permits may be made by contacting individual Park and Recreation Area offices or Deputy Director of Operations, North Carolina Division of Parks and Recreation, 1615 Mail Service Center, Raleigh NC 27699-1615.

(b) The following uses of Division property shall require a Special Use Permit authorized by the Division:

- (1) metal detector use;
- (2) rock climbing, rappelling and bouldering for individual climbers. A Group Climbing Permit, as outlined in Paragraph (f) of this Rule, shall be required for all organized group rock climbing, rappelling, and bouldering;
- (3) licensed vehicle operations on the unpaved areas of Fort Fisher State Recreation Area;
- (4) overnight parking;
- (5) aviation activities using unmanned aerial vehicles (UAV) or drones;
- (6) pyrotechnics; and
- (7) other activities or uses not otherwise expressly allowed by these Rules.

(c) Special Use Permits may be obtained at the park level from the Park Superintendent or designee on the day of the activity. An application for a Special Use Permit shall include the following information:

- (1) the name, address, and phone number of the applicant;
- (2) the name of the organization (if any);
- (3) the name, address, and phone number of a contact person;
- (4) the date, time, duration, nature, and location of the proposed activity or use;
- (5) the estimated number of persons expected to participate; and
- (6) the equipment and facilities to be used.

(d) The following activities occurring on Division property shall require a Special Activity Permit authorized by the Division:

- (1) athletic contests;
- (2) events;
- (3) aviation activities using any aviation apparatus other than unmanned aerial vehicles (UAV) or drones;
- (4) pack animals and goats;
- (5) commercial enterprises;
- (6) commercial photography;
- (7) advertising;
- (8) public assemblies and demonstrations;
- (9) entry to restricted areas; and
- (10) other activities or uses not otherwise expressly allowed by these Rules.

Notwithstanding the requirements of this Rule, uses of intoxicating liquors and controlled substances or beverages are governed by 07 NCAC 13B .1003.

(e) An application for a Special Activity Permit shall be made at least 14 days in advance of the activity or use and shall include the following information:

- (1) the name, address, and phone number of the applicant;
- (2) the name of the organization (if any);
- (3) the name, address, and phone number of a contact person;
- (4) the date, time, duration, nature, and location of the proposed activity or use;
- (5) the estimated number of persons expected to participate; and
- (6) the equipment and facilities to be used.

(f) A Research Activity Permit authorized by the Division shall be required for any academic, historic, scientific, or other research, study, or project occurring on Division Property. This shall include studies which involve the collection, removal, or disturbance of any natural or cultural resource of any state park unit and projects that require placing monitoring equipment on any Division property. An application for a Research Activity Permit shall include the following information:

- (1) the name, address, e-mail address, phone number, and resume or curriculum vitae of the principal investigator and project director;
- (2) the name of the organization (if any);
- (3) the name, address, and phone number of a contact person;
- (4) the date, time, duration, nature, and location(s) of the proposed activity or use;
- (5) the title and description of the proposed activities to be performed;
- (6) the estimated number of persons expected to participate;
- (7) the equipment and facilities requested to be used; and
- (8) copies of any permits or licenses required by federal or state law.

(g) A Group Climbing Permit authorized by the Division shall be required for all rock climbing, rappelling, or bouldering by organized private, commercial, governmental, or non-profit groups occurring on Division property. An application for a Group Climbing Permit shall include the following information:

- (1) the name, address, e-mail address, and phone number of the organizer;
- (2) the name of the organization (if any);
- (3) the date, time, duration, nature, and location(s) of the proposed activity;
- (4) the estimated number of persons expected to participate;
- (5) proof of general liability insurance; and
- (6) the equipment and facilities requested to be used.

(h) The Park Superintendent or their designee shall issue a Special Use Permit, Special Activity Permit, or Group Climbing Permit; and the Division's Director or designee shall issue a Research Activity Permit, on receipt of a completed application unless:

- (1) A prior application for a permit for the same activity or use has been made and had been or will be granted; and the activities or uses authorized by that permit do not allow multiple occupancy of that particular location;
- (2) The activity or use will threaten the health, safety, and welfare of persons using the Park;
- (3) 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 Park visitors; damage to Park resources or facilities; impairment of the atmosphere of peace and tranquility in specially protected natural or historic areas; interference with interpretative programs, visitor services or other program activities, or the administrative activities of the Park; or impairment of public use facilities or services of Park concessionaires or contractors;
- (4) The activity or use would constitute a violation of applicable law or regulation; or
- (5) The activity would create conditions that are not consistent with or are detrimental to the protection and use of the Park for the purposes for which it is operated.

(i) The permit may contain such additional conditions or restrictions as are consistent with protection and use of the Park for the purposes for which it is operated, including limitations on the time, location, number of participants, use and facilities, and number and types of equipment used. Locations requested for permitted activities which may not be appropriate include:

- (1) archaeological and interpretive program areas;
- (2) historic structures;
- (3) boat ramps;
- (4) trails;
- (5) sensitive or fragile natural areas;
- (6) campgrounds;
- (7) designated swimming beaches;
- (8) scenic overlooks; and
- (9) the habitats of threatened or endangered species.

(j) If a permit is denied, the applicant shall be so informed with the reason(s) for the denial set forth.

(k) Participants in activities or uses covered under this Rule shall:

- (1) be subject to the rules of this Subchapter and the terms of any applicable permits issued pursuant to this Rule, including adherence to locations specified for their activity or use while partaking in such event or activity;
 - (2) be subject to fees for parking, admission, or use;
 - (3) not place printed material on Park signs, infrastructure, natural resources, or vehicles;
 - (5) not obstruct or impede pedestrians or vehicles;
 - (6) not harass Park visitors with physical contact or persistent demands; and
 - (7) not threaten the health, safety, and welfare of persons using the Park.
- (l) Violation of the terms and conditions of a permit issued in accordance with this Rule is prohibited and shall result in revocation of the permit by the Park Superintendent or designee.

History Note: Authority G.S. 143B-135.16;
Eff. February 1, 1976;
Amended Eff. May 1, 2010; October 1, 1984; January 1, 1983;
Transferred from 15A NCAC 12B .0104 Eff. April 1, 2017;
Readopted Eff. March 1, 2022.

07 NCAC 13B .0105 ENFORCEMENT

History Note: Authority G.S. 113-35;
Eff. February 1, 1976;
Amended Eff. January 1, 1983;
Repealed Eff. October 1, 1984;
Transferred from 15A NCAC 12B .0105 Eff. April 1, 2017.

07 NCAC 13B .0106 NORTH CAROLINA PARKS: HOURS OF OPERATION AND FEES

- (a) Information concerning hours of operation, admission fees and other related activity fees for North Carolina Parks may be found at: <https://www.ncparks.gov/hours-fees-and-permits>.
- (b) Admission fees and other related activity fees are subject to dynamic pricing and may change from time to time.

History Note Authority G.S. 143B-135.16;
Eff. April 7, 2017.

SECTION .0200 - PRESERVATION OF THE PARK

07 NCAC 13B .0201 NATURAL AND CULTURAL RESOURCE PROTECTION

- (a) A person shall not remove, possess, or disturb any plant, fungus, mineral, living or dead wild animal, or the products thereof, or any archeological or cultural resource or artifact in any park area except as otherwise provided in this Section.
- (b) Harassing, or intentionally disturbing wildlife and their nesting, breeding or other activities is prohibited.
- (c) The placement or distribution of agricultural products, natural or processed foods, or any other item for the purpose of attracting or feeding any wildlife is prohibited.
- (d) A person shall not collect any natural or cultural resources or artifacts from any park area except as authorized by a research activity permit. A research activity permit for collections shall be issued only to a representative of a scientific educational institution, non-profit agency or a State or Federal agency for the purpose of research, baseline inventories, monitoring, impact analysis, group study, or museum display when the superintendent determines that the collection is necessary to the stated scientific or resource management goals of the institution or agency and that all applicable Federal and State permits have been acquired and that the intended use of the specimens and their final disposal is in accordance with applicable law. Application for research activity permits shall be made as provided by Rule .0104 of this Subchapter. A research activity permit for personal or commercial purposes is prohibited.

History Note: Authority G.S. 143B-135.16;
Eff. February 1, 1976;
Amended Eff. May 1, 2010; January 1, 1983;
Transferred from 15A NCAC 12B .0201 Eff. April 1, 2017;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.

07 NCAC 13B .0202 BUILDINGS: SIGNS: STRUCTURES: ETC.

*History Note: Authority G.S. 113-35;
Eff. February 1, 1976;
Amended Eff. January 1, 1983;
Repealed Eff. October 1, 1984;
Transferred from 15A NCAC 12B .0202 Eff. April 1, 2017.*

07 NCAC 13B .0203 METAL DETECTORS PROHIBITED

Metal detectors are not allowed in any park area except to locate lost personal property when authorized by a Special Use Permit as provided by Rule .0104 of this Subchapter.

*History Note: Authority G. S. 143B-135.16;
Eff. January 1, 1983;
Amended Eff. May 1, 2010;
Transferred from 15A NCAC 12B .0203 Eff. April 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.*

07 NCAC 13B .0204 ROCK CLIMBING

(a) Rock climbing, bouldering, or rappelling is prohibited except in in areas designated by the Park Superintendent, in accordance with Rule .0104 of this Subchapter. A Special Use Permit, as provided by Rule .0104 of this Subchapter, is required for all climbing, rappelling, and bouldering that is not part of an organized group as described in Paragraph (d) of this Rule.

(b) The installation of permanent or fixed rock climbing anchors, such as pitons and expansion bolts, is prohibited in any climbing area unless the Park Superintendent has determined the installation may be made safely and without affecting park resources or facilities.

(c) The superintendent may designate a daily capacity limit for specific climbing routes and areas based on natural resource protection and public safety.

(d) Organized private, commercial, governmental, or non-profit groups shall obtain a Group Climbing Permit prior to the activity. Application for a Group Climbing Permit shall be made as provided by Rule .0104 of this Subchapter.

(e) Violation of the terms and conditions of a permit issued in accordance with this Section is prohibited and shall result in the revocation of the permit.

*History Note: Authority G.S. 143B-135.16;
Eff. January 1, 1983;
Amended Eff. May 1, 2010; October 1, 1984;
Transferred from 15A NCAC 12B .0204 Eff. April 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018;
Amended Eff. March 1, 2022.*

SECTION .0300 - BATHING

07 NCAC 13B .0301 BATHING AND SWIMMING ACTIVITIES: WHERE PROHIBITED

A person shall not bathe, wade, surf, dive, scuba dive or swim in any waters in any park area except at such times and in such places as the Division designates.

*History Note: Authority G.S. 143B-135.16;
Eff. February 1, 1976;
Amended Eff. May 1, 2010; October 1, 1984; January 1, 1983;
Transferred from 15A NCAC 12B .0301 Eff. April 1, 2017;*

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.

07 NCAC 13B .0302 PUBLIC NUDITY

- (a) Public nudity, including public nude bathing, is prohibited in any park area lands or waters. This Rule does not apply to the enclosed portions of bathhouses, restrooms, tents and recreational vehicles.
- (b) Children under the age of five are exempt from this restriction.

*History Note: Authority G.S. 14-190.9; 143B-135.16;
Eff. February 1, 1976;
Amended Eff. September 1, 1988; January 1, 1983;
Transferred from 15A NCAC 12B .0302 Eff. April 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.*

07 NCAC 13B .0303 PROTECTION OF SWIMMING AREAS

A person shall not carry or deposit any glass, crockery, or any metallic substance on any swimming area or beach.

*History Note: Authority G.S. 143B-135.16;
Eff. February 1, 1976;
Amended Eff. January 1, 1983;
Transferred from 15A NCAC 12B .0303 Eff. April 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.*

SECTION .0400 - REFUSE AND RUBBISH

07 NCAC 13B .0401 DISPOSAL OF REFUSE: GARBAGE: ETC.

- (a) No one shall dispose of household or business refuse, or garbage, in any park.
- (b) The disposal of vegetable matter, fruits, meat products or other food substances in other than a park refuse receptacle is prohibited.

*History Note: Authority G.S. 143B-135.16;
Eff. February 1, 1976;
Amended Eff. May 1, 2010; October 1, 1984; January 1, 1983;
Transferred from 15A NCAC 12B .0401 Eff. April 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.*

07 NCAC 13B .0402 POLLUTION OF WATERS

Except for park employees, agents and contractors on duty, a person shall not bathe animals or wash vehicles or clothing.

*History Note: Authority G.S. 143-21; 143B-135.16;
Eff. February 1, 1976;
Amended Eff. October 1, 1984; January 1, 1983;
Transferred from 15A NCAC 12B .0402 Eff. April 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.*

SECTION .0500 - TRAFFIC AND PARKING

07 NCAC 13B .0501 VEHICLES: WHERE PROHIBITED

- (a) A person shall not drive a vehicle including bicycles, wheeled or tracked powered devices, all terrain vehicles, motorcycles, mopeds or similar conveyances in any park within or upon a safety zone, walk, bridle trail, hiking trail, fire trail, service road or any part of any park area not designated or customarily used for such purpose. Operation of

unlicensed for highway-use motor vehicles, motorcycles, golf carts, snow mobiles, utility vehicles, mini-bikes, all terrain vehicles, powered go-carts and powered stand-upon scooters is prohibited within any park.

(b) A mobility-impaired person using a manual or motorized wheelchair is considered a pedestrian. This Rule is not intended to restrict the activities of such a person beyond the degree that the activities of a pedestrian are restricted by the same Rule, except where use of such wheelchairs constitutes a safety hazard or would damage fragile natural resources.

(c) No person shall drive a vehicle, bicycle or other conveyance on areas with fragile natural resources that would be damaged by the vehicle, bicycle or other conveyance, or where the use of the vehicle, bicycle or other conveyance would be unsafe.

(d) Notwithstanding Paragraph (a) of this Rule, operation of licensed vehicles on the unpaved areas of the Fort Fisher Recreation Area is prohibited unless the operator has obtained a vehicle beach use permit as provided by Rule .0104 of this Subchapter.

(e) Notwithstanding Paragraph (a) of this Rule, operation of motor vehicles upon the unpaved areas of Chestnut Mountain Road within Gorges State Park is prohibited unless the vehicle has four-wheel drive or all wheel drive capability.

*History Note: Authority G. S. 143B-135.16;
Eff. February 1, 1976;
Amended Eff. May 1, 2010; February 1, 2004; January 1, 1983;
Transferred from 15A NCAC 12B .0501 Eff. April 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.*

07 NCAC 13B .0502 PARKING

(a) An owner or driver shall not allow a vehicle to remain stationary anywhere in any park outside of designated parking spaces, in a "No Parking Zone", in front of a park gate, driveway or emergency vehicle access except for a reasonable time to receive or discharge passengers or load or unload supplies.

(b) An owner or driver shall not allow a vehicle to remain anywhere in any park unattended or abandoned for longer than 12 hours except by permit, as provided by Rule .0104 of this Subchapter.

(c) An owner or driver shall not leave a vehicle parked unattended or abandoned overnight except by permit, as provided by Rule .0104 of this Subchapter.

(d) The Division may remove or tow any vehicle that is in violation of this Rule at the owner's expense.

*History Note: Authority G.S. 143B-135.16;
Eff. February 1, 1976;
Amended Eff. May 1, 2010; January 1, 1983;
Transferred from 15A NCAC 12B .0502 Eff. April 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.*

07 NCAC 13B .0503 OBSTRUCTING TRAFFIC

A person shall not cause or permit a vehicle to obstruct traffic.

*History Note: Authority G.S. 143B-135.16;
Eff. February 1, 1976;
Amended Eff. October 1, 1984; January 1, 1983;
Transferred from 15A NCAC 12B .0503 Eff. April 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.*

07 NCAC 13B .0504 SPEED LIMIT

*History Note: Authority G.S. 113-35;
Eff. February 1, 1976;
Amended Eff. January 1, 1983;
Repealed Eff. October 1, 1984;*

Transferred from 15A NCAC 12B .0504 Eff. April 1, 2017.

