

15A NCAC 07H .0509 SIGNIFICANT COASTAL ARCHAEOLOGICAL RESOURCES

(a) Description. Significant coastal archaeological resources are defined as areas that contain archaeological remains (objects, features, and/or sites) that have more than local significance to history or prehistory. Such areas will be evaluated by the North Carolina Historical Commission in consultation with the Commission as part of the procedure set forth in Rule .0503 of this Section.

(b) Significance. Significant coastal archaeological resources are important educational, scientific, or aesthetic resources. Such resources would be jeopardized by uncontrolled or incompatible development. In general, significant archaeological resources possess integrity of location, design, setting, workmanship, materials, and association and:

- (1) are associated with events that have made a significant contribution to the broad patterns of history; or
- (2) are associated with the lives of persons significant in history; or
- (3) embody the distinctive characteristics of a type, period, or method of construction, or represent a significant and distinguishable entity whose components may lack individual distinction; or
- (4) have yielded, or may be likely to yield, information important in history or prehistory.

(c) Management Objectives. The CRC's objective is to conserve coastal archaeological resources of more than local significance to history or prehistory that constitute important scientific sites, or are valuable educational, associative, or aesthetic resources. Specific objectives for each of these functions shall be related to the following policy statements either singly or in combination:

- (1) to give the highest priority to the development of a preservation management plan to provide long-term, effective management of the archaeological resource; only that development which would have minimal adverse effects on the archaeological resource will be acceptable;
- (2) to conserve significant archaeological resources, including their spatial and structural context and characteristics through in-situ preservation and/or scientific study;
- (3) to insure that the designated archaeological resource, or the information contained therein, be preserved for and be accessible to the scientific and educational communities for related study purposes;
- (4) to protect the values of the designated archaeological resource as expressed by the local government and citizenry; these values should be related to the educational, associative, or aesthetic qualities of the resource.

(d) General Use Standards.

- (1) Significant concentrations of archaeological material, preferably reflecting a full range of human behavior, should be preserved in-situ for future research by avoidance during planned construction activities. Areas for avoidance should be selected only after sufficient archaeological investigations have been made. See Subparagraph (d)(2)(B) of this Rule to determine the nature, extent, conditions and relative significance of the cultural deposits. Three avoidance measures should be considered, preferably in combination:
 - (A) incorporation of "no impact" spaces in construction plans such as green spaces between lots;
 - (B) definition of restrictions limiting specific types of ground disturbing activities;
 - (C) donation of preservation easements to the state or, upon approval by the N.C. Division of Archives and History, a legitimate historic preservation agency or organization.
- (2) Any activities which would damage or destroy the fragile contents of a designated site's surface or subsurface shall be expressly prohibited until an archaeological investigation and subsequent resource management plan has been implemented. Such investigation and management plan shall be developed in full consultation with the North Carolina Division of Archives and History. In this way, potentially damaging or destructive activities (e.g., construction, roads, sewer lines, land-scaping) may be managed both during initial phases of construction and after the development is completed. Such archaeological investigations shall comply with the following criteria:
 - (A) all archaeological work will be conducted by an experienced professional archaeologist;
 - (B) initial archaeological investigations conducted as part of the permit review process will be implemented in three parts: Phase I, a reconnaissance level investigation to determine the nature and extent of archaeological materials over the designated area; Phase II, an intensive level investigation which represents a direct outgrowth of Phase I findings and through systematic data recovery assesses the potential importance of identified

concentrations of archaeological materials; Phase III, mitigation of adverse effects to recognized areas of importance. Evaluations of research potential will be made and prioritized in order of importance, based upon the status of previous research in the area and the integrity of the remains;

- (C) an archaeological research design will be required for all archaeological investigations. All research designs will be subject to the approval of the North Carolina Division of Archives and History prior to conducting the work. A research proposal must allow at least 30 days for review and comment by the North Carolina Division of Archives and History;
- (D) data will be collected and recorded accurately and systematically and artifacts will be curated according to accepted professional standards at an approved repository.

(e) Designations. The Coastal Resources Commission hereby designates Permuda Island as a significant coastal archaeological resource area of environmental concern. Permuda Island is a former barrier island located within Stump Sound in southwestern Onslow County. The island is 1.2 miles long and .1 - .25 miles wide. Archaeological evidence indicates earliest occupation from the Middle Woodland Period (300 B.C. - 800 A.D.) through the late Woodland Period (800 A.D. - 1650 A.D.) and historic occupations predating the Revolutionary War. Archaeological remains on the island consist of discrete shell heaps, broad and thick layers of shell midden, prehistoric refuse pits and postholes, as well as numerous ceramic vessel fragments and well-preserved animal bone remains. The resources offer extensive research opportunities.

History Note: Authority G.S. 113A-107(a); 113A-107(b); 113A-113(b)(4h); 113A-124; Eff. June 1, 1979; Amended Eff. October 1, 1988; January 1, 1985; RRC 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.