

1 15A NCAC 07H .0314 is adopted as published in 39:15 NCR 1040-1041 with changes as follows:

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3 **15A NCAC 07H .0314 INSTALLATION AND MAINTENANCE OF WHEAT STRAW BALES FOR**
4 **SAND FENCING IN OCEAN HAZARD AREAS**

5 (a) ~~Wheat straw bales bales, for the purposes of building and protecting dunes by trapping windblown sand, shall~~
6 only be installed by a local, state, or federal government or a local homeowners association association, as defined in
7 G.S. 47F-1-103(3) that has the authority to approve the locations of structures on lots within the territorial
8 jurisdiction of the association and has jurisdiction over at least one mile of ocean ~~shoreline, shoreline, for the~~
9 ~~purpose of building and protecting dunes by trapping windblown sand.~~

10 (b) Wheat straw bales shall not impede existing public access to the beach, recreational use of the beach, or
11 emergency vehicle access. Wheat straw bales shall not be installed in a manner that impedes or restricts established
12 common law and statutory rights of public access and use of public trust lands and waters.

13 (c) Wheat straw bales shall not be installed in a manner that impedes, traps, or otherwise endangers sea turtles, sea
14 turtle nests, or sea turtle hatchlings. CAMA permit applications for wheat straw bales shall be subject to review by
15 the Wildlife Resources Commission and the U.S. Fish and Wildlife Service in order to determine whether the
16 proposed design or installation will have an adverse impact on sea turtles or other threatened or endangered species.

17 (d) The permittee shall remove any ties or binding from wheat straw bales during installation.

18 (e) Wheat straw bales shall be placed as far landward as possible to avoid interference with sea turtle nesting,
19 public access, recreational use of the beach, and emergency vehicle access. Additionally:

- 20 (1) Wheat straw bales shall not be placed on the wet sand beach;
- 21 (2) Wheat straw bale sections shall not exceed 2 feet in width, 3 feet in height as measured
22 from the bottom bale, and 10 feet in length;
- 23 (3) Wheat straw bales installed on or waterward of the crest of the frontal or primary dune
24 shall be installed at an angle no less than 45 degrees to the shoreline. No portion of a
25 wheat straw bale section shall extend more than 10 feet waterward of the following
26 locations as defined in 15A NCAC 07H .0305: the first line of stable and natural
27 vegetation, the toe of the frontal or primary dune, or the erosion escarpment of the frontal
28 or primary dune;
- 29 (4) Wheat straw bales along public accessways may span the length of the structural
30 accessway and ~~may~~ shall be aligned no less than 45 degrees to the shoreline on the
31 waterward end. The waterward location of the sections shall not exceed 10 feet
32 waterward of the locations identified in Subparagraph (3) of this Paragraph; and
- 33 (5) A minimum of seven feet of spacing shall be maintained between any ~~sections of dune~~
34 ~~building materials. part of the installed wheat straw bales or other dune building materials~~
35 such as wooden sand fencing.

36 ~~(f) Non functioning, damaged, or wheat straw bale sections or stakes that have moved from their authorized~~
37 ~~alignment shall be repaired or removed by the permittee. Any non-functioning, damaged, or displaced wheat straw~~

1 bales or stakes used to anchor the bales shall be repaired or removed by the permittee.

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3 *History Note: Authority G.S. 113A-107; 113A-113(b)(6); 113A-126;*

4 *Eff. July 1, 2025.*