07 NCAC 13B .0505 VIEW INTO VEHICLES

*History Note: Authority G.S. 113-35;
Eff. February 1, 1976;
Repealed Eff. January 1, 1983;
Transferred from 15A NCAC 12B .0505 Eff. April 1, 2017.*

07 NCAC 13B .0506 EXCESSIVE LOADS

*History Note: Authority G.S. 113-35;
Eff. February 1, 1976;
Legislative Objection Lodged Eff. December 17, 1982;
Amended Eff. January 1, 1983;
Curative Repealed Eff. January 20, 1983;
Transferred from 15A NCAC 12B .0506 Eff. April 1, 2017.*

07 NCAC 13B .0507 BICYCLES

- (a) Bicycles, including Class 1 and 2 e-bikes as defined in Rule .0101 of this Subchapter, may be used on park roads, paved or hardened trails, Multi-Use Trails, and Mountain Bike Trail or Single-Track Trails, if designated through posted signage for bicycle use. Class 3 e-bikes shall not be considered bicycles and shall be governed by Rule .0501 of this Subchapter.
- (b) Park Superintendents or their designees may limit, restrict, or impose conditions on bicycle use or close any park road, trail, or portion thereof to bicycle use based on considerations for public health and safety, natural and cultural resource protection, and event and program management.
- (c) E-bike motorized pedal assistance must be accompanied by manual pedaling from the operator when using any trails designated for bicycle use. Complete motorized propulsion of the E-bike without manual pedaling may only be used on park roads and other locations where use of motor vehicles by the public is allowed.

*History Note: Authority G.S. 143B-135.16;
Eff. March 1, 2022.*

SECTION .0600 - BOATING AND CAMPING

07 NCAC 13B .0601 BOATING

- (a) Only park employees, their agents, and contractors on duty may use boats, rafts, surf boards, personal watercraft, canoes or any other vessel in designated swimming areas.
- (b) The Division may limit boat motor horsepower or motor type or prohibit the use of gasoline powered motors on designated lakes completely contained within parks and recreation areas based on natural resource protection, public safety, user conflicts, park operations, facility overcrowding and the availability of designated launching facilities.
- (c) Private boats, rafts, canoes, personal watercraft or other vessels may be launched or retrieved only at public boat ramps or designated launch sites.
- (d) The mooring of boats, personal watercraft or other vessels to a dock, wharf, pier, or boat launching facility in such a manner as to prevent, impede or inconvenience the use by another person of any dock, wharf, pier or launch or create a hazard to other watercraft is prohibited and may be moved by park staff at the owners expense.
- (e) Except where facilities are provided, it is unlawful to use any boating access area for purposes other than the launching of boats and parking vehicles and boat trailers. All other uses including swimming, skiing, camping, building fires, loitering, operating concessions or other activities not directly involved with launching of boats are prohibited, except where authorized by a special activity permit as provided by Rule .0104 of this Subchapter.

*History Note: Authority G.S. 113-264; 143B-135.16;
Eff. February 1, 1976;
Amended Eff. May 1, 2010; October 1, 1984; January 1, 1983;
Transferred from 15A NCAC 12B .0601 Eff. April 1, 2017;*

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.

07 NCAC 13B .0602 CAMPING

- (a) A person shall not camp on Division property except:
 - (1) in a designated camping area identified by posted signage; and
 - (2) with a valid camping reservation.
- (b) Reservations for camping shall only be accepted in accordance with the provisions of 07 NCAC 13B .1205, Reservations.
- (c) Payment of the camping fee, in full, is required when the reservation is made.
- (d) The maximum period of overnight camping on any Division property is 14 days within any 30 day period beginning with the first night of stay. Multiple camping areas on an individual Division property are considered as a single camping facility for determining the maximum period of overnight camping within any 30 day period. The maximum nights shall be extended by the Park Superintendent, upon written request with reasons supporting the extension, if the Park Superintendent determines equitable public access, visitor services, and staffing levels will not be affected.
- (e) Any set up camp left unattended for more than 12 hours may result in the revocation of the camping reservation and all campers residing thereon being evicted from the campsite, based on considerations for public health and safety, natural and cultural resource protection, and campsite management. Camping equipment, tents, trailers, recreation vehicles and articles on a campsite left unattended for more than 12 hours are subject to removal at the owner's expense.
- (f) At least one adult, 18 or older, shall accompany each camper group.
- (g) No campfires shall be left unattended.
- (h) Tents shall only be used on a tent pad or platform, in areas permitted under a Special Activity Permit pursuant to Rule .0104 of this Subchapter, or in areas otherwise identified by posted signage.
- (i) Connecting to a utility system without payment of required fees is prohibited.
- (j) A Division representative may designate portions of a Division property where food products, garbage, cosmetics, cleaning supplies, and equipment used to cook or store food products are required to be kept in a Division supplied food locker, a vehicle, recreational vehicle, or suspended at least 10 feet above the ground and four feet horizontally from a post, tree trunk, or other object. Food, garbage, and cooking equipment shall not be stored except as specified in these designated areas. This Paragraph does not apply to food products, garbage, and cooking equipment being transported, consumed, or being prepared for consumption.
- (k) Designated camping areas shall be for use by registered campers with a camping reservation for that site and their guests only.
- (l) Violation of the terms and conditions of a camping reservation issued in accordance with this Section is prohibited and shall result in the suspension or revocation of the reservation.

*History Note: Authority G.S. 143B-135.16;
Eff. February 1, 1976;
Amended Eff. May 1, 2010; February 15, 1981;
Transferred from 15A NCAC 12B .0602 Eff. April 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018;
Amended Eff. March 1, 2022.*

07 NCAC 13B .0603 PICNICKING

*History Note: Authority G.S. 113-35;
Eff. January 1, 1983;
Repealed Eff. October 1, 1984;
Transferred from 15A NCAC 12B .0603 Eff. April 1, 2017.*

SECTION .0700 - SPORTS AND GAMES

07 NCAC 13B .0701 SPORTS AND GAMES: WHEN PERMITTED

- (a) Organized athletic contests, sports, and games are allowed by special activity permit, as provided by Rule .0104 of this Subchapter.
- (b) The use of skate boards, roller blades, roller skates, scooters, other electronically powered devices, and similar transportation methods are prohibited where such use would create a safety hazard or cause damage to Division Property or natural or cultural resources.

History Note: Authority G.S. 143B-135.16;
Eff. February 1, 1976;
Amended Eff. May 1, 2010; February 1, 1983;
Transferred from 15A NCAC 12B .0701 Eff. April 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018;
Amended Eff. March 1, 2022.

07 NCAC 13B .0702 HORSES

- (a) A person shall not use, ride, or drive a horse except along a bridle trail or within an equestrian facility. Horses shall be prohibited from swimming areas, cabin areas, picnic areas, and other day-use areas.
- (b) A person shall not load or unload a horse on Division property except in posted bridle parking areas.
- (c) Horses shall not be unattended at any time on any Division property unless the horse is secured in a horse trailer, in a stall, or otherwise securely hitched so as to prevent the animal to wander.
- (d) Any horse causing a nuisance on any Division property shall be removed by the owner from the property upon the request by a Division official.
- (e) Between the hours of 9 p.m. and 7 a.m., all horses must be secured in a horse trailer, in a stall, or otherwise securely hitched so as to prevent the animal to wander.
- (f) Paragraphs (a), (b), (c) and (f) of this Rule shall not apply to service animals that meet the criteria specified in the Americans with Disabilities Act (42 U.S.C. 12101 et seq) or G.S. 168-4.2. This Rule shall not apply to animals used by the Division, its agents, or contractors for operations or educational programming.

History Note: Authority G.S. 143B-135-16;
Eff. February 1, 1976;
Amended Eff. January 1, 1983;
Transferred from 15A NCAC 12B .0702 Eff. April 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018;
Amended Eff. March 1, 2022.

SECTION .0800 - HUNTING AND FISHING

07 NCAC 13B .0801 HUNTING

A person within any park shall not hunt, pursue, trap, shoot, injure, kill or molest any bird or animal, and shall not have any wild bird or animal in his possession.

History Note: Authority G.S. 143B-135.16;
Eff. February 1, 1976;
Amended Eff. January 1, 1983;
Transferred from 15A NCAC 12B .0801 Eff. April 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.

07 NCAC 13B .0802 FISHING

- (a) A person shall not fish in any swimming area, from any boat ramp, or in any area designated by signage as a non-fishing area. Any person fishing within a State Park shall comply with all applicable rules in 15A NCAC 03 and 15A NCAC 10C.
- (b) Live specimens to be used for fishing bait shall not be collected within any State park.

History Note: Authority G.S. 143B-135.16(c)(2);

Eff. February 1, 1976;
Amended Eff. May 1, 2010; October 1, 1984; January 1, 1983;
Transferred from 15A NCAC 12B .0802 Eff. April 1, 2017;
Amended Eff. August 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.

SECTION .0900 - FIREARMS: EXPLOSIVES: FIRES: ETC.

07 NCAC 13B .0901 FIREARMS: WEAPONS: EXPLOSIVES

(a) No person except the following shall carry or possess firearms, air guns, air soft guns, paint ball guns, archery equipment, sling shots, or other apparatus capable of firing a lethal projectile of any kind on any Division property:

- (1) Authorized park employees, their agents, or contractors;
- (2) Law enforcement officials with jurisdictional authority, including park rangers;
- (3) Family members residing with Division employees in a residence within a park;
- (4) Individuals participating in Division-led archery programming, only in respect to the archery equipment used as part of the program;
- (5) Individuals with a valid concealed handgun permit issued by one of the United States that adheres to the requirements of G.S. 14-415.11; and
- (6) Other persons as defined in G.S. 14-269(b) and G.S. 14-415.27.

Subparagraph (a)(1), (3), and (5) of this Rule shall not apply on property owned by the U.S. Army Corps of Engineers and leased by the Division including Falls Lake State Recreation Area, Jordan Lake State Recreation Area, and Kerr Lake State Recreation Area.

(b) The possession or use of cap pistols is prohibited. The possession or use of dynamite or other powerful explosives as defined in G.S. 14-284.1 is prohibited.

(c) The possession or use of pyrotechnics is prohibited except for pyrotechnics exhibited, used, or discharged in connection with a public exhibition; authorized in writing by the board of commissioners of the county in which the pyrotechnics are to be exhibited, used or discharged; supervised by experts in the field of pyrotechnics; and approved by the Director of the Division of Parks and Recreation, or as part of a special use permit in accordance with Rule .0104 of this Subchapter. Persons wishing to possess or use pyrotechnics in connection with a public exhibition, such as a public celebration, shall file an application for a special use permit with the park superintendent. All applicants shall enter an indemnification agreement with the Department and obtain general liability and property damage insurance, with limits as determined by the Secretary or designee, which are necessary to cover possible liability for damage to property and bodily injury or damage to persons which may result from, or be caused by, the public exhibition of pyrotechnics or any act(s) or omission(s) on the part of the applicant(s) or the applicant's agents, servants, employees, or subcontractors presenting the public exhibition.

History Note: Authority G.S. 14-269; 14-410; 14-415; 14-415.11; 14-415.24; 14-415.27; 143B-135.16; 143B-135.43;
Eff. February 1, 1976;
Amended Eff. October 1, 1984; January 1, 1983;
Temporary Amendment Eff. July 2, 1997;
Temporary Amendment Expired September 29, 1998;
Amended Eff. January 1, 2014; April 1, 1999;
Transferred from 15A NCAC 12B .0901 Eff. April 1, 2017;
Readopted Eff. March 1, 2022.

07 NCAC 13B .0902 EXPLOSIVES

History Note: Authority G.S. 113-35;
Eff. February 1, 1976;
Amended Eff. January 1, 1983;
Repealed Eff. October 1, 1984;
Transferred from 15A NCAC 12B .0902 Eff. April 1, 2017.

07 NCAC 13B .0903 FIRES: LIGHTED CIGARETTES: ETC.

All fires excluding personal smoking materials are prohibited except in designated areas. Park employees, their agents, and contractors may prohibit fires in designated areas and smoking when a fire hazard makes such action necessary. A competent person 16 years old or older must continuously tend any fire from the time it is kindled until it is extinguished.

History Note: Authority G.S. 143B-135.16;
Eff. February 1, 1976;
Amended Eff. October 1, 1984; January 1, 1983;
Transferred from 15A NCAC 12B .0903 Eff. April 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.

07 NCAC 13B .0904 SMOKING

History Note: Authority G.S. 113-35;
Eff. February 1, 1976;
Amended Eff. January 1, 1983;
Repealed Eff. October 1, 1984;
Transferred from 15A NCAC 12B .0904 Eff. April 1, 2017.

07 NCAC 13B .0905 SMOKING

Smoking is prohibited in all buildings on Division property. Smoking is prohibited in outdoor areas of Division property except in parking lots, reserved campsites, and where smoking is designated through posted signage. The Division may forbid smoking in any part of any Division property when there is a risk of fire hazard.

History Note: Authority G.S. 143B-135.16;
Eff. March 1, 2022.

SECTION .1000 - DISORDERLY CONDUCT: PUBLIC NUISANCE: ETC.

07 NCAC 13B .1001 NOISE REGULATION

(a) The production or emission in state parks or recreation areas by any person of noises, speech, music or other sounds that a reasonable person would believe is annoying, disturbing or frightening is prohibited.

(b) The operation of motorized equipment or machinery such as a generator, motor vehicle, motorized toy, or an audio device such as a radio, television set, tape deck or musical instrument, or other item that makes noise that a reasonable person would believe is annoying, disturbing or frightening between the hours of 10:00PM and 7:00AM is prohibited.

History Note: Authority G.S. 113-34; 113-264(a); 143B-135.16;
Eff. February 1, 1976;
Amended Eff. January 1, 1983;
Legislative Objection Lodged Eff. May 11, 1983;
Curative Amended Eff. May 12, 1983;
Amended Eff. May 1, 2010;
Transferred from 15A NCAC 12B .1001 Eff. April 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.

07 NCAC 13B .1002 GAMBLING

History Note: Authority G.S. 113-35;
Eff. February 1, 1976;
Amended Eff. January 1, 1983;
Legislative Objection Lodged Eff. March 22, 1983;
Curative Repealed Eff. April 20, 1983;
Transferred from 15A NCAC 12B .1002 Eff. April 1, 2017.

07 NCAC 13B .1003 ALCOHOLIC BEVERAGES AND CONTROLLED SUBSTANCES

(a) A person shall not possess, consume, sell, serve, or attempt to sell or serve any malt beverage, fortified wine, unfortified wine, or spirituous liquor as defined in G.S. 18B-101, within any state park, natural area, or recreation area, except:

- (1) as permitted under a long-term operating agreement;
- (2) in areas designated in accordance with Paragraph (g) of this Rule; or
- (3) after obtaining a Special Activity Permit approved by the Director of the Division or his or her designee in accordance with this Rule.

A person shall not possess, consume, sell, serve, or attempt to sell or serve any other alcoholic beverage, as defined by G.S. 18B-101, or controlled substance, as defined by G.S. 90-87(5) within any state park, natural area, or recreation area.

(b) A person shall not be or become intoxicated, as defined by G.S. 14-443(2), while within any state park, natural area, or recreation area, including during events approved under a Special Activity Permit.

(c) Requests for a Special Activity Permit authorizing the possession, consumption, sale or service of any malt beverage, fortified wine, unfortified wine, or spirituous liquor as defined in G.S. 18B-101, shall be made in writing to the Director of the Division or his or her designee, not less than 14 days prior to the date(s) of the intended use.

(d) The written request shall state:

- (1) the period of time and the area for which the use is requested;
- (2) the number of persons expected to be in attendance;
- (3) the type of activity and the type and amounts of malt beverage, fortified wine, unfortified wine, or spirituous liquor involved;
- (4) documentation of any and all permitting required by the North Carolina Alcoholic Beverage Control Commission; and
- (5) the name and address of the individual, organization or group seeking permission to use any portion of any state park, natural area, or recreational area for the possession, consumption, sale, or service of any malt beverage, fortified wine, unfortified wine, or spirituous liquor; and, for organizations and groups requesting permission, the name and address of the requestor or its authorized representative, such as the president or chief executive officer of the organization or group.

(e) The Special Activity Permit shall specify the hours of permitted use, type of malt beverage, fortified wine, unfortified wine, or spirituous liquor, the total amounts to be brought into the state park, natural area, or recreation area, the maximum number of attendees, the area where alcohol is permitted in accordance with Paragraph (g) of this Rule, and any additional conditions specified by the Director or his or her designee which are consistent with the purposes and management of the State Park System, as defined in G.S. 143B-135.42.

