

Permit Class  
**MODIFICATION/MINOR**

Permit Number  
**24-03**

STATE OF NORTH CAROLINA  
Department of Environmental Quality  
and  
Coastal Resources Commission

# Permit

for

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

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 Hyde County at adj. Atlantic Ocean, NC Highway 12,

Ocracoke Island, as requested in the permittee's application letter dated 12/20/19, including the attached work plan drawings (11): 10 dated 12/4/19 and 1 dated 11/4/19, and AEC Hazard Notice dated 9/20/19.

This permit, issued on 1/31/20, is subject to compliance with the application (where consistent with the permit), all applicable regulations, special conditions and notes set forth below. Any violation of these terms may be subject to fines, imprisonment or civil action; or may cause the permit to be null and void.

- 1) Unless specifically altered herein, this Minor Modification authorizes updated drawings for the dune reconstruction areas along NC Highway 12 on Ocracoke Island that were previously approved by the Emergency Major Modification of CAMA Major Permit 24-03 which was issued on 9/26/19, and the installation of approximately 4,248 linear feet of temporary erosion control structures (sandbags) to reinforce the dune within those same areas, as depicted on the attached workplan drawings.
- 2) Nothing in this permit authorizes any activity that has not received approval from the National Park Service (NPS), if required, for work within the Cape Hatteras National Seashore.

**NOTE:** The National Park Service (NPS) issued Special Use Permit #USA20-5700-001 on 1/27/20.

**(See attached sheets for Additional Conditions)**

This permit action may be appealed by the permittee or other qualified persons within twenty (20) days of the issuing date.

This permit must be accessible on-site to Department personnel when the project is inspected for compliance.

Any maintenance work or project modification not covered hereunder requires further Division approval.

All work must cease when the permit expires on

**December 31, 2020**

In issuing this permit, the State of North Carolina agrees that your project is consistent with the North Carolina Coastal Management Program.

Signed by the authority of the Secretary of DEQ and the Chair of the Coastal Resources Commission.



Braxton C. Davis, Director  
Division of Coastal Management

This permit and its conditions are hereby accepted.

DocuSigned by:



7C79B0D2941F47E...

Signature of Permittee



**ADDITIONAL CONDITIONS**

**NOTE:** The Emergency Major Modification of CAMA Major Permit 24-03 which was issued on 9/26/19 authorized 975 linear feet of temporary erosion control structures (sandbags), therefore the cumulative total length of authorized temporary erosion control structures (sandbags) in the project area is 5,223 linear feet.

- 3) Based upon coordination with appropriate agencies, and in accordance with the following permit conditions, the activities authorized by this Minor Modification are allowed to take place during the sea turtle and piping plover moratorium of April 1 to November 15 as required by Condition No. 3 of the Permit Renewal issued on 12/18/15. Any work that is proposed during the sea turtle and piping plover moratorium in subsequent years shall adhere to the full moratorium, or shall require additional authorization from DCM, in coordination with NPS, the N.C. Wildlife Resources Commission (WRC) and the U.S. Fish and Wildlife Service (USFWS).

**NOTE:** The USFWS Raleigh Ecological Service Field Office issued a concurrence letter for sea turtles, piping plovers and red knots on 1/23/20 in accordance with Section 7 of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531-1543).

- 4) In accordance with commitments made by the permittee, and due to the potential for sea turtle nests in the project area, if the work continues into the sea turtle nesting season (May 1 to November 15), all work shall be conducted during daylight hours, the permittee and/or the 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, WRC, 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 WRC 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 feet until the incubation ends or the nest is determined to be no longer viable).
- 5) 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).
- 6) Sandbags shall be tan in color and three to five feet wide and seven to 15 feet long when measured flat. Base width of the structure shall not exceed 20 feet, and the height shall not exceed six feet.
- 7) In accordance with commitments made by the permittee, the bottom layer of the authorized temporary erosion control structures (sandbags) shall be wrapped in sand colored geotextile fabric.
- 8) Soldier pilings and other types of devices to anchor the temporary erosion control structures (sandbags) shall not be allowed.
- 9) All fill material, including that used to fill the temporary erosion control structures (sandbags), shall be clean and free of any pollutants, except in trace quantities.



**ADDITIONAL CONDITIONS**

- 10) In accordance with commitments made by the permittee, the temporary erosion control structures (sandbags) shall be hydraulically filled from the swash zone of the adjacent beach.
- 11) If the temporary erosion control structures (sandbags) become damaged, the permittee shall be responsible for the removal of remnants of all portions of the structure(s).
- 12) All work shall be accomplished in such a manner that damage to existing vegetation is minimized.
- 13) Construction staging areas shall be located only in upland areas, and not in wetlands or waters of the State.

**Historic and Cultural Resource Protection**

**NOTE:** In accordance with the attached workplan drawings, there are three identified environmentally sensitive archaeological areas within the project area.

- 14) In accordance with commitments made by the permittee, the three identified environmentally sensitive archaeological areas within the project area shall be staked, and heavy equipment and the sandbag hydraulic dredging operation shall not be permitted within those areas.
- 15) The authorized project shall conform to the requirements of the Section 106 Amended Programmatic Agreement for Minor Transportation Projects (PA) regarding archaeological resources. If cultural resources, such as shipwreck remains, are encountered, the permittee shall immediately stop work and contact the Department of Natural and Cultural Resources (DNCR), and DCM shall also be notified.

**General**

- 16) 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.
- 17) 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.

**ADDITIONAL CONDITIONS**

- 18) The permittee and/or its contractor shall contact the DCM Transportation Project Field Representative in Elizabeth City at (252) 264-3901 to request a pre-construction conference prior to project initiation.

**NOTE:** The U.S. Army Corps of Engineers authorized the proposed project under Regional General Permit Number 198000048 (COE Action ID No. SAW-2019-01801), which was issued on 1/28/20.

**NOTE:** This Minor Modification does not eliminate the need to obtain any additional permits, approvals or authorizations that may be required. This includes approval, if required, from the N.C. Division of Water Resources (DWR).

- 19) This Minor 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.

- 20) All conditions and stipulations of the active permit remain in force under this Minor Modification unless altered herein.

**NOTE:** A minor modification application processing fee of \$100 was received by DCM for this project.



**CONTRACT #:** DA00481

**WBS:** 15901.1048011

STATE OF NORTH CAROLINA  
DIVISION OF HIGHWAYS

**HYDE COUNTY**

**LOCATION: NC 12 OCRACOKE ISLAND**  
**TYPE OF WORK: DUNE RECONSTRUCTION,**  
**SANDBAG INSTALLATION, & BEACH REPLENISHMENT**

PLANS // PERMIT DRAWINGS

STATE	STATE PROJECT REFERENCE NO.	SHEET NO.	TOTAL SHEETS
N.C.	15901.1048011	1	
STATE PROJ. NO.	F.A. PROJ. NO.	DESCRIPTION	

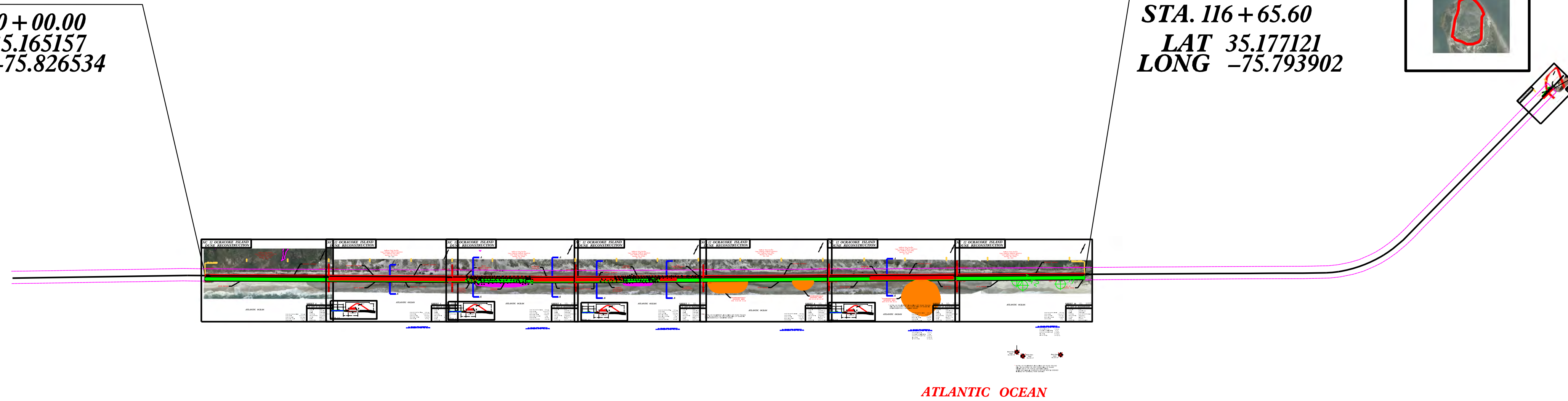
**BEGIN PROJECT**

**STA. 10+00.00**  
**LAT 35.165157**  
**LONG -75.826534**

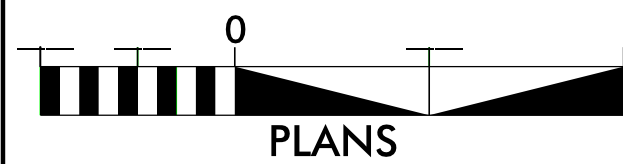
**END PROJECT**

**STA. 116+65.60**  
**LAT 35.177121**  
**LONG -75.793902**

**PAVEMENT REPAIR**  
**STA 179+00**



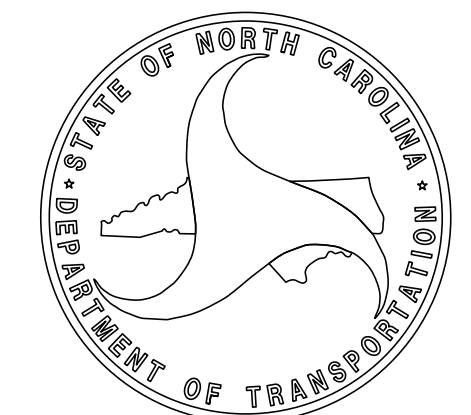
**GRAPHIC SCALES**



**PROJECT LENGTH**  
**LENGTH OF PROJECT: 2.02 MILES**

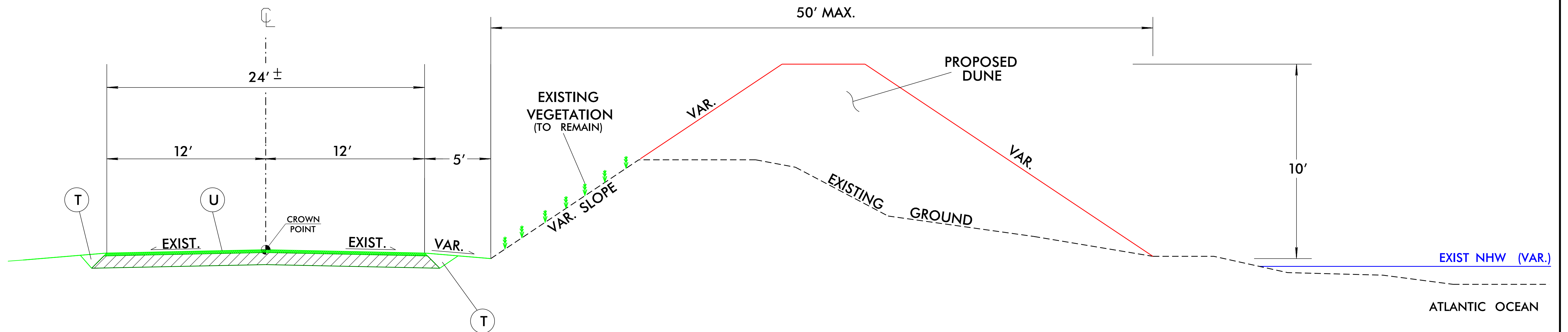
Prepared in the Office of:  
**DIVISION 1 OFFICE**  
113 Airport Dr., Edenton NC, 27932

**D.H. STALLINGS**  
DRAWN BY:  
12/04/19





# HURRICANE DORIAN EROSION PROTECTION NC 12 OCRACOKE ISLAND (VEGETATED 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

U	EXISTING PAVEMENT
T	EARTH MATERIAL.

