



CRC-25-42

November 6, 2025

MEMORANDUM

TO: Coastal Resources Commission

FROM: Daniel Govoni

SUBJECT: Rules Review Commission Objection to Jockey's Ridge AEC and Proposed Amendments

On October 5, 2023, during the Periodic Rules Review Process, the rules designating Jockey's Ridge as an AEC and establishing use standards were returned to the agency and removed from the NC Administrative Code. Following the return of the rules, the CRC adopted emergency and temporary rules re-establishing the AEC and use standards. The emergency rules went into effect on January 3, 2024, and expired on May 13, 2024, when the Rules Review Commission (RRC) objected to the temporary rule. The CRC approved moving forward with permanent rulemaking on April 25, 2024. The CRC adopted the permanent rule on November 14, 2024; however, on December 19, 2024, the Rules Review Commission (RRC) objected to the rule on the basis of failure to comply with the public noticing provisions of the Administrative Procedure Act and staff have taken the necessary steps to be in compliance and satisfy this objection.

On August 27, 2025, the CRC adopted permanent rules designating Jockey's Ridge as an AEC with use standards which are nearly identical to the original 1984 standards. The proposed rule was written in three parts, the first is 15A NCAC 07H .0508(a) Description, which describes the Jockey's Ridge and its importance. Secondly, 15A NCAC 07H .0508(b) Boundary, describes the AEC boundary and where a map of the AEC boundary can be found, and lastly 15A NCAC 07H .0508(c) Use Standards. On October 30, 2025, the RRC objected to 15A NCAC 07H .0508 stating that paragraph (a) "Description" is unnecessary and is not the same as a "designation" as required under G.S. 113A-113.

In response to RRC objection, the CRC must act by December 1, 2025. The CRC has two options:

Amend 15A NCAC 07H .0508 to address the RRC's concerns and submit the revised rule for review; or submit a written response indicating that the CRC will not amend the rule.



(a) Description. Jockey's Ridge is the tallest active sand dune (medano) along the Atlantic Coast of the United States. Located within the Town of Nags Head in Dare County, between US 158 and Roanoke Sound, Jockey's Ridge represents the southern extremity of a back barrier dune system which extends north along Currituck Spit into Virginia. Designation. Given the status of Jockey's Ridge as a State Park, State Nature Preserve, complex natural area, and an area containing a unique geological formation as identified by the State Geologist, the Coastal Resources Commission hereby designates Jockey's Ridge as an Area of Environmental Concern pursuant to G.S. 113A-113.

(b) The boundaries of the Jockey's Ridge AEC shall be as depicted on a map approved by the Coastal Resources Commission on [adoption date] August 27, 2025, and can be found at the Division of Coastal Management, 400 Commerce Ave., Morehead City, NC [28557 or at the Division of Coastal Management's website at <https://www.deq.nc.gov/about/divisions/division-coastal-management>.] 28557. The AEC is located within the Town of Nags Head in Dare County, between US 158 and Roanoke Sound, and includes the entire rights of way of US 158 Bypass, SR 1221 (Sound Side Road), Virginia Dare Trail, and Conch Street where these roads bound this area.

We look forward to discussing this subject at your November CRC meeting.