(f) If the Director of the Division or his or her designee concludes that the requested use will not hinder or impede any established use of the state park, natural area, or recreation area where the use is requested, is compliant with Paragraph (g) of this Rule, and is consistent with the protection of the natural resources, facilities, and public enjoyment of the State Park System, he or she shall grant permission to use the state park, natural area, or recreation area specified in the request submitted in accordance with this Rule. If the Director or his or her designee shall determine otherwise, he or she shall deny the request.

(g) The Director of the Division or his or her designee shall designate areas where possession, consumption sale or service of malt beverages, fortified wine, unfortified wine, or spirituous liquor, as defined in G.S. 18B-101, is allowed. Such areas may be limited so as not to interfere, or cause user conflicts with other organizations, groups or individuals also visiting the state park, natural area, or recreation area.

(h) Violation of the terms and conditions of a Special Activity Permit issued in accordance with this Rule is prohibited and shall result in revocation of the permit by the Director of the Division or his or her designee.

*History Note: Authority G.S. 143B-135.16;
Eff. February 1, 1976;
Amended Eff. January 1, 1983; June 1, 1981;
Legislative Objection Lodged Eff. March 22, 1983;
Amended Eff. May 1, 2010;
Transferred from 15A NCAC 12B .1003 Eff. April 1, 2017;
Readopted Eff. September 1, 2020.*

07 NCAC 13B .1004 ANIMALS AT LARGE

- (a) A person shall not cause or permit any animal owned by him or her, in his or her custody, or under his or her control, except an animal restrained by a leash or other restraint not exceeding six feet in length, to enter any park area. Use of an electronic leash or collar is not permitted in lieu of a physical leash or restraint. Each animal found at large may be seized and disposed of as provided by law covering disposal of stray animals on public property.
- (b) Animals shall not be allowed in swimming areas, bathhouses, restaurants, visitor centers, park offices, community buildings, or cabin areas unless an area or facility is designated as pet friendly through posted signage.
- (c) Animals shall not be unattended at any time within any park area.
- (d) Between 9:00 p.m. and 7:00 a.m., animals shall be confined to owner's enclosed vehicle or tent, except horses, as set forth in Rule .0702 of this Subchapter.
- (e) Any animal causing a nuisance within a park area shall be removed by the owner from the park area upon the request by a Division official.
- (f) Pack animals and goats are not allowed in any park except by Special Activity Permit, as provided by Rule .0104 of this Subchapter.
- (g) Paragraphs (a), (b), and (d) of this Rule shall not apply to service animals that meet the criteria specified in the Americans with Disabilities Act (42 U.S.C. 12101 et seq) or G.S. 168-4.2. This Rule shall not apply to animals owned by Division staff who reside on Division property or to animals used by the Division for educational programming. Horses on Division property shall be governed by Rule .0702 of this Subchapter.

*History Note: Authority G.S. 143B-135.16;
Eff. February 1, 1976;
Amended Eff. May 1, 2010; January 1, 1983;
Transferred from 15A NCAC 12B .1004 Eff. April 1, 2017;
Readopted Eff. March 1, 2022.*

SECTION .1100 - COMMERCIAL ENTERPRISES: ADVERTISING: MEETINGS: EXHIBITIONS: ETC.

07 NCAC 13B .1101 COMMERCIAL ENTERPRISES

Only park employees, contractors, or their agents may engage in business or conduct commercial activity in a park, unless authorized by a permit as provided by Rule .0104 of this Subchapter.

*History Note: Authority G.S. 143B-135.16;
Eff. February 1, 1976;
Amended Eff. May 1, 2010; October 1, 1984; January 1, 1983;
Transferred from 15A NCAC 12B .1101 Eff. April 1, 2017;
Readopted Eff. March 1, 2022.*

07 NCAC 13B .1102 COMMERCIAL PHOTOGRAPHY, FILMING AND RECORDING

A person shall not photograph, film, or make other recordings within any park for commercial purposes unless the person has a Special Activity Permit. Applications for permits may be made as provided by Rule .0104 of this Subchapter.

*History Note: Authority G.S. 143B-135.16;
Eff. February 1, 1976;
Amended Eff. October 1, 1984; January 1, 1983;
Transferred from 15A NCAC 12B .1102 Eff. April 1, 2017;
Readopted Eff. March 1, 2022.*

07 NCAC 13B .1103 COMMERCIAL VEHICLES

*History Note: Authority G.S. 113-35;
Eff. February 1, 1976;
Amended Eff. January 1, 1983;
Repealed Eff. October 1, 1984;
Transferred from 15A NCAC 12B .1103 Eff. April 1, 2017.*

07 NCAC 13B .1104 ADVERTISING

No one except authorized park employees, their agents, or contractors may erect or post within any park a notice or advertisement without first obtaining a permit. Applications for permits may be made as provided by Rule .0104 of this Subchapter.

*History Note: Authority G.S. 143B-135.16;
Eff. February 1, 1976;
Amended Eff. October 1, 1984; January 1, 1983;
Transferred from 15A NCAC 12B .1104 Eff. April 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.*

07 NCAC 13B .1105 PUBLIC ASSEMBLIES AND MEETINGS; SPECIAL ACTIVITY PERMIT

*History Note: Authority G.S. 143B-135.16;
Eff. February 1, 1976;
Amended Eff. May 1, 2010; October 1, 1984; January 1, 1983;
Transferred from 15A NCAC 12B .1105 Eff. April 1, 2017;
Repealed Eff. March 1, 2022.*

07 NCAC 13B .1106 ALMS AND CONTRIBUTIONS

A person shall not solicit alms or contributions for any purpose within any park.

*History Note: Authority G.S. 143B-135.16;
Eff. February 1, 1976;
Amended Eff. January 1, 1983;
Transferred from 15A NCAC 12B .1106 Eff. April 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.*

SECTION .1200 - MISCELLANEOUS

07 NCAC 13B .1201 CLOSING AND OPENING HOURS; RESTRICTED AREAS

(a) No person is allowed on any Division property between posted closing and opening hours except under a Special Activity Permit or camping reservation, as provided by Rule .0104 and .0602, respectively, of this Subchapter.

(b) The Division may prohibit or restrict public activity within designated environmentally sensitive areas, areas exceeding capacity levels, construction areas, storm damaged areas, and other similar locations for natural resource protection and public safety.

*History Note: Authority G.S. 143B-135.16;
Eff. February 1, 1976;
Amended Eff. May 1, 2010; October 1, 1984; January 1, 1983; April 4, 1979;
Transferred from 15A NCAC 12B .1201 Eff. April 1, 2017;
Amended Eff. March 1, 2022.*

07 NCAC 13B .1202 MINORS

A parent, guardian or custodian, of any minor shall not permit him to do any act prohibited by and division regulations.

*History Note: Authority G.S. 143B-135.16;
Eff. February 1, 1976;
Amended Eff. January 1, 1983;
Transferred from 15A NCAC 12B .1202 Eff. April 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.*

07 NCAC 13B .1203 FEES AND CHARGES

*History Note: Authority G.S. 113-35;
Eff. February 1, 1976;
Amended Eff. January 1, 1983; June 1, 1981; April 4, 1979; July 1, 1978;
Repealed Eff. October 1, 1984;
Transferred from 15A NCAC 12B .1203 Eff. April 1, 2017.*

07 NCAC 13B .1204 AVIATION

Except under authorization of a Special Activity or Special Use Permit, as outlined in Rule .0104 of this Subchapter, a person shall not voluntarily bring, land, or cause to descend or alight, ascend, or take off within or upon any Division property, any airplane, flying machine, unmanned aerial vehicle (UAV) or drones, balloon, parachute, glider, hang glider, or other apparatus for aviation. In this Rule, "voluntarily" shall mean anything other than a forced landing.

Requests for permits shall be made in the manner prescribed by Rule .0104 of this Subchapter.

*History Note: Authority G.S. 143B-135.16;
Eff. February 1, 1976;
Amended Eff. October 1, 1984; January 1, 1983;
Transferred from 15A NCAC 12B .1204 Eff. April 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018;
Amended Eff. March 1, 2022.*

07 NCAC 13B .1205 RESERVATIONS

(a) Reservations for camping, cabins, shelters, community buildings, and other reservable facilities shall be made using the Division's central reservation system, pursuant to any contract terms or conditions as set forth in the system at the time of reservation. Reservations are non-transferable and the individual who made the reservation must be present during the reservation period. Reservation confirmation or issued permits must be displayed or produced upon request by Division staff.

(b) Reservations for park facilities on Division property shall be accepted up to a maximum of 11 months in advance of the requested arrival date.

(c) Payment for a reservation must be made at the time the reservation is made.

*History Note: Authority G.S. 143B-135.16;
Eff. February 1, 1976;
Amended Eff. May 1, 2010; October 1, 1984; January 1, 1983; February 15, 1981;
Transferred from 15A NCAC 12B .1205 Eff. April 1, 2017;
Readopted Eff. March 1, 2022.*

07 NCAC 13B .1206 FEES AND CHARGES

*History Note: Authority G.S. 113-35(b);
Eff. April 1, 1997;
Amended Eff. July 1, 2010; May 1, 2010; February 1, 2004;
Repealed Eff. April 1, 2016 pursuant to S.L 2015-241, s. 14.11.(b);
Transferred from 15A NCAC 12B .1206 Eff. April 1, 2017.*

SUBCHAPTER 13C - STATE LAKES REGULATIONS

SECTION .0100 - GENERAL PROVISIONS

07 NCAC 13C .0101 AUTHORITY

The rules of this Subchapter apply to the State Lakes at White Lake, Singletary Lake, Bay Tree Lake, Jones Lake, Salters Lake, Lake Waccamaw, and Lake Phelps.

*History Note: Authority G.S. 143B-135.16;
Eff. February 1, 1976;
Amended Eff. October 1, 1984; April 4, 1979;
Transferred from 15A NCAC 12C .0101 Eff. April 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.*

07 NCAC 13C .0102 DEFINITIONS

The following definitions apply to this Chapter:

- (1) "Appliances" means any major electrical, gas, heating, or cooling device including refrigerators, stoves, heaters, freezers, air conditioners, or any other device designed to be permanently situated or attached; Appliances shall not be construed to include lights or boats hoists;
- (2) "Boat" means any vessel equipped with any propulsion machinery, whether or not any such machinery is the principal source of propulsion;
- (3) "Boat Ramp" means any permanent or temporary structure which is placed on the floor of a state lake for the purpose of allowing boats to enter or be removed from a state lake;
- (4) "Boat Slip" means any structure adjoining, attached to, or part of a pier which has the capacity to store one boat;
- (5) "Commercial" means, when applied to any permit issued or application submitted under this Subchapter, that a structure or activity shall be used primarily for gain or profit;
- (6) "Floor Level" means the level of the structure closest to the water;
- (7) "Joint Private" means, when applied to any permit issued or application submitted under this Subchapter, that a structure is in joint ownership between two or more waterfront property owners and constructed on the owner's waterfront property in accordance with Rule .0301(h)(1) of this Subchapter;
- (8) "Major Modification" means replacement of 50 percent or more of the existing structure, or a modification which would change the existing dimensions of the structure;
- (9) "Mooring Buoy" means a device to which a vessel can be moored consisting of
 - (1) a closed cell foam buoy with a hard shell,
 - (2) a screw anchor capable of attaching to the lake floor,
 - (3) a swivel device affixed into the anchoring, and
 - (4) chains capable of anchoring the buoy and a vessel;
- (10) "No Wake Zone" means, an area created in accordance with G.S. 75A-15, within which vessels are required to travel at a speed that creates no appreciable wake;
- (11) "Owner" means any person or entity owning, leasing, operating, or having the exclusive use of a structure or any waterfront property;
- (12) "Patio" means any floor area of a pier, whether covered or uncovered, which directly adjoins the shoreline without using a walkway, not including walkways;
- (13) "Pavilion" means any roofed structure erected above the floor level of a pier and which does not directly adjoin the shoreline other than via a walkway;
- (14) "Pier" means an entire structure, permitted under a state lake permit pursuant to Rule .0301 of this Subchapter, leading out from the shore into a state lake, which may include walkways, patios, platforms, pavilions, and boat slips;
- (15) "Pier Agent" means a representative acting on behalf of a homeowner's association, corporation, street association, or in a multiple-owner situation who is the sole contact and authority regarding a permitted structure;
- (16) "Platform" means any floor area of a pier, other than walkways, which does not directly adjoin the shoreline;
- (17) "Private" means, when applied to any permit issued or application submitted under this Subchapter, that such structure shall be used for the primary enjoyment of the owner and his or her personal guests, invitees, tenants, or lessees;
- (18) "Projected Property Lines" means a linear projection of the property boundaries at each of the two property corners touching at the mean high water mark of the shoreline;

- (19) "Public" means, when applied to any permit issued under this Subchapter, a government-owned structure or a structure open to the public with no fee;
- (20) "Seawall" means a wall or embankment erected to prevent the water of a state lake from encroaching on or eroding an area of land;
- (21) "State Lake" means all property up to the mean high water mark, whether covered by water or not, in any body of water identified in Rule .0101 of this Section;
- (22) "Structure" means any pier, seawall, boat ramp, boat stall, mooring buoy, or other object constructed over, upon, or attached to the floor of a state lake;
- (23) "Swim Line" means a line or rope with a series of floatation devices used to delineate an area of surface water for the purpose of swimming;
- (24) "Vessel" means any watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation or habitation on the water;
- (25) "Walkway" means the floored area of a pier, excluding a patio, platform, pavilion, and boat stall, used for egress and ingress on the pier; and
- (26) "Waterfront Property" means any real property abutting upon a state lake.

History Note: Authority G.S. 143B-135.16;
 Eff. February 1, 1976;
 Amended Eff. August 1, 1988; April 4, 1979;
 Transferred from 15A NCAC 12C .0102 Eff. April 1, 2017;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018;
 Amended Eff. February 1, 2023.

07 NCAC 13C .0103 CONSTRUCTION
07 NCAC 13C .0104 TERRITORIAL SCOPE

History Note: Authority G.S. 113-35;
 Eff. February 1, 1976;
 Amended Eff. April 4, 1979;
 Repealed Eff. October 1, 1984;
 Transferred from 15A NCAC 12C .0103, .0104 Eff. April 1, 2017.

07 NCAC 13C .0105 PERMITS

History Note: Authority G.S. 143B-135.16;
 Eff. February 1, 1976;
 Transferred from 15A NCAC 12C .0105 Eff. April 1, 2017;
 Repealed Eff. February 1, 2023.

SECTION .0200 - COMMERCIAL ENTERPRISES

07 NCAC 13C .0201 COMMERCIAL ENTERPRISES AND ACTIVITIES

No person shall engage in any business, or erect any building or other structure for commercial purposes in or upon any state lake or within or upon any structure on or attached to the floor of any state lake, except as authorized:

- (1) by a permit issued in accordance with 07 NCAC 13B .0104;
- (2) under a long-term contract with the State; or
- (3) by the rules of this Subchapter.

History Note: Authority G.S. 143B-135.16;
 Eff. February 1, 1976;
 Transferred from 15A NCAC 12C .0201 Eff. April 1, 2017;
 Readopted Eff. February 1, 2023.

07 NCAC 13C .0202 SCIENTIFIC OR EDUCATIONAL RESEARCH AND NONCOMMERCIAL ACTIVITIES

No person shall engage in scientific or educational research, as defined in 07 NCAC 13B .0104(f), or any noncommercial activity listed in 07 NCAC 13B .0104(b) and (d) in or upon a state lake without a permit issued under 07 NCAC 13B .0104.

