Permit Class MODIFICATION/MAJOR (EMERGENCY)

Permit Number 24-03

STATE OF NORTH CAROLINA

Department of Environmental Quality and

Coastal Resources Commission



X Major Development in an Area of Environmental Concern pursuant to NCGS 113A-118

X Excavation and/or filling pursuant to NCGS 113-229				
Issued to N.C. Department of Transportation, 113 Airport Drive, Suite 100, Edenton, NC 27932				
Authorizing development in <u>Hyde</u> (County at adj. Atlantic Ocean, NC Highway 12,			
Ocracoke Island , as requested in the p	ermittee's application dated 9/20/19, incl. the attached			
workplan drawings (13): 12 dated 9/18/19 and 1 dated as received 9/	20/19, & attached AEC Hazard Notice dated 9/20/19.			
This permit, issued on 9/26/19, is s with the permit), all applicable regulations, special conditions be subject to fines, imprisonment or civil action; or may cause	subject to compliance with the application (where consistent and notes set forth below. Any violation of these terms may the permit to be null and void.			
1) Unless specifically altered herein, this Emergency Major Modification authorizes the following activities on Ocracoke Island: repair of storm damaged NC Highway 12 roadway and roadway shoulder, reconstruction of adjacent primary dunes, installation of approximately 975 linear feet of sandbags, and placement of compatible sand from the South Dock spoil disposal site onto the adjacent beach, all as depicted on the attached workplan drawings.				
NOTE: The NPS issued Special Use Permit #US September 23, 2019.	A19-5700-021 for the proposed project on			
2) Nothing in this permit authorizes any activity the Service (NPS) for work within the Cape Hattera	at has not received approval from the National Park s National Seashore.			
(See attached sheets for A	Additional Conditions)			
This permit action may be appealed by the permittee or other qualified persons within twenty (20) days of the issuing date.	Signed by the authority of the Secretary of DEQ and the Chair of the Coastal Resources Commission.			
This permit must be accessible on-site to Department personnel when the project is inspected for compliance.	Bolonco			
Any maintenance work or project modification not covered hereunder requires further Division approval.	Braxton C. Davis, Director Division of Coastal Management			
All work must cease when the permit expires on	This permit and its conditions are hereby accepted.			
December 31, 2020	DocuSigned by:			
In issuing this permit, the State of North Carolina agrees that your project is consistent with the North Carolina Coastal Management Program.	Paul Williams 7070P0D2041E47E Signature of Permittee			

ADDITIONAL CONDITIONS

- 3) All fill material, including that used to fill the sandbags, shall be clean and free of any pollutants, except in trace quantities.
- This emergency Major Modification suspends the requirement that the permittee comply with the sampling and sediment criteria technical standards found in 15A NCAC 07H .0312. However, the permittee remains responsible for ensuring that all sands used for dune reconstruction and beach fill shall be of the same general characteristics as the sand in the existing dunes and ocean beach where it is to be placed.
- 5) In accordance with the permit application, the approved sand source for beach fill and dune reconstruction is the South Dock dredge spoil site on Ocracoke Island, and the approved sand source for the authorized sandbags is the adjacent swash zone, without permit modification.
- The authorized temporary erosion control structures (sandbags) shall conform to the use standards found in 15A NCAC 07H.0308(a)(2), including but not limited to, the timelines and requirements for removal found in 15A NCAC 07H.0308(a)(2)(F) through 15A NCAC 07H.0308(a)(2)(J).
- 7) The authorized sandbags shall be removed in their entirety once they are no longer necessary, due to implementation of more permanent transportation solutions in the project area.
- 8) The authorized activities shall be accomplished in such a manner that damage to existing vegetation is minimized.
- 9) In accordance with commitments made by the permittee, appropriate beach vegetation shall be planted on the reconstructed dunes within 45 days of project completion. The dune vegetation planting shall be done in a manner acceptable to NPS and the United States Fish and Wildlife Service (USFWS).

Historical and Cultural Resource Protection

The authorized project shall conform to the requirements of the Section 106 Amended Programmatic Agreement for Minor Transportation Projects (PA) regarding archaeological resources. The beach fill area of the project site is located in an area having a high probability of containing cultural resources, such as shipwreck remains. If such materials are encountered, the permittee shall immediately stop work and contact the Department of Natural and Cultural Resources (DNCR), and DCM shall also be notified.

ADDITIONAL CONDITIONS

Sea Turtles and Shorebird Populations

- Based upon coordination with appropriate agencies, the activities authorized by this Emergency Major Modification are allowed to take place during the moratorium established in Condition No. 3 of the Permit Renewal issued on 12/18/15, in accordance with the following permit conditions. Any work that is proposed during the moratorium in subsequent years shall adhere to the full moratorium, or shall require additional authorization from DCM, in consultation with NPS, the N.C. Wildlife Resources Commission (NCWRC) and USFWS.
- In accordance with commitments made by the permittee, and due to sea turtle nests in the project area, during the time prior to the end of the sea turtle moratorium on 11/15/19, all work shall be conducted during daylight hours, the permittee and/or NPS shall conduct a sea turtle survey within the project vicinity each morning prior to any work taking place, and a log shall be generated. If any sea turtle crawl is observed, the permittee shall stop work and consult with DCM, NCWRC, NPS, and USFWS to identify and implement any required response prior to any further work taking place. In addition, if eggs and/or hatchlings are uncovered during project work, all construction activity in that area shall stop and the NCWRC Sea Turtle Hotline (252-241-7367) shall be called to make arrangements for the eggs/hatchlings, in consultation with NPS (and viable eggs might be left in place, meaning no work can occur within 300 ft until the incubation ends or the nest is determined to be no longer viable).

Sedimentation and Erosion Control

This project shall conform to all requirements of the N.C. Sedimentation Pollution Control Act and the N.C. Department of Transportation's (NCDOT's) Memorandum of Agreement with the Division of Energy, Mineral and Land Resources.

General

- 14) No vegetated wetlands shall be excavated or filled, without permit modification.
- No excavated or fill material shall be placed at any time in any waters of the State outside of the alignment of the fill areas as indicated on the attached workplan drawings, without permit modification.
- 16) Construction staging areas shall be located only in upland areas, and not in wetlands or waters of the State.
- Any waste materials or debris generated in the demolition and removal of the existing roadway, including exposed, damaged, or remnant pavement, shall be disposed of at an approved upland site or shall be recycled in an environmentally appropriate manner provided appropriate authorizations from any relevant state, federal, or local authorities are obtained.

ADDITIONAL CONDITIONS

- If it is determined that additional permanent and/or temporary impacts (such as but not limited to temporary access roads and detours) are necessary that are not shown on the attached workplan drawings or described in the authorized permit application, a permit modification and/or additional authorization from DCM shall be required. In addition, any changes in the approved plan may also require a permit modification and/or additional authorization from DCM. The permittee shall contact the DCM Transportation Field Representative in Elizabeth City prior to commencement of any such activity for this determination and any permit modification.
- 19) Development authorized by this permit shall only be conducted on lands owned by the N.C. Department of Transportation (NCDOT), and/or their Right-of-Ways and/or easements and/or on NPS lands with NPS authorization.
- **NOTE:** The permittee and/or its contractor should contact the DCM Transportation Field Representative in Elizabeth City to request a preconstruction conference prior to project initiation.
- This permit does not eliminate the need to obtain any additional permits, approvals or authorizations that may be required, including but not limited to any required permits from the N.C. Division of Water Resources (DWR) and/or the U.S. Army Corps of Engineers (USACE).
- DWR authorized the Ocracoke NC 12 and dune repair work on 9/25/19 (DWR Project No. 20191251 v.1) under General Water Quality Certification No. 4146. Any violation of the Certification approved by DWR shall be considered a violation of this CAMA permit.
- **NOTE:** USACE authorized the dune restoration and sandbags under Regional General Permit Number 198000048 (COE Action ID No. SAW-2019-0181), which was issued on 9/25/19.
- DWR is currently reviewing the final design for the beach fill to determine if it is in compliance with North Carolina's Water Quality Certification program. If required, the permittee shall receive a Water Quality Certification from DWR for the beach fill, and a copy shall be provided to DCM, prior to the initiation of any construction activities for the beach fill.
- **NOTE:** USACE is currently reviewing the beach fill under Action ID No. SAW-2019-01807.
- This Emergency Major Modification shall be attached to the original of Permit No. 24-03, which was issued on 2/19/03, as well as all subsequent modifications, renewals and letters of refinement, and copies of all documents shall be readily available on site when a Division representative inspects the project for compliance.
- 24) All conditions and stipulations of the active permit remain in force under this Emergency Major Modification unless altered herein.
- **NOTE:** In accordance with G.S. 113A-118(f), the permit fee for this emergency action was waived.

No. SHEETS

No. 15801.1048011

STATE PROJ. NO. F. A. PROJ. NO. DESCRIPTION

DESCRIPTION



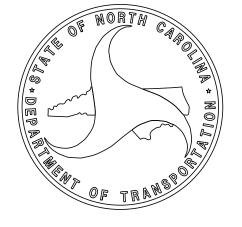
----- PAVEMENT REPAIR
STA 179+00

Prepared in the Office of: **DIVISION 1 OFFICE**

113 Airport Dr., Edenton NC, 27932

D.H. STALLINGS

DRAWN BY:



WBS: 15801.104

allings

GRAPHIC SCALES

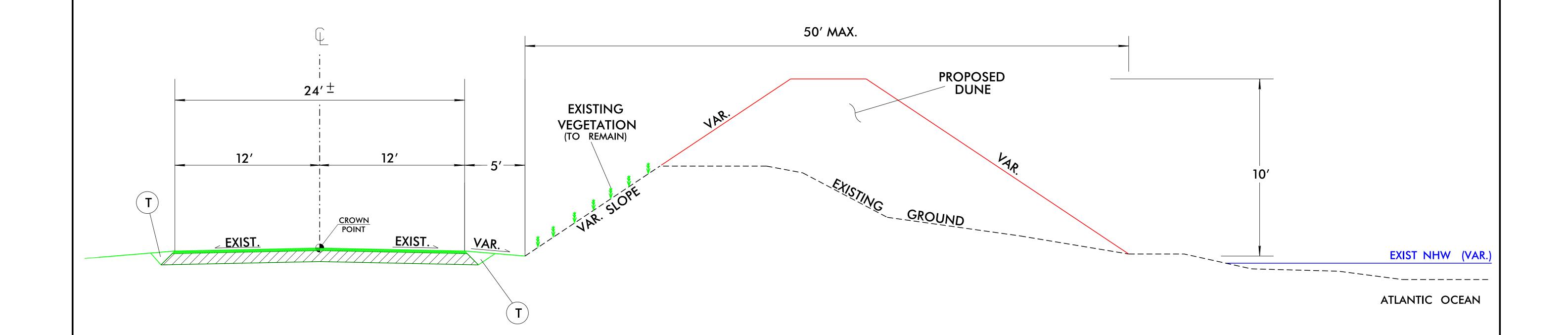
O
PLANS

PROJECT LENGTH

LENGTH OF PROJECT: 2.02 MILES

PROJECT REFERENCE NO. SHEET NO. 15801.1048011 2A

HURRICANE DORIAN EROSION PROTECTION NC 12 OCRACOKE ISLAND (DUNE REPAIR AREAS)



* MATERIAL USED FOR DUNE CONSTRUCTION SHALL HAVE BEACH QUALITY CHARACTERISTICS AND SHALL BE APPROVED BY THE ENGINEER PRIOR TO PLACEMENT

* CONTRACTOR SHALL NOT DISTURB ANY EXISTING DUNE VEGETATION DURING DUNE CONSTRUCTION.

PAVEMENT SCHEDULE

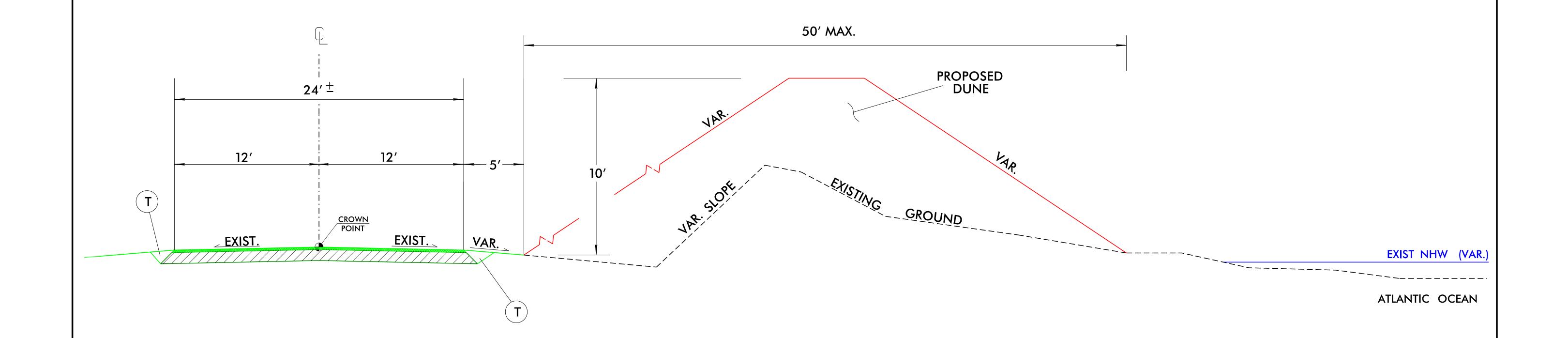
T | EARTH MATERIAL.