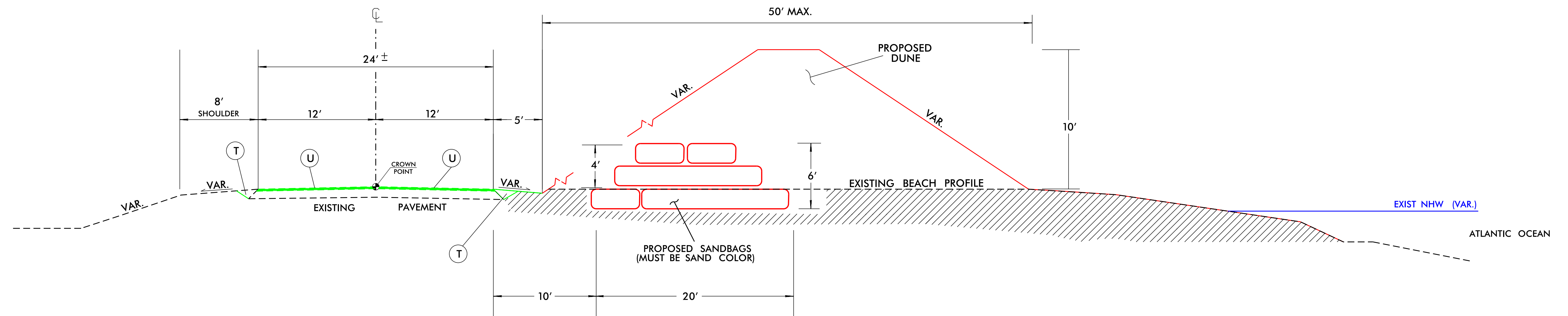
### TYPICAL SECTION NO. 1

- L- STA. 10+00.00 TO STA. 25+00.00
- L- STA. 101+30.00 TO STA. 116+80.00

NTS



# HURRICANE DORIAN EROSION PROTECTION NC 12 OCRACOKE ISLAND (PROPOSED SANDBAG SECTIONS)



\* 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.

## PAVEMENT SCHEDULE

U	EXISTING ASHALT PAVEMENT
T	EARTH MATERIAL.

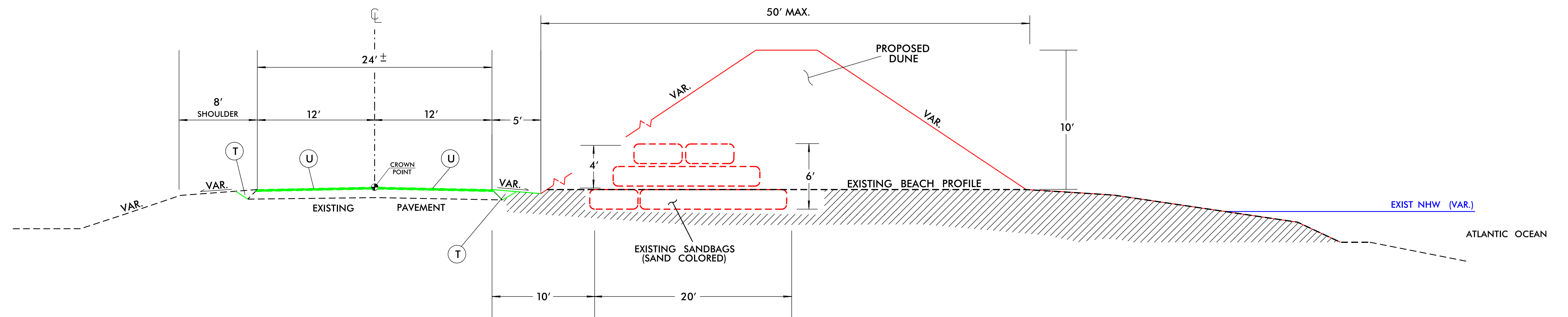
## TYPICAL SECTION NO. 2

- L- STA. 25+00.00 TO STA. 43+15.00
- L- STA. 49+60.00 TO STA. 60+76.00
- L- STA. 64+06.00 TO STA. 67+16.00
- L- STA. 90+78.00 TO STA. 100+83.00

NTS



# HURRICANE DORIAN EROSION PROTECTION NC 12 OCRACOKE ISLAND (EXISTING SANDBAG SECTIONS)



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

## PAVEMENT SCHEDULE

U	EXISTING ASHALT PAVEMENT
T	EARTH MATERIAL.

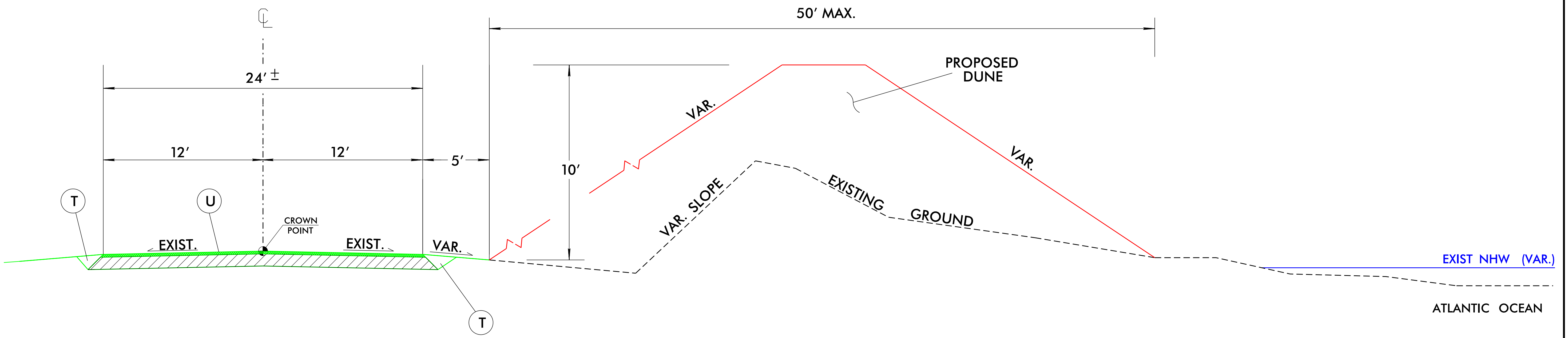
## TYPICAL SECTION NO. 3

-L- STA. 43+15.00 TO STA. 49+60.00  
-L- STA. 60+76.00 TO STA. 64+06.00

NTS



# HURRICANE DORIAN EROSION PROTECTION NC 12 OCRACOKE ISLAND (DUNE REPAIR AREAS, NO VEGETATION PRESENT)



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

### PAVEMENT SCHEDULE

U	EXISTING PAVEMENT
T	EARTH MATERIAL.

### TYPICAL SECTION NO. 4

-L- STA. 67+16.00 TO STA. 90+78.00  
-L- STA. 100+83.00 TO STA. 101+30.00

NTS



# NC 12 OCRACOKE ISLAND DUNE RECONSTRUCTION

National Park Service  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954  
64 / 233



**ATLANTIC OCEAN**

**SHEET 4**      LAT: 35.165157°  
LONG: -75.826534°

**NC DEPT OF TRANSPORTATION**

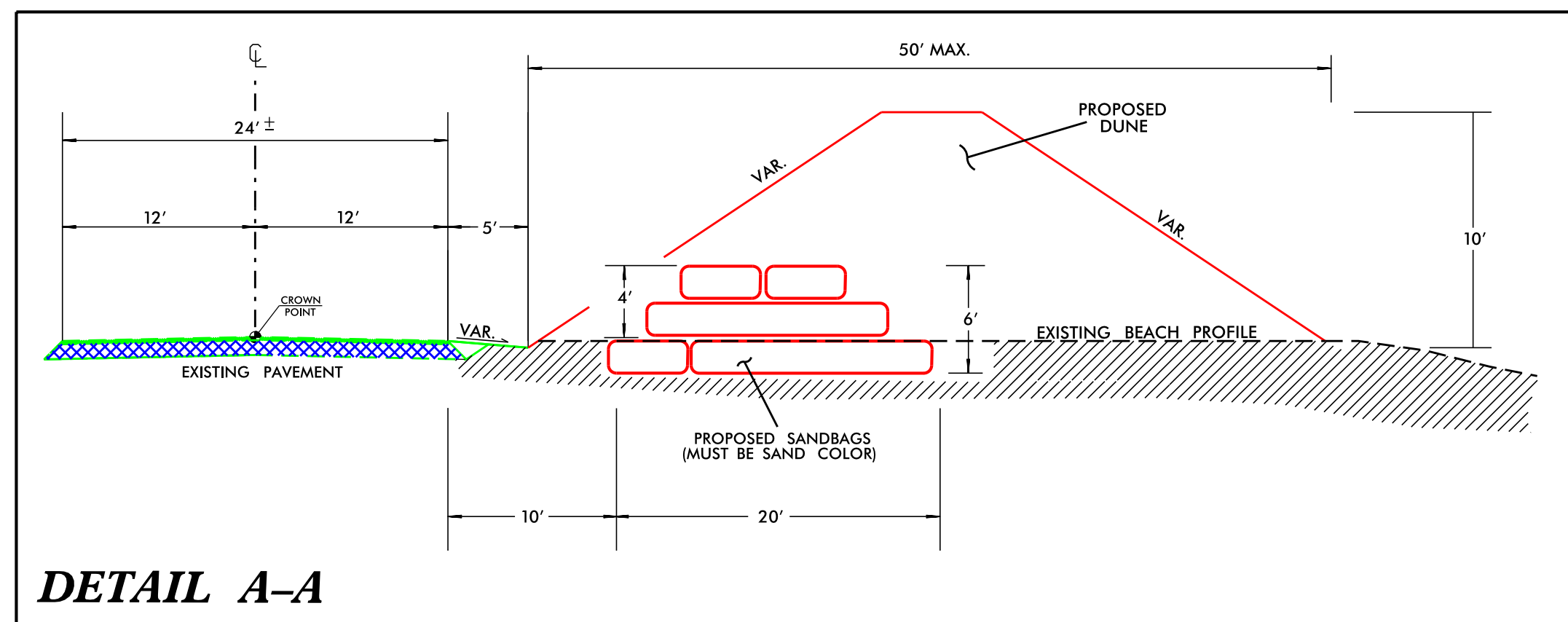
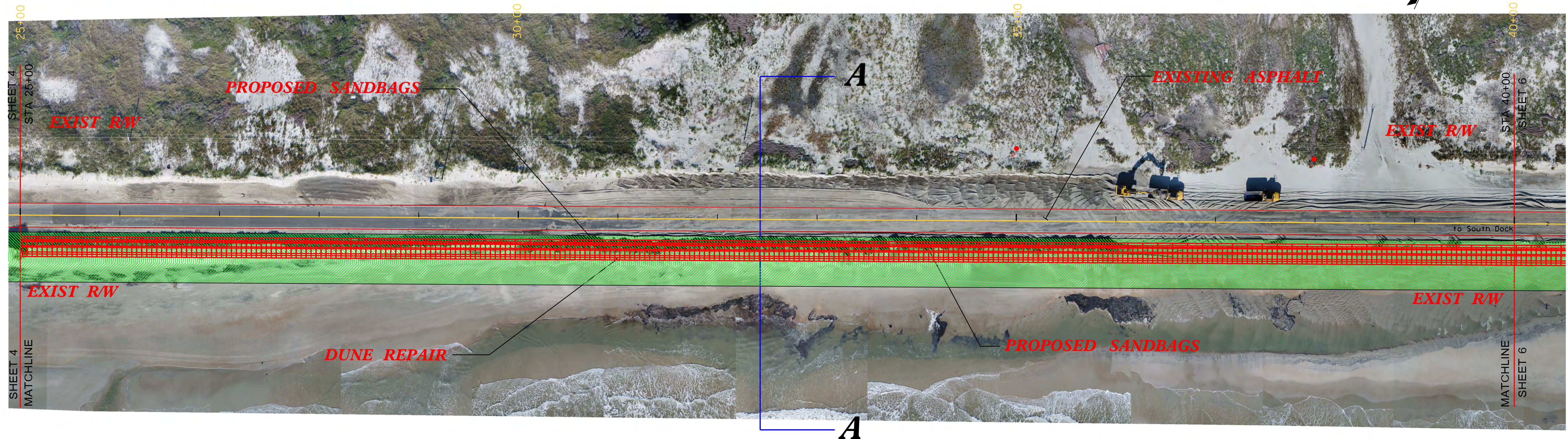
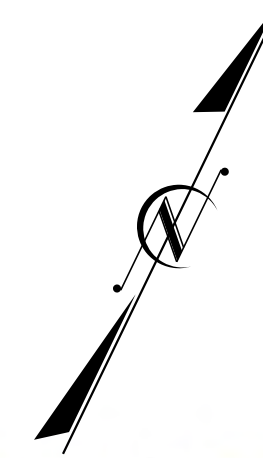
DUNE RECONSTRUCTION: 1,500 L.F.  
DUNE AREA: 75,000 SQ FT  
DUNE VOLUME: 6,500 C.Y.  
SAND BAGS: 0 EA.

