

1 15A NCAC 07H .0314 is proposed for adoption as follows:

2
3 15A NCAC 07H .0314 INSTALLATION AND MAINTENANCE OF WHEAT STRAW BALES FOR SAND
4 FENCING

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

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

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

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

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

19 (1) Wheat straw bales shall not be placed on the wet sand beach;

20 (2) What straw bale sections shall not exceed 2 feet in width, 3 feet in height as measured
21 from the bottom bale, and 10 feet in length;

22 (3) Wheat straw bales installed on or waterward of the crest of the frontal or primary dune
23 shall be installed at an angle no less than 45 degrees to the shoreline. No portion of a
24 wheat straw bale section shall extend more than 10 feet waterward of the following
25 locations as defined in 15A NCAC 07H .0305: the first line of stable and natural
26 vegetation, the toe of the frontal or primary dune, or the erosion escarpment of the frontal
27 or primary dune;

28 (4) Wheat straw bales along public accessways may span the length of the structural
29 accessway and may be aligned no less than 45 degrees to the shoreline on the waterward
30 end. The waterward location of the sections shall not exceed 10 feet waterward of the
31 locations identified in Subparagraph (3) of this Paragraph above; and

32 (5) A minimum of seven feet of spacing shall be maintained between any sections of dune
33 building materials.

34 (f) Non-functioning, damaged, or wheat straw bale sections or stakes that have moved from their authorized
35 alignment shall be repaired or removed by the permittee.

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