TYPICAL SECTION NO. 1

-L- STA. 10+00.00 TO STA. 25+00.00 -L- STA. 100+00.00 TO STA. 116+80.00

PROJECT REFERENCE NO. SHEET NO. 15801,1048011 2B

HURRICANE DORIAN EROSION PROTECTION NC 12 OCRACOKE ISLAND (DUNE REPAIR AREAS)



* MATERIAL USED FOR DUNE CONSTRUCTION SHALL HAVE BEACH QUALITY CHARACTERISTICS AND SHALL BE APPROVED BY THE ENGINEER PRIOR TO PLACEMENT

PAVEMENT SCHEDULE

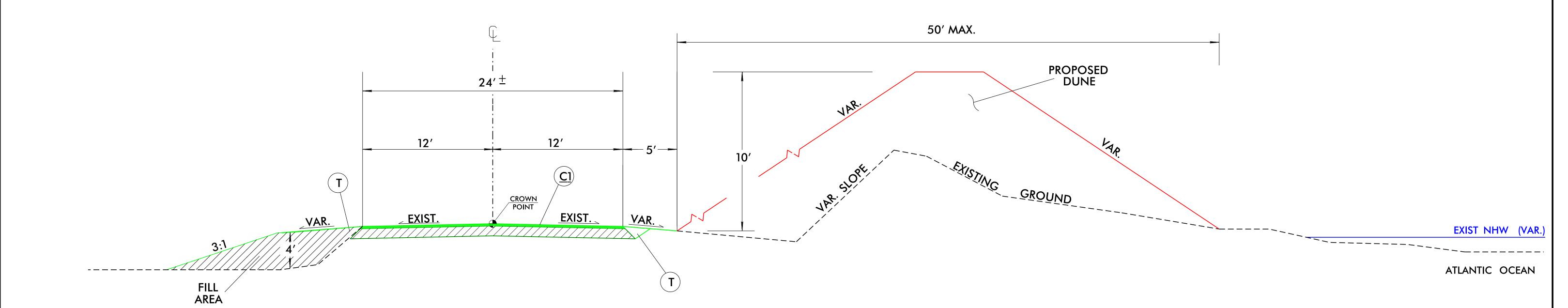
T EARTH MATERIAL.

TYPICAL SECTION NO. 2

-L- STA. 25+00.00 TO STA. 42+00.00 -L- STA. 70+00.00 TO STA. 100+00.00

PROJECT REFERENCE NO. SHEET NO. 15801,1048011 2C

HURRICANE DORIAN EROSION PROTECTION NC 12 OCRACOKE ISLAND (DUNE REPAIR AREAS)



- * MATERIAL USED FOR DUNE CONSTRUCTION SHALL HAVE BEACH QUALITY CHARACTERISTICS AND SHALL BE APPROVED BY THE ENGINEER PRIOR TO PLACEMENT
- * FOR PAVEMENT REPAIR AREA NEAR FERRY TERMINAL USE TYPICAL SECTION 3 FOR PAVEMENT SCHEDULE ONLY, NO DUNE CONSTRUCTION IN THIS AREA.
- * CONSTRUCTION OF SHOULDERS ON SOUNDSIDE SHALL BE PERFORMED AS INDICATED UNLESS OTHERWISE DIRECTED BY THE ENGINEER.

PAVEMENT SCHEDULE

C1	PROP. APPROX. 1 ½" ASPHALT CONCRETE SURFACE COURSE, TYPE S 9.5B, AT AN AVERAGE RATE OF 165 LBS. PER SQ. YD. PER INCH
Т	EARTH MATERIAL.

TYPICAL SECTION NO. 3

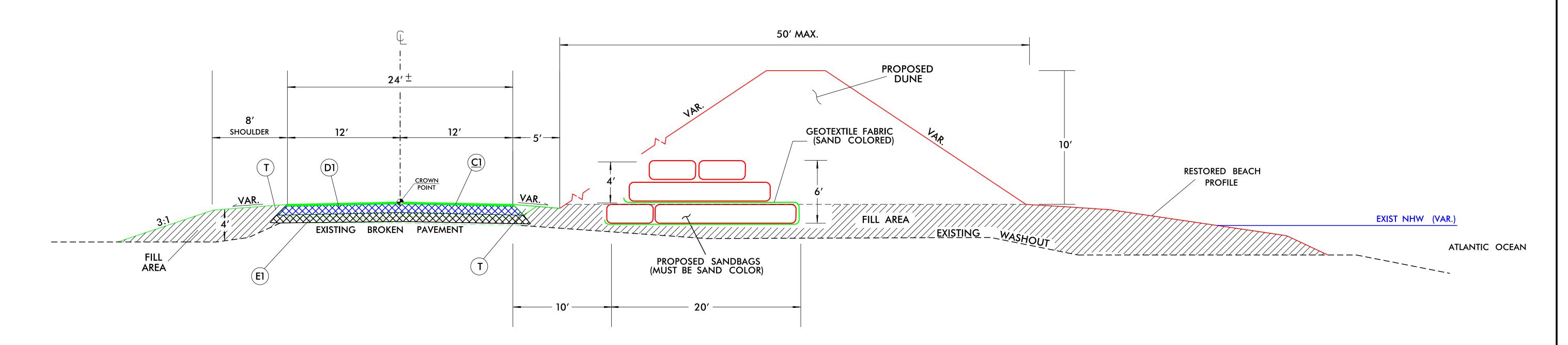
-L- STA. 49 + 25.00 TO STA. 60 + 20.00

NTS

DHS REV 9/18/19

OJECT REFERENCE NO. SHEET NO. 2D

HURRICANE DORIAN EROSION PROTECTION NC 12 OCRACOKE ISLAND (WASHOUT SECTIONS)



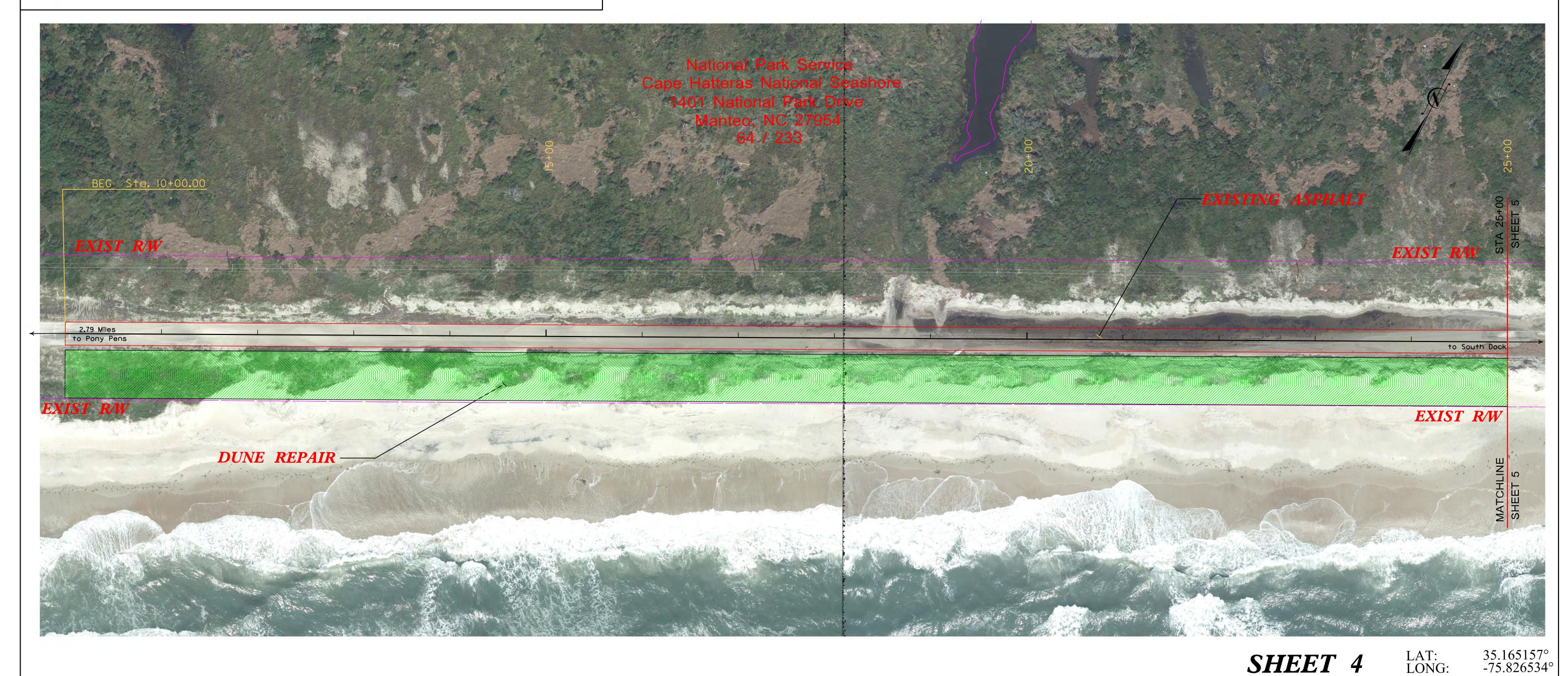
- * CONSTRUCTION OF SHOULDERS ON SOUNDSIDE SHALL BE PERFORMED AS INDICATED UNLESS OTHERWISE DIRECTED BY THE ENGINEER.
- * MATERIAL USED FOR DUNE CONSTRUCTION AND BEACH RESTORATION SHALL HAVE BEACH QUALITY CHARACTERISTICS AND SHALL BE APPROVED BY THE ENGINEER PRIOR TO PLACEMENT
- * SANDBAGS ARE TO BE PLACED IN 3 LAYERS WITH TWO LAYERS ABOVE ROADWAY ELEVATION IN A PYRAMID STYLE FORMATION.
- * REMOVAL OF CEMENT TREATED SOIL /BASE SHALL BE INCLUDED IN THE CONTRACT PRICE FOR "REMOVAL OF EXISTING ASPHALT PAVEMENT"

TYPICAL SECTION NO. 4

- -L- STA. 42 + 00.00 TO STA. 43 + 75.00 (RT LANE ONLY)
- -L- STA. 43 + 75.00 TO STA. 49 + 25.00
- -L- STA. 60 + 20.00 TO STA. 65 + 30.00
- -L- STA. 65+30.00 TO STA. 70+00.00 (LT LANE ONLY)

PAVEMENT SCHEDULE

C1	PROP. APPROX. 1 ½" ASPHALT CONCRETE SURFACE COURSE, TYPE S 9.5B, AT AN AVERAGE RATE OF 165 LBS. PER SQ. YD.
D1	PROP. APPROX. 3" ASPHALT CONCRETE INTERMEDIATE COURSE, TYPE I19.0C, AT AN AVERAGE RATE OF 342 LBS. PER SQ. YD.
E1	PROP. APPROX. 9" ASPHALT CONCRETE BASE COURSE, TYPE B25.OC, AT AN AVERAGE RATE OF 513 LBS. PER SQ. YD. IN EACH OF TWO LAYERS
Т	EARTH MATERIAL.



ATLANTIC OCEAN

DUNE RECONSTRUCTION: 1,500 L.F. DUNE AREA: 75,000 SQ FT

DUNE VOLUME: 6,500 C.Y. BEACH FILL AREA: 0 SQ. FT. 0 EA.