COUNTY: HYDE  
QUAD: GREEN ISLAND  
BASIN: TAR-PAMLICO  
PROJECT: DUNE RECONSTRUCTION  
WBS ELEMENT: 15901.1048011  
SCALE: 1IN. = 100' FT.  
DATE: 12/04/2019  
DRAWN BY: HEATH STALLINGS



# NC 12 OCRACOKE ISLAND DUNE RECONSTRUCTION

National Park Service  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954  
64 / 233



**DETAIL A-A**

**ATLANTIC OCEAN**

DUNE RECONSTRUCTION: 1,500 L.F.  
DUNE AREA: 75,000 SQ FT  
DUNE VOLUME: 6,500 C.Y.  
SAND BAG VOLUME: 5,000 C.Y.  
SAND BAGS: 900 EA.  
SAND BAG LENGTH: 1,500 L.F.

**SHEET 5** LAT: 35.165157°  
LONG: -75.826534°

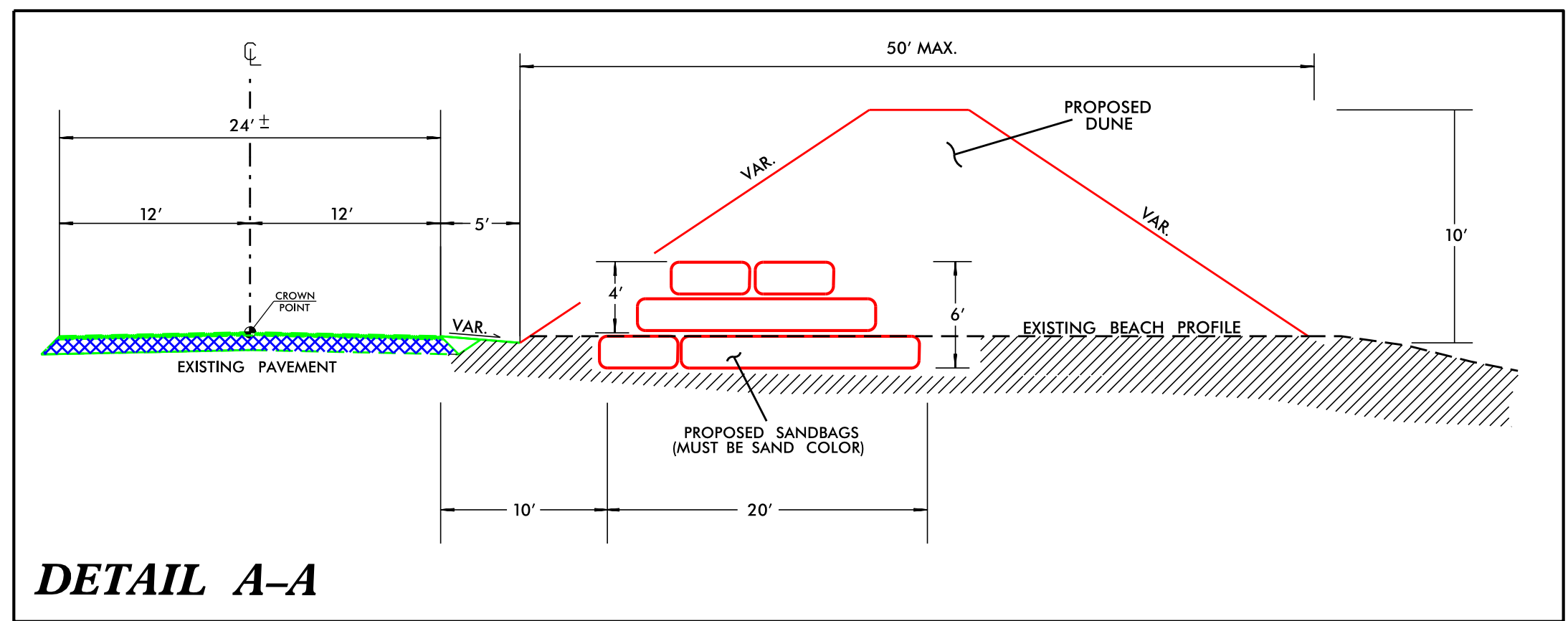
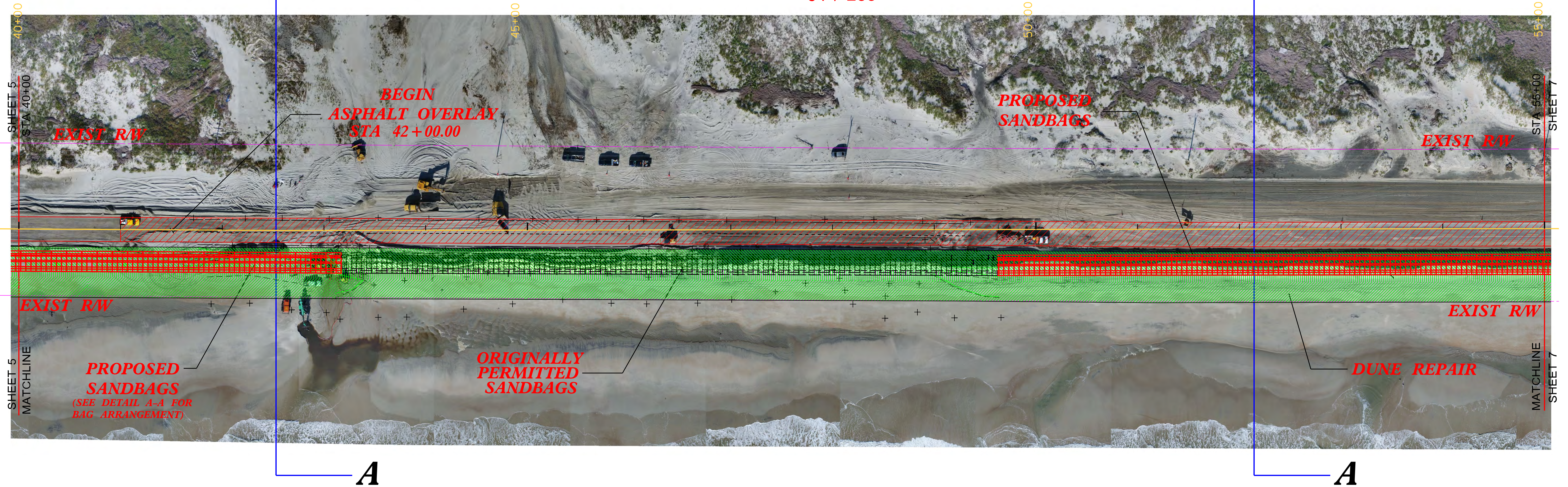
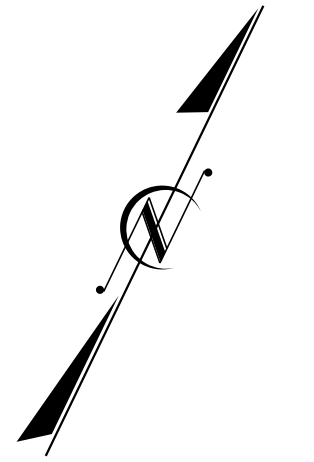
**NC DEPT OF TRANSPORTATION**

COUNTY: HYDE  
QUAD: GREEN ISLAND  
BASIN: TAR-PAMLICO  
PROJECT: DUNE RECONSTRUCTION  
WBS ELEMENT: 15901.1048011  
SCALE: 1IN. = 100' FT.  
DATE: 12/04/2019  
DRAWN BY: HEATH STALLINGS



# NC 12 OCRACOKE ISLAND DUNE RECONSTRUCTION

National Park Service  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954  
64 / 233



**ATLANTIC OCEAN**

DUNE RECONSTRUCTION:	1,500 L.F.
DUNE AREA:	75,000 SQ FT
DUNE VOLUME:	6,500 C.Y.
SAND BAG VOLUME:	2,833 C.Y.
SAND BAGS:	510 EA.
SAND BAG LENGTH:	855± L.F.

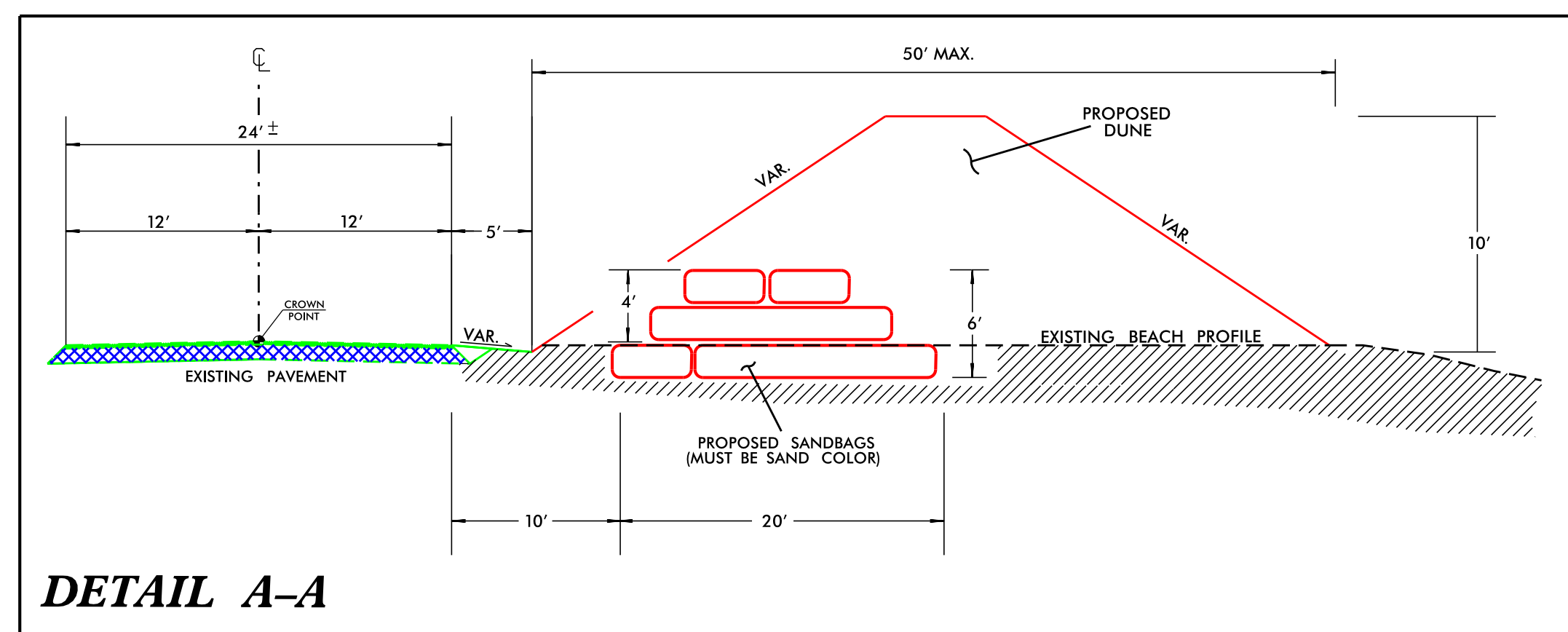
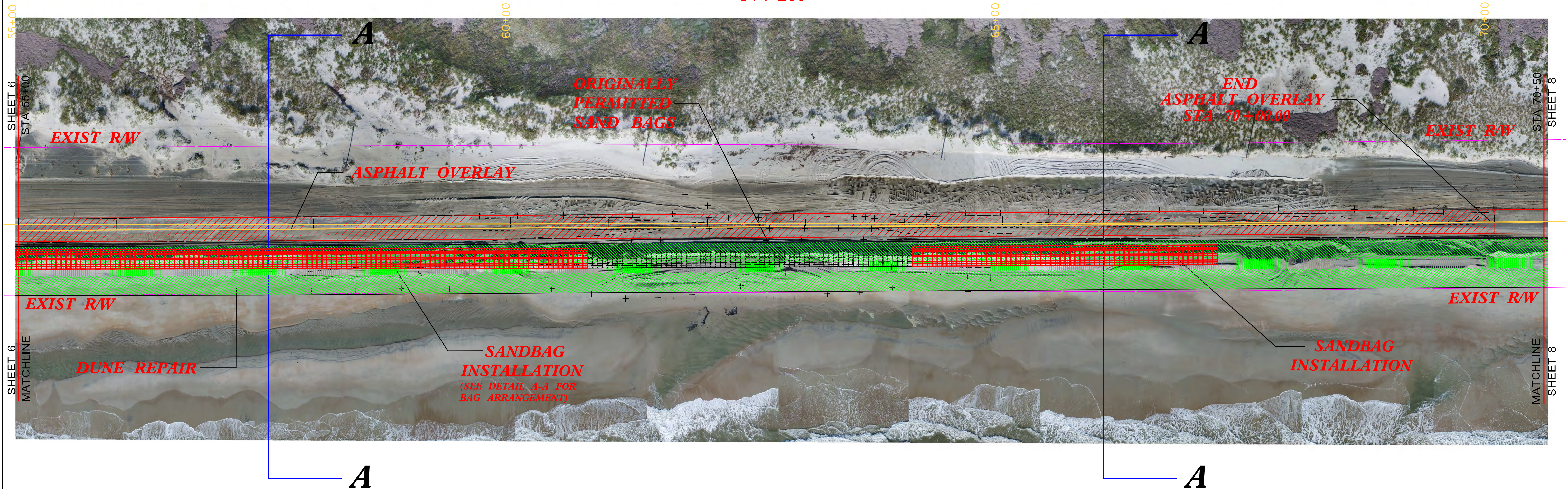
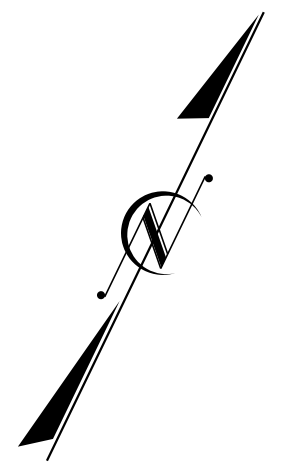
**SHEET 6** LAT: 35.165157°  
LONG: -75.826534°