*History Note: Authority G.S. 143B-135.16;
Eff. February 1, 1976;
Transferred from 15A NCAC 12C .0202 Eff. April 1, 2017;
Readopted Eff. February 1, 2023.*

07 NCAC 13C .0203 COMMERCIAL ACTIVITIES IN OR UPON STATE LAKES

*History Note: Authority G.S. 143B-135.16;
Eff. February 1, 1976;
Transferred from 15A NCAC 12C .0203 Eff. April 1, 2017;
Repealed Eff. February 1, 2023.*

SECTION .0300 - CONSTRUCTION AND USE OF PIERS AND OTHER STRUCTURES ON STATE LAKES

07 NCAC 13C .0301 STATE LAKE PERMITS

- (a) No structure shall be built upon the floor of, erected in, or floating upon any state lake without a state lake permit.
- (b) Applications for a state lake permit may be made by submitting a completed application to the park office that manages the state lake which will be the subject of the permit.
- (c) The following uses of Division property, as defined in 07 NCAC 13B .0101(2), on a state lake shall require a state lake permit authorized by the Division:
 - (1) initial construction of a structure;
 - (2) major modification of an existing structure; and
 - (3) transfer of ownership rights or interest in an existing structure.
- (d) State lake permits shall be available only to the following classes of persons and only for the state lake appurtenant to the applicant's property interest:
 - (1) owners of waterfront property;
 - (2) owners of an exclusive right to use waterfront property; and
 - (3) towns, municipalities, or county governments at a public beach or at the end of a dedicated street abutting upon the waters of a state lake.
- (e) Applicants shall obtain an approved state lake permit signed by the Park Superintendent or his or her designee prior to beginning construction or major modification of a structure. A completed application for a state lake permit shall include the following information:
 - (1) the name, permanent address, and phone number of the applicant;
 - (2) the address of the waterfront property for which the permit is requested;
 - (3) the name, address, and phone number of a pier agent, if applicable;
 - (4) a written description of the structure for which the permit is desired, or if the structure already exists, the modification to be made to the structure;
 - (5) a drawing, photograph, diagram, or other illustration depicting the structure for which the permit is requested. The drawing, photograph, diagram, or other illustration shall locate the structure relative to the waterfront property which gives rise to the right to apply for the permit and show compliance with the requirements of Rule .0303 of this Section. If the application is for modification of an existing structure, the applicant shall also locate in the drawing, photograph, diagram or other illustration the proposed modification with respect to the existing structure. The Division may request the applicant to provide professional drawings created by a licensed engineer or architect if the Division is not able to determine if the structure will comply with the rules of this Subchapter from the submitted drawing, photograph, diagram or other illustration; and
 - (6) a copy of the waterfront-property deed to which the structure would be appurtenant, or if the structure is not to be attached to the waterfront property at the water line, the waterfront property which gives rise to the right to apply for the permit. If the applicant does not own the property,

applicant shall also provide proof of the applicant's property rights which authorize them to apply for the permit.

(f) Except as prohibited in Rule .0407(h) of this Subchapter, applicants shall obtain an approved state lake permit transfer signed by the Park Superintendent or his or her designee in order to transfer any permit for a structure permitted under these Rules. A completed application to transfer a state lake permit shall include the following information:

- (1) the name, permanent address, and phone number of the transferee;
- (2) the address of the waterfront property for which the permit is requested;
- (3) the permit number of the structure for which the permit transfer is requested;
- (4) the name, address, and phone number of the transferor;
- (5) the name, address, and phone number of a pier agent, if applicable; and
- (6) proof of the conveyance, devise, or other mode of transfer of title to the property giving rise to the right to the permit.

(g) The Park Superintendent or their designee shall issue a state lake permit on receipt of a completed application unless:

- (1) the construction, modification, or transfer will threaten the health or safety of persons using the state lake;
- (2) the construction, modification, or transfer would be detrimental to the protection or use of state property;
- (3) the construction, modification, or transfer would constitute a violation of applicable law or rule;
- (4) the applicant has an outstanding balance resulting from unpaid state lake permit fees; or
- (5) the construction or modification of the structure does not comply with the rules of this Subchapter.

(h) All structures permitted under this Rule shall be subject to the following additional provisions:

- (1) No structure or any portion thereof, except boat ramps, shall be located closer than 15 feet from the corners of the property for which the structure is permitted. Where adjoining waterfront properties do not conform to the 15-foot requirement, the owners of said property shall submit an application for a joint private state lake permit, including a copy of a written agreement between the property owners to share the structure, and request a waiver of the 15-foot requirement from the Division. The Division shall waive the 15-foot requirement unless a safety hazard would be created by permitting the structure or granting the waiver would create noncompliance with the rules of this Subchapter;
- (2) No structure may be located within 25 feet of another structure, except a seawall;
- (3) Permit holders shall not collect any charges or fees for the use of structures that are permitted under private, joint private, or public state lake permits, except for a homeowner association in accordance with Rule .0407(e) of this Subchapter;
- (4) Boats shall not be moored or tethered to a boat ramp;
- (5) Swim lines shall require a Special Activity Permit issued in accordance with 07 NCAC 13B .0104(d)(7);
- (6) All permitted structures shall prominently display the structure's assigned permit number at all times; and
- (7) The following items shall not be stored or installed in storage boxes, lofts, and compartments on any structure:
 - (A) electrical appliances or their components;
 - (B) fireworks or other explosives; or
 - (C) gasoline, oil, or any other petroleum-based or hazardous materials.

(i) All structures which meet the following requirements shall be considered non-conforming structures:

- (1) existed on February 1, 1974;
- (2) are not conforming to permissible structural dimensions, as set forth in Rule .0303 of this Section, at the time of the adoption of this Rule; and
- (3) have previously been permitted by the Division.

Notwithstanding Paragraph (k) of this Rule, non-conforming structures shall continue to be permitted as long as the structure is not the subject of a major modification. If a non-conforming structure is subject to a major modification, then the entire structure shall be brought into compliance with the dimension requirements set forth in Rule .0303 of this Section. Should a non-conforming structure be destroyed or substantially damaged (greater than 50 percent or more of the existing structure) from any causes, the structure shall be brought into compliance with the dimension requirements set forth in Rule .0303 of this Section.

(j) All permits issued in accordance with this Rule are valid for one year from the date of issuance. Permit holders shall renew their state lake permits on an annual basis to remain valid. All permit fees shall be paid at the time of issuance or renewal in order for the permit to remain valid.

(k) Permits issued in accordance with this Rule may be revoked by the Division for one or more of the following reasons:

- (1) failure to pay any permit fee within 60 days after the due date thereof; or
- (2) failure to bring a permitted structure into compliance with rules of this Subchapter, unless excepted under Paragraph (i) of this Rule, or with any term or condition imposed by the permit within 30 days after receipt of a notice from the Division setting forth the corrective measures, in accordance with Rule .0315 of this Section.

History Note: Authority G.S. 143B-135.16;
Eff. February 1, 1976;
Transferred from 15A NCAC 12C .0301 Eff. April 1, 2017;
Readopted Eff. February 1, 2023.

07 NCAC 13C .0302 STRUCTURES PROHIBITED ON CERTAIN STATE LAKES

History Note: Authority G.S. 143B-135.16;
Eff. February 1, 1976;
Transferred from 15A NCAC 12C .0302 Eff. April 1, 2017;
Repealed Eff. February 1, 2023.

07 NCAC 13C .0303 PERMISSIBLE STRUCTURAL DIMENSIONS

Dimensions of a structure shall include all attachments to the structure, including lifts and floating docks. In order to be eligible for permit approval, all structures in or on state lakes shall conform to within the following structural dimensions:

- (1) Commercial Piers. Maximum measurements for a commercial pier shall be as follows:
 - (a) walkways, 16 feet wide;
 - (b) length of pier, 375 feet;
 - (c) platform, pavilion; 32 feet in width;
 - (d) platform, pavilion; 50 feet in length;
 - (e) patio, 20 feet in length extending towards the water from the mean high water mark.
- (2) Private Piers. Maximum measurements for a private pier shall be as follows:
 - (a) walkways, 8 feet wide;
 - (b) length of pier, 225 feet;
 - (c) platform, pavilion; 20 feet in width;
 - (d) platform, pavilion; 32 feet in length;
 - (e) patio, 20 feet in length extending towards the water from the mean high water mark;
- (3) Joint Private Piers. Maximum measurements for a joint private pier shall be as follows:
 - (a) walkways, 16 feet wide;
 - (b) length of pier, 225 feet;
 - (c) platform, pavilion; 32 feet in width;
 - (d) platform, pavilion, 50 feet in length;
 - (e) patio, 20 feet in length extending towards the water from the mean high water mark.
- (4) Public Piers. Maximum measurements for a public pier shall be as follows:
 - (a) walkway, 16 feet wide;
 - (b) length of pier, 225 feet;
 - (c) platform, pavilion; 32 feet in width;
 - (d) platform, pavilion; 50 feet in length;
 - (e) patio, 20 feet in length extending towards the water from the mean high water mark.
- (5) Boat Ramps. No boat ramp shall exceed 25 feet in length nor 25 feet in width.
- (6) Boat Slips. A private pier shall not exceed one boat slip. The dimension of the boat slip shall not exceed 32 feet in length by 12 feet in width. Boat slips are prohibited on joint private, public, and commercial piers.

- (7) Overall structure height may not exceed 15 feet above the floor level, with the exception of flag poles, semaphores, and light poles which may extend to a height of 20 feet above the floor level.

History Note: Authority G.S. 143B-135.16;
Eff. February 1, 1976;
Transferred from 15A NCAC 12C .0303 Eff. April 1, 2017;
Readopted Eff. February 1, 2023.

07 NCAC 13C .0304 LIMITS ON ELEVATED STRUCTURES
07 NCAC 13C .0305 PERMITS FOR STRUCTURES EXISTING AS OF FEBRUARY 1, 1974
07 NCAC 13C .0306 FEES

History Note: Authority G.S. 143B-135.16;
Eff. February 1, 1976;
Amended Eff. April 4, 1979;
Temporary Amendment Eff. August 12, 1991 For a Period of 180 Days to Expire on February 8, 1992;
Amended Eff. March 1, 1992; August 1, 1998;
Transferred from 15A NCAC 12C .0304, .0305, .0306 Eff. April 1, 2017;
Repealed Eff. February 1, 2023.

07 NCAC 13C .0307 CONDITION OF STRUCTURES

(a) All structures must be maintained in accordance with applicable state and local fire and building codes and regulations.

(b) Permit holders shall make their respective structures available for inspection by the Division to ensure compliance with the terms and conditions of their permit and the Rules of this Subchapter. Within 60 days of the date of inspection, a notice of the results of such inspection shall be sent to the permit holder. This notice shall indicate either that the structure is in compliance with the permit and the Rules of this Subchapter or, if not, shall specify:

- (1) what noncompliance issues are noted;
- (2) the rules or statutes that give rise to the noncompliance; and
- (3) what corrective actions are required in order to come into compliance.

Corrective actions shall include providing proof of inspection by a licensed inspector with regard to any structural or electrical components of the structure within 60 days of the delivery of notice to the permit holder.

(c) Permit holders shall provide proof of inspection by a licensed inspector with regard to any structural or electrical components of their structure to the Division within 60 days of completion of construction or modification of a structure that is the subject of a permit for initial construction of a structure or major modification of an existing structure.

History Note: Authority G.S. 143B-135.16;
Eff. February 1, 1976;
Transferred from 15A NCAC 12C .0307 Eff. April 1, 2017;
Readopted Eff. February 1, 2023.

07 NCAC 13C .0308 OBSERVANCE OF REGULATIONS

History Note: Authority G.S. 113-35;
Eff. February 1, 1976;
Repealed Eff. October 1, 1984;
Transferred from 15A NCAC 12C .0308 Eff. April 1, 2017.

07 NCAC 13C .0309 ELIGIBILITY FOR PERMITS
07 NCAC 13C .0310 REVOCATION OF PERMITS
07 NCAC 13C .0311 APPLICATION FOR STRUCTURAL PERMITS
07 NCAC 13C .0312 PERMITS FOR STRUCTURES EXISTING ON FEBRUARY 1, 1974
07 NCAC 13C .0313 LIABILITY

07 NCAC 13C .0314 RIGHT OF ENTRY RESERVED

History Note: *Authority G.S. 143B-135.16;*
Eff. February 1, 1976;
Amended Eff. April 4, 1979;
Transferred from 15A NCAC 12C .0309, .0310, .0311, .0312, .0313, .0314 Eff. April 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018;
Repealed Eff. February 1, 2023.

07 NCAC 13C .0315 APPLICATION DENIAL AND PERMIT REVOCATION PROCEDURES

(a) Before revoking any state lake permit under these Rules, the Division shall give written notice of its intent to revoke to the permit holder by U.S. mail or electronic mail at the address provided by the permit holder on the permit application. Upon the denial of any application for a state lake permit under these Rules, the Division shall give written notice of its action to the applicant by U.S. mail or electronic mail at the address provided by the applicant on the application.

(b) The notice required by Paragraph (a) of this Rule shall contain the following:

- (1) facts:
 - (A) in the case of a state lake permit revocation, the facts relied upon by the Division to support its intended revocation; and
 - (B) in the case of a state lake permit application denial, the facts relied upon as the basis for the denial;
- (2) rules: the rules or statutes under which the Division acts or intends to act;
- (3) corrective action: a statement of the corrective action, if any action is possible, to bring the permit holder, or applicant's application, into compliance. In the case of a permit revocation for failure to pay a fee in the time provided, late payment, including payment of any additional late fees, shall constitute corrective action;
- (4) final date: the date on which the revocation or denial shall become final if the permit holder or applicant does not request a hearing in accordance with Chapter 150B, Article 3, of the North Carolina General Statutes, and 26 NCAC 03. The final date shall be no sooner than the 61st day after service of notice on the permit holder or applicant;
- (5) right to a hearing: a statement informing the permit holder or applicant of the right, the procedure, and the time limit to file a contested case petition made in accordance with Chapter 150B, Article 3 of the North Carolina General Statutes, and 26 NCAC 03; and
- (6) failure to exhaust remedies: a statement that the failure to request a hearing in the form, manner, and time required by Chapter 150B, Article 3 of the North Carolina General Statutes, and 26 NCAC 03 constitutes a failure to exhaust all administrative remedies and shall preclude judicial review under G.S. 150B of any denial or revocation by the Division.

History Note: *Authority G.S. 143B-135.16; 150B-23;*
Eff. February 1, 1976;
Amended Eff. October 1, 1988; April 4, 1979;
Transferred from 15A NCAC 12C .0315 Eff. April 1, 2017;
Readopted Eff. February 1, 2023.

07 NCAC 13C .0316 ENFORCEMENT

History Note: *Authority G.S. 113-35;*
Eff. February 1, 1976;
Repealed Eff. October 1, 1984;
Transferred from 15A NCAC 12C .0316 Eff. April 1, 2017.

SECTION .0400 - MISCELLANEOUS STATE LAKES REGULATIONS

07 NCAC 13C .0401 DISPOSAL OF REFUSE: GARBAGE: ETC.

07 NCAC 13C .0402 HUNTING

07 NCAC 13C .0403 FIREARMS
07 NCAC 13C .0404 EXPLOSIVES
07 NCAC 13C .0405 AVIATION

History Note: Authority G.S. 113-35;
Eff. February 1, 1976;
Repealed Eff. October 1, 1984;
Transferred from 15A NCAC 12C .0401-.0405 Eff. April 1, 2017.

07 NCAC 13C .0406 WATER LEVEL; DISCHARGE

- (a) No person shall in any way damage or alter drainage ditches, drainage gates, or any other outlet from or inlet to a state lake; nor in any way change the water level of a state lake.
- (b) No person shall discharge any of the following into a state lake:
- (1) wastewater, stormwater or anything that causes water pollution, as defined in G.S. 143-213;
 - (2) other unfiltered or untreated drainage; or
 - (3) fill material, including sand, rock, or gravel, except as permitted pursuant to the rules of this Subchapter.

History Note: Authority G.S. 143B-135.16;
Eff. February 1, 1976;
Transferred from 15A NCAC 12C .0406 Eff. April 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018;
Amended Eff. February 1, 2023.

07 NCAC 13C .0407 MOORING BUOYS

- (a) No stakes, poles, or posts shall be driven or placed into the floor of any state lake for any purpose, except to anchor a structure permitted by the Division pursuant to Rule .0301 of this Subchapter.
- (b) No mooring buoy shall be placed outside any posted no wake zone or, where a posted no wake zone does not exist, placed farther than 375 feet from the shore of the waterfront property for which the mooring buoy is permitted in accordance with Rule .0301 of this Subchapter.
- (c) The Division may authorize the temporary placement of mooring buoys for recreational purposes, such as shows, tournaments, and other recreational activities, through the Special Activity Permit process outlined in 07 NCAC 13B .0104.
- (d) Except as permitted in Paragraph (e) of this Rule, waterfront property owners may apply for and hold permits for no more than two mooring buoys.
- (e) Commercial waterfront property owners and homeowner associations may apply for and hold permits for more than two mooring buoys, in accordance with Rule .0301 of this Subchapter. All mooring buoys within the projected property lines of the permit holder must be owned and paid for by the waterfront property owner or homeowner association.
- (f) Mooring buoys are private property that shall be the responsibility of the owner to maintain. Maintaining a mooring buoy shall mean ensuring that the mooring buoy remains in working order, free of rust or damage, and securely fastened to the lake floor.
- (g) In addition to the requirements of Rule .0301(h)(6) of this Subchapter, all permitted mooring buoys shall display the permit holder's full name and phone number at all times or the buoy shall be subject to removal by the Division.
- (h) Transfer of a state lake permit for a mooring buoy shall not be permitted.
- (i) When a state lake permit for a mooring buoy is terminated, the permit holder shall remove the mooring buoy from the state lake.

