

1 15A NCAC 07H .0508 is proposed for amendment as follows:

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3 **15A NCAC 07H .0508 ~~USE STANDARDS~~ JOCKEY'S RIDGE AREA OF ENVIRONMENTAL**
4 **CONCERN**

5 ~~Permits for development in designated fragile coastal natural or cultural resource areas will be approved upon finding~~
6 ~~that:~~

7 (1) ~~The proposed design and location will cause no major or irreversible damage to the stated values of~~
8 ~~a particular resource. One or more of the following values must be considered depending upon the~~
9 ~~stated significance of the resource:~~

10 (a) ~~Development shall preserve the values of the individual resource as it functions as a critical~~
11 ~~component of a natural system.~~

12 (b) ~~Development shall not adversely affect the values of the resource as a unique scientific,~~
13 ~~associative, or educational resource.~~

14 (c) ~~Development shall be consistent with the aesthetic values of a resource as identified by the~~
15 ~~local government and citizenry.~~

16 (2) ~~No reasonable alternative sites are available outside the designated AEC.~~

17 (3) ~~Reasonable mitigation measures have been considered and incorporated into the project plan. These~~
18 ~~measures shall include consultation with recognized authorities and with the CRC.~~

19 (4) ~~The project will be of equal or greater public benefit than those benefits lost or damaged through~~
20 ~~development.~~

21 (5) ~~Use standards will not address farming and forestry activities that are exempted in the definition of~~
22 ~~development (G.S. 113A-103(5)a.4).~~

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

29 (b) The boundaries of the Jockey's Ridge AEC shall be as depicted on a map approved by the Coastal Resources
30 Commission on (adoption date), and can be found at the Division of Coastal Management, 400 Commerce Ave.,
31 Morehead City, NC 28557 or at the Division of Coastal Management's website at
32 <https://www.deq.nc.gov/about/divisions/division-coastal-management>. The AEC includes the entire rights of way of
33 US 158 Bypass, SR 1221 (Sound Side Road), Virginia Dare Trail, and Conch Street where these roads bound this
34 area.

35 (c) Use Standards. Development within the Jockey's Ridge AEC shall be consistent with the following use standards:

- 1 (1) Development that requires the removal of greater than ten cubic yards of sand per year from the area
2 within the AEC boundary shall require a Coastal Area Management Act permit form the Division
3 of Coastal Management or designated local official;
- 4 (2) All sand that is removed from the area within the AEC boundary in accordance with Subparagraph
5 (1) of this Paragraph shall be deposited at locations within the Jockey's Ridge State Park designated
6 by the Division of Coastal Management in consultation with the NC Department of Natural and
7 Cultural Resources Division of Parks and Recreation;
- 8 (3) Development activities within Jockey's Ridge AEC shall not alter or retard the free movement of
9 sand except when necessary for the purpose of maintaining or constructing a road, residential or
10 commercial structure, accessway, lawn, garden, or parking area unless allowed by Jockey's Ridge
11 State Park's Management Plan. Jockey's Ridge State Park's Management Plan can be found at the
12 Division of Parks and Recreation's website at <https://www.ncparks.gov>.

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15 *History Note: Authority G.S. 113A-107(a),(b); 113A-113(a); (b)(4a); (b)(4e); (b4)(g); 113A-124;*
16 *Eff. September 9, 1977;*
17 *Amended Eff. February 1, 1982; June 1, 1979;*
18 *RRC objection September 17, 2022 and rule returned to agency on October 5, 2023;*
19 *Codifier determined that agency's findings of need did not meet criteria for emergency rule on*
20 *December 20, 2023;*
21 *Emergency Adoption Eff. January 3, 2024;*
22 *Emergency Rule Expired Eff. May 13, 2024;*
23 *Returned to Code pursuant to order of Wake County Superior Court, currently under appeal, Eff.*
24 *March 3, 2025;*
25 *Amended Eff. August 1, 2025.*