NC DEPT OF TRANSPORTATION	
COUNTY:	HYDE
QUAD:	GREEN ISLAND
BASIN:	TAR-PAMLICO
PROJECT:	DUNE RECONSTRUCTION
WBS ELEMENT:	15901.1048011
SCALE:	1IN. = 100' FT.
DATE:	12/04/19
DRAWN BY:	HEATH STALLINGS



# NC 12 OCRACOKE ISLAND DUNE RECONSTRUCTION

National Park Service  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954  
64 / 233



**ATLANTIC OCEAN**

DUNE RECONSTRUCTION:	1,550 L.F.
DUNE AREA:	77,500 SQ FT
DUNE VOLUME:	6,500 C.Y.
SAND BAG VOLUME:	3,028 C.Y.
SAND BAGS:	545 EA.
SAND BAG LENGTH:	888 L.F.

**SHEET 7**

LAT: 35.165157°  
LONG: -75.826534°

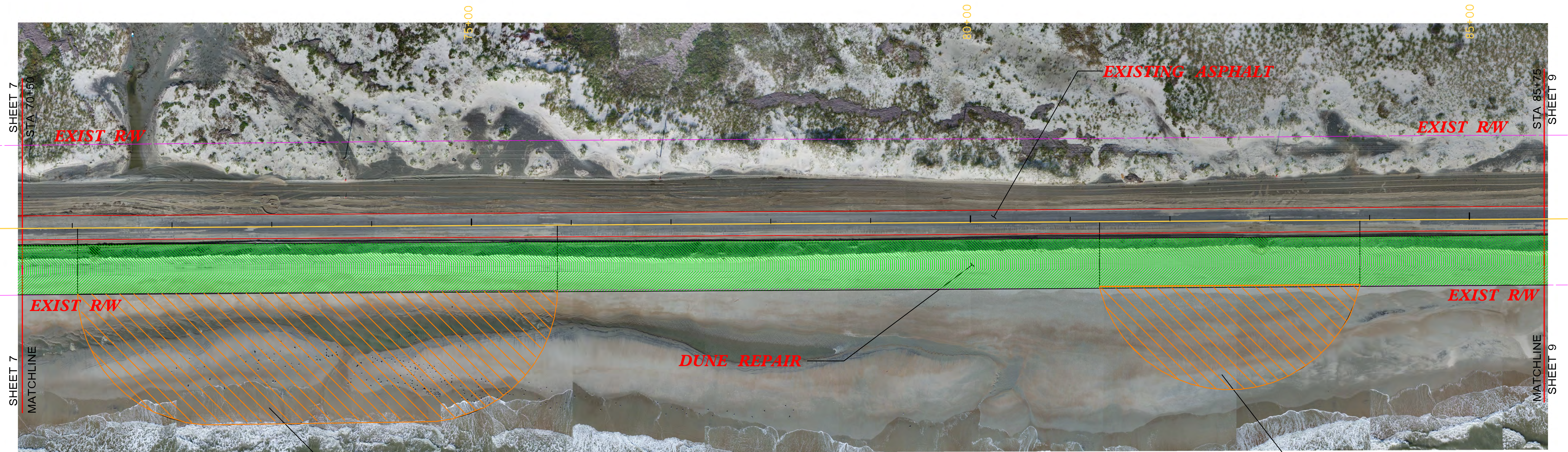
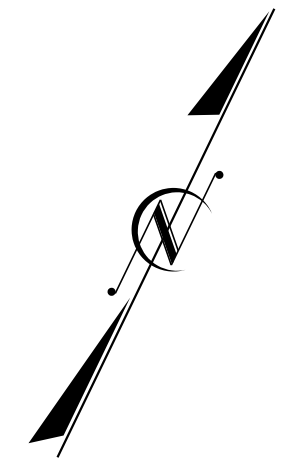
**NC DEPT OF TRANSPORTATION**

COUNTY:	HYDE
QUAD:	GREEN ISLAND
BASIN:	TAR-PAMLICO
PROJECT:	DUNE RECONSTRUCTION
WBS ELEMENT:	15901.1048011
SCALE:	1IN. = 100' FT.
DATE:	12/04/19
DRAWN BY:	HEATH STALLINGS



# NC 12 OCRACOKE ISLAND DUNE RECONSTRUCTION

National Park Service  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954  
64 / 233



**\* ENVIRONMENTALLY SENSITIVE AREA  
STA 71+05 TO 75+86**

**\* ENVIRONMENTALLY SENSITIVE AREA  
STA 81+29 TO 83+90**

**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 FT  
DUNE VOLUME: 6,500 C.Y.  
SAND BAGS: 0 EA.

**SHEET 8** LAT: 35.165157°  
LONG: -75.826534°

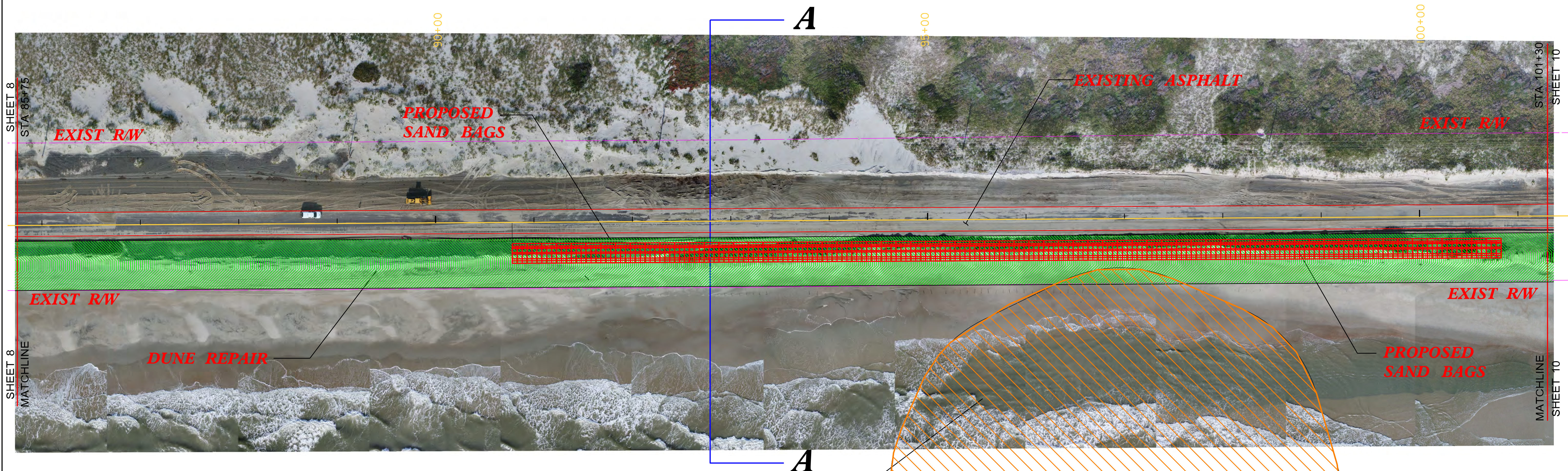
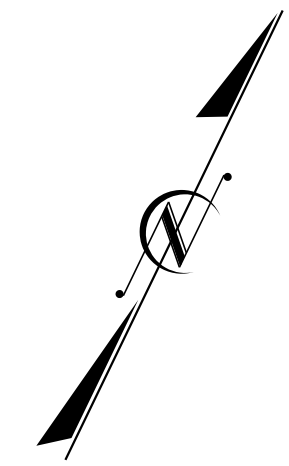
**NC DEPT OF TRANSPORTATION**

COUNTY: HYDE  
QUAD: GREEN ISLAND  
BASIN: TAR-PAMLICO  
PROJECT: DUNE RECONSTRUCTION  
WBS ELEMENT: 15901.1048011  
SCALE: 1IN. = 100' FT.  
DATE: 11/04/2019  
DRAWN BY: HEATH STALLINGS



# NC 12 OCRACOKE ISLAND DUNE RECONSTRUCTION

National Park Service  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954  
64 / 233