SAND BAGS:

NC DEPT OF TRANSPORTATION

HYDE COUNTY:

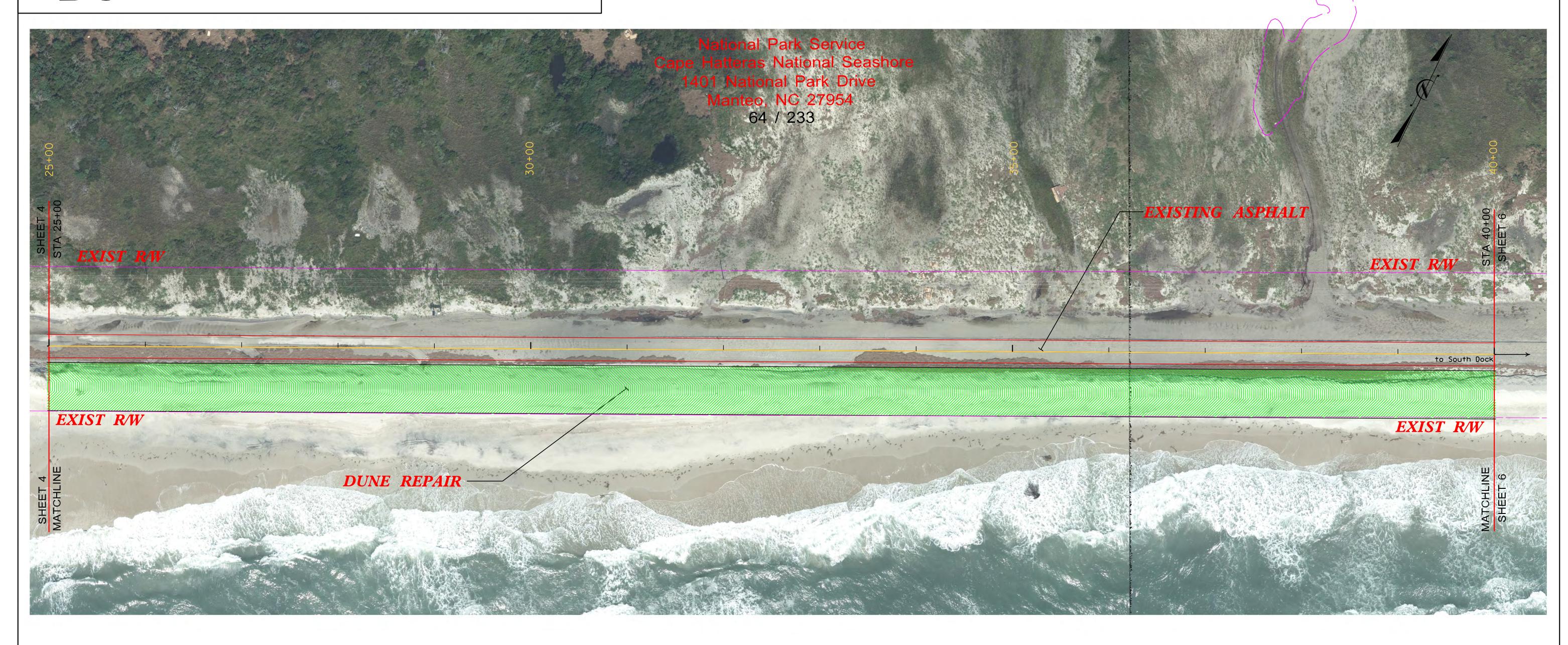
DRAWN BY:

GREEN ISLAND QUAD: BASIN: TAR-PAMLICO

DUNE RECONSTRUCTION PROJECT:

WBS ELEMENT: DF15801.1048011 1IN. = 100' FT.

SCALE: DATE: 09/18/2019 HEATH STALLINGS



ATLANTIC OCEAN

DUNE RECONSTRUCTION:1,500 L.F.DUNE AREA:75,000 SQ FTDUNE VOLUME:6,500 C.Y.BEACH FILL AREA:0 SQ. FT.SAND BAGS:0 EA.

SHEET 5 LAT: 35.165157° LONG: -75.826534°

NC DEPT OF TRANSPORTATION

COUNTY: HYDE

QUAD: GREEN ISLAND

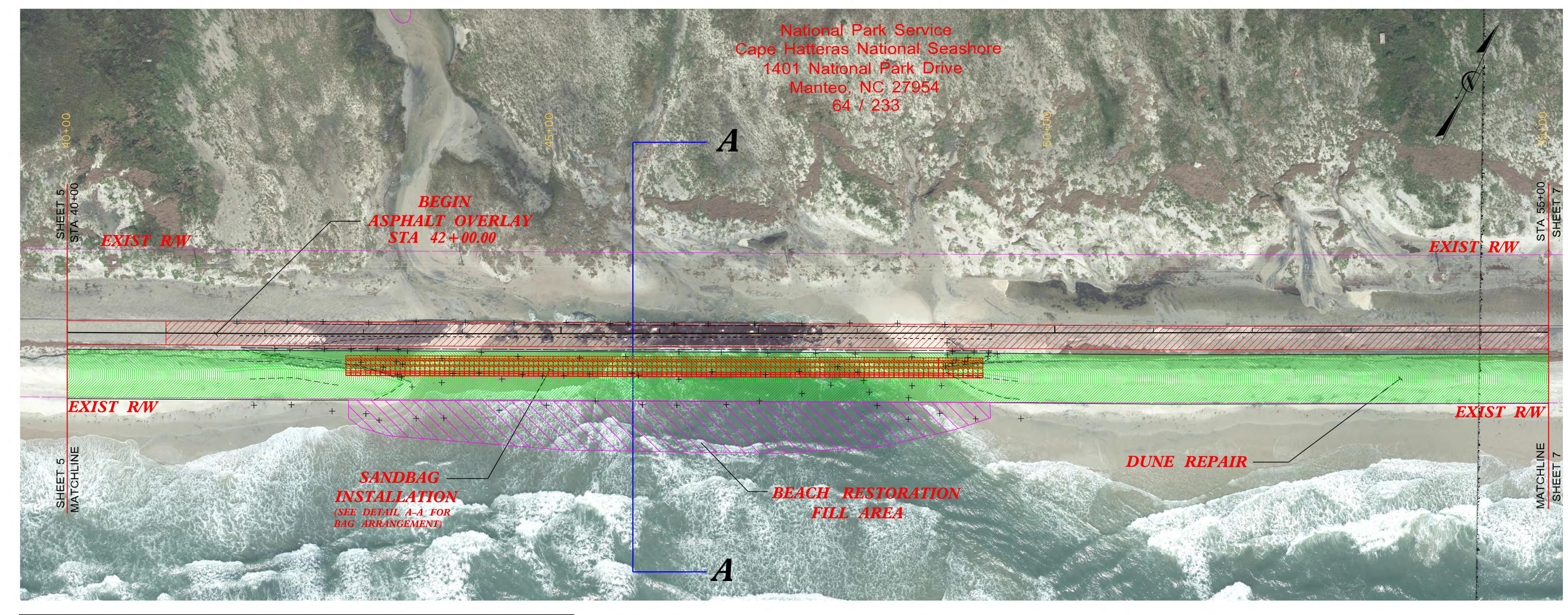
BASIN: TAR-PAMLICO

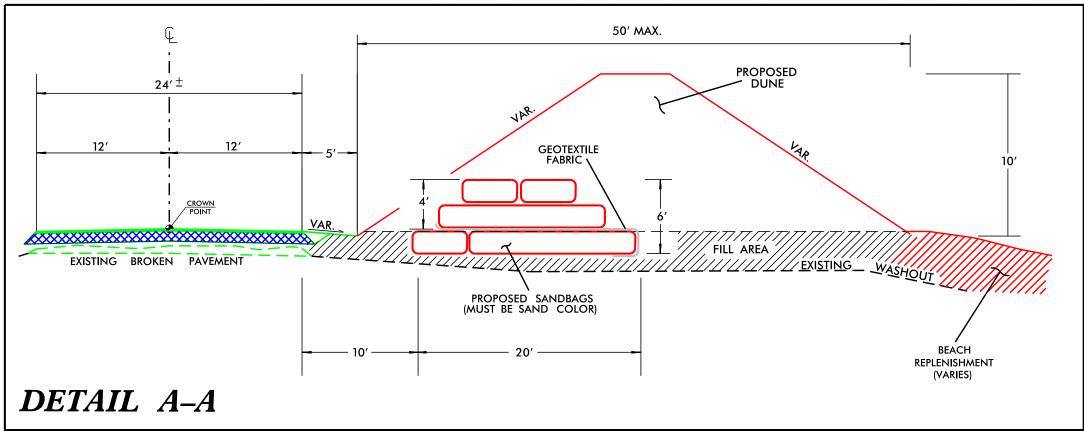
PROJECT: DUNE RECONSTRUCTION

WBS ELEMENT: DF15801.1048011

SCALE: 1IN. = 100' FT.

DATE: 09/18/2019
DRAWN BY: HEATH STALLINGS





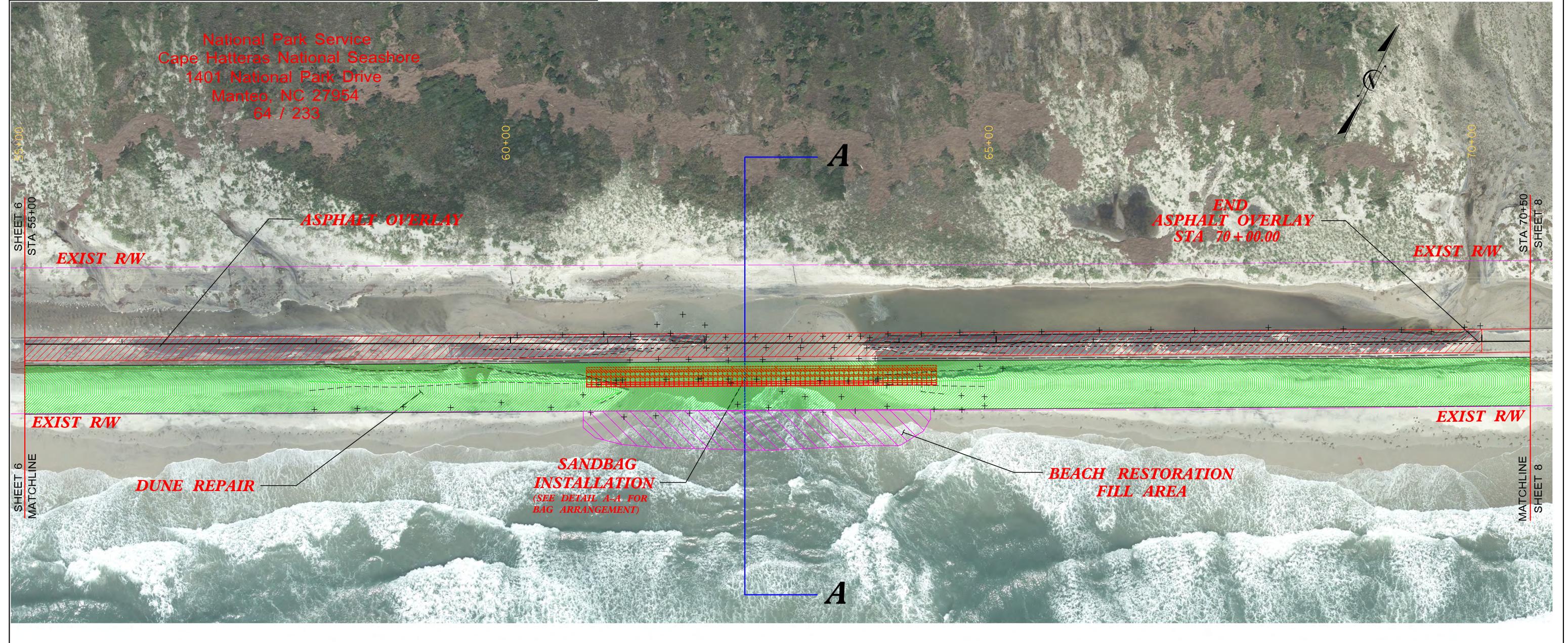
ATLANTIC OCEAN

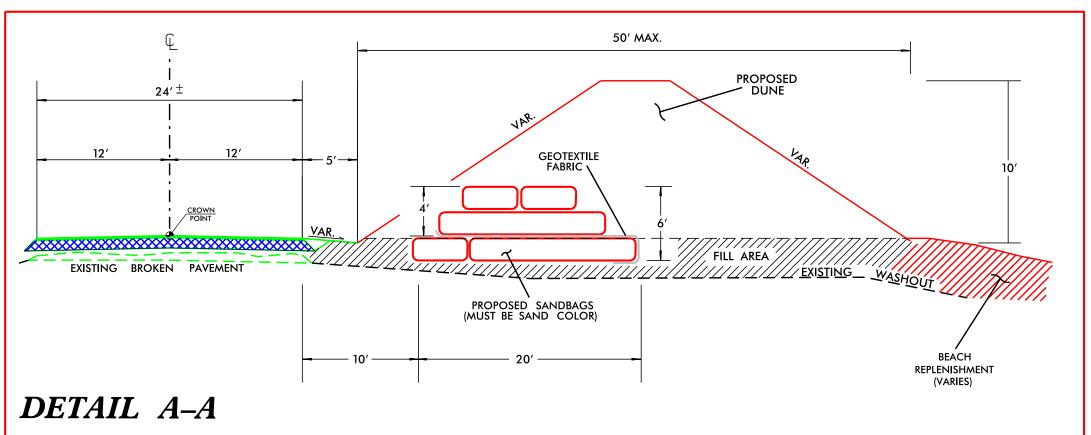
DUNE RECONSTRUCTION:1,500 L.F.DUNE AREA:75,000 SQ FTDUNE VOLUME:6,500 C.Y.BEACH FILL AREA:28,410 SQ. FTBEACH FILL VOLUME:1,580 C.Y.SAND BAGS:400 EA.SAND BAG LENGTH:645± L.F.