History Note: Authority G.S. 143B-135.16;
Eff. February 1, 1976;
Transferred from 15A NCAC 12C .0407 Eff. April 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018;
Amended Eff. February 1, 2023.

07 NCAC 13C .0408 STATE PARKS REGULATIONS

History Note: Authority G.S. 143B-135.16;
Eff. February 1, 1976;
Transferred from 15A NCAC 12C .0408 Eff. April 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018;
Repealed Eff. February 1, 2023.

07 NCAC 13C .0409 INFORMATION

History Note: Authority G.S. 143B-135.16;
Eff. February 1, 1976;
Amended Eff. April 4, 1979;
Transferred from 15A NCAC 12C .0409 Eff. April 1, 2017;
Expired Eff. June 1, 2018 pursuant to G.S. 150B-21.3A.

SUBCHAPTER 13D - SELECTION OF LANDS FOR ACQUISITION

SECTION .0100 - GENERAL PROVISIONS

07 NCAC 13D .0101 RECOMMENDATIONS

History Note: Authority G.S. 143B-135.16;
Eff. February 1, 1976;
Amended Eff. October 1, 1984;
Transferred from 15A NCAC 12D .0101 Eff. April 1, 2017;
Expired Eff. June 1, 2018 pursuant to G.S. 150B-21.3A.

- 07 NCAC 13D .0102 DIVISION ASSESSMENT**
- 07 NCAC 13D .0103 PARKS AND RECREATION COUNCIL**
- 07 NCAC 13D .0104 INTERIM DEPARTMENT DECISION**
- 07 NCAC 13D .0105 FINAL DEPARTMENT DECISION**

History Note: Authority G.S. 113-35;
Eff. February 1, 1976;
Repealed Eff. October 1, 1984;
Transferred from 15A NCAC 12D .0102-.0105 Eff. April 1, 2017.

07 NCAC 13D .0106 ACQUISITION CRITERIA

- (a) The statewide comprehensive outdoor recreation plan and the individual site master plan shall provide the basis of department decision making on the acquisition of land for the statewide outdoor park and recreation system.
- (b) The criteria which the SCORP has identified as being the key consideration in the potential acquisition of park or recreation sites are:
 - (1) statewide significance of the site;
 - (2) scenic beauty of the site;
 - (3) outdoor recreation potential of the site;
 - (4) unsatisfied recreation demands;
 - (5) the extent to which the various regions of the state are presently served;
 - (6) the goal of a balanced system including state parks, state recreation areas, state trails, state natural and scenic rivers, and state nature preserves;
 - (7) the need for preservation of the site.
- (c) All these criteria are considered of equal weight and significance.

History Note: Authority G.S. 143B-135.16;
Eff. February 1, 1976;
Amended Eff. October 1, 1984;
Transferred from 15A NCAC 12D .0106 Eff. April 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.

SECTION .0200 - CONSERVATION AGREEMENTS (EASEMENTS)

07 NCAC 13D .0201	ACCEPTANCE OF CONSERVATION AGREEMENT (EASEMENT)
07 NCAC 13D .0202	PURPOSE
07 NCAC 13D .0203	RECOMMENDATIONS AND OFFERS OF DONATION OR SALE
07 NCAC 13D .0204	ACQUISITION CRITERIA
07 NCAC 13D .0205	SPECIFICATIONS FOR OFFER
07 NCAC 13D .0206	AGREEMENT CONDITIONS
07 NCAC 13D .0207	DIVISION ASSESSMENT
07 NCAC 13D .0208	PARKS AND RECREATION COUNCIL
07 NCAC 13D .0209	INTERIM DEPARTMENT DECISION
07 NCAC 13D .0210	FINAL DEPARTMENT DECISION

History Note: Authority G.S. 113-35; 121-34 through 121-42;
Eff. August 30, 1980;
Repealed Eff. October 1, 1984;
Transferred from 15A NCAC 12D .0201-.0210 Eff. April 1, 2017.

SUBCHAPTER 13E – RESERVED FOR FUTURE CODIFICATION

SUBCHAPTER 13F - NATURAL AND SCENIC RIVERS PROGRAM

SECTION .0100 - GENERAL PROVISIONS

07 NCAC 13F .0101	STATEMENT OF POLICY
07 NCAC 13F .0102	STATEMENT OF PURPOSE
07 NCAC 13F .0103	DEFINITIONS
07 NCAC 13F .0104	LOCATION

History Note: Authority G.S. 113A-31; 113A-32; 113A-35; 113A-36;
Eff. April 4, 1979;
Repealed Eff. October 1, 1984;
Transferred from 15A NCAC 12F .0101-.0104 Eff. April 1, 2017.

SECTION .0200 - CRITERIA FOR CLASSIFICATION AND DESIGNATION

07 NCAC 13F .0201	CRITERIA FOR CLASSIFICATION
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History Note: Authority G.S. 113A-34; 113A-36;
Eff. April 4, 1979;
Repealed Eff. October 1, 1984;
Transferred from 15A NCAC 12F .0201 Eff. April 1, 2017.

07 NCAC 13F .0202	CRITERIA FOR DESIGNATION
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History Note: Authority G.S. 143B-135.142; 143B-135.150; 143B-135.156;

Eff. April 4, 1979;
Amended Eff. August 1, 1988; January 1, 1985; October 1, 1984;
Transferred from 15A NCAC 12F .0202 Eff. April 1, 2017;
Repealed Eff. May 1, 2020.

SECTION .0300 - CRITERIA FOR MANAGEMENT

07 NCAC 13F .0301 GENERAL POLICY

History Note: Authority G.S. 113A-36;
Eff. April 4, 1979;
Repealed Eff. October 1, 1984;
Transferred from 15A NCAC 12F .0301 Eff. April 1, 2017.

07 NCAC 13F .0302 NATURAL AND SCENIC RIVERS

History Note: Authority G.S. 143B-135.156;
Eff. April 4, 1979;
Transferred from 15A NCAC 12F .0302 Eff. April 1, 2017;
Expired Eff. June 1, 2018 pursuant to G.S. 150B-21.3A.

07 NCAC 13F .0303 MANAGEMENT OF NATURAL RIVER AREAS

(a) The management of a natural river area shall give highest priority to protecting the values that make it outstanding while providing river-related outdoor recreation opportunities in a natural setting:

- (1) No dredging or sand and gravel operations shall be permitted.
- (2) No felled trees shall be removed unless they block passage down the river or obstruct stream flow.
- (3) No streamside trees shall be cut unless they present a hazard to public health and safety.

(b) Recreation activities consistent with the management of a natural river area in the system are:

- (1) hiking;
- (2) backpacking;
- (3) horseback riding on trails;
- (4) boating, which may include tubing, kayaking, canoeing, rafting, and power boating;
- (5) swimming; and
- (6) hunting and fishing.

History Note: Authority G.S. 143B-135.156;
Eff. April 4, 1979;
Transferred from 15A NCAC 12F .0303 Eff. April 1, 2017;
Readopted Eff. April 1, 2020.

07 NCAC 13F .0304 MANAGEMENT OF SCENIC RIVER AREAS

Activities consistent with the management of a scenic river in the system are the same as those for a natural river area listed in Rule .0303(b) of this Section, plus scenic driving and bicycling.

History Note: Authority G.S. 143B-135.156;
Eff. April 4, 1979;
Transferred from 15A NCAC 12F .0304 Eff. April 1, 2017;
Readopted Eff. April 1, 2020.

SECTION .0400 - PROCEDURES LEADING TO THE INCLUSION OF RIVERS IN THE SYSTEM

07 NCAC 13F .0401 PROCEDURES LEADING TO DESIGNATION

07 NCAC 13F .0402 SCHEDULE OF RIVERS FOR STUDY

07 NCAC 13F .0403 STUDY TEAM

07 NCAC 13F .0404 LOCAL ADVISORY COMMITTEE

History Note: Authority G.S. 113A-36;

Eff. April 4, 1979;
Repealed Eff. October 1, 1984;
Transferred from 15A NCAC 12F .0401-.0404 Eff. April 1, 2017.

SECTION .0500 - ACQUISITION OF LANDS FOR THE SYSTEM

07 NCAC 13F .0501 ACQUISITION **07 NCAC 13F .0502 AUTHORIZATION**

History Note: Authority G.S. 113A-36; 113A-38;
Eff. April 4, 1979;
Repealed Eff. October 1, 1984;
Transferred from 15A NCAC 12F .0501, .0502 Eff. April 1, 2017.

SUBCHAPTER 13G - STATE TRAILS SYSTEM

SECTION .0100 - GENERAL PROVISIONS

07 NCAC 13G .0101 POLICY AND PURPOSE

History Note: Authority G.S. 143B-135.94; 143B-135.102; 143B-135.114;
Eff. April 4, 1979;
Amended Eff. April 1, 1983;
Transferred from 15A NCAC 12G .0101 Eff. April 1, 2017;
Expired Eff. June 1, 2018 pursuant to G.S. 150B-21.3A.

07 NCAC 13G .0102 DEFINITIONS

As used in this Subchapter:

- (1) "Committee" means the North Carolina Trails Committee.
- (2) "Application" means a formal request for state trail designation.

History Note: Authority G.S. 143B-135.94; 143B-135.102; 143B-135.114;
Eff. April 4, 1979;
Amended Eff. August 1, 1988; April 1, 1983;
Transferred from 15A NCAC 12G .0102 Eff. April 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.

07 NCAC 13G .0103 COMPOSITION OF STATE TRAILS SYSTEM

History Note: Authority G.S. 143B-135.94; 143B-135.102; 143B-135.114;
Eff. April 4, 1979;
Amended Eff. April 1, 1983;
Transferred from 15A NCAC 12G .0103 Eff. April 1, 2017;
Expired Eff. June 1, 2018 pursuant to G.S. 150B-21.3A.

07 NCAC 13G .0104 NORTH CAROLINA TRAILS COMMITTEE

History Note: Authority G.S. 113A-88; 113A-93; 143B-333; 143B-334;
Eff. April 4, 1979;
Amended Eff. April 1, 1983;
Repealed Eff. August 1, 1988;
Transferred from 15A NCAC 12G .0104 Eff. April 1, 2017.

07 NCAC 13G .0105 LOCATION

History Note: Authority G.S. 113A-87; 113A-93;
Eff. April 4, 1979;
Repealed Eff. April 1, 1983;
Transferred from 15A NCAC 12G .0105 Eff. April 1, 2017.

SECTION .0200 - DESIGNATION OF STATE TRAILS

07 NCAC 13G .0201 CONSULTATION WITH COMMITTEE

Applications must be reviewed by the committee. A recommendation to the secretary will be made regarding the committee's findings concerning the trail's readiness for use, location and population served, length, design and use, public access rights, and management.

History Note: Authority G.S. 143B-135.30; 143B-135.102; 143B-135.108; 143B-135.114;
Eff. April 4, 1979;
Amended Eff. April 1, 1983;
Transferred from 15A NCAC 12G .0201 Eff. April 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.

07 NCAC 13G .0202 CONSULTATION WITH GOVERNMENTAL UNITS

Applications must include resolutions or other appropriate documents clearly indicating the support of affected governmental units for state designation of the trail.

History Note: Authority G.S. 143B-135.102; 143B-135.104; 143B-135.114;
Eff. April 4, 1979;
Amended Eff. April 1, 1983;
Transferred from 15A NCAC 12G .0202 Eff. April 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.

07 NCAC 13G .0203 EFFECT UPON ADJACENT LANDOWNERS

Applications must include a discussion of the potential effects designation could have on adjacent landowners as well as how negative effects will be minimized.

History Note: Authority G.S. 143B-135.102; 143B-135.104; 143B-135.106; 143B-135.114;
Eff. April 4, 1979;
Amended Eff. April 1, 1983;
Transferred from 15A NCAC 12G .0203 Eff. April 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.

07 NCAC 13G .0204 SCENIC EASEMENTS WITHIN RIGHT-OF-WAY

History Note: Authority G.S. 113A-88; 113A-90; 113A-93;
Eff. April 4, 1979;
Repealed Eff. April 1, 1983;
Transferred from 15A NCAC 12G .0204 Eff. April 1, 2017.

07 NCAC 13G .0205 PUBLIC NOTICE OF SELECTED ROUTE

History Note: Authority G.S. 113A-88; 113A-90; 113A-93;
Eff. April 4, 1979;
Amended Eff. April 1, 1983;
Repealed Eff. August 1, 1988;

Transferred from 15A NCAC 12G .0205 Eff. April 1, 2017.

07 NCAC 13G .0206 ENVIRONMENTAL PRESERVATION OR ENHANCEMENT

*History Note: Authority G.S. 113A-93; 113A-89;
Eff. August 30, 1980;
Repealed Eff. April 1, 1983;
Transferred from 15A NCAC 12G .0206 Eff. April 1, 2017.*

SECTION .0300 - ADMINISTRATIVE POLICY

07 NCAC 13G .0301 USE OF STATE TRAILS

The secretary shall determine the appropriate uses permitted on a single trail within the system, based on user safety, user enjoyment, and protection of the environment.

*History Note: Authority G.S. 143B-135.96; 143B-135.102; 143B-135.114;
Eff. April 4, 1979;
Amended Eff. April 1, 1983;
Transferred from 15A NCAC 12G .0301 Eff. April 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.*

07 NCAC 13G .0302 UNIFORM TRAIL MARKERS

*History Note: Authority G.S. 113A-88; 113A-92; 113A-93;
Eff. April 4, 1979;
Amended Eff. April 1, 1983;
Repealed Eff. August 1, 1988;
Transferred from 15A NCAC 12G .0302 Eff. April 1, 2017.*

**07 NCAC 13G .0303 TRAILS WITHIN PARKS: CONFLICT OF LAWS
07 NCAC 13G .0304 INCORPORATION IN NATIONAL TRAILS SYSTEM**

*History Note: Authority G.S. 113A-88; 113A-91; 113A-93; 113A-94;
Eff. April 4, 1979;
Repealed Eff. April 1, 1983;
Transferred from 15A NCAC 12G .0303, .0304 Eff. April 1, 2017.*

**07 NCAC 13G .0305 USE OF VOLUNTEER SERVICES
07 NCAC 13G .0306 NAMING TRAILS IN THE SYSTEM**

*History Note: Authority G.S. 143-291; 143B-135.98; 143B-135.102; 143B-135.114; Ex. Order No. 48;
Eff. April 1, 1983;
Transferred from 15A NCAC 12G .0305, .0306 Eff. April 1, 2017;
Expired Eff. June 1, 2018 pursuant to G.S. 150B-21.3A.*

SUBCHAPTER 13H - NATURAL HERITAGE PROGRAM

SECTION .0100 - GENERAL PROVISIONS

**07 NCAC 13H .0101 STATEMENT OF POLICY
07 NCAC 13H .0102 STATEMENT OF PURPOSE**

History Note: Authority G.S. 113-3; 113-8; 113A-164.2; 113A-164.4;

Eff. April 4, 1979;
Amended Eff. January 1, 1986; October 1, 1984;
Expired Eff. February 1, 2016 pursuant to G.S. 150B-21.3A;
Transferred from 15A NCAC 12H .0101-.0102 Eff. April 1, 2017.

07 NCAC 13H .0103 DEFINITIONS AS USED IN THIS SUBCHAPTER

In addition to the definitions in G.S. 143B-135.254, the following terms shall apply to this Subchapter:

- (1) "Natural diversity" means the native plant and animal species, geological features, plant communities, ecosystem types, and other natural features.
- (2) "Natural Heritage Areas List" means a list of those natural areas recommended by the Natural Heritage Program, pursuant to G.S. 143B-135.256(7), that are of special importance to the maintenance of the state's natural diversity and that may warrant protection by registration or dedication.
- (3) A "natural community" means any area with a recognizable and reoccurring assemblage of plants, animals, bacteria, and fungal species naturally associated with each other and their physical environment.

