

1 07 NCAC 13B .0104 is proposed for readoption with substantive changes as follows:

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3 **07 NCAC 13B .0104 PERMITS**

4 (a) Applications for permits may be made by contacting individual Park and Recreation Area offices or ~~Chief~~Deputy
5 Director of Operations, North Carolina Division of Parks and Recreation, 1615 Mail Service Center, Raleigh NC
6 27699-1615. ~~Violation of the terms and conditions of a permit issued in accordance with this Section is prohibited~~
7 ~~and shall result in revocation of the permit by the Park Superintendent or his or her designee.~~

8 (b) ~~Activities or~~The following uses which are eligible for of Division property shall require a Special Use Permit ~~are~~
9 ~~as follows; authorized by the Division:~~ metal detector use; rock ~~or cliff climbing;~~climbing, rappelling and
10 bouldering; licensed vehicle operations on the unpaved areas of Fort Fisher State Recreation Area; overnight
11 parking; ~~athletic contests; horse and bridle trails; use of the Bullhead—Special Catch and Release Stream at Stone~~
12 ~~Mountain State Park; camping; aviation activities using unmanned aerial vehicles (UAV) or drones; pyrotechnics;~~
13 and other activities or uses ~~requested by park visitors.~~not otherwise expressly allowed. Special Use Permits may be
14 obtained at the park level from the Park Superintendent or ~~his or her~~ designee on the day of the activity. An
15 application for a Special Use Permit shall include the name, address, and phone number of the applicant; the name
16 of the organization (if any); the name, address, and phone number of a contact person; the date, time, duration,
17 nature, and location of the proposed activity or use; the estimated number of persons expected to participate; and the
18 equipment and facilities to be used. A Special Use Permit for rock climbing, rappelling, and bouldering shall only be
19 used for individual climbers. A Group Climbing Permit, as outlined in Section (f) of this Rule, shall be required for
20 all organized group rock climbing, rappelling, and bouldering.

21 (c) ~~The Park Superintendent or his or her designee shall issue a Special Use Permit on proper application unless:~~

22 (1) ~~A prior application for a permit for the same activity or use has been made and had been or will be~~
23 ~~granted; and the activities or uses authorized by that permit do not reasonably allow multiple~~
24 ~~occupancy or use of that particular location;~~

25 (2) ~~It reasonably appears that the activity or use will threaten the health, safety and welfare of persons~~
26 ~~using the Park;~~

27 (3) ~~The activity or use is of such a nature or duration that it cannot be reasonably conducted or~~
28 ~~performed in the particular location applied for, considering such things as safety of the applicant~~
29 ~~or other Park visitors; damage to Park resources or facilities; impairment of the atmosphere of~~
30 ~~peace and tranquility in specially designated protected natural or historic areas; interference with~~
31 ~~interpretative programs, visitor services or other program activities, or the administrative activities~~
32 ~~of the Park; or impairment of public use facilities or services of Park concessionaires or~~
33 ~~contractors;~~

34 (4) ~~The activity or use would constitute a violation of applicable law or regulation; or~~

35 (5) ~~The activity would create conditions that are not reasonably consistent with the protection and use~~
36 ~~of the Park for the purposes for which it is operated, including limitations on the time, location,~~
37 ~~number of participants, use and facilities, number and types of equipment used in the activity.~~

1 ~~(dc) Activities or uses which are eligible for~~The following activities occurring on Division property shall require a
2 Special Activity Permit are as follows; authorized by the Division: natural or cultural research activity; boating
3 access area use; sports or games; athletic contests; events; aviation activities using any aviation apparatus other than
4 unmanned aerial vehicles (UAV) or drones; pack animals and goats; commercial enterprises; commercial
5 photography; advertising; public assemblies and demonstrations; entry to restricted areas and other activities or uses
6 requested by park visitors. not otherwise expressly allowed. Notwithstanding the requirements of this Rule, public
7 assemblies and meetings are governed by 07 NCAC 13B .1105, and uses of intoxicating liquors and controlled
8 substances or beverages are governed by 07 NCAC 13B .1003.