SHEET 6 LAT: 35.165157° LONG: -75.826534°

NC DEPT OF TRANSPORTATION

HYDE COUNTY: QUAD: GREEN ISLAND BASIN: TAR-PAMLICO PROJECT: DUNE RECONSTRUCTION WBS ELEMENT: DF15801.1048011 1IN. = 100' FT.SCALE: DATE: 09/18/2019 DRAWN BY: HEATH STALLINGS





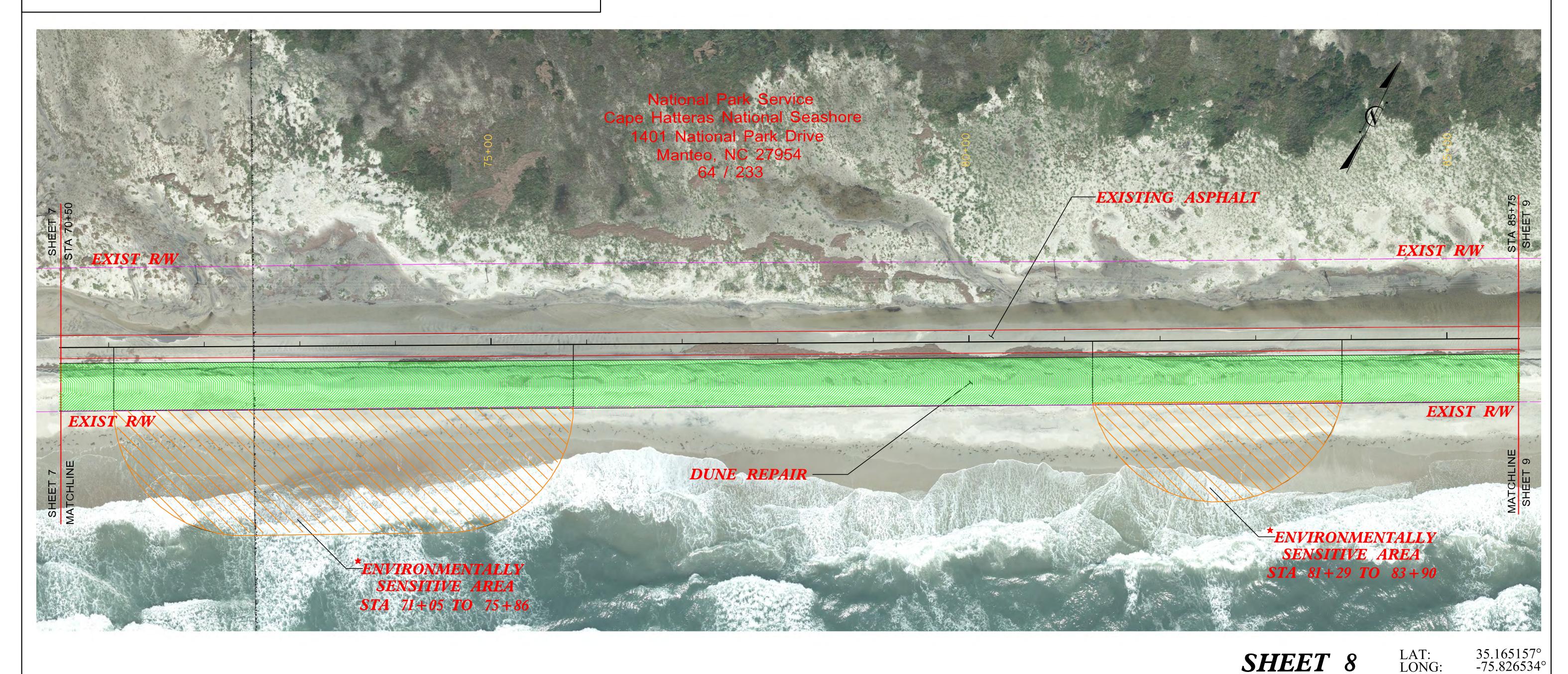
ATLANTIC OCEAN

DUNE RECONSTRUCTION:1,550 L.F.DUNE AREA:77,500 SQ FTDUNE VOLUME:6,500 C.Y.BEACH FILL AREA:13,033 SQ. FT.BEACH FILL VOLUME:500 C.Y.SAND BAGS:225 EA.SAND BAG LENGTH:330 L.F.

SHEET 7 LAT: 35.165157° LONG: -75.826534°

NC DEPT OF TRANSPORTATION

HYDE COUNTY: QUAD: GREEN ISLAND BASIN: TAR-PAMLICO DUNE RECONSTRUCTION PROJECT: WBS ELEMENT: DF15801.1048011 SCALE: 1IN. = 100' FT.09/18/2019 DATE: HEATH STALLINGS DRAWN BY:



ATLANTIC OCEAN

* NOTE: NO EQUIPMENT, INCLUDING OFF ROAD TRUCKS WILL BE ALLOWED ON THE OCEAN SIDE OF DUNES IN ENVIRONMENTALLY SENSITIVE AREAS

DUNE RECONSTRUCTION:1,525 L.F.DUNE AREA:76,250 SQ FTDUNE VOLUME:6,500 C.Y.BEACH FILL AREA:0 SQ. FT.SAND BAGS:0 EA.

NC DEPT OF TRANSPORTATION

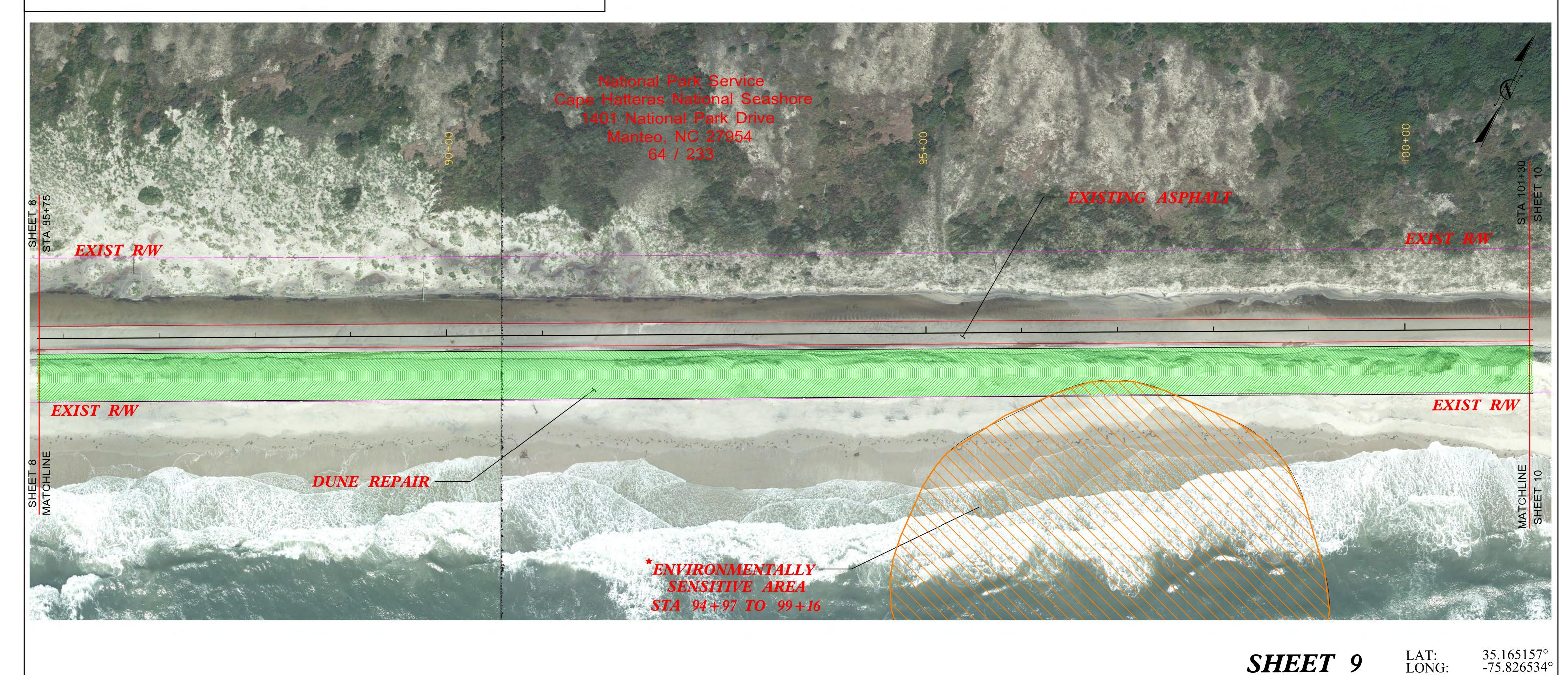
COUNTY: HYDE

QUAD: GREEN ISLAND
BASIN: TAR-PAMLICO

PROJECT: DUNE RECONSTRUCTION

WBS ELEMENT: DF15801.1048011
SCALE: 1IN. = 100' FT.
DATE: 09/18/2019

DRAWN BY: HEATH STALLINGS



ATLANTIC OCEAN

* NOTE: NO EQUIPMENT, INCLUDING OFF ROAD TRUCKS WILL BE ALLOWED ON THE OCEAN SIDE OF DUNES IN ENVIRONMENTALLY SENSITIVE AREAS

DUNE RECONSTRUCTION: 1,555 L.F. **DUNE AREA**: 77,750 SQ FT 6,500 C.Y. DUNE VOLUME: BEACH FILL AREA: 0 SQ. FT. 0 EA. SAND BAGS:

NC DEPT OF TRANSPORTATION

HYDE COUNTY: QUAD:

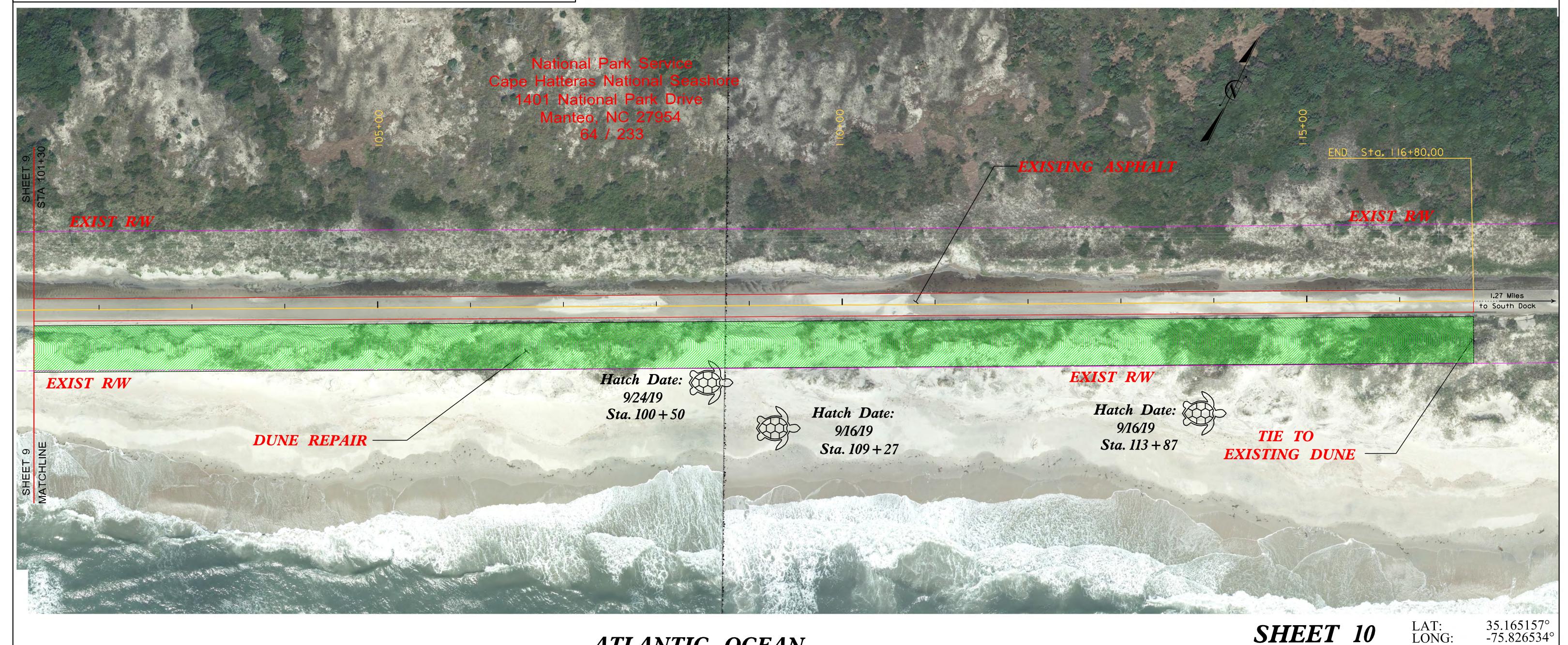
SHEET 9

GREEN ISLAND BASIN: TAR-PAMLICO

PROJECT: DUNE RECONSTRUCTION WBS ELEMENT: DF15801.1048011

1IN. = 100' FT. SCALE: DATE: 09/18/2019

DRAWN BY: HEATH STALLINGS



ATLANTIC OCEAN

* NOTE: NO EQUIPMENT, INCLUDING OFF ROAD TRUCKS WILL BE ALLOWED ON THE OCEAN SIDE OF DUNES WITHIN 300 FT OF TURTLE HATCHING SITES UNTIL HATCHING IS COMPLETE OR THE NEST IS DEEMED INVIABLE BY NATIONAL PARK SERVICE

DUNE RECONSTRUCTION: 1,550 L.F. **DUNE AREA**: 77,500 SQ FT DUNE VOLUME: 6,500 C.Y. BEACH FILL AREA: 0 SQ. FT. SAND BAGS: 0 EA.

NC DEPT OF TRANSPORTATION

COUNTY: HYDE

QUAD: GREEN ISLAND BASIN: TAR-PAMLICO

DUNE RECONSTRUCTION PROJECT: WBS ELEMENT: DF15801.1048011

1IN. = 100' FT. SCALE: DATE: 09/18/2019

HEATH STALLINGS DRAWN BY:



APPROXIMATELY 175 FT OF OVERLAY

SHEET 11

LAT: LONG: 35.165157° -75.826534°

NC DEPT OF TRANSPORTATION

COUNTY: HYDE

QUAD: GREEN ISLAND
BASIN: TAR-PAMLICO

BASIN: TAR-PAMLICO
PROJECT: DUNE RECONSTRUCTION

WBS ELEMENT: DF15801.1048011
SCALE: 1IN. = 40' FT.
DATE: 09/18/2019

DRAWN BY: HEATH STALLINGS

SOUTH DOCK DREDGE SPOIL SITE EXCAVATION LIMITS





STATE OF NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

ROY COOPER GOVERNOR JAMES H. TROGDON, III

September 20, 2019

Greg Daisy NC Division of Coastal Management 401 S. Griffin St., Ste. 300 Elizabeth City, NC 27909

Subject: CAMA Major Permit No. 24-03 Emergency Modification Request for NC 12 on Ocracoke Island. WBS # 15801.1048011

Dear Mr. Daisey,

The North Carolina Department of Transportation plans to repair a 2.02-mile section of dune along NC 12 on Ocracoke Island. Hurricane Dorian severely eroded the beach and dune in this area, exposing NC 12 to the ocean and damaging the roadway in a several sections. CAMA Major Permit No. 24-03 authorizes dune maintenance in a 5-mile section of NC 12, in which the 2.02-mile damage area occurred. NCDOT requests modification to this permit to authorize dune repair, the installation of sand bags, and the restoration of a storm eroded beach.

NCDOT plans to have a contractor excavate sand from the South Dock dredge spoil site to repair the damaged dune to the maximum dimensions of the permit. The sand in the spoil site will be compatible with the beach sand, and the clay material in the spoil site would not be used on the repaired dune. The dimensions of the dune would be a maximum width of 50 feet and a maximum height of 10 feet. The approximate volume of sand for the entire dune repair to the maximum dimensions would be a maximum of 45,500 yards. Existing vegetated dune slopes would not be damaged during dune reconstruction. American Beach Grass would be planted on the reconstructed dunes within 45 days of project completion.

Due to beach and dune loss during the storm event and increased roadway vulnerability, NCDOT proposes to place sandbags in two sections of the severely eroded dune for slope stabilization. For a total length of approximately 975 linear feet, a three-layer sandbag structure would be placed within the dune reconstruction area. The sandbag structure would be 20 feet wide and 6 feet high. Approximately 1,000 yards of sand dredged from the swash zone of the adjacent beach would be used fill the sandbags. Sandbags would be sand in color and the bottom layer would be placed 2 feet below the roadway elevation. The bottom layer would be wrapped in sand colored geotextile fabric. The sandbags are a temporary measure to protect the roadway until a long-term project has been selected to maintain traffic and access to a ferry facility.

In addition, the beach in the sandbag areas would be restored to the pre-storm profile. The storm washed away the beach in these areas, and NCDOT proposes to restore a total of approximately 41,443 sq. ft. of beach with approximately 2,080 yards of sand from the South Dock dredge spoil site. The beach elevation would match the elevation of the existing adjacent beach. If the beach naturally accretes before beach restoration is complete, NCDOT would reduce or eliminate beach restoration activities.

Website: www.ncdot.gov

The roadway and roadway shoulder would be reconstructed and restored to pre-storm conditions. The roadway would remain on the existing alignment and the shoulder reconstruction would occur within NCDOT ROW. Damaged pavement would be removed and transported off the island.

In coordination with NPS, NCWRC, and USFWS, several areas of the beach will be closed to heavy equipment and off-road dump trucks. The environmentally sensitive areas will be avoided for the entirety of the project, and the existing sea turtle nests will be avoided until hatching or a determination by NPS that the nest is not viable. Any additional nests observed would also be avoided. The beach would be surveyed every morning for turtle crawls before work begins. All work would occur during daylight hours during turtle nesting season.

NCDOT is also coordinating with the NPS, USACOE, and NCDWR to authorize this project. Included with this letter are the location map, permit drawings, permit application, site photos, and associated documentation. If you have questions, please contact me at pewilliams2@ncdot.gov or (252) 482-1861.

Sincerely, Jerry Jennings, P.E. Division One Engineer

— DocuSigned by:

Paul Williams

—7C79B0D2941F47E...

Paul Williams

Division One Environmental Officer

ROY COOPER Governor MICHAEL S. REGAN Secretary LINDA CULPEPPER Director



September 25, 2019 Hyde County NCDWR Project No. 20191251 v.1 Ocracoke NC 12 and Dune Repair

APPROVAL of 401 WATER QUALITY CERTIFICATION with ADDITIONAL CONDITIONS

Mr. Paul Williams NCDOT Division 1 113 Airport Drive Edenton, NC 27932

Dear Mr. Williams:

You have our approval, in accordance with the conditions listed below, for the following impacts for the purpose of restoring the dunes adjacent to NC 12 and repairing the roadway in Ocracoke in Hyde County:

Open Water Impacts

Site	Open Water Fill Permanent (ac)
NC 12	1.07

The project shall be constructed in accordance with your application dated received September 20, 2019. After reviewing your application, we have decided that these impacts are covered by General Water Quality Certification Number 4146. This certification corresponds to the Regional General Permit 198000048 issued by the Corps of Engineers. In addition, you should acquire any other federal, state or local permits before you proceed with your project including (but not limited to) Sediment and Erosion Control, Non-Discharge and Water Supply Watershed regulations. This approval will expire with the accompanying 404 permit.

This approval is valid solely for the purpose and design described in your application (unless modified below). Should your project change, you must notify the NCDWR and submit a new application. If the property is sold, the new owner must be given a copy of this Certification and approval letter, and is thereby responsible for complying with all the conditions. If total wetland fills for this project (now or in the future) exceed one acre, or of total impacts to streams (now or in the future) exceed 300 linear feet, compensatory mitigation may be required as described in 15A NCAC 2H .0506 (h) (6) and (7). Additional buffer impacts may require compensatory mitigation as described in 15A NCAC 2B.0259. For this approval to remain valid, you must adhere to the conditions listed in the attached certification(s) and any additional conditions listed below.

Condition(s) of Certification:

- 1. The issuance of this certification does not exempt the Permittee from complying with any and all statutes, rules, regulations, or ordinances that may be imposed by other government agencies (i.e. local, state, and federal) having jurisdiction, including but not limited to applicable buffer rules, stormwater management rules, soil erosion and sedimentation control requirements, etc.
- 2. The Permittee shall ensure that the final design drawings adhere to the permit and to the permit drawings submitted for approval. [15A NCAC 02H .0507(c) and 15A NCAC 02H .0506 (b)(2) and (c)(2)]
- 3. During the construction of the project, no staging of equipment of any kind is permitted in waters of the U.S., or protected riparian buffers. [15A NCAC 02H.0506(b)(2)]



- 4. If activities must occur during periods of high biological activity (e.g. turtle nesting, or bird nesting), then biological monitoring and other requirements may be required at the request of other state or federal agencies and coordinated with these activities. [15A NCAC 02H.0506(b)(2) and 15A NCAC 04B.0125]
- 5. If sea turtle eggs are uncovered during project work, all construction activity in that area must stop and the NC WRC Sea Turtle Hotline (252-241-7367) must be called to make arrangements for the eggs or hatchlings in consultation with the National Park Service.
- 6. All moratoriums on construction activities established by the NC Wildlife Resources Commission (WRC), US Fish and Wildlife Service (USFWS), NC Division of Marine Fisheries (DMF), National Marine Fisheries Service (NMFS) shall be implemented. Exceptions to this condition require written approval by the resource agency responsible for the given moratorium. A copy of the approval from the resource agency shall be forwarded to DWR.
- 7. Sand used to for dune construction and filling sand bags shall consist of compatible native material and be free of debris or other pollutants. [15A NCAC 02H.0506(b)(2)]
- 8. All mechanized equipment operated near surface waters must be regularly inspected and maintained to prevent contamination of stream waters from fuels, lubricants, hydraulic fluids, or other toxic materials. [15A NCAC 02H.0506(b)(3)]
- 9. No sand or other materials shall be dredged from the swash zone except where authorized by this certification. [15A NCAC 02H.0506(b)(3)]
- 10. When applicable, all construction activities shall be performed and maintained in full compliance with G.S. Chapter 113A Article 4 (Sediment and Pollution Control Act of 1973). Regardless of applicability of the Sediment and Pollution Control Act, all projects shall incorporate appropriate Best Management Practices for the control of sediment and erosion so that no violations of state water quality standards, statutes, or rules occur. [15A NCAC 02H .0506{b)(3) and (c)(3) and 15A NCAC 02B .0200]
 - a. Design, installation, operation, and maintenance of all sediment and erosion control measures shall be equal to or exceed the requirements specified in the most recent version of the *North Carolina Sediment* and Erosion Control Manual, or for linear transportation projects, the *NCDOT Sediment and Erosion Control Manual*.
 - b. All devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) sites, including contractor-owned or leased borrow pits associated with the project. Sufficient materials required for stabilization and/or repair of erosion control measures and stormwater routing and treatment shall be on site at all times.
 - c. For borrow pit sites, the erosion and sediment control measures shall be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Surface Mining Manual*. Reclamation measures and implementation shall comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act and the Mining Act of 1971.
 - d. If the project occurs in waters or watersheds classified as Primary Nursery Areas (PNAs), SA, WS-1, WS-11, High Quality Waters (HQW), or Outstanding Resource Waters (ORW), then the sedimentation and erosion control designs shall comply with the requirements set forth in 15A NCAC 04B .0124, Design Standards in Sensitive Watershed. [15A NCAC 02H.0506(b)(3) and (c)(3); GC 4135]
- 11. If placement of sediment and erosion control devices in wetlands and waters is unavoidable, then design and placement of temporary erosion control measures shall not be conducted in a manner that may result in disequilibrium of wetlands, stream beds, or banks, adjacent to or upstream and downstream of the above structures. All sediment and erosion control devices shall be removed from wetlands and waters and the natural grade restored within two (2) months of the date that the Division of Energy, Mining and Land Resources (DEMLR) or locally delegated program has released the specific area within the project. [15A NCAC 02H.0506(b)(3) and (c)(3)]
- 12. NCDOT shall be in compliance with the NCS00250 issued to the NCDOT, including the applicable requirements of the NCG01000.