History Note: Authority G.S. 143B-135.254; 143B-135.256;
Eff. April 4, 1979;
Amended Eff. August 1, 1988; January 1, 1986; October 1, 1984; August 30, 1980;
Readopted Eff. March 1, 2017;
Transferred from 15A NCAC 12H .0103 Eff. April 1, 2017.

07 NCAC 13H .0104 RESPONSIBILITIES AND DUTIES OF NATURAL HERITAGE PROGRAM

History Note: Authority G.S. 113-3; 113-8; 113A-164.4;
Eff. April 4, 1979;
Amended Eff. January 1, 1986; October 1, 1984; August 30, 1980;
Repealed Eff. March 1, 2017;
Transferred from 15A NCAC 12H .0104 Eff. April 1, 2017.

07 NCAC 13H .0105 NATURAL HERITAGE ADVISORY COMMITTEE

(a) The Natural Heritage Advisory Committee shall be composed of nine members appointed by the Secretary, in accordance with G.S. 143B-135.256(6).

(b) The Natural Heritage Advisory Committee shall:

- (1) advise and make recommendations to the Department on inventory and evaluation of natural areas;
- (2) review and make recommendations for registration, acquisition, and dedication of natural areas and nature preserves by the Department;
- (3) review and make recommendations on Department priorities and plans for the selection of particular natural areas for State acquisition and for designation of nature preserves;
- (4) review and make recommendations on master plans, management plans, and other plans and proposals for development and use of lands administered by the Department;
- (5) advise the Secretary on policies and rules governing management, protection, and use of registered natural areas and dedicated nature preserves by the Department;
- (6) advise and consult with the Secretary and Department staff on policies and programs relating to preservation of natural diversity and outstanding natural areas in the state; and
- (7) consult and coordinate with other public agencies, conservation organizations, and scientific bodies on matters concerning natural diversity inventory and natural areas identification, acquisition, management, and dedication.

History Note: Authority G.S. 143B-10; 143B-135.256;
Eff. April 4, 1979;
Amended Eff. January 1, 1986; October 1, 1984; March 1, 1983; August 30, 1980;
Readopted Eff. March 1, 2017;
Transferred from 15A NCAC 12H .0105 Eff. April 1, 2017.

07 NCAC 13H .0106 INFORMATION SERVICES
07 NCAC 13H .0107 LOCATION

History Note: Authority G.S. 113-3; 113-8;
Eff. April 4, 1979;
Repealed Eff. October 1, 1984;
Transferred from 15A NCAC 12H .0106, .0107 Eff. April 1, 2017.

SECTION .0200 – REGISTRY OF NATURAL HERITAGE AREAS

07 NCAC 13H .0201 OBJECTIVES OF REGISTRY

History Note: Authority G.S. 143B-135.254; 143B-135.256; 143-135.258;
Eff. April 4, 1979;
Repealed Eff. March 1, 2017;
Transferred from 15A NCAC 12H .0201 Eff. April 1, 2017.

07 NCAC 13H .0202 CRITERIA FOR ELIGIBILITY

(a) For an area to qualify as a Natural Heritage Area and be eligible for registration or dedication, the Natural Heritage Program staff shall determine that the area possesses one or more of the following natural values:

- (1) a habitat for individual species of plants or animals that are in danger of or threatened by extirpation;
- (2) a rare terrestrial natural community;
- (3) a rare aquatic community;
- (4) features that illustrate geologic processes or the history of the earth;
- (5) unique or unusual ecological types; or
- (6) biological or ecological phenomena of significance.

(b) Upon meeting one of the criteria in Paragraph (a) of this Rule, the Natural Heritage Program staff shall evaluate an area with respect to the following factors:

- (1) the presence of ecological values represented in previously registered Natural Heritage Areas;
- (2) the natural diversity of the area;
- (3) the quality and viability of the environmental features including self-sufficiency of the ecosystem when managed and degree of vulnerability to disturbances and intrusions;
- (4) the extent to which past disturbances or land uses have altered natural communities. An area may be considered even if it shows evidence of past disturbance or land use;
- (5) the ability to be managed to protect and maintain ecological features in a natural condition, and a buffer area, as set forth in Rule .0304 of this Subchapter, to ensure protection. A buffer zone, where possible, shall follow defensible boundaries and help protect the site against adverse effects from use and development of adjacent land. The buffer zone may be included in the designated area but need not itself possess any eligibility criteria as set forth in this Rule;
- (6) compatibility of protective management practices with current use practices on adjacent lands; and
- (7) scientific and educational value.

History Note: Authority G.S. 143B-135.256; 143B-135.258;
Eff. April 4, 1979;
Amended Eff. January 1, 1986;
Readopted Eff. March 1, 2017;
Transferred from 15A NCAC 12H .0202 Eff. April 1, 2017.

07 NCAC 13H .0203 REGISTRATION PROCESS

(a) Nomination.

- (1) Nominations for the Registry of Natural Heritage Areas may be made by the Natural Heritage Program staff, by other public agencies, by members of the Natural Heritage Advisory Committee, or by any other resident or property owner of the State. Nominations shall be submitted, in writing, to the North Carolina Natural Heritage Program, 1651 Mail Service Center, Raleigh,

North Carolina 27699. Nominations shall include the name, address and phone number for both the nominator and the owner of the of the nominated area and the location where the area is located.

- (2) The Natural Heritage Program staff shall conduct an on-site evaluation of a nominated area in order to gather information to determine that the area meets eligibility criteria.
- (3) After reviewing information on a nominated area, the Natural Heritage Program staff shall determine if an area qualifies for the registry and shall document its findings in an evaluation report with recommendations for action.
- (4) Nominations initiated by the public or other agencies shall be accepted or rejected by the Department within one year of receipt. Rejections shall include an explanation. The nominator may request consideration again by submitting information that was not previously considered to the Natural Heritage Program.

(b) Notification of Landowner or Administrator. Once an area is nominated and is recommended for registration, the Natural Heritage Program staff shall notify the owner or administering agency. The owner may request that the property be or not be considered further for registration.

(c) All nominations and recommendation reports shall be submitted by the Natural Heritage Program to the Natural Heritage Advisory Committee ("Committee"). Upon approval of the nomination by the Committee, the chairman or acting chairman shall sign the statement of recommendation and submit it for review by the Division Director. If the Division Director approves the statement of recommendation, it shall be submitted to the Natural Heritage Program staff. The Natural Heritage Program staff shall solicit comments about the nomination from the landowner or managing agency. Recommendation statements, comments, and a report of the owner's willingness to accept registration shall then be submitted to the Secretary by the Natural Heritage Program staff.

(d) Designation. Upon review of the information submitted in Paragraph (c) of this Rule, the Secretary shall decide whether the nominated area is eligible for listing in the Registry of Natural Heritage Areas. The registration of a site shall be the voluntary decision of the landowner or administering agency, pursuant to G.S. 143B-135.258.

(e) The owner or a volunteer shall annually report to the Natural Heritage Program Director once a year on the condition of the registered area.

*History Note: Authority G.S. 143B-135.256; 143B-135.258;
Eff. April 4, 1979;
Amended Eff. January 1, 1986; October 1, 1984; August 30, 1980;
Readopted Eff. March 1, 2017;
Transferred from 15A NCAC 12H .0203 Eff. April 1, 2017.*

07 NCAC 13H .0204 REGISTRATION

*History Note: Authority G.S. 113-3; 113-8; 113A-164.4; 113A-164.5;
Eff. April 4, 1979;
Amended Eff. January 1, 1986;
Repealed Eff. March 1, 2017;
Transferred from 15A NCAC 12H .0204 Eff. April 1, 2017.*

07 NCAC 13H .0205 RESCISSION

(a) The registration agreement may be terminated at any time upon notification by either party. Such termination shall remove the area from the Registry.

(b) Any person may submit a written request to the Department to remove an area from the Registry if he or she believes the site no longer meets the criteria for registration as set forth in Rule .0202 of this Section. The request for removal shall explain the changes that have occurred to the area since the area was registered and why the area no longer meets the criteria in Rule .0202 of this Section. All requests made under this Rule shall be submitted to the North Carolina Natural Heritage Program, 1651 Mail Service Center, Raleigh, North Carolina 27699. After considering the request, the Secretary, upon recommendation of the Natural Heritage Program staff and Natural Heritage Advisory Committee, may order removal from the Registry as set forth in G.S. 143B-135.258.

(c) Rescission shall remove the area from the Registry of Natural Heritage Areas, and the owner or administering agency shall be requested to return the certificate to the agency signifying the area's inclusion on the Registry, as set forth in G.S. 143B-135.256.

(d) Any person aggrieved by any of the steps in the process described in this Rule may seek an administrative hearing as set forth in G.S. 150B-23.

History Note: Authority G.S. 143B-135.256; 143B-135.258;
Eff. April 4, 1979;
Amended Eff. August 1, 1988; January 1, 1986; October 1, 1984;
Readopted Eff. March 1, 2017;
Transferred from 15A NCAC 12H .0205 Eff. April 1, 2017.

07 NCAC 13H .0206 PUBLIC ACCESS

Registration of a natural area shall not create a right of public access to the registered area. Any person visiting a registered area shall first obtain the permission of the owner or managing agency before entering the property. The landowner or managing agency retains the option to restrict publicity and access to the property.

History Note: Authority G.S. 143B-135.256;
Eff. April 4, 1979;
Readopted Eff. March 1, 2017;
Transferred from 15A NCAC 12H .0206 Eff. April 1, 2017.

07 NCAC 13H .0207 MANAGEMENT OF REGISTERED NATURAL AREAS

History Note: Authority G.S. 143B-135.256; 143B-135.258;
Eff. April 4, 1979;
Repealed Eff. March 1, 2017;
Transferred from 15A NCAC 12H .0207 Eff. April 1, 2017.

07 NCAC 13H .0208 DESIGNATION OF NATURAL AREAS ON STATE LANDS

History Note: Authority G.S. 143B-135.258; 143B-135.264;
Eff. March 1, 1983;
Amended Eff. October 1, 1984;
Repealed Eff. March 1, 2017;
Transferred from 15A NCAC 12H .0208 Eff. April 1, 2017.

SECTION .0300 – DEDICATION OF NATURE PRESERVES

07 NCAC 13H .0301 OBJECTIVES OF DEDICATION

The State may accept the dedication of nature preserves on lands deemed by the Secretary to qualify as "outstanding natural areas," based on the criteria of eligibility as set forth in Rule .0202 of this Subchapter. The Secretary shall recommend to the Governor and Council of State, through the Director of the State Property Office in the Department of Administration, that an area be dedicated as a nature preserve. Dedication of a preserve becomes effective only upon acceptance of Articles of Dedication by the Governor and Council of State. Articles of Dedication shall be recorded in the county or counties where the nature preserve is located, in the State Property Office and in the office of the Natural Heritage Program.

History Note: Authority G.S. 143B-135.252; 143B-135.256; 143B-135.260; 146-26;
Eff. August 30, 1980;
Amended Eff. January 1, 1986; October 1, 1984;
Readopted Eff. March 1, 2017;
Transferred from 15A NCAC 12H .0301 Eff. April 1, 2017.

07 NCAC 13H .0302 DEDICATION PROCESS

(a) Upon receipt of the recommendation reports from the Natural Heritage Program and statements of recommendation from the Natural Heritage Advisory Committee, the Secretary shall determine whether the proposed area qualifies under criteria set forth in Rule .0202 of this Subchapter and constitutes an "outstanding natural area" through dedication as a nature preserve.

- (b) Nature preserves are created when natural areas are dedicated by:
- (1) the owner who transfers to the State the title or other interest in the land with Articles of Dedication agreed to by the owner and the State;
 - (2) any local unit of government that transfers fee simple title or other interest in land to the State through Articles of Dedication agreed to by the local government agency and the State; or
 - (3) the State itself for State-owned lands through Articles of Dedication, and declaring the State as trustee for the dedication, subject to allocation pursuant to the provisions of G.S. 143-341(4)g. The Secretary and Director of the State Property Office shall make recommendations to the Governor and Council of State for dedicating State-owned lands as nature preserves.

History Note: Authority G.S. 143B-135.256; 143B-135.260; 143B-135.262; 143B-135.264; 143B-135.266; 143B-135.268; Eff. August 30, 1980; Amended Eff. August 1, 1988; January 1, 1986; Readopted Eff. March 1, 2017; Transferred from 15A NCAC 12H .0302 Eff. April 1, 2017.

07 NCAC 13H .0303 ARTICLES OF DEDICATION

(a) Articles of Dedication shall include:

- (1) a statement of the public purposes served by the dedication and a declaration that the State shall hold such title or interest to the area in trust for the public as a dedicated nature preserve under the terms and authority set forth in G.S. 143B-135.262, and describe the rights and restrictions as will protect the dedicated area consistent with the criteria set forth in Rule .0202 of this Subchapter.
- (2) the primary custodian who will be responsible for managing the nature preserve in accordance with the Articles of Dedication and these Rules;
- (3) the right of the State or its agents to enter dedicated lands to inspect its condition and to enforce the Articles of Dedication. This right of inspection shall not in and of itself create an automatic right of public access; and
- (4) any other provision necessary to carry out the purpose of this Subchapter.

(b) Articles of Dedication on land remaining in private ownership shall contain a provision notifying the State before any sale or transfer by deed or lease of the land or other interests therein. The State shall not regulate or prohibit such sale or transfer, but shall ensure that the grantee or lessee is familiar with the Articles of Dedication. The Articles of Dedication shall contain a provision indicating that any transfer of any interest in the dedicated nature preserve shall be subject to the conditions set forth in the Articles of Dedication.

History Note: Authority G.S. 143B-135.260; 143B-135.262; 143B-135.264; 143B-135.266; 143B-135.268; Eff. January 1, 1986; Amended Eff. August 1, 1988; Readopted Eff. March 1, 2017; Transferred from 15A NCAC 12H .0303 Eff. April 1, 2017.

07 NCAC 13H .0304 BUFFER AREAS

(a) For the purpose of protecting a nature preserve, adjoining land that is not otherwise suitable for dedication as a nature preserve may be dedicated as a buffer area in the same manner as a nature preserve under this Section. A buffer area, where possible, shall help protect the site against adverse effects from use and development of adjacent land. The buffer area may be included in the designated area but need not itself possess eligibility criteria.

(b) Provisions in the Articles of Dedication for the management, use, development, and public access of the buffer area may differ from those used for the adjacent nature preserve.

History Note: Authority G.S. 143B-135.256; 143B-135.260; Eff. January 1, 1986; Readopted Eff. March 1, 2017; Transferred from 15A NCAC 12H .0304 Eff. April 1, 2017.

07 NCAC 13H .0305 PUBLIC TRUST

(a) Members of the public may bring notice to the Secretary or his or her agents of suspected violations of terms of dedications. Notice shall be made by U.S. Mail to 4601 Mail Service Center, Raleigh, North Carolina 27699. The Natural Heritage Program shall investigate notices of violations and shall maintain monitoring of all dedicated preserves. After investigation of a notice of violation, the Natural Heritage Program shall respond, via U.S. Mail, to the notifying party and recommend action to the Secretary.

(b) The Natural Heritage Program shall maintain administrative records for dedicated areas. These shall be available for public review online at www.ncnhp.org. or at 121 West Jones Street, Raleigh, North Carolina 27603, and copies shall be available at actual cost.

(c) The State may enter into contracts and agreements with other agencies and persons to manage and monitor dedicated preserves, but the State shall not abdicate its trusteeship for dedicated lands through such contracts or agreements.

History Note: Authority G.S. 143B-135.256; 143B-135.262;
Eff. January 1, 1986;
Readopted Eff. March 1, 2017;
Transferred from 15A NCAC 12H .0305 Eff. April 1, 2017.

07 NCAC 13H .0306 AMENDMENTS

(a) Amendments that remove some portion of the existing Articles of Dedication shall not be approved until after a public hearing in the county or counties where the dedicated preserve lies. The State shall provide not less than 30 days notice of the hearing in the newspaper of largest circulation in the county or counties where the land lies. The State shall provide not less than 30 days notice to the chief county and municipal administrative officials in the jurisdiction where the land lies.

(b) Notwithstanding the provisions of Paragraph (a) of this Rule, Articles of Dedication may be amended as they affect use or disposition of land, even if the purposes of G.S. 143B-135.262 or the original dedication will be violated under the following circumstances:

- (1) the Governor and Council of State find that an amendment serves the best interest of the State and no prudent alternative exists;
- (2) after a public hearing with notice provided in Paragraph (a) of this Rule; and
- (3) with the concurrence of the Governor and Council of State.

