

15A NCAC 07H .0508 JOCKEY'S RIDGE AREA OF ENVIRONMENTAL CONCERN

(a) 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 August 27, 2025, and can be found at the Division of Coastal Management, 400 Commerce Ave., Morehead City, NC 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.

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

- (1) Development that requires the removal of greater than ten cubic yards of sand per year from the area within the AEC boundary shall require a Coastal Area Management Act minor or major permit from the Division of Coastal Management or designated local official;
- (2) All sand that is removed from the area within the AEC boundary in accordance with Subparagraph (1) of this Paragraph shall be deposited at locations within the Jockey's Ridge State Park designated by the Division of Coastal Management in consultation with the NC Department of Natural and Cultural Resources Division of Parks and Recreation;
- (3) Development activities within Jockey's Ridge AEC shall not alter or retard the free movement of sand except when necessary for the purpose of maintaining or constructing a road, residential or commercial structure, accessway, lawn, garden, or parking area unless allowed by Jockey's Ridge State Park's Management Plan including subsequent amendments and editions. Jockey's Ridge State Park's Management Plan is incorporated by reference, including subsequent amendments and editions. This document may be accessed for free at 300 W. Carolina Dr., Nags Head, NC 27959.

History Note: Authority G.S. 113A-107(a),(b); 113A-113(a); (b)(4a); (b)(4e); (b)(4g); 113A-124; Eff. September 9, 1977; Amended Eff. February 1, 1982; June 1, 1979; RRC objection September 17, 2022 and rule returned to agency on October 5, 2023; Codifier determined that agency's findings of need did not meet criteria for emergency rule on December 20, 2023; Emergency Adoption Eff. January 3, 2024; Emergency Rule Exp. Eff. May 13, 2024; Returned to Code pursuant to order of Wake County Superior Court, currently under appeal, Eff. March 3, 2025; RRC objection October 30, 2025; Amended Eff. January 1, 2026.