- 13. The permittee and its authorized agents shall conduct its activities in a manner consistent with State water quality standards (including any requirements resulting from compliance with §303(d) of the Clean Water Act) and any other appropriate requirements of State and Federal law. If the NCDWR determines that such standards or laws are not being met (including the failure to sustain a designated or achieved use) or that State or federal law is being violated, or that further conditions are necessary to assure compliance, the NCDWR may reevaluate and modify this certification. [15A NCAC 02B.0200]
- 14. The Permittee shall report any violations of this certification to the Division of Water Resources within 24 hours of discovery. [15A NCAC 02B.0506(b)(2)]
- 15. The NCDOT will conduct a pre-construction meeting with all appropriate staff to ensure that the project supervisor and essential staff understand the permit conditions and any potential issues at the permitted site. NCDWR staff shall be invited to the pre-construction meeting. [15A NCAC 02H.0506(b)(2) and (b)(3)
- 16. Upon completion of the project (including any impacts at associated borrow or waste sites), the NCDOT Division Engineer shall complete the "Certification of Completion Form" to notify the NCDWR when all work included in the 401 Certification has been completed. [15A NCAC 02H.0502(f)]
- 17. A copy of this Water Quality Certification shall be maintained on the construction site at all times. In addition, the Water Quality Certification and all subsequent modifications, if any, shall be maintained with the Division Engineer and the on-site project manager. [15A NCAC 02H .0507(c) and 15A NCAC 02H .0506 (b)(2) and (c)(2)]

If you wish to contest any statement in the attached Certification you must file a petition for an administrative hearing. You may obtain the petition form from the office of Administrative hearings. You must file the petition with the office of Administrative Hearings within sixty (60) days of receipt of this notice. A petition is considered filed when it is received in the office of Administrative Hearings during normal office hours. The Office of Administrative Hearings accepts filings Monday through Friday between the hours of 8:00am and 5:00pm, except for official state holidays. The original and one (1) copy of the petition must be filed with the Office of Administrative Hearings.

The petition may be faxed-provided the original and one copy of the document is received by the Office of Administrative Hearings within five (5) business days following the faxed transmission. The mailing address for the Office of Administrative Hearings is:

Office of Administrative Hearings 6714 Mail Service Center Raleigh, NC 27699-6714 Telephone: (919) 431-3000, Facsimile: (919) 431-3100

A copy of the petition must also be served on DEQ as follows:

Mr. Bill F. Lane, General Counsel Department of Environmental Quality 1601 Mail Service Center

This letter completes the review of the Division of Water Resources under Section 401 of the Clean Water Act. If you have any questions, please contact Garcy Ward at (252)946-6481or garcy.ward@ncdenr.gov.

Sincerely
Docusioned by:

Omy Chapman
Lindar Earl propper, Director
Division of Water Resources

Electronic copy only distribution:

Kyle Barnes, US Army Corps of Engineers, Washington Field Office Cathy Brittingham, NC Division of Coastal Management 1.07 Greg Daisey, NC Division of Coastal Management Sabrina Henry, National Park Service Travis Wilson, NC Wildlife Resources Commission Garcy Ward, NC Division of Water Resources Washington Regional Office

U.S. ARMY CORPS OF ENGINEERS

WILMINGTON DISTRICT

Action Id. SAW-2019-01801 County: Hyde County U.S.G.S. Quad: Green Island

GENERAL PERMIT (REGIONAL AND NATIONWIDE) VERIFICATION

Paul Williams
NCDOT Division 1

Permittee:

Address: Telephone Number:	113 Airport Drive Edenton NC, 27932 (252) 482-1861		
Size (acres) Nearest Waterway USGS HUC	2.5 Pamlico Sound 03020105	Nearest Town River Basin Coordinates	Ocracoke Pamlico Latitude: 35.165157 Longitude: -75.826534
	he project areas is located ap and in Hyde County, North C		th of the Southdock Ferry Terminal adjacent to
Atlantic Ocean to a wisandbags below the Hisestoration will be accesswash zone. Approximates restoration.	dth no wider than 50 feet and gh Tide Line in two segments omplished utilizing suitable nately 1,000 cubic yards of fill	A height no taller than 10 s, 645 feet and 330 feet, to naterial from the South Do will be utilized for sandba	miles of primary dune adjacent to NC12 and the feet. The project involves the placement of create a stable base for dune restoration. The ock dredge spoil site and sandbag fill from the figs and 45,000 cubic yards of fill for dune
Applicable Law:	Section 404 (Clean Water Act Section 10 (Rivers and Harbon		
_	nal General Permit Number an TTACHED RGP or NWP G		mber: 198000048 AND/OR SPECIAL CONDITIONS
conditions and your su conditions or deviation	ibmitted application and atta	ched information dated <u>Se</u> may subject the permittee	plished in strict accordance with the attached ptember 20, 2019. Any violation of the attached to a stop work order, a restoration order, a Class
modified, suspended or rereissued and/or modified, the modified nationwide p that the activity would no construction) or are under activity is completed with	evoked. If, prior to the expiration this verification will remain valid ermit. If the nationwide and/or reg longer comply with the terms and contract to commence in reliance	n date identified below, the national general permit authorization date identificational general permit authorization disconditions of the nationwide upon the nationwide and/or regional the nationwide and/or regional	ationwide and/or regional general permit authorization is ationwide and/or regional general permit authorization is fied below, provided it complies with all requirements of tion expires or is suspended, revoked, or is modified, such permit, activities which have commenced (i.e., are under gional general permit, will remain authorized provided the general permit's expiration, modification or revocation, d or revoke the authorization.
	on 404 (as indicated above) may alsources (telephone 919-807-6300) t		n 401 Water Quality Certification. You should contact the rements.
	•	5 0	under the Coastal Area Management Act (CAMA), nt in Elizabeth City, NC, at (252) 264-3901.
This Department of the State or local approvals.	•	elieve the permittee of the	responsibility to obtain any other required Federal,
	ons regarding this verification Kyle Barnes at (910) 251-458		the Permit, or the Corps of Engineers regulatory ce.army.mil.
Corps Regulatory Off Expiration Date of Vo	icial: erification: March 18, 2022	Date: <u>Se</u>	otember 25, 2019

A. Determination of Jurisdiction:
1. There are waters, including wetlands, on the above described project area that may be subject to Section 404 of the Clean Water Act (CWA) (33 USC § 1344) and/or Section 10 of the Rivers and Harbors Act (RHA) (33 USC § 403). This preliminary determination is not an appealable action under the Regulatory Program Administrative Appeal Process (Reference 33 CFR Part 331). However, you may request an approved JD, which is an appealable action, by contacting the Corps district for further instruction. Please note, if work is authorized by either a general or nationwide permit, and you wish to request an appeal of an approved JD, the appeal must be received by the Corps and the appeal process concluded prior to the commencement of any work in waters of the United States and prior to any work that could alter the hydrology of waters of the United States.
2. There are Navigable Waters of the United States within the above described project area subject to the permit requirements of Section 10 of the Rivers and Harbors Act (RHA) (33 USC § 403) and Section 404 of the Clean Water Act (CWA) (33 USC § 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
3. There are waters, including wetlands, within the above described project area that are subject to the permit requirements of Section 404 of the Clean Water Act (CWA) (33 USC § 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
4. A jurisdiction determination was not completed with this request. Therefore, this is not an appealable action. However, you may request an approved JD, which is an appealable action, by contacting the Corps for further instruction.
5. The aquatic resources within the above described project area have been identified under a previous action. Please reference the approved jurisdictional determination issued . Action ID: SAW-
B. Basis For Jurisdictional Determination: The Atlantic Ocean is subject to the ebb and flow of tides and is a TNW.
C. Remarks:
D. Attention USDA Program Participants
This delineation/determination has been conducted to identify the limits of Corps' Clean Water Act jurisdiction for the particular site identified in this request. The delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are USDA Program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work.
E. Appeals Information for Approved Jurisdiction Determinations (as indicated in A2 and A3 above).
If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the following address:
US Army Corps of Engineers South Atlantic Division Attn: Philip Shannin, Appeal Review Officer 60 Forsyth Street SW, Room 10M15 Atlanta, Georgia 30303-8801 Phone: (404) 562-5137
In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by N/A. It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this correspondence.
Corps Regulatory Official:
Kyle Barnes

Date of JD: <u>September 25, 2019</u> Expiration Date of JD: <u>N/A</u>

The Wilmington District is committed to providing the highest level of support to the public. To help us ensure we continue to do so, please complete our Customer Satisfaction Survey, located online at http://corpsmapu.usace.army.mil/cm apex/f?p=136:4:0.

SPECIAL CONDITIONS

1.	This verification incorporates the conditions of the Special Use Permit (SUP) issued by the
	National Park Service for work performed within the specified project area.

Action ID Number:	<u>SAW-2019-01801</u>	County: <u>Hyde County</u>		
Permittee:	Paul Williams NCDOT Division 1			
Project Name:	NCDOT Ocracoke NC 12 D	une Repairs Dorian		
Date Verification Iss	sued: September 25, 2019			
Project Manager: K	<u>yle Barnes</u>			
	the activity authorized by thing and return it to the following	s permit and any mitigation required address:	ired by the permit,	
	WILMING	RPS OF ENGINEERS GTON DISTRICT Kyle Barnes		
	7 tttii.	Ryle Darlies		
Please note that your permitted activity is subject to a compliance inspection by a U. S. Army Corps of Engineers representative. Failure to comply with any terms or conditions of this authorization may result in the Corps suspending, modifying or revoking the authorization and/or issuing a Class I administrative penalty, or initiating other appropriate legal action.				
I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and condition of the said permit, and required mitigation was completed in accordance with the permit conditions.				
Signature of Permit	tee	Date		

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Paul Williams NCDOT Division 1 File Number: SAW-2019-01		801	Date: <u>September 25,</u> 2019
Attached is:		See Section below	
INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)		A	
PROFFERED PERMIT (Standard Permit or Letter of permission)			В
PERMIT DENIAL			С
APPROVED JURISDICTIONAL DETERMINATION			D
□ PRELIMINARY JURISDICTIONAL DETERMINATION			E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits.aspx or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.
- C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.
- D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.
- ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.			
SECTION II - REQUEST FOR APPEAL or OBJEC	TIONS TO AN INITIAL PROFFERED PERMIT		
REASONS FOR APPEAL OR OBJECTIONS: (Des	scribe your reasons for appealing the decision or your ise statements. You may attach additional information to		
	ited to a review of the administrative record, the Corps e or meeting, and any supplemental information that the		
review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify			
the location of information that is already in the adm			
POINT OF CONTACT FOR QUESTIONS OR INFO If you have questions regarding this decision and/or the			
appeal process you may contact:	If you only have questions regarding the appeal process you may also contact:		
District Engineer, Wilmington Regulatory Division, Attn: Kyle Barnes	Mr. Philip Shannin, Administrative Appeal Review Officer CESAD-PDO		
2407 West 5 th Street Washington, North Carolina 27889	U.S. Army Corps of Engineers, South Atlantic Division 60 Forsyth Street, Room 10M15		
	Atlanta, Georgia 30303-8801 Phone: (404) 562-5137		
RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government			

For appeals on Initial Proffered Permits send this form to:

Signature of appellant or agent.

District Engineer, Wilmington Regulatory Division, Attn: Kyle Barnes, 2407 West 5th Street Washington, North Carolina 27889

consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day

Date:

Telephone number:

For Permit denials, Proffered Permits and approved Jurisdictional Determinations send this form to:

notice of any site investigation, and will have the opportunity to participate in all site investigations.

Division Engineer, Commander, U.S. Army Engineer Division, South Atlantic, Attn: Mr. Philip Shannin, Administrative Appeal Officer, CESAD-PDO, 60 Forsyth Street, Room 10M15, Atlanta, Georgia 30303-8801 Phone: (404) 562-5137



SPECIAL USE PERMIT

Outer Banks Group:
Cape Hatteras NS, Fort Raleigh NHS, & Wright Brothers NMEM
1401 National Park Drive
Manteo, NC 27954

(252) 475-9000

caha_special_use_permits@nps.gov

Name				
Paul Williams, Environmenta	l Specialist			
Company/Organization				
North Carolina Department of	Transportati	on (NCDOT))	
Street Address	- C			
113 Airport Dr.				
City	State	Zip Code	Country	
Edenton	NC	27932	USA	
Telephone Number	Cell Pho	ne Number		
252-482-1861	252-33	252-333-9812		
Fax Number				
0 9				
Email Address				
Pcwilliams2@ncdot.gov				

Park Alpha Code
CAHA
Type of Use
Infrastructure – Emergency Road Repair
NC-12 Ocracoke Island
Permit #
USA19-5700-021

is hereby authorized to use the following described land or facilities in Cape Hatteras National Seashore:

Restore approximately 2 miles of roadway on the North end of Ocracoke Island – as depicted in the maps

Condition #21:

This permit is valid from 12:01 am on September 26, 2019 through 11:59 pm January 31, 2020.