(c) After the public hearing and finding by the Governor and Council of State, the State shall publish a statement of its findings in the newspaper of largest circulation in the county or counties where the land lies at least 30 days before the amended Articles of Dedication is final.

History Note: Authority G.S. 143B-135.256; 143B-135.260; 143B-135.262; 143B-135.268;
Eff. January 1, 1986;
Amended Eff. August 1, 1988;
Readopted Eff. March 1, 2017;
Transferred from 15A NCAC 12H .0306 Eff. April 1, 2017.

07 NCAC 13H .0307 EXTINGUISHMENT BY THE STATE

(a) Articles of Dedication may be extinguished by amendment and the dedication abandoned if:

- (1) the Secretary finds that qualifying features of the land have been destroyed or damaged;
- (2) the Secretary finds that the public purposes of the dedication have been frustrated;
- (3) after a public hearing with notice provided as described in Rule .0306(a) of this Section; and
- (4) with the approval of the Governor and Council of State.

(b) Articles of Dedication may be extinguished by amendment and the dedication abandoned if:

- (1) the Secretary finds that the extinguishment and abandonment serves a public necessity and no alternative exists;
- (2) after a public hearing with notice provided as described in Rule .0306(a) of this Section; and
- (3) with the approval of the Governor and Council of State.

(c) After the public hearing, the State shall publish a statement of its findings in the newspaper of largest circulation in the county or counties where the land lies at least 30 days before the extinguishment is final.

History Note: Authority G.S. 143B-135.256; 143B-135.260(c);
Eff. January 1, 1986;

*Readopted Eff. March 1, 2017;
Transferred from 15A NCAC 12H .0307 Eff. April 1, 2017.*

07 NCAC 13H .0308 MUTUAL TERMINATION

Articles of Dedication shall terminate only under the following circumstances:

- (1) in accordance with the terms of the Articles of Dedication itself;
- (2) in accordance with the nature and duration of the underlying legal interest in the property being placed under the Articles of Dedication; or
- (3) upon mutual written consent executed by and between the owner, its successors or assigns, the State, and approved by the Governor and Council of State.

*History Note: Authority G.S. 143B-135.256; 143B-135.260(c);
Eff. January 1, 1986;
Readopted Eff. March 1, 2017;
Transferred from 15A NCAC 12H .0308 Eff. April 1, 2017.*

SECTION .0400 – MANAGEMENT; USE; AND PROTECTION OF DEDICATED NATURE PRESERVES

07 NCAC 13H .0401 MANAGEMENT PLAN

- (a) A management plan shall be prepared for each dedicated nature preserve. The Articles of Dedication shall assign responsibility for the preparation of the management plan.
- (b) The Secretary of the Department of Natural and Cultural Resources or his or her designee shall review all management plans and their revisions, and shall approve those plans that implement the principles set forth in Rule .0402 of this Section.
- (c) The Secretary or his or her designee shall monitor all dedicated preserves as set forth in Rule .0305 of this Subchapter and report violations of the approved plan, situations that violate the Articles of Dedication, or actions harmful to the natural resources of the preserve.
- (d) In the event that the owner or the State agency managing the dedicated preserve does not adopt an approved management plan or does not adhere to the provisions of the plan, the Secretary shall request the Department of Administration to take an action such as mediation, reallocation of the land to another agency, or referral to the Office of the Attorney General.

*History Note: Authority G.S. 143B-135.256; 143B-135.262;
Eff. January 1, 1986;
Readopted Eff. March 1, 2017;
Transferred from 15A NCAC 12H .0401 Eff. April 1, 2017.*

07 NCAC 13H .0402 MANAGEMENT PRINCIPLES

The following management principles shall apply to all dedicated preserves, unless exceptions are expressly provided in the Articles of Dedication:

- (1) the natural character of the property shall be maintained;
- (2) improvements, including building of all types, trails, parking areas, vehicular roadways, signs, fences, steps, and bridges, shall only be constructed when approved by the Secretary or his or her designee as necessary for the security, safety, access of the public or for the maintenance and management of the preserve;
- (3) destruction of flora and fauna shall not be permitted except for the purpose of preserving species and natural communities of concern, or for the purpose of establishing and maintaining public access facilities. In case of either exception, and upon approval of the exception by the Secretary or his or her designee, manipulation of the flora and fauna shall be consistent and compatible with the ecological character of the area and shall not be damaging or detrimental to the preserve;
- (4) no motorized vehicles shall be permitted on the dedicated property other than those utilized by the owner or the owner's agents in management and protection of the property or used by the general public for ingress and egress to the property in compliance with the management plan for the preserve;

- (5) no signs, billboards, or other advertising of any kind shall be erected, with the exception of informational and directional signs, designed by the Secretary, owner, or State agency, related to the designation of the area as a preserve or for public access to the preserve;
- (6) no change shall be made in the topography of the preserve except as approved by the Secretary or his or her designee for those alterations that may be necessary to provide on-foot access to the public for visitation or observation, if the change is compatible and consistent with the character of the property, and where no detrimental effect will result;
- (7) no activity shall be allowed that may pollute any stream or body of water in the preserve;
- (8) no stream in the preserve shall be dammed, impounded, or have its course altered as a result of human activity;
- (9) visitor activities shall be controlled to prevent disturbance and environmental degradation of the preserve;
- (10) prescribed fire and necessary fire lines may be used as management tools to maintain or protect the natural community type;
- (11) the cutting or removal of trees, dead or alive, shall be prohibited, except when it is necessary for public safety, as determined by the Secretary, owner, or State agency;
- (12) persons wishing to engage in scientific research or collection of natural materials within a preserve shall first secure written permission from the owner or the State agency;
- (13) when necessary, as determined by the Secretary, owner, or State agency, boundaries of a preserve shall be made evident by placing markers or boundary signs at corners and other strategic locations;
- (14) control of exotic (non-native) species may be undertaken where eradication may be accomplished without disturbance of the area's natural conditions; and
- (15) no other acts or uses that are detrimental to the maintenance of the property in its natural condition shall be allowed, including disturbance of the soil, mining, commercial or industrial uses, timber harvesting, ditching and draining, or depositing waste materials.

*History Note: Authority G.S. 143B-135.256; 143B-135.262;
Eff. January 1, 1986;
Readopted Eff. March 1, 2017;
Transferred from 15A NCAC 12H .0402 Eff. April 1, 2017.*

07 NCAC 13H .0403 MANAGEMENT RULES FOR PRESERVES

Additional management principles consistent with the general management principles for dedicated preserves, as set forth in Rule .0402 of this Section, may be adopted through an amendment to the Articles of Dedication by the owner or State agency, in accordance with Rule .0306 of this Subchapter.

*History Note: Authority G.S. 143B-135.256; 143B-135.262;
Eff. January 1, 1986;
Readopted Eff. March 1, 2017;
Transferred from 15A NCAC 12H .0403 Eff. April 1, 2017.*

07 NCAC 13H .0404 NATURAL HERITAGE PROGRAM FEES; INVENTORY DATA, ENVIRONMENTAL SERVICES, AND DATA

(a) Individuals may obtain access to Natural Heritage Program (NHP) data by purchasing a subscription at <https://ncnhde.natureserve.org/> as set forth in Paragraph (b) of this Rule.

(b) Data subscriptions shall be available in accordance with the following fee schedules:

- (1) Annual subscription for online project review: six hundred dollars (\$600.00) per individual user. Annual subscription shall include 12 months of access to reports and maps of rare species, natural areas, and nature preserves related to a user specified geographic location. Reviews conducted by NHP shall not be included with an annual subscription. Access shall last for 12 months from the purchase date of the subscription.
- (2) Online project review with no annual subscription: one hundred dollars (\$100.00) per project review request. Online project review with no annual subscription shall include a generated map of a rare species, natural community, natural area, and nature preserves for user specified geographic location.

- (3) Customized environmental review services: sixty-five dollars (\$65.00) per hour. Customized environmental review services shall include a report and a map, prepared by NHP of rare species, natural communities, natural areas, and nature preserves related to a user specified geographic location.
 - (4) Electronic Geographic Information Systems (GIS) files of natural heritage element occurrence records: one hundred dollars (\$100.00) per county, species, or eight digit hydrologic unit code (HUC) established by the U.S. Geological Survey. NHP shall provide updated GIS files upon request for the same county, species, or eight digit HUC for a 12-month period from delivery of the initial GIS files.
 - (5) Biological field surveys: sixty-five dollars (\$65.00) per hour. Biological field surveys shall include an observation summary and habitat assessment of maps, rare species, natural communities, natural areas, and nature preserves for the user specified project area.
- (c) Federal, State, local government, and nonprofit agencies using natural heritage data to establish or manage nature preserves in accordance with this Section shall be exempt from fees set forth in Paragraph (b) of this Rule.

History Note: Authority G.S. 143B-135.256; 143B-135.272;
Eff. October 1, 2018.

SUBCHAPTER 13I - NATURAL AREAS

SECTION .0100 - GENERAL PROVISIONS

07 NCAC 13I .0101 PURPOSE

History Note: Authority G.S. 113-3; 113-8; 143B-10; 143B-135.16;
Eff. August 15, 1981;
Amended Eff. October 1, 1984;
Transferred from 15A NCAC 12I .0101 Eff. April 1, 2017;
Expired Eff. June 1, 2018 pursuant to G.S. 150B-21.3A.

07 NCAC 13I .0102 DEFINITIONS

Whenever used in this Subchapter: "Natural area" means an area within the state parks and recreation system where natural processes are allowed to predominate and which is preserved for the primary purposes of resource conservation, environmental education, or scientific research.

History Note: Authority G.S. 113-3; 113-8; 143B-10; 143B-135.16;
Eff. August 15, 1981;
Amended Eff. October 1, 1984;
Transferred from 15A NCAC 12I .0102 Eff. April 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.

SECTION .0200 - SELECTION CRITERIA

07 NCAC 13I .0201 NATURAL FEATURES

Natural features are of primary importance and shall receive first consideration in establishing natural areas within the state parks and recreation system. These features include, but are not limited to:

- (1) formations or features of the natural landscape significantly illustrating geological processes;
- (2) significant fossil evidence of the development of life on earth;
- (3) exemplary or representative ecological communities (terrestrial and aquatic) maintained under prevailing natural conditions;
- (4) ecological communities significantly illustrating the processes of natural succession, including examples of communities maintained or perpetuated by fire;
- (5) habitats supporting rare or restricted species of plants or animals;

- (6) flora or fauna persisting from an earlier period;
- (7) unique or unusual natural features;
- (8) seasonal havens for concentrations of native animals, such as a bat colony or coastal bird rookery;
- (9) features of high natural and aesthetic quality illustrating the scenic grandeur of North Carolina.

History Note: Authority G.S. 113-3; 113-8; 143B-10; 143B-135.16;
 Eff. August 15, 1981;
 Transferred from 15A NCAC 121 .0201 Eff. April 1, 2017;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.

07 NCAC 13I .0202 SITE EVALUATION

In assessing natural features, each site shall be evaluated with respect to:

- (1) presence of natural features, not adequately represented in other protected natural areas;
- (2) diversity of native flora and fauna;
- (3) quality and condition of natural features;
- (4) viability and self-sufficiency of the natural ecosystem when properly managed;
- (5) extent to which past disturbances have altered the natural features;
- (6) degree of vulnerability to disturbances and encroachments;
- (7) capability of being managed so as to protect and maintain natural conditions;
- (8) compatibility of protective management practices with current use of adjacent lands;
- (9) scientific and educational value.

History Note: Authority G.S. 113-3; 113-8; 143B-10; 143B-135.16;
 Eff. August 15, 1981;
 Transferred from 15A NCAC 121 .0202 Eff. April 1, 2017;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.

07 NCAC 13I .0203 SIGNIFICANCE

(a) Natural areas selected to be brought into the state parks and recreation system by purchase or gift shall be those which possess natural features of statewide significance. Only areas of high natural or scenic quality or exceptional scientific and educational value shall be considered for acquisition.

(b) Where appropriate, natural areas worthy of permanent preservation but which are of less than statewide significance may be designated on lands already administered by the Division of Parks and Recreation to protect, preserve, and maintain one or more of the natural features listed in Rule .0201 of this Subchapter.

History Note: Authority G.S. 113-3; 113-8; 143B-10; 143B-135.16;
 Eff. August 15, 1981;
 Transferred from 15A NCAC 121 .0203 Eff. April 1, 2017;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.

07 NCAC 13I .0204 SIZE AND BUFFER

Sites selected as natural areas shall be large enough to insure adequate buffer protection of the included natural features from external disturbances and encroachments.

History Note: Authority G.S. 113-3; 113-8; 143B-10; 143B-135.16;
 Eff. August 15, 1981;
 Transferred from 15A NCAC 121 .0204 Eff. April 1, 2017;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.

07 NCAC 13I .0205 CONDITIONS INCONSISTENT WITH PRESERVATION

Purchase or acceptance as a gift of property for establishment of a natural area in the state parks and recreation system shall involve no commitments, privileges, or conditions inconsistent with conservation and maintenance of the property as a natural area.

History Note: Authority G.S. 113-3; 113-8; 143B-10; 143B-135.16;
Eff. August 15, 1981;
Transferred from 15A NCAC 12I .0205 Eff. April 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.

SECTION .0300 - NATURAL AREA CLASSIFICATION AND USE

07 NCAC 13I .0301 SCIENTIFIC AREAS

Natural areas shall be placed in the scientific area category where appropriate and necessary to ensure special protection for scientific and educational purposes. The scientific classification may be applied to an entire natural area or to a designated portion. Areas so classified shall be limited to access and use by responsible scientists and researchers, and to other individuals and small groups for educational and research purposes under careful supervision. Camping, picnicking, swimming, and other general recreational activities unrelated to observation and scientific study shall not be permitted. Scientific areas shall be closed to equestrian use. Roads, buildings, and other structures and improvements shall not be constructed except those necessary for site protection, essential research, and educational use of the area.

History Note: Authority G.S. 113-3; 113-8; 143B-10; 143B-135.16;
Eff. August 15, 1981;
Amended Eff. October 1, 1984;
Transferred from 15A NCAC 12I .0301 Eff. April 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.

07 NCAC 13I .0302 INTERPRETIVE AREAS

Those areas which portray natural processes and features in an exemplary way, and which are not subject to serious impairment if opened to public visitation for nature study and interpretive use, shall be designated as interpretive areas. Use shall be primarily for educational and interpretive purposes with development limited to facilities necessary for safe access, sanitation, site protection, and maintenance, and to provide adequate interpretive programs. Interpretive areas and facilities shall not be used for general recreational activities. Camping, picnicking, and swimming shall not be permitted. Trails shall be limited to walking, hiking, and nature study, but special interpretive trails with wheelchair access for the handicapped may be accommodated.

History Note: Authority G.S. 113-3; 113-8; 143B-10; 143B-135.16;
Eff. August 15, 1981;
Amended Eff. October 1, 1984;
Transferred from 15A NCAC 12I .0302 Eff. April 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.

07 NCAC 13I .0303 CONSERVATION AREAS

Natural areas not otherwise identified as scientific areas or interpretive areas shall be classified as conservation areas. Conservation areas shall remain in their natural and undeveloped state but, where appropriate, may accommodate primitive camping facilities, equestrian trails, bicycle trails, and other compatible facilities in keeping with the preservation theme. Any or all uses, activities, and facilities shall be subject to restriction where they conflict with conservation needs. Conservation areas may be designated to provide buffer protection for scientific and interpretive areas or be established as separate and independent natural areas.