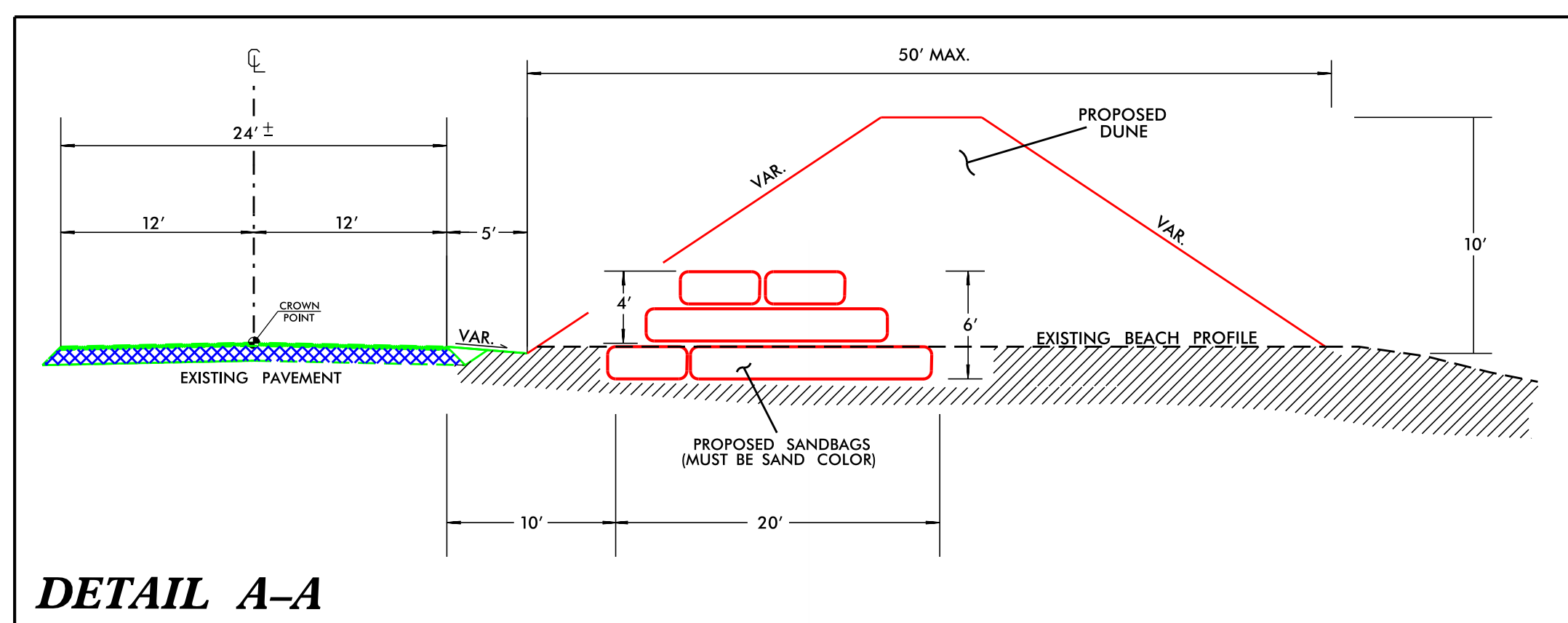


**\* ENVIRONMENTALLY SENSITIVE AREA**  
STA 94+97 TO 99+16

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

**\*\* HYDRAULIC DREDGING IN SWASH ZONE IS NOT ALLOWED IN ENVIRONMENTALLY SENSITIVE AREAS**

**ATLANTIC OCEAN**



**DETAIL A-A**

**SHEET 9** LAT: 35.165157°  
LONG: -75.826534°

## NC DEPT OF TRANSPORTATION

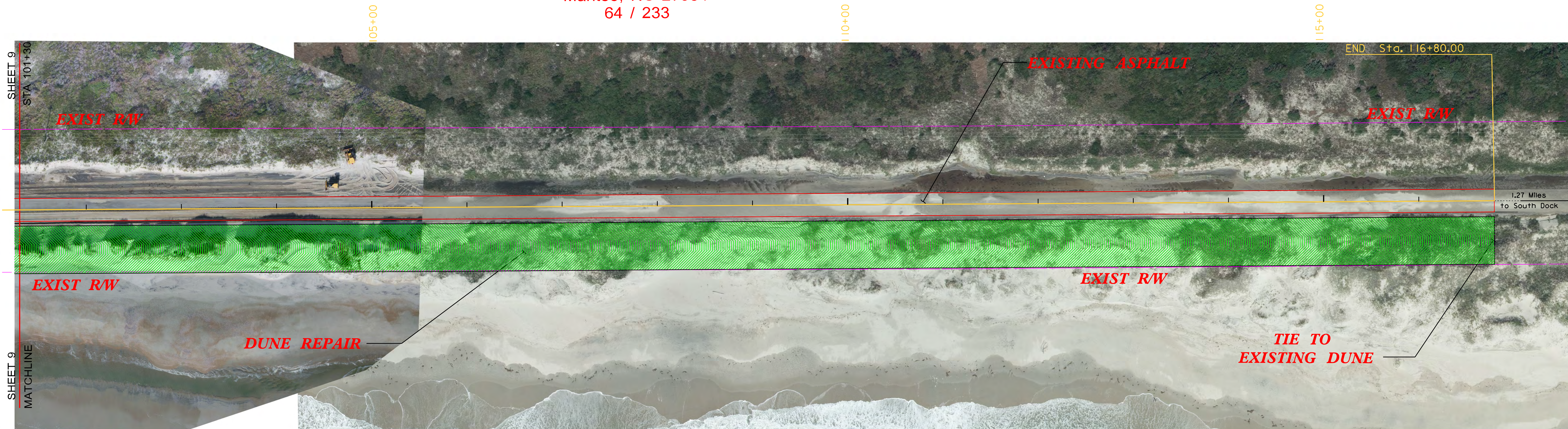
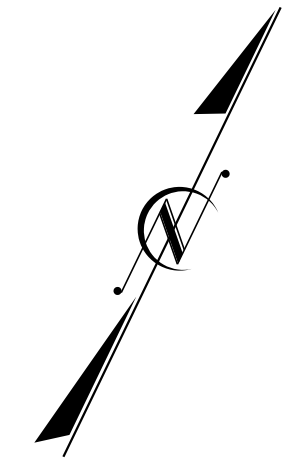
COUNTY:	HYDE
QUAD:	GREEN ISLAND
BASIN:	TAR-PAMLICO
PROJECT:	DUNE RECONSTRUCTION
WBS ELEMENT:	15901.1048011
SCALE:	1IN. = 100' FT.
DATE:	12/04/2019
DRAWN BY:	HEATH STALLINGS

DUNE RECONSTRUCTION:	1,555 L.F.
DUNE AREA:	77,750 SQ FT
DUNE VOLUME:	6,500 C.Y.
SAND BAG VOLUME:	3,333 C.Y.
SAND BAGS:	600 EA.
SAND BAG LENGTH:	1,005 L.F.



# NC 12 OCRACOKE ISLAND DUNE RECONSTRUCTION

National Park Service  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954  
64 / 233



**ATLANTIC OCEAN**

**SHEET 10** LAT: 35.165157°  
LONG: -75.826534°

**NC DEPT OF TRANSPORTATION**

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

COUNTY: HYDE  
QUAD: GREEN ISLAND  
BASIN: TAR-PAMLICO  
PROJECT: DUNE RECONSTRUCTION  
WBS ELEMENT: 15901.1048011  
SCALE: 1IN. = 100' FT.  
DATE: 12/04/2019  
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  
SECRETARY

December 19, 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 Modification Request for additional sand bags  
for the NC 12 Repair Project on Ocracoke Island. WBS # 15801.1048011

Dear Mr. Daisey,

The NC Department of Transportation requests a permit modification to authorize additional sand bags for the NC 12 Repair Project on Ocracoke Island. During the project, ocean overwash produced by two Nor'easters in October and November 2019 impacted the project area and roadway, delaying the opening of the roadway to traffic. To reinforce the dune in the project area, NCDOT requests authorization to place additional sand bags in the reconstructed dune along NC 12 to better protect the roadway during severe storms. This includes the installation of an additional total of 4,248 linear feet of sand bags in 4 eroded areas (2,555 sand bags). Sand bags would be hydraulically filled from the swash zone of the adjacent beach with approx. 14,194 cubic yards of sand. The 3 environmentally sensitive areas identified by NPS would be staked again, and heavy equipment and the sandbag hydraulic dredging operation would not be permitted within those areas. The project will take several months to complete due to variable weather conditions in the winter and spring. If the project extends into sea turtle nesting season, NCDOT would coordinate with NPS on sea turtle nest monitoring within the project area. Heavy equipment would not be permitted within 300 feet on the beach of any new sea turtle nests. Roadway shoulders would be restored within NCDOT Right-of-way. All work would be conducted during daylight hours. Reconstructed dunes will be sprigged with appropriate plants (American Beach Grass or Sea Oats) at the end of the project. The proposed sand bags are a temporary measure until a long-term solution can be selected and funded to maintain access to Ocracoke Island by NC 12.

Included with this letter are the revised permit application forms and revised permit drawings. Authorization for this project has been requested from NPS, and a copy of their SUP will be submitted to you when issued. If you have any questions, please contact me at [pcwilliams2@ncdot.gov](mailto:pcwilliams2@ncdot.gov) or (252) 482-1861.

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

Paul Williams  
Division One Environmental Officer

DocuSigned by:  
*Paul Williams*  
7C79B0D2941F47E...

Mailing Address:  
NC DEPARTMENT OF TRANSPORTATION  
DIVISION ONE  
113 AIRPORT DRIVE, SUITE 100  
EDENTON, NC 27932

Telephone: (252) 482-1850  
Fax: (252) 482-8722  
Customer Service: 1-877-368-4968

Website: [www.ncdot.gov](http://www.ncdot.gov)

Location:  
113 AIRPORT DRIVE, SUITE 100  
EDENTON, NC 27932



ROY COOPER  
*Governor*  
MICHAEL S. REGAN  
*Secretary*  
S. DANIEL SMITH  
*Director*



February 5, 2020  
Hyde County  
NCDWR Project No. 20191251 v.3  
Ocracoke NC 12 and Dune Repair

**MODIFICATION of 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, to place an additional 4,248 linear feet of sand bags adjacent to NC 12 of the purpose of restoring the dunes needed for the protection of the roadway in Ocracoke in Hyde County. This will involve the excavation of approximately **14,198 cubic yards** of sand from the swash zone for use in filling the sand bags.

The project shall be constructed in accordance with your modified application dated received December 20, 2019. All the authorized activities and conditions associated with the original Water Quality Certification dated September 25, 2019 still apply except where superseded by this certification. 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. This modification is applicable only to the additional proposed activities. All of the authorized activities and conditions of certification associated with the original Water Quality Certification dated September 25, 2019 still apply except where superseded by this certification.
2. 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)948-3917 or garcy.ward@ncdenr.gov.

Sincerely,

DocuSigned by:  
*Amy Chapman*  
9C9886312DCD474  
S. Daniel Smith, Director  
Division of Water Resources

Electronic copy only distribution:

Kyle Barnes, US Army Corps of Engineers, Washington Field Office  
Greg Daisey, NC Division of Coastal Management  
Cathy Brittingham, 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  
File Copy





ROY COOPER  
Governor  
MICHAEL S. REGAN  
Secretary  
S. DANIEL SMITH  
Director



NCDWR Project No.: \_\_\_\_\_ County: \_\_\_\_\_

Applicant: \_\_\_\_\_

Project Name: \_\_\_\_\_

Date of Issuance of 401 Water Quality Certification: \_\_\_\_\_

**Certificate of Completion**

Upon completion of all work approved within the 401 Water Quality Certification or applicable Buffer Rules, and any subsequent modifications, the applicant is required to return this certificate to the 401 Transportation Permitting Unit, North Carolina Division of Water Resources, 1617 Mail Service Center, Raleigh, NC, 27699-1617. This form may be returned to NCDWR by the applicant, the applicant's authorized agent, or the project engineer. It is not necessary to send certificates from all of these.

**Applicant's Certification**

I, \_\_\_\_\_, hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance and intent of the 401 Water Quality Certification and Buffer Rules, the approved plans and specifications, and other supporting materials.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Agent's Certification**

I, \_\_\_\_\_, hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance and intent of the 401 Water Quality Certification and Buffer Rules, the approved plans and specifications, and other supporting materials.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Engineer's Certification**

\_\_\_\_\_ Partial \_\_\_\_\_ Final

I, \_\_\_\_\_, as a duly registered Professional Engineer in the State of North Carolina, having been authorized to observe (periodically, weekly, full time) the construction of the project for the Permittee hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance and intent of the 401 Water Quality Certification and Buffer Rules, the approved plans and specifications, and other supporting materials.

Signature \_\_\_\_\_ Registration No. \_\_\_\_\_  
Date \_\_\_\_\_





**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**

Permittee: Paul Williams  
NCDOT Division 1  
Address: 113 Airport Drive  
Edenton NC, 27932  
Telephone Number: (252) 482-1861

Size (acres)	<u>4.8</u>	Nearest Town	<u>Ocracoke</u>
Nearest Waterway	<u>Pamlico Sound</u>	River Basin	<u>Pamlico</u>
USGS HUC	<u>03020105</u>	Coordinates	Latitude: <u>35.165157</u> Longitude: <u>-75.826534</u>

Location description: : The project areas is located approximately two miles south of the Southdock Ferry Terminal adjacent to NC12 on Ocracoke Island in Hyde County, North Carolina.

Description of projects area and activity: This verification is in addition to the initial verification issued for this project on September 25, 2019. NCDOT proposes to re-establish an additional 4,248 linear feet of primary dune adjacent to NC12 and the Atlantic Ocean to a width no wider than 50 feet and a height no taller than 10 feet. The project involves the placement of sandbags to create a stable base for dune restoration. The restoration will be accomplished utilizing suitable material from the South Dock dredge spoil site and sandbag fill from the swash zone. Approximately 14,194 cubic yards of fill will be utilized for sandbags.

Applicable Law:  Section 404 (Clean Water Act, 33 USC 1344)  
 Section 10 (Rivers and Harbors Act, 33 USC 403)

Authorization: Regional General Permit Number and/or Nationwide Permit Number: 198000048  
***SEE ATTACHED RGP or NWP GENERAL, REGIONAL AND/OR SPECIAL CONDITIONS***

**Your work is authorized by the above referenced permit provided it is accomplished in strict accordance with the attached conditions and your submitted application and attached information dated December 20, 2019. Any violation of the attached conditions or deviation from your submitted plans may subject the permittee to a stop work order, a restoration order, a Class I administrative penalty, and/or appropriate legal action.**

This verification will remain valid until the expiration date identified below unless the nationwide and/or regional general permit authorization is modified, suspended or revoked. If, prior to the expiration date identified below, the nationwide and/or regional general permit authorization is reissued and/or modified, this verification will remain valid until the expiration date identified below, provided it complies with all requirements of the modified nationwide permit. If the nationwide and/or regional general permit authorization expires or is suspended, revoked, or is modified, such that the activity would no longer comply with the terms and conditions of the nationwide permit, activities which have commenced (i.e., are under construction) or are under contract to commence in reliance upon the nationwide and/or regional general permit, will remain authorized provided the activity is completed within twelve months of the date of the nationwide and/or regional general permit's expiration, modification or revocation, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend or revoke the authorization.

Activities subject to Section 404 (as indicated above) may also require an individual Section 401 Water Quality Certification. You should contact the NC Division of Water Resources (telephone 919-807-6300) to determine Section 401 requirements.

For activities occurring within the twenty coastal counties subject to regulation under the Coastal Area Management Act (CAMA), prior to beginning work you must contact the N.C. Division of Coastal Management in Morehead City, NC, at (252) 808-2808.