SUMMARY OF PERMITTED ACTIVITY: (see attached sheets for additional information and conditions)

NCDOT is permitted to restore / repair approximately a 2-mile section of roadway on Ocracoke Island that was severely eroded by Hurricane Dorian to include:

- The installation of approximately 1000 linear feet of sandbags in two eroded areas. Roadway shoulders would be restored within NCDOT Right-of Way. The sandbags will be hydraulically filled from the swash zone of the adjacent beach.
- The sandbags (2'x5'x15') will be installed in three layers. See attached drawings Condition #21.
- Create a 10 foot dune (in line with existing dune system) that would withstand normal high tide conditions and allow the road to be reopened. See attached drawings Condition #21.
- All work will be conducted during daylight hours.

Person on site responsible for adherence to the terms and conditions of the permit (include contact information) **Paul Williams See Above**

Authorizing legislation or other authority

- Curative Deed for Cape Hatteras National Seashore authorizing the state of North Carolina to operate and maintain roadways within the Seashore Highway 12.
- PEPC 90493 Repair of Hurricane Damaged Dunes and NC Hwy12 in Ocracoke

APPLICATION FEE		□ Received	Am	nount
ALLEGATION LE		Not Required	\$ (0
PERFORMANCE BOND		□ Required	Am	ount
FERT ORIGINATED BOND		Not Required	\$	0
LIABILITY INSURANCE		□ Required	Am	ount
LIABILITY INSURANCE		Not Required	\$	0
COST RECOVERY		□ Required	Am	ount
COST RECOVERY		Not Required ■	\$ (0

SPECIAL USE PERMIT

Outer Banks Group: Cape Hatteras NS, Fort Raleigh NHS, & Wright Brothers NMEM 1401 National Park Drive Manteo, NC 27954

(252) 475-9000 caha_special_use_permits@nps.gov

LOCATION FEE

☐ Required

Amount

Not Required

\$ 0

SSUANCE of this permit is subject to the attached conditions.	s. The undersigned hereby accepts this permit subject to the terms	, covenants,
obligations, and reservations, expressed or implied herein.		

obligations, and reservations, expressed of implied herein.		
DocuSigned by:		
Paul Williams	Title: Environmental Officer	Date: 9/24/2019
PERMITTEE Signature 7C79B0D2941F47E		9
LOVIII 6 2	Title: Superintendent	Date: 9/23/19
Authorizing NPS Official		1

CONDITIONS OF THIS PERMIT

Failure to comply with any of the terms and conditions of this permit may result in the immediate suspension or revocation of the permit. [36 CFR 1.6(h)]

- 1. The permittee is prohibited from giving false information; to do so will be considered a breach of conditions and be grounds for revocation: [36 CFR 2.32(a)(3)].
- 2. This permit may not be transferred or assigned without the prior written consent of the Superintendent.
- 3. The permittee shall exercise this privilege subject to the supervision of the Superintendent or designee, and shall comply with all applicable Federal, State, county and municipal laws, ordinances, regulations, codes, and the terms and conditions of this permit. Failure to do so may result in the immediate suspension of the permitted activity or the revocation of the permit. All costs associated with clean up or damage repairs in conjunction with a revoked permit will be the responsibility of the permittee.
- 4. The permittee is responsible for making all necessary contacts and arrangements with other Federal, State, and local agencies to secure required inspections, permits, licenses, etc.
- 5. The park area associated with this permit will remain open and available to the public during park visiting hours. This permit does not guarantee exclusive use of an area. Permit activities will not unduly interfere with other park visitors' use and enjoyment of the area.
- 6. This permit may be revoked at the discretion of the Superintendent upon 24 hours notice.
- 7. This permit may be revoked without notice if damage to resources or facilities occurs or is threatened, notwithstanding any other term or condition of the permit to the contrary.
- 8. This permit is made upon the express condition that the United States, its agents and employees shall be free from all liabilities and claims for damages and/or suits for or by reason of any injury, injuries, or death to any person or persons or property of any kind whatsoever, whether to the person or property of the Permittee, its agents or employees, or third parties, from any cause or causes whatsoever while in or upon said premises or any part thereof during the term of this permit or occasioned by any occupancy or use of said premises or any activity carried on by the Permittee in connection herewith, and the Permittee hereby covenants and agrees to indemnify, defend, save and hold harmless the United States, its agents, and employees from all liabilities, charges, expenses and costs on



SPECIAL USE PERMIT

Outer Banks Group: Cape Hatteras NS, Fort Raleigh NHS, & Wright Brothers NMEM 1401 National Park Drive Manteo, NC 27954

(252) 475-9000 caha_special_use permits@nps.gov

account of or by reason of any such injuries, deaths, liabilities, claims, suits or losses however occurring or damages growing out of the same.

- 9. Permittee agrees to carry general liability insurance against claims occasioned by the action or omissions of the permittee, its agents and employees in carrying out the activities and operations authorized by this permit. The policy shall be in the amount of \$N/A per Occurrence, \$ N/A Aggregate and underwritten by a United States company naming the United States of America as additional insured. The permittee agrees to provide the Superintendent with a Certificate of Insurance with the proper endorsements prior to the effective date of the permit.
- 10. Permittee agrees to deposit with the park a bond in the amount of \$ N/A from an authorized bonding company or in the form of cash or cash equivalent, to guarantee that all financial obligations to the park will be met.
- 11. Costs incurred by the park as a result of accepting and processing the application and managing and monitoring the permitted activity will be reimbursed by the permittee. Administrative costs and estimated costs for activities on site must be paid when the permit is approved. If any additional costs are incurred by the park, the permittee will be billed at the conclusion of the permit. Should the estimated costs paid exceed the actual costs incurred; the difference will be returned to the permittee.
- 12. The person(s) named on the permit as in charge of the permitted activity on-site must have full authority to make any decisions about the activity and must remain available at all times. He/she shall be responsible for all individuals. groups, vendors, etc. involved with the permit
- 13. Nothing herein contained shall be construed as binding the Service to expend in any one fiscal year any sum in excess of appropriations made by Congress or administratively allocated for the purpose of this permit for the fiscal year, or to involve the Service in any contract or other obligation for the further expenditure of money in excess of such appropriations or allocations.
- 14. If any provision of this permit shall be found to be invalid or unenforceable, the remainder of this permit shall not be affected and the other provisions of this permit shall be valid and be enforced to the fullest extent permitted by law.

Cape Hatteras National Seashore **Special Park Conditions** Ocracoke Island NC-12 Restoration

- 15. In the event of an emergency, dial 911. In the event of an incident that does not require emergency assistance, dial 252-473-3444.
- 16. Fees will be waived In Accordance With 36 CFR Part 14.22 Reimbursement of costs.
 - (a)(1) An applicant for a right-of-way or a permit incident to a right-of-way shall reimburse the United States for administrative and other costs incurred by the United States in processing the application, including the preparation of reports and statements pursuant to the National Environmental Policy Act (42 U.S.C. 4321-4347), before the right-ofway or permit will be issued under the regulations of this part.
 - (2) The regulations contained in this section do not apply to: (i) State or local governments or agencies or instrumentalities thereof where the lands will be used for governmental purposes and the lands and resources will continue to serve the general public; (ii) road use agreements or reciprocal road agreements; or (iii) Federal government agencies.



SPECIAL USE PERMIT

Outer Banks Group: Cape Hatteras NS, Fort Raleigh NHS, & Wright Brothers NMEM 1401 National Park Drive Manteo, NC 27954

(252) 475-9000 caha_special_use_permits@nps.gov

- 17. The National Park Service points of contact for the permit are as follows:
 - a. On-site on Ocracoke Island: District Ranger Ed Fuller work cell (252) 475-8313; ed fuller@nps.gov
 - b. Permit Coordinator: Carmen Pantaleo 252-475-9033, carmen pantaleol@nps.gov
 - c. Environmental Protection Specialist: Sabrina Henry 252-475-9019, sabrina henry@nps.gov
- 18. NCDOT and its contractors/agents are permitted to use the following equipment and additional equipment as needed and in keeping with all of the provisions of this permit: multiple excavators, multiple off-road dump trucks, multiple loaders; multiple bulldozers, and vans/light trucks.
- 19. NCDOT and its contractors/agents are permitted to utilize 10+ personnel for the activities undertaken in accordance with this permit.
- 20. National Park Service permit conditions as required by environmental compliance review PEPC 90493:

a. Dune Maintenance and Sandbags

- The dunes and road shoulders shall be restored using appropriate best management practices, which may
 include sprigging or seeding with native vegetation such as American beach grass, or, along the sound side
 areas, allowing native vegetation to reclaim the area naturally. Broadcasting a slow release fertilizer is
 authorized but no fertilizer is to be applied to the beach front or on ocean facing side of the dunes.
- Silt fencing shall be installed in appropriate areas around the work site to insure minimal run-off and siltation of the waterways in the areas adjacent to the project work site. This fencing shall be removed from the site after the ground cover is established or at the discretion of the National Park Service.
- Permittee and contractor is responsible to ensure soil erosion mitigations (silt fencing, coir logs, etc) is appropriately installed prior to project implementation to reduce impacts to adjacent wetlands.
- Sandbags and other temporary oceanfront erosion controls must meet CAMA's general rules for the ocean hazard AEC {15A NCAC 7H Section .0308(a)}.
- Sandbags must be placed above the normal high water mark and parallel to the shore.
- Placement of sand must be spread and contoured within the existing dune or beach area.

b. Equipment

- Equipment on beach would be moved to a safe location within the vicinity of the project area upon a weather forecast of high wave and water conditions.
- All construction generated debris will be removed from the park to an approved landfill
- Equipment used at the site shall be pressure cleaned and free of weeds, seed, debris, and mud to prevent the introduction and/or spread of exotic, invasive plants.
- All machinery containing fuels and oils shall have a spill kit available immediately in the event of a spill. All
 oil and hazardous material spills within NPS boundaries must be reported to the Emergency Incident
 Coordination Center (EICC) 1800-732-0911.
- No heavy equipment use is authorized in environmentally sensitive areas. Dune fill to be placed within these areas is allowed.

c. Mitigations – If any of these situations occur, contact one of the NPS points of contact who will work with appropriate National Park Service staff.

- The permittee is responsible to provide a pre-construction meeting with the contractor, park management team, Safety Officer, Environmental Protection Specialist, Cultural Program Manager and district leads.
 Permittee must coordinate with Special Use Coordinator Carmen Pantaleo (Carmen_pantaleo@nps.gov) to set up a meeting.
- Permittee must present all final site plans including staging areas to Special Use Coordinator, Carmen
 Pantaleo, <u>carmen_pantaleo@nps.gov</u>, at least 1 week prior to the start of the project and approved by the
 NPS prior to project implementation.