History Note: Authority G.S. 113-3; 113-8; 143B-10; 143B-135.16;
Eff. August 15, 1981;
Amended Eff. October 1, 1984;

*Transferred from 15A NCAC 12I .0303 Eff. April 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.*

SECTION .0400 - NATURAL AREA PROTECTION

07 NCAC 13I .0401	APPLICABLE RULES AND REGULATIONS
07 NCAC 13I .0402	MANAGEMENT PRINCIPLES
07 NCAC 13I .0403	MASTER PLAN
07 NCAC 13I .0404	ADVISORY COMMITTEE REVIEW
07 NCAC 13I .0405	COLLECTING PERMITS
07 NCAC 13I .0406	INTRUSIONS
07 NCAC 13I .0407	BOUNDARY MARKERS: SIGNS: AND FENCES
07 NCAC 13I .0408	SERVICE FACILITIES: SERVICE ROADS
07 NCAC 13I .0409	PUBLIC ACCESS ROADS
07 NCAC 13I .0410	FIREBREAKS
07 NCAC 13I .0411	TRAILS
07 NCAC 13I .0412	SCENIC AND LANDSCAPE ALTERATIONS
07 NCAC 13I .0413	SAFETY HAZARDS
07 NCAC 13I .0414	REMOVAL OF NATURAL MATERIALS: PRODUCTS: OR OBJECTS
07 NCAC 13I .0415	WATER LEVEL CONTROLS
07 NCAC 13I .0416	FIRE CONTROL
07 NCAC 13I .0417	USE OF TOXIC CHEMICALS
07 NCAC 13I .0418	INSECT AND DISEASE CONTROL
07 NCAC 13I .0419	EROSION CONTROL
07 NCAC 13I .0420	MANAGEMENT OF VEGETATION AND WILDLIFE
07 NCAC 13I .0421	ACCESS CONTROL
07 NCAC 13I .0422	ORIENTATION AND GUIDANCE OF VISITORS
07 NCAC 13I .0423	CULTURAL RESOURCES
07 NCAC 13I .0424	MANAGEMENT RESEARCH

*History Note: Authority G.S. 70-4; 113-3; 113-8; 113-35; 113-261; 113-272.4; 143B-10;
Eff. August 15, 1981;
Repealed Eff. October 1, 1984;
Transferred from 15A NCAC 12I .0401-.0424 Eff. April 1, 2017.*

SUBCHAPTER 13J – RESERVED FOR FUTURE CODIFICATION

SUBCHAPTER 13K - PARKS AND RECREATION TRUST FUND GRANTS FOR LOCAL GOVERNMENT

SECTION .0100 - GENERAL PROVISIONS

07 NCAC 13K .0101 PURPOSE

*History Note: Authority G.S. 143B-135.66;
Temporary Adoption Eff. November 1, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. April 1, 1995;
Amended Eff. August 1, 1998;
Transferred from 15A NCAC 12K .0101 Eff. April 1, 2017;
Expired Eff. June 1, 2018 pursuant to G.S. 150B-21.3A.*

07 NCAC 13K .0102 ELIGIBLE APPLICATIONS

All county governments and incorporated municipalities of the State are eligible to submit applications. Public authorities, as defined by G.S. 159-7, are eligible applicants if they are authorized to acquire land or develop facilities for public recreation purposes. Eligible applicants may apply jointly for a project.

*History Note: Authority G.S. 143B-135.56;
Temporary Adoption Eff. November 1, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. April 1, 1995;
Amended Eff. August 1, 1998;
Temporary Amendment Eff. December 9, 2002;
Amended Eff. April 1, 2003;
Transferred from 15A NCAC 12K .0102 Eff. April 1, 2017;
Readopted Eff. June 1, 2020.*

07 NCAC 13K .0103 FUNDING CYCLE

Annual funding schedule dates shall be the following:

- (1) An announcement letter setting the application deadline and how to apply shall be mailed to all eligible applicants, as described in Rule .0102 of this Section, by November 1. This information shall be made available to other interested parties who contact the Department of Natural and Cultural Resources (Department) at: NC Division of Parks and Recreation, 1615 MSC, Raleigh, North Carolina 27699-1615, as well as on the following website: <http://www.ncparks.gov/partf>.
- (2) Eligible applicants, as described in Rule .0102 of this Section, shall not request more than five hundred thousand dollars (\$500,000) in Parks and Recreation Trust Fund (PARTF) assistance with each application.
- (3) Applications shall be received by the Department or its designee or postmarked no later than the deadline date stated in the announcement letter for the current grant cycle pursuant to Item (1) of this Rule. The Parks and Recreation Authority will set the deadline date for between January 31 and May 30. If the deadline falls on a weekend or holiday, applications shall be received by the Department or postmarked no later than the following business day.
- (4) The Authority shall meet within 180 days of the application deadline to select projects for funding.

*History Note: Authority G.S. 143B-135.56; 143B-135.200;
Temporary Adoption Eff. November 1, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. April 1, 1995;
Amended Eff. August 1, 2016; June 1, 2004; August 1, 1998;
Transferred from 15A NCAC 12K .0103 Eff. April 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018;
Amended Eff. June 1, 2020.*

07 NCAC 13K .0104 APPLICATION SCHEDULE

*History Note: Authority G.S. 113-44.15;
Temporary Adoption Eff. November 1, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. April 1, 1995;
Repealed Eff. August 1, 1998;
Transferred from 15A NCAC 12K .0104 Eff. April 1, 2017.*

07 NCAC 13K .0105 EVALUATIONS OF APPLICATIONS

- (a) In order for an application to be considered complete, an application shall include:
- (1) Applicant's basic facts, such as applicant name and contact information;
 - (2) Description and justification for the project;
 - (3) Project costs;

- (4) Source and amount of matching funds;
 - (5) Geographic location of the project;
 - (6) For projects that include the construction or renovation of facilities:
 - (A) Project site plan;
 - (B) Environmental review; and
 - (C) Certification of site control by the applicant's attorney, unless the construction or renovation is located on the property acquired as part of the project; and
 - (7) For projects that include the acquisition of land:
 - (A) Project conceptual plan;
 - (B) Identification and legal description of the property to be acquired;
 - (C) Valuation of the property to be acquired; and
 - (D) For donated property, a history of the property's conveyances.
- (b) The Department shall review all applications for completeness. Each completed application shall be evaluated by the Department on the information provided in the application and in accordance with the PARTF criteria described in Paragraph (d) of this Rule. The Department shall make a recommendation to the Authority based on this evaluation. Incomplete applications shall be returned to the applicant.
- (c) The Authority shall review the project evaluations and other data prepared by the applicant and by Department staff. Based on its review, the Authority shall determine which projects to approve for funding.
- (d) The following criteria shall be used to evaluate projects:
- (1) Public recreation facilities to be constructed or renovated as part of the project;
 - (2) Documentation of local recreational planning for the project;
 - (3) The acquisition or the conservation of unique natural, cultural, recreational, or scenic resources;
 - (4) The level of public involvement in developing and supporting the project;
 - (5) The applicant's commitment to operating and maintaining the project, determined by the level of staff or volunteer participation devoted to operation and maintenance of the project; and
 - (6) The suitability of the site for the proposed project development.
- (e) The Authority shall also consider the following factors to evaluate projects: the geographic distribution of projects, the presence or absence of other funding sources, the population of the applicant, the level of compliance with prior grant agreements, the amount of funds available, and the amount of funds requested.

*History Note: Authority G.S. 143B-135.56;
 Temporary Adoption Eff. November 1, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
 Eff. April 1, 1995;
 Amended Eff. June 1, 2006; August 1, 1998;
 Transferred from 15A NCAC 12K .0105 Eff. April 1, 2017;
 Readopted Eff. June 1, 2020.*

07 NCAC 13K .0106 GRANT AGREEMENT

- (a) Upon Authority approval, a written agreement shall be executed between the grant recipient(s) and the Department.
- (b) The agreement shall define the Department's and grant recipient's responsibilities and obligations, the project period, project scope, and the amount of grant assistance.
- (c) The approved application shall become a part of the grant agreement.
- (d) Projects judged to have a significant environmental impact, determined in accordance with the State Environmental Policy Act (SEPA), found in G.S. 113A, shall submit an environmental assessment to the State Environmental Review Clearinghouse for review. Any comments received as a result of this submission shall be addressed by the applicant prior to execution of the project agreement.
- (e) The grant agreement may be amended upon consent and approval by the Department and the grant recipient(s). In order to request an amendment, the grant recipient(s) shall submit a written request to the Department. The Department shall approve the amendment if local circumstances justify the amendment request.
- (f) Projects shall not begin until the Department and grant recipient(s) sign the agreement. However, if an applicant submits a written request for a waiver for a land acquisition project that requires action prior to the anticipated signing of the agreement, the Department may grant a waiver, with advice from the Authority. A waiver shall be in effect for 24 months from the date of approval. A project receiving a waiver shall not receive preferential treatment in funding decisions.

(g) Following execution of the grant agreement, the Department shall reimburse the grant recipient for expenditures related to the project scope, as described in the grant agreement. All reimbursements shall be approved by the Department and shall total an amount that is less than or equal to the grant amount. The Department shall approve reimbursement requests for expenditures that are related to the project scope and occur during the project period.

(h) Accounting records that document all expenditures and requests for reimbursement shall be submitted by the grant recipient(s) to the Department for approval prior to or at the time of the close-out inspection, as described in Rule .0110 of this Section. The Department shall approve the accounting when the records are consistent with the project agreement and budget.

*History Note: Authority G.S. 143B-135.56;
Temporary Adoption Eff. November 1, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. April 1, 1995;
Amended Eff. August 1, 1998;
Temporary Amendment Eff. April 4, 2000;
Amended Eff. June 1, 2006; April 1, 2003; April 1, 2001;
Transferred from 15A NCAC 12K .0106 Eff. April 1, 2017;
Readopted Eff. June 1, 2020.*

07 NCAC 13K .0107 MATCHING REQUIREMENTS

(a) The donor of any land must be an individual or private organization.

(b) If a landowner sells land to the applicant for less than the appraised value, the amount of the donation shall be the difference between the appraised value and the amount paid by the applicant.

(c) The value of capital improvements that are located on the donated land and will be used for public recreation may be included in the value of the donation.

(d) Land that is transferred to the applicant due to a statute or rule shall not be considered a donation.

(e) The applicant must sign the grant agreement before taking title to donated land, unless a waiver, as described in Rule .0106(f) of this Section, has been approved.

*History Note: Authority G.S. 143B-135.56;
Temporary Adoption Eff. November 1, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. April 1, 1995;
Amended Eff. August 1, 1998;
Temporary Amendment Eff. December 9, 2002;
Amended Eff. April 1, 2003;
Transferred from 15A NCAC 12K .0107 Eff. April 1, 2017;
Readopted Eff. June 1, 2020.*

07 NCAC 13K .0108 ELIGIBLE PROJECTS AND COSTS

(a) PARTF grants shall be awarded to grantees for projects that are for the sole purpose of providing local park and recreation opportunities to the public. Grantees may receive funds for the following types of projects:

- (1) Acquisition. Fee simple acquisition of real property for future recreational development and to protect areas with natural or scenic resources.
 - (A) Grantees acquiring property for recreation development shall have up to five years from when the Authority and the applicant sign the grant agreement to begin developing recreation facilities.
 - (B) Grantees acquiring property to protect areas with natural or scenic resources must open these areas to the general public to the extent that the resources will not be impaired.
- (2) Development. Projects for the construction, expansion, and renovation/repair of the following:
 - (A) Primary facilities, including outdoor and indoor recreation facilities. Examples include camping facilities, picnic facilities, sports and playfields, trails, swimming facilities, boating/fishing facilities, spectator facilities, and gymnasiums.
 - (B) Support facilities and improvements such as roads, parking areas, accessibility features, utilities, landscaping, and other infrastructure projects that would have little or no recreational value without the primary recreation facilities.

- (b) Other criteria for determining eligible projects and costs include:
- (1) Only development on or acquisition of a single project site or a contiguous trail corridor is eligible for PARTF assistance.
 - (2) Utility lines developed with PARTF assistance shall be placed underground.
 - (3) The following costs are eligible within the limits that are identified below:
 - (A) Land acquisition costs such as appraisals, surveys, title work, and attorney fees.
 - (B) Construction costs such as site planning, design drawings, construction drawings, preparing cost estimates, architectural and engineering fees, permits, construction management, and project inspection.
 - (C) The cost of preparing an application.
 - (D) The costs in Parts (A) through (C) of this Subparagraph shall not exceed 20 percent of the total cost of the project or 20 percent of the maximum grant amount, whichever is less. These costs may be incurred within two years of the application deadline as well as during the project period.
 - (E) A contingency may be included in the development cost estimates, but shall not exceed five percent of total development costs or five percent of the maximum grant amount, whichever is less.
 - (4) PARTF-assisted facilities on school property shall not be recreational facilities provided by the school for the use of their students.

*History Note: Authority G.S. 143B-135.56;
Temporary Adoption Eff. November 1, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. April 1, 1995;
Amended Eff. June 1, 2006; April 1, 2003; August 1, 1998;
Transferred from 15A NCAC 12K .0108 Eff. April 1, 2017;
Readopted Eff. June 1, 2020.*

07 NCAC 13K .0109 SITE CONTROL AND RESTRICTION

- (a) Land acquired with PARTF assistance shall be restricted in perpetuity for local park and recreation purposes for the use and benefit of the general public. The restriction shall be recorded in the public property records by the grantee.
- (b) The site of a PARTF project for development shall be controlled, such as through fee simple ownership or long-term lease, by the grantee by the closing date of the application submission period. Any lease agreement shall extend for a minimum of 25 years unless the property is the subject of a federal, State, or local leasing arrangement that provides assurance that 25 years of public recreational use will be maintained.
- (c) Grantees shall assure that PARTF-assisted development facilities are maintained and managed for public recreation use for a minimum period of 25 years after the completion date set forth in the grant agreement.
- (d) PARTF-assisted land and facilities shall not be converted to uses that are other than public recreation without approval by the Department, in the following manner:
 - (1) A grant recipient shall request approval from the Department before any conversion occurs.
 - (2) The grant recipient shall receive public comments for a period of 30 days regarding the proposed conversion and address comments received prior to forwarding a conversion request to the Department.
 - (3) The Department shall deny the request if approval would impede access to or result in a net loss of recreational opportunities for the surrounding community.
 - (4) All conversions shall be mitigated with measures determined by the Department and the grant recipient and approved by the Department with advice from the Parks and Recreation Authority.
 - (5) The primary mitigation measure for a conversion is to have the grantee replace, at its own expense, land acquired with PARTF assistance with land of equal current fair market value and recreational usefulness. Recreational usefulness shall be determined by public recreational need in the surrounding community by the grantee, with approval by the Department. Facilities built with PARTF assistance shall be replaced with facilities of equal current replacement value, and recreational usefulness. Replacement areas shall also:
 - (A) be within the grantee's jurisdictional boundaries;
 - (B) provide or be part of a recreation area; and

- (C) be consistent with all application requirements for a new PARTF application.
- (6) Replacement property and facilities shall be encumbered by the same obligations as specified in the project agreement and rules of this Section for the converted property or facility.
- (7) If the Department determines that the local government cannot replace the land or facilities, the Department may mitigate the conversion by the grantee repaying PARTF with funds equal to the current value of the land or facilities.
- (8) The Department shall include provisions on conversions in all grant agreements.
- (e) If PARTF-assisted facilities are built on public school property, the applicant(s) shall submit an agreement with the application describing that the facilities will be available to the general public during non-school hours. Projects on land owned by a school shall have sign(s) installed informing the public that the facilities are open to the general public. These signs shall also state the times when the facilities are reserved exclusively for school use.
- (f) Failure by the grantee(s) to comply with the rules of this Section or the project agreement may result, in addition to any other legal remedies, in the Authority declaring the grantee(s) ineligible for further participation in the PARTF until such time as compliance has been obtained.

*History Note: Authority G.S. 143B-135.56;
Temporary Adoption Eff. November 1, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. April 1, 1995;
Amended Eff. October 1, 2007; August 1, 1998;
Transferred from 15A NCAC 12K .0109 Eff. April 1, 2017;
Readopted Eff. June 1, 2020.*

07 NCAC 13K .0110 INSPECTIONS

- (a) The Department shall perform progress inspections and a close-out inspection of the project site to ensure compliance with the grant agreement and eligibility of the grantee(s) for future program participation.
- (b) Grantees shall be responsible for conducting periodic inspections, occurring at least once every five years, to ensure compliance with the grant agreement and Paragraphs (c) and (f) of 07 NCAC 13K .0109.
- (c) The Department or its designee shall conduct random inspections to verify program compliance.

*History Note: Authority G.S. 143B-135.56;
Temporary Adoption Eff. November 1, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. April 1, 1995;
Amended Eff. August 1, 1998;
Transferred from 15A NCAC 12K .0110 Eff. April 1, 2017;
Readopted Eff. June 1, 2020.*

07 NCAC 13K .0111 PROGRAM ACKNOWLEDGMENT

*History Note: Authority G.S. 113-44.15;
Temporary Adoption Eff. November 1, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. April 1, 1995;
Repealed Eff. August 1, 1998;
Transferred from 15A NCAC 12K .0111 Eff. April 1, 2017.*