This Department of the Army verification does not relieve the permittee of the responsibility to obtain any other required Federal, State or local approvals/permits.

If there are any questions regarding this verification, any of the conditions of the Permit, or the Corps of Engineers regulatory program, please contact Kyle Barnes at (910) 251-4584 or [Kyle.W.Barnes@usace.army.mil](mailto:Kyle.W.Barnes@usace.army.mil).

Corps Regulatory Official: Kyle Barnes Date: January 28, 2020  
Expiration Date of Verification: December 31, 2021



## A. Determination of Jurisdiction:

- 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.
- 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.
- 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.
- 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.
- 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 a territorial sea.

## 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: **January 28, 2020**

Expiration Date of JD: **N/A**

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](http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0).



## SPECIAL CONDITIONS

1. **The permit conditions listed in the National Park Services Special Use Permit, USA20-5700-001, are incorporated into the Department of the Army Permit RGP 198000048 for this project. All terms and conditions shall be strictly adhered to.**



Action ID Number: SAW-2019-01801

County: Hyde County

Permittee: Paul Williams  
NCDOT Division 1

Project Name: NCDOT Ocracoke NC 12 Dune Repairs Dorian

Date Verification Issued: January 28, 2020

Project Manager: Kyle Barnes

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

US ARMY CORPS OF ENGINEERS  
WILMINGTON DISTRICT  
Attn: Kyle Barnes

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 Permittee

\_\_\_\_\_  
Date



## NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: **Paul Williams NCDOT Division 1**

File Number: **SAW-2019-01801**

Date: **January 28, 2020**

Attached is:

See Section below

- |                                     |  |
|-------------------------------------|--|
| <input type="checkbox"/>            | INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission) |
| <input type="checkbox"/>            | PROFFERED PERMIT (Standard Permit or Letter of permission)         |
| <input type="checkbox"/>            | PERMIT DENIAL  |
| <input type="checkbox"/>            | APPROVED JURISDICTIONAL DETERMINATION                              |
| <input checked="" type="checkbox"/> | PRELIMINARY JURISDICTIONAL DETERMINATION                           |

A  
B  
C  
D  
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 OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference 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 administrative record.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision and/or the appeal process you may contact:

**District Engineer, Wilmington Regulatory Division,  
Attn: Kyle Barnes  
2407 West 5<sup>th</sup> Street  
Washington, North Carolina**

If you only have questions regarding the appeal process you may also contact:

Mr. Philip Shannin, Administrative Appeal Review Officer  
CESAD-PDO  
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 consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

_____	Date:	Telephone number:
Signature of appellant or agent.		

**For appeals on Initial Proffered Permits send this form to:**

**District Engineer, Wilmington Regulatory Division, Attn: Kyle Barnes, 2407 West 5<sup>th</sup> Street  
Washington, North Carolina**

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

**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) 475-9034 [caha\\_special\\_use\\_permits@nps.gov](mailto:caha_special_use_permits@nps.gov)

Name <b>Paul Williams, Environmental Specialist</b>			
Company/Organization North Carolina Department of Transportation (NCDOT)			
Street Address <b>113 Airport Dr.</b>			
City <b>Edenton</b>	State <b>NC</b>	Zip Code <b>27932</b>	Country <b>USA</b>
Telephone Number <b>252-482-1861</b>	Cell Phone Number <b>252-333-9812</b>		
Fax Number			
Email Address <a href="mailto:Pcwilliams2@ncdot.gov">Pcwilliams2@ncdot.gov</a>			

Park Alpha Code  
**CAHA**  
Type of Use  
**Infrastructure – Emergency Dune Repair  
NC-12 Ocracoke Island**  
Permit #  
**USA20-5700-001**

is hereby authorized to use the following described land or facilities in **Cape Hatteras National Seashore**:  
**Reconstruct dunes by placing additional sandbags along the approximately 2 miles of roadway on the North end of Ocracoke Island – as depicted in the maps Condition #21:**

The area must be restored to its original condition at the end of the permit.

**The permit begins at 12:01  am /  pm on 01/27/2020. The permit expires at 11:59  am /  pm on 06/01/2020.**

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

**NCDOT is permitted to restore / repair approximately a 2-mile section of dune on Ocracoke Island that was severely eroded by Hurricane Dorian and two Nor'easter storms to include:**

- **The installation of an additional total of approximately 4,248 linear feet of sandbags in four eroded areas (2,555 sand bags). 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 50-foot dune (in line with existing dune system) that would withstand normal high tide conditions and allow the road to remain open. See attached drawings Condition #21.**
- **As with the previously authorized sandbags, these are a temporary measure until a long-term solution can be selected and funded to maintain access to Ocracoke Island via NC-12.**
- **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.**
- **PEPC92710 Additional Repair of Hurricane Damaged Dunes and NC Hwy12 in Ocracoke**

APPLICATION FEE

Received Amount  
 Not Required \$ 0

PERFORMANCE BOND

Required Amount  
 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) 475-9034 [caha\\_special\\_use\\_permits@nps.gov](mailto:caha_special_use_permits@nps.gov)

LIABILITY INSURANCE

Required Amount  
 Not Required \$ 0

COST RECOVERY

Required Amount  
 Not Required \$ 0

LOCATION FEE

Required Amount  
 Not Required \$ 0

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

DocuSigned by:

*Paul Williams*

Title: Environmental Officer

Date: 1/28/2020

PERMITTEE Signature

7C79B0D2941F47E...

*Mark Donnell*

Title: Deputy Superintendent

Date: 1/27/2020

Authorizing NPS Official

**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





## SPECIAL USE PERMIT

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

(252) 475-9034 [caha\\_special\\_use\\_permits@nps.gov](mailto:caha_special_use_permits@nps.gov)

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 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 Dune Restoration/Repair**

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-of-way 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





## SPECIAL USE PERMIT

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1401 National Park Drive  
Manteo, NC 27954

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government agencies.

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](mailto:ed_fuller@nps.gov)
- b. Permit Coordinator: Carmen Pantaleo – 252-475-9033, [carmen\\_pantaleo@nps.gov](mailto:carmen_pantaleo@nps.gov)
- c. Environmental Protection Specialist: Sabrina Henry – 252-475-9019, [sabrina\\_henry@nps.gov](mailto: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 92710:

**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, including Off Road Trucks, and the sandbag hydraulic dredging operation, are authorized in the three identified 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.





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Permittee must coordinate with Special Use Coordinator Carmen Pantaleo ([Carmen\\_pantaleo@nps.gov](mailto: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, [carmen\\_pantaleo@nps.gov](mailto:carmen_pantaleo@nps.gov), at least 2 weeks prior to the start of the project and approved by the NPS prior to project implementation.
- 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 may be 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 when shorebird (March 15) and sea turtle nesting season (May1) begins. 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.
- 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.

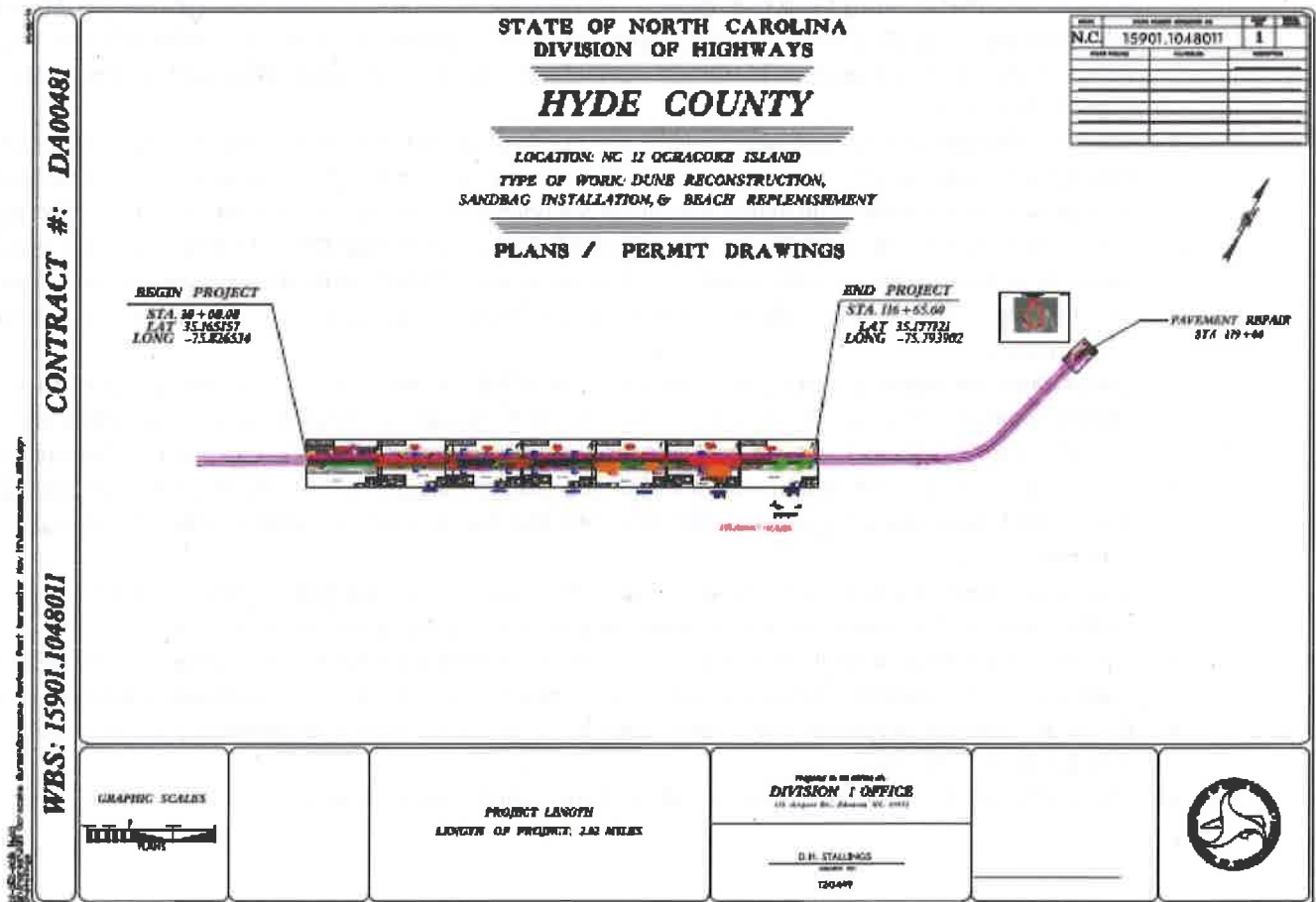




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21. Maps of area and project drawings:

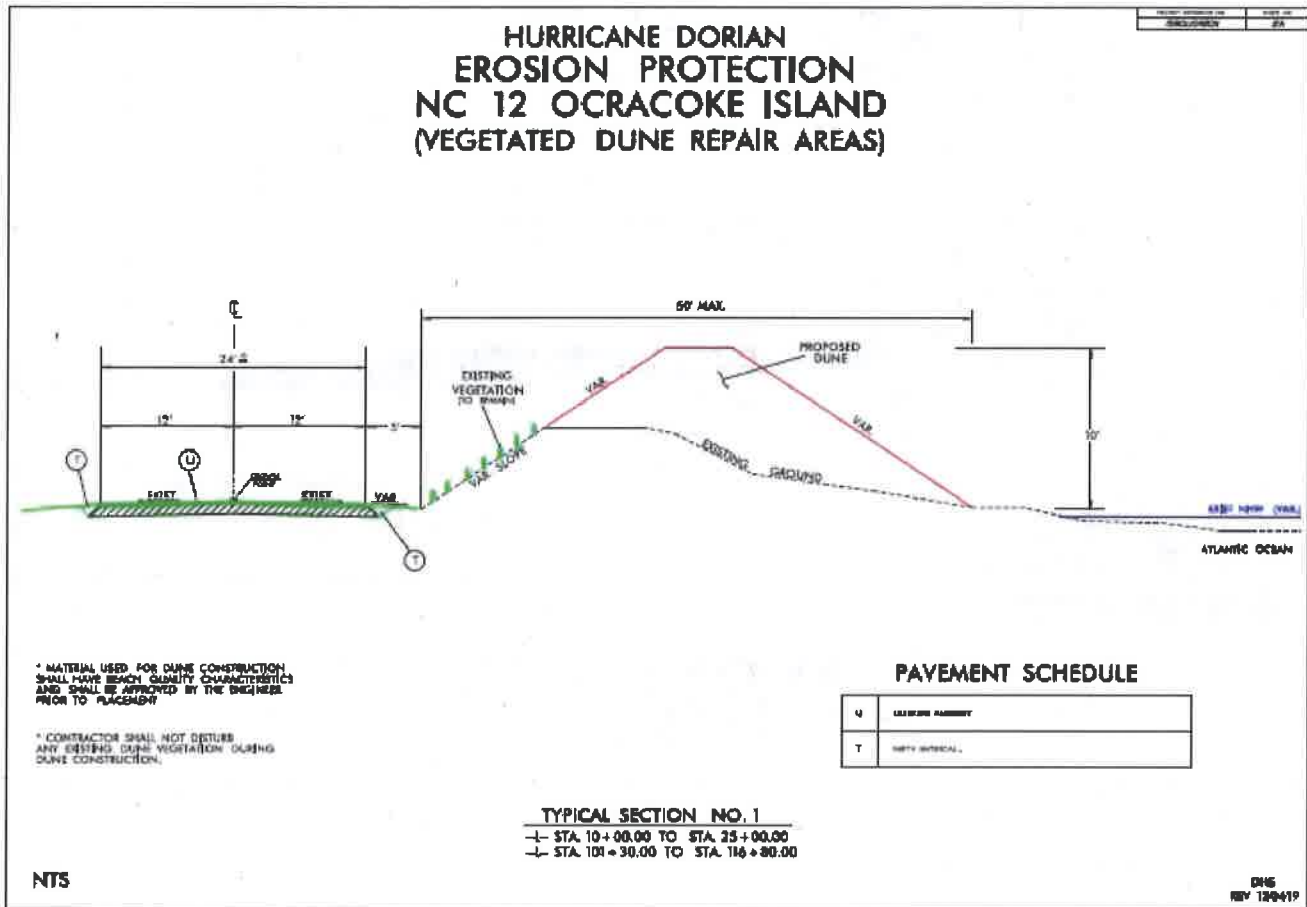






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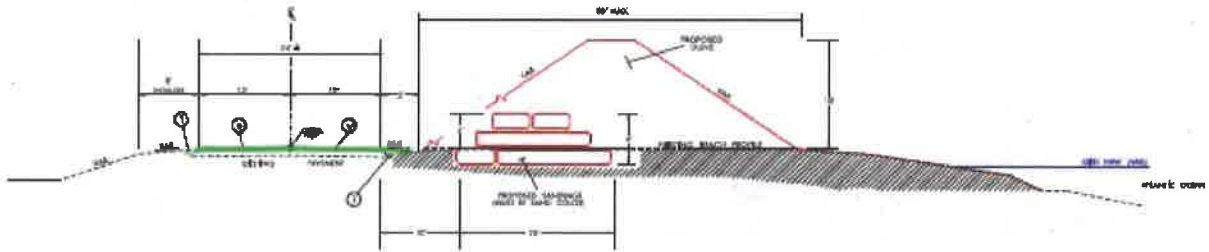




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**HURRICANE DORIAN  
EROSION PROTECTION  
NC 12 OCRACOKE ISLAND  
(PROPOSED SANDBAG SECTIONS)**



**PAVEMENT SCHEDULE**

U	EXISTING ASPHALT PAVEMENT
T	12" 4" GRANITE

\* 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.

**TYPICAL SECTION NO. 2**

- STA. 25+08.00 TO STA. 42+13.00
- STA. 47+60.00 TO STA. 60+74.00
- STA. 64+04.00 TO STA. 67+16.00
- STA. 90+78.00 TO STA. 100+83.00

NTS

10/15/14



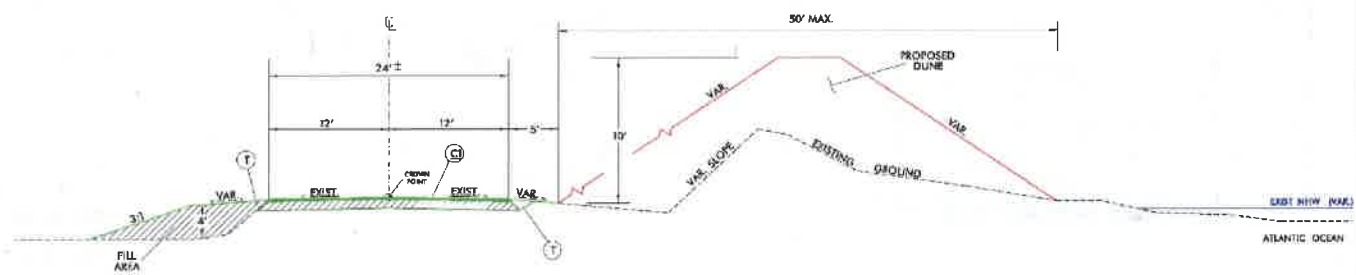


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### HURRICANE DORIAN EROSION PROTECTION NC 12 OCRACOE ISLAND (DUNE REPAIR AREAS)

DESIGN NUMBER: 16-00000000	DATE: 08/2016
PROJECT NUMBER: 16-00000000	SCALE: 1"=20'



#### PAVEMENT SCHEDULE

C1	PROP. APPROX. 1 1/2" ASPHALT CONCRETE 8 INCHES CORNER TYPE B 0-50, AT AN AVERAGE RATE OF 100 LBS. PER SQ. TO 145 TYP.
T	PAVEMENT

- \* 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 PERRY TERMINAL USE TYPICAL SECTION 3 FOR PAVEMENT SCHEDULE ONLY, NO DUNE CONSTRUCTION IN THIS AREA.
- \* CONSTRUCTION OF SHOULDERS ON SOUNDWIDE SHALL BE PERFORMED AS INDICATED UNLESS OTHERWISE DIRECTED BY THE ENGINEER.

TYPICAL SECTION NO. 3  
-L- STA. 49+25.00 TO STA. 60+20.00

NTS

DHS  
REV 9/18/19



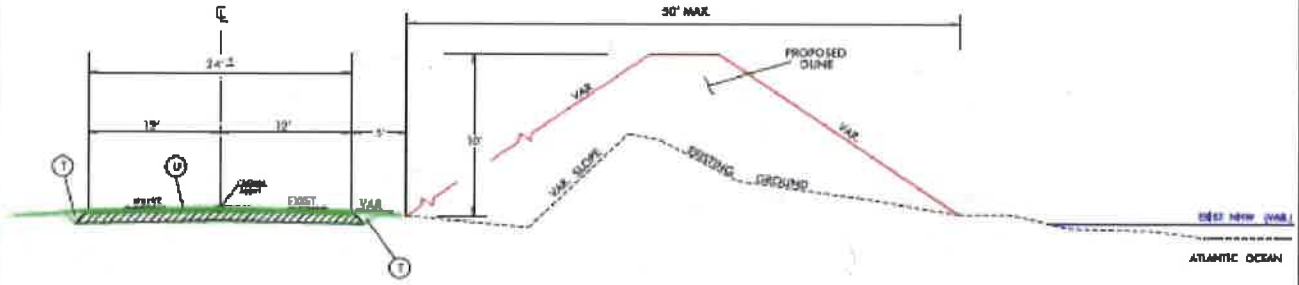


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**HURRICANE DORIAN  
EROSION PROTECTION  
NC 12 OCRACOKE ISLAND  
(DUNE REPAIR AREAS, NO VEGETATION PRESENT)**

DATE PREPARED AND BY	DATE REV. BY
-------------------------	-----------------



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

**PAYEMENT SCHEDULE**

U	EXISTING PAYMENT
T	DUNE MATERIAL

**TYPICAL SECTION NO. 4**

-L- STA. 47+14.00 TO STA. 90+78.00  
-L- STA. 100+83.00 TO STA. 101+30.00

NTS

DHS  
REV 12/8/11





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**NC 12 OCRACOKE ISLAND  
DUNE RECONSTRUCTION**



**ATLANTIC OCEAN**

DUNE RECONSTRUCTION: 1,500 L.F.  
DUNE AREA: 75,000 SQ FT  
DUNE VOLUME: 0,000 CY  
SAND BAGS: 0 EA

<b>SHEET 4</b>		LAT: 35.145157°
		LONG: -75.826534°
<b>NC DEPT OF TRANSPORTATION</b>		
COUNTY:	HYDE	
GLAD:	GREEN ISLAND	
SAMP:	TAR-PANFLOO	
PROJECT:	DUNE RECONSTRUCTION	
WORK ELEMENT:	18071 (D4801)	
SCALE:	1" = 100 FT.	
DATE:	12/04/2019	
DRAWN BY:	HEATH STALLARD	



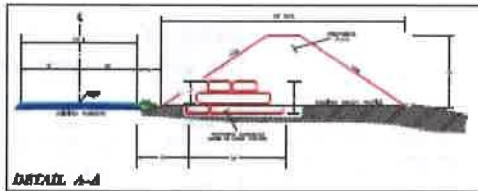
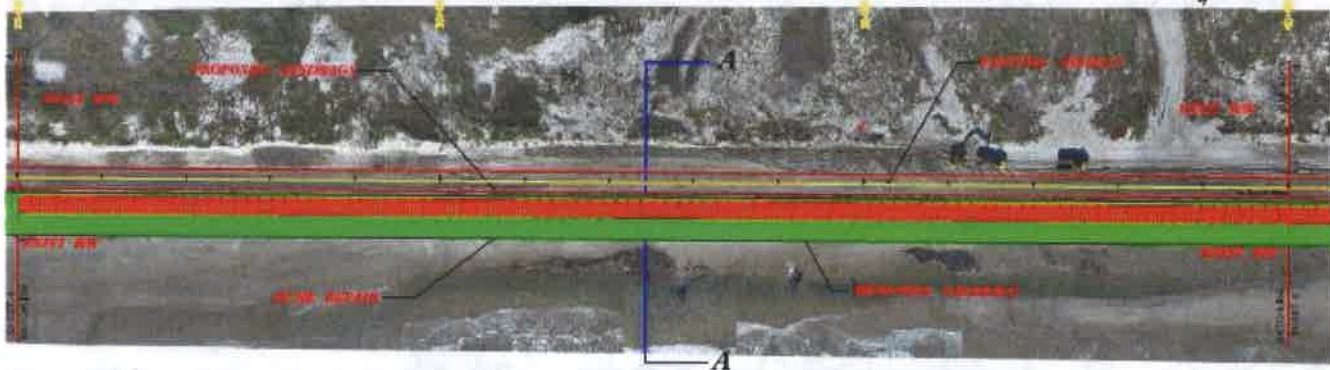


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## NC 12 OCRACOKE ISLAND DUNE RECONSTRUCTION

National Park Service  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954  
64 / 233



ATLANTIC OCEAN

**SHEET 5** LAT: 35.165157°  
LONG: -75.826534°

**NC DEPT OF TRANSPORTATION**

DUNE RECONSTRUCTION: 1,200 L.F.  
DUNE AREA: 25,000 SQ FT  
DUNE VOLUME: 8,000 C.Y.  
SAND BAG VOLUME: 6,800 C.Y.  
SAND BAGS: 800 EA.  
SAND BAG LENGTH: 1,200 L.F.