9 ~~(ed)~~ An application for a Special Activity Permit shall be made at least 14 days in advance of the activity or use;
10 shall set forth include the name, address address, and phone number of the applicant; the name of the organization (if
11 any); the name, address address, and phone number of a contact person; the date, time, duration, nature nature, and
12 location of the proposed activity or use; the estimated number of persons expected to participate; and the equipment
13 and facilities to be used. Special Activity Permit applications will be approved or denied within 10 business days.

14 ~~(fe)~~ A Research Activity Permit authorized by the Division shall be required for any academic, historic, scientific,
15 or other research, study or project occurring on Division property, including studies which involve the collection,
16 removal, or disturbance of any natural or cultural resource of any state park unit and projects that require placing
17 monitoring equipment on any Division property. An application for a Research Activity Permit shall set forth the
18 name, address, e-mail address, phone number, and resume/curriculum vitae of the principal investigator and project
19 director; the name of the organization (if any); the name, address, and phone number of a contact person; the date,
20 time, duration, nature, and location(s) of the proposed activity or use; the title and description of the proposed
21 activities to be performed; the estimated number of persons expected to participate; the equipment and facilities
22 requested to be used; and copies of any permits or licenses required by federal or state law.

23 ~~(f)~~ A Group Climbing Permit authorized by the Division shall be required for all rock climbing, rappelling, or
24 bouldering by organized private, commercial, governmental, or non-profit groups occurring on Division property.
25 An application for a Group Climbing Permit shall set forth the name, address, e-mail address, and phone number of
26 the organizer; the name of the organization (if any); the date, time, duration, nature, and location(s) of the proposed
27 activity; the estimated number of persons expected to participate; proof of general liability insurance; and the
28 equipment and facilities requested to be used.

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

- 32 (1) A prior application for a permit for the same activity or use has been made and had been or will be
33 granted; and the activities or uses authorized by that permit do not reasonably allow multiple
34 occupancy of that particular location;
- 35 (2) It reasonably appears that the activity or use will threaten the health, safety safety, and welfare of
36 persons using the Park;

1 (3) The activity or use is of such a nature or duration that it cannot be reasonably conducted or
2 performed in the particular location applied for, considering such things as safety of the applicant
3 or other Park visitors; damage to Park resources or facilities; impairment of the atmosphere of
4 peace and tranquility in specially protected natural or historic areas; interference with
5 interpretative programs, visitor services or other program activities, or the administrative activities
6 of the Park; or impairment of public use facilities or services of Park concessionaires or
7 contractors; ~~or~~

8 (4) The activity or use would constitute a violation of applicable law or ~~regulation~~ regulation; or

9 (5) The activity would create conditions that are not consistent with or are detrimental to the
10 protection and use of the Park for the purposes for which it is operated.

11 (g) The permit may contain such additional conditions or restrictions as are ~~reasonably~~ consistent with protection
12 and use of the Park for the purposes for which it is operated, including limitations on the time, location, number of
13 participants, use and facilities, and number and types of equipment used. Locations requested for permitted activities
14 which may not be appropriate include archaeological and interpretive program areas, historic structures; boat ramps;
15 trails; sensitive or fragile natural areas; campgrounds; designated swimming beaches; scenic overlooks; and the
16 habitats of threatened or endangered species.

17 (h) If a permit is denied, the applicant shall be so informed ~~in writing~~, with the reason(s) for the denial set forth.

18 (i) Participants in activities or uses covered under this Rule ~~shall otherwise~~ shall:

19 (1) be subject to Park rules or directives, including adherence to locations specified for their activity
20 or use while partaking in such event or ~~activity~~ activity;

21 (2) be subject to usual fees for parking, admission, or use;

22 (3) not place printed material on Park signs, infrastructure, natural resources, or vehicles;

23 (5) not obstruct or impede pedestrians or vehicles;

24 (6) not harass Park visitors with physical contact or persistent demands; and

25 (7) not threaten the health, safety, and welfare of persons using the Park.

26 (jk) Violation of the terms and conditions of a permit issued in accordance with this Section is prohibited and shall
27 result in revocation of the permit by the Park Superintendent or designee.

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29 *History Note: Authority G.S. 143B-135.16;*

30 *Eff. February 1, 1976;*

31 *Amended Eff. May 1, 2010; October 1, 1984; January 1, 1983;*

32 *Transferred from 15A NCAC 12B .0104 Eff. April 1, ~~2017~~ 2017;*

33 *Readopted March 01, 2022.*