NPS Form 10-114 (Rev. 01/2017) National Park Service



SPECIAL USE PERMIT

Outer Banks Group: Cape Hatteras NS, Fort Raleigh NHS, & Wright Brothers NMEM 1401 National Park Drive Manteo, NC 27954

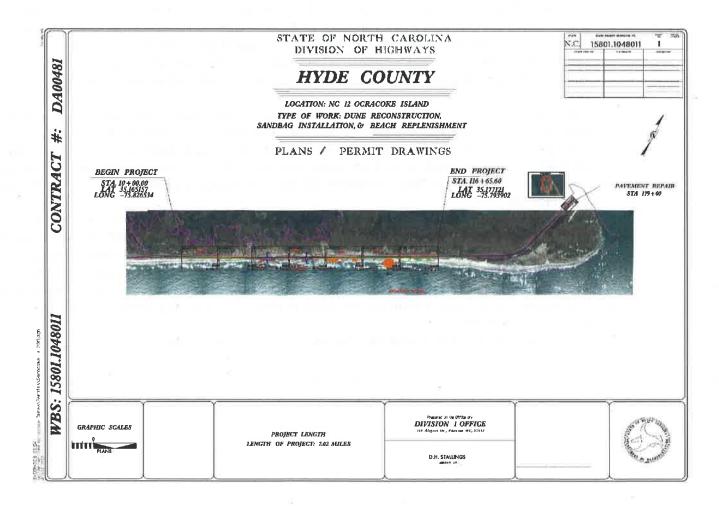
(252) 475-9000 caha_special_use_permits@nps.gov

- In the event of the discovery of unanticipated cultural resources, work will halt and the Cultural Program Manager (CPM) Jami Lanier, 252-475-0463 will be contacted. Work will not resume until the Cultural Program Manager gives approval to resume.
- NCDOT must provide an archeologist onsite to monitor the project to ensure environmentally sensitive
 areas are avoided. If an archeologist cannot be provided, then contact Cultural Program Manager Jami
 Lanier at 252-423-0463 to make appropriate arrangements for resource monitoring.
- All work will be done in accordance with the approved guidelines and permits established by the National Park Service (NPS), Army Corp of Engineers (ACOE), the Division of Coastal Management (DCM) and any other regulatory agencies notified of the project. To prevent detrimental effects on protected shoreline resources this work will be done in a timely manner and scheduled in coordination with all appropriate regulatory agencies.
- The permittee must coordinate with the NPS and resource agencies, USFWS and North Carolina Water Resource Commission if active nests from T& E species or state species of concerns are found within the project area. If sea turtle eggs and/or hatchlings are uncovered during project work, all construction activity in that area must stop immediately and the NC WRC Sea Turtle Hotline (252-241-7367) must be called to make arrangements for the eggs/hatchlings, in consultation with NPS staff. Viable eggs maybe left in place and no work can occur within 300 feet of nest until the incubation ends or if the nest is determined to be no longer viable.
- Daily patrols are required within project area until sea turtle nesting season is over (around November 30 or when all nesting has ceased). NPS resource staff will conduct patrols as feasible but NCDOT project managers must ensure the project site is surveyed each day for sea turtle tracks prior to work beginning on the beach. If tracks are found, no work is to occur within site and project manager must notify NPS resource biological science technician Brice Sweeney at 252-423-1545. Work in area will not resume until NPS staff gives approval.
- Care will be taken not to disturb any wildlife species (reptiles, migratory birds, raptors, or bats) found
 nesting, hibernating, estivating, or otherwise living in, or immediately nearby, worksites. Known populations
 of special-status species will be monitored to ensure long-term impacts are avoided during project activities
- Permittee must forward all other agency permits related for the undertaking of the project to the NPS.
 Copies will be forwarded to the park's compliance office for inclusion to the projects administrative record.
- Known populations of special-status species will be monitored to ensure long-term impacts are avoided during project activities.
- Shipwrecks will be buffered to avoid disturbance from sandbagging activities.

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21. Maps of area and project drawings:

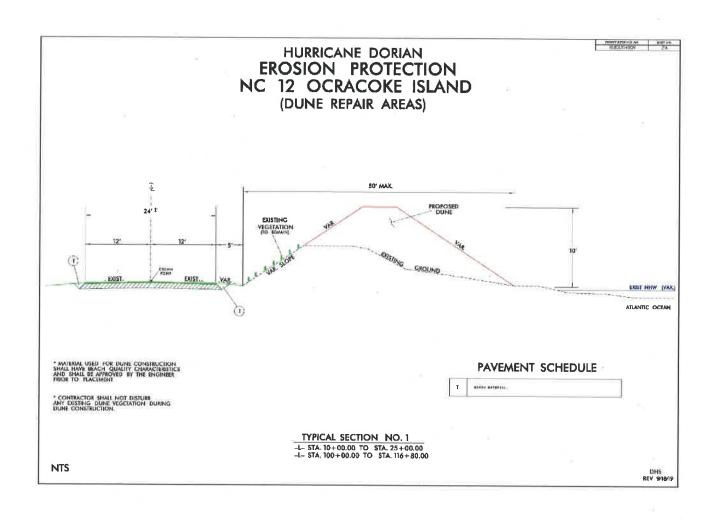




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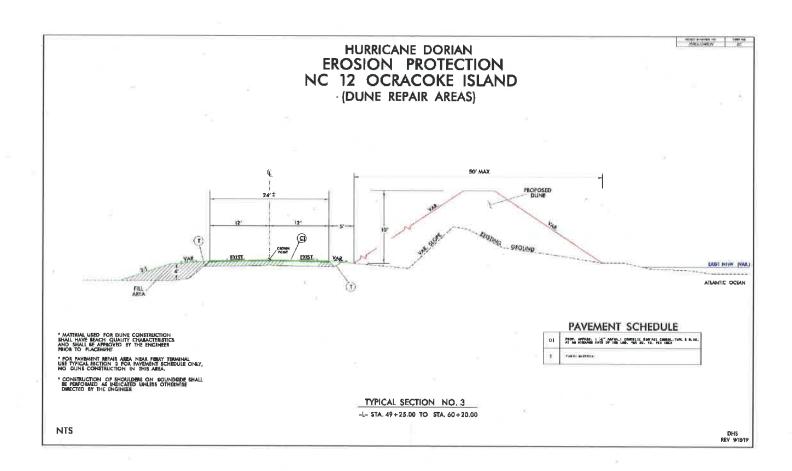
NPS Form 10-114 (Rev. 01/2017)
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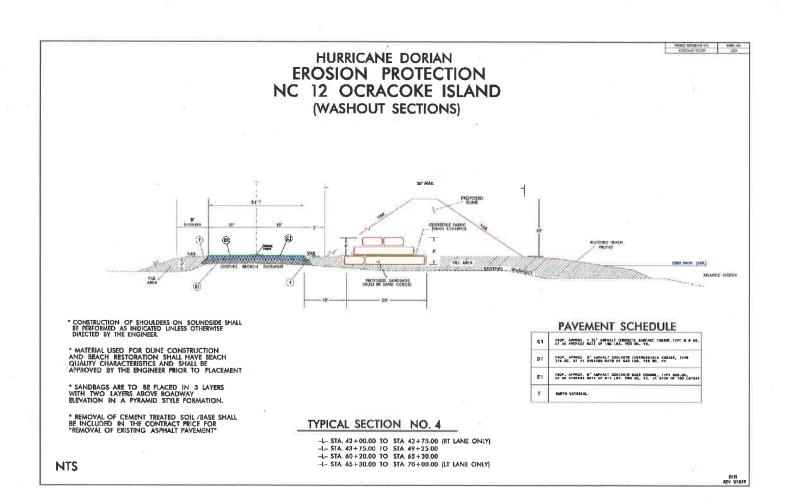
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NC 12 OCRACOKE ISLAND DUNE RECONSTRUCTION 35.165157° -75.826534° SHEET 4 NC DEPT OF TRANSPORTATION HYDE GREEN ISLAND TAR-PAMILICO DUNIC RECONSTRUCTION DF16801 1048011 IIII. = 100° FT. 09/18/2019 HEATH STALLINGS COUNTY: QUAD; BASM: PROJECT: WBS GLEMENT BCALE: DATE: ATLANTIC OCEAN OUNE RECONSTRUCTION OUNE AREA OUNE YOUME: BEACH FILL AREA: 1,500 L F 75,000 SQ F7 8,500 C Y 0 SQ. FT DATE: DRAWN BY

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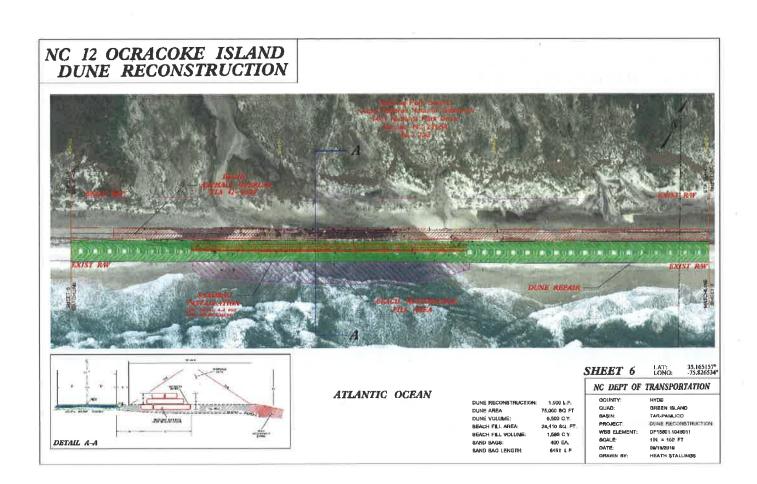
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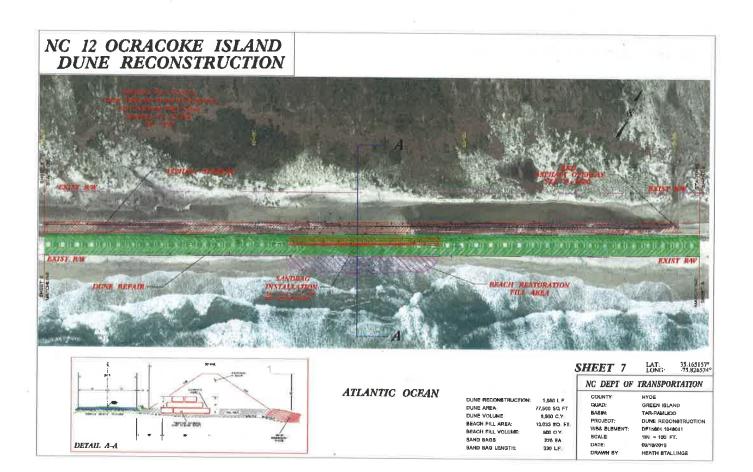


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NC 12 OCRACOKE ISLAND DUNE RECONSTRUCTION



ATLANTIC OCEAN

* NOTE: NO EQUIPMENT, INCLUDING OFF ROAD TRUCKS WILL BE ALLOWED ON THE OCEAN SIDE OF DUNES IN ENVIRONMENTALLY SENSITIVE AREAS

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NOTE: NO EQUIPMENT, INCLUDING OFF ROAD TRUCKS WILL BE ALLOWED ON THE OCEAN SIDE OF DUNES IN ENVIRONMENTALLY SENSITIVE AREAS

SPECIAL USE PERMIT

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caha_special_use_permits@nps.gov (252) 475-9000

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TAR-PAMLICO DUNE RECONSTRUCTION

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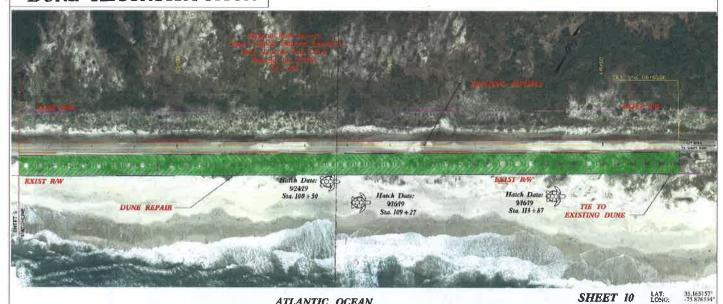


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NC 12 OCRACOKE ISLAND DUNE RECONSTRUCTION



ATLANTIC OCEAN

NOTE: NO EQUIPMENT, INCLUDING OFF ROAD TRUCKS WILL BE ALLOWED ON THE OCEAN SIDE OF DUNES WITHIN 300 FT OF TURTLE HATCHING SITES UNTIL HATCHING IS COMPLETE OR THE NEST IS DEEMED INVIABLE BY NATIONAL PARK SERVICE

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NC 12 OCRACOKE ISLAND **DUNE RECONSTRUCTION**



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NC DEPT OF TRANSPORTATION

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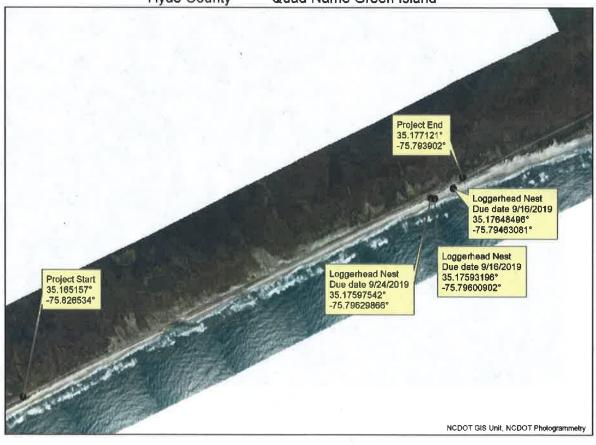




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Dune Reconstruction and Sand Bag Project on NC 12
Hurricane Dorian Repairs
Hyde County Quad Name Green Island



0 0.5 1 2 Miles