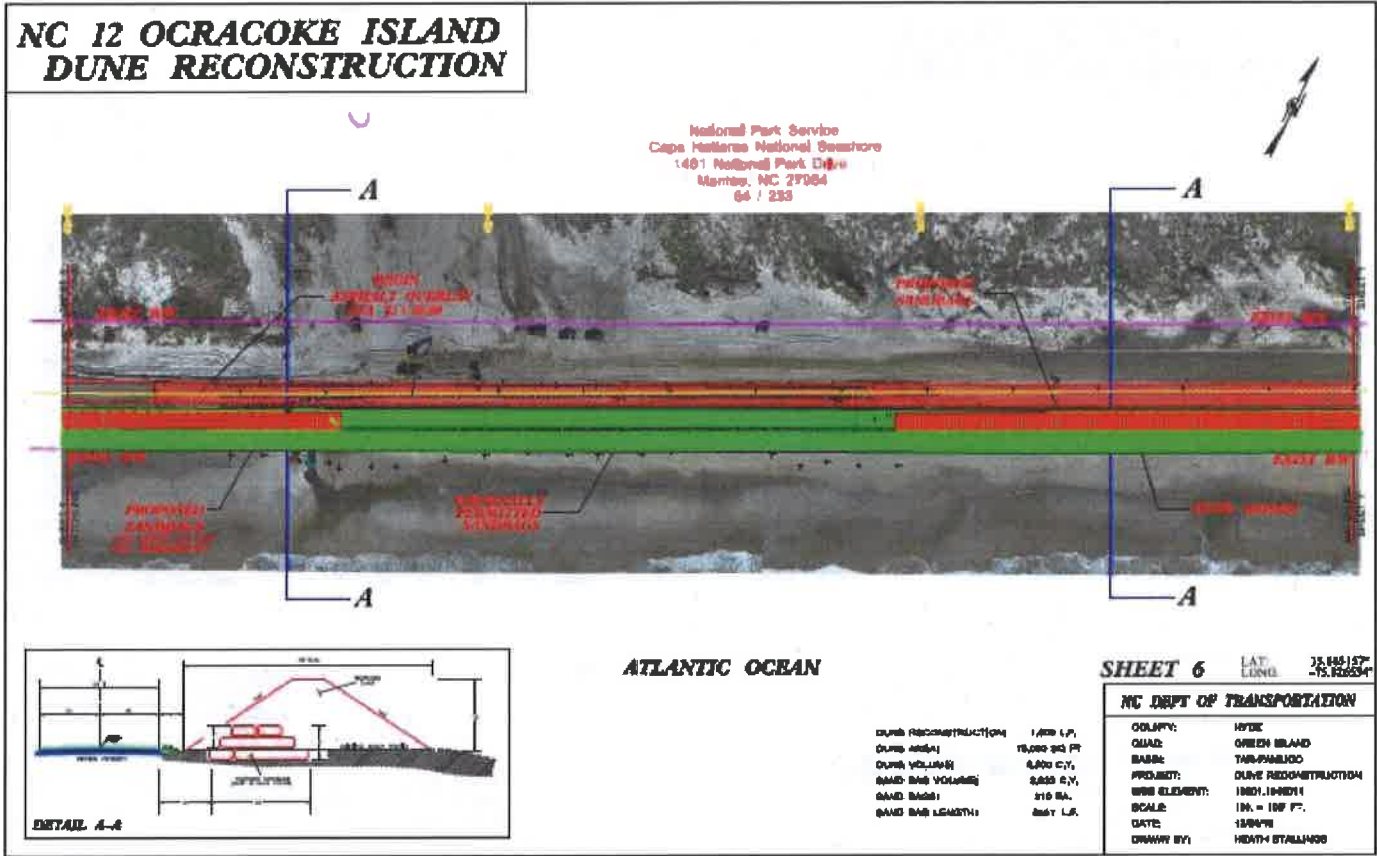
COUNTY:	HYDE
QUAD:	CRANW/BLAND
SHEET:	TAN MAN/CO
PROJECT:	DUNE RECONSTRUCTION
WBS ELEMENT:	18001.10M011
SCALE:	1IN. = 100 FT.
DATE:	18042010
DRAWN BY:	HEATH STALLINGS





**SPECIAL USE PERMIT**

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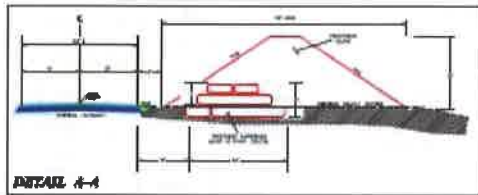
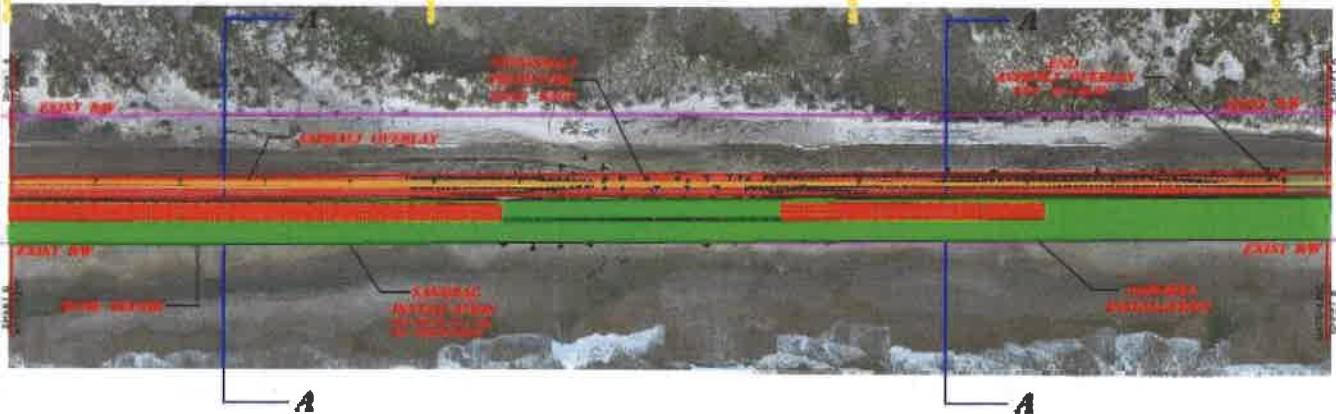


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**NC 12 OCRACOKE ISLAND  
DUNE RECONSTRUCTION**

National Park Service  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954  
64 / 235



**ATLANTIC OCEAN**

<b>SHEET 7</b>		LAT: 35.363157°
		LONG: -75.826054°
<b>NC DEPT OF TRANSPORTATION</b>		
COUNTY:	WYOMING	
CDM#: 01401	OCRACOKE ISLAND	
BAR#: 1401	TAG-PHASE 100	
PROJECT:	DUNE RECONSTRUCTION	
WBS ELEMENT:	1001.100001	
SCALE:	1IN = 100 FT.	
DATE:	10/04/18	
CREATED BY:	HEATH STALLINS	

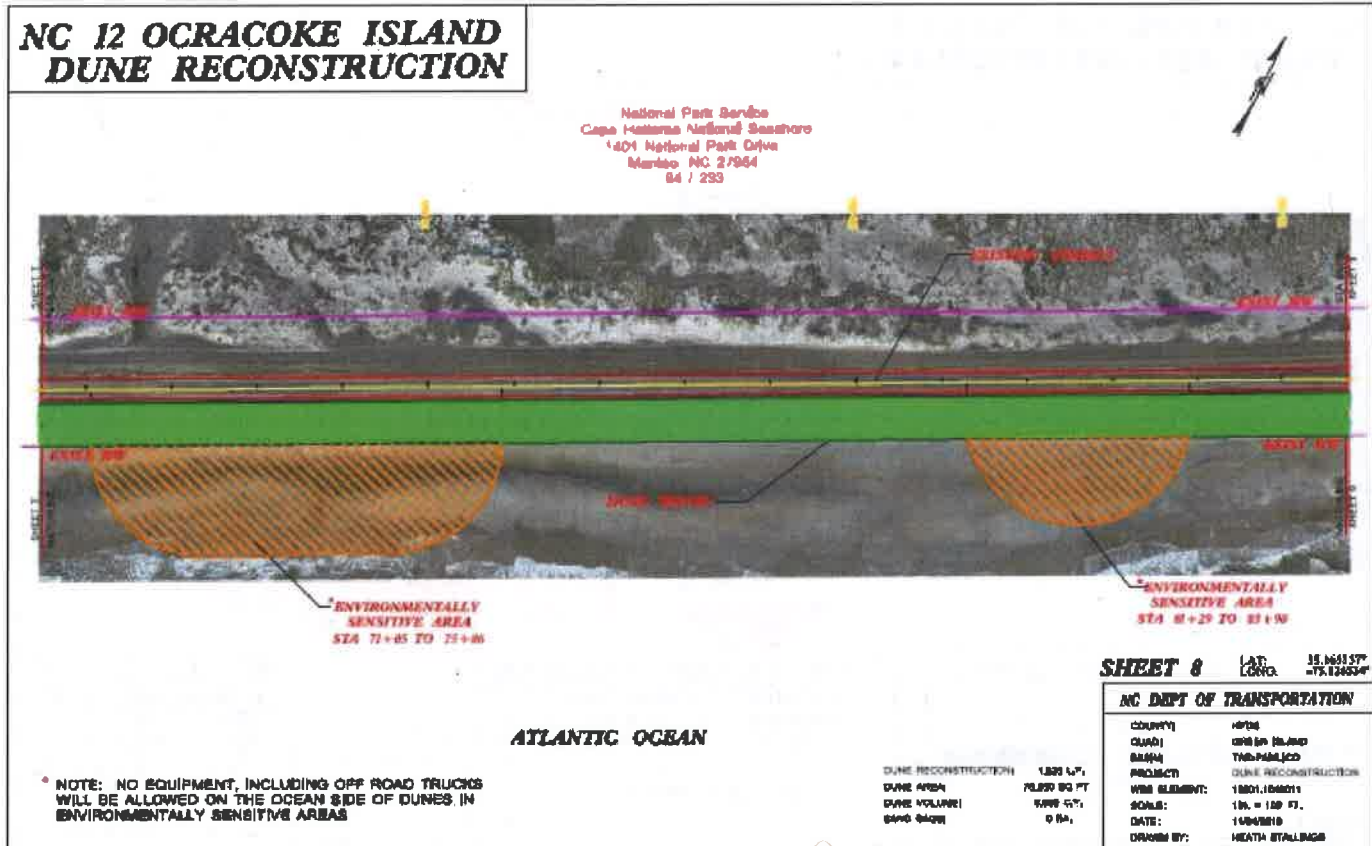
DUNE RECONSTRUCTION:	1,000 L.F.
DUNE AREA:	77,500 SQ FT
DUNE VOLUME:	8,888 C.Y.
SAND BAG VOLUME:	888 C.Y.
SAND BAGS:	888 EA.
SAND BAG LENGTH:	888 L.F.





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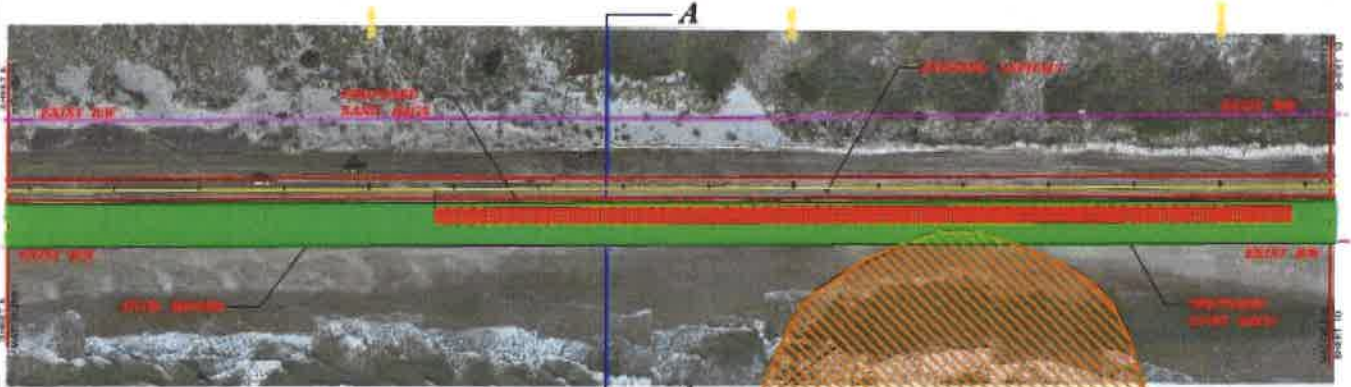


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**NC 12 OCRACOKE ISLAND  
DUNE RECONSTRUCTION**

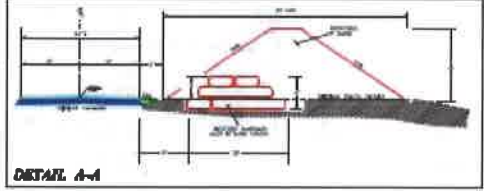
National Park Service  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954  
64 / 233



ENVIRONMENTALLY SENSITIVE AREA  
SEA 00-97 RD 00-05

- \* NOTE: NO EQUIPMENT, INCLUDING OFF ROAD TRUCKS WILL BE ALLOWED ON THE OCEAN SIDE OF DUNES IN ENVIRONMENTALLY SENSITIVE AREAS.
- \*\* HYDRALIC DREDGING IN SWASH ZONE IS NOT ALLOWED IN ENVIRONMENTALLY SENSITIVE AREAS

**ATLANTIC OCEAN**



**SHEET 9**    LAT: 35.165157°  
                              LONG: -75.524734°

**NC DEPT OF TRANSPORTATION**

COUNTY:	HYDR
DIVISION:	Ocean (S&A)
DISTRICT:	Tarboro/Beaufort
PROJECT:	DUNE RECONSTRUCTION
CONTRACTOR:	W&A, TAMM
SCALE:	1/4" = 100' FT.
DATE:	08/2018
DRAWN BY:	HEATH SWALLINS

DUNE RECONSTRUCTION:	1,800 L.P.
DUNE AREA:	77,700 SQ FT
DUNE VOLUME:	8,000 C.Y.
SAND BAG VOLUME:	3,300 C.Y.
SAND BAGS:	800 EA.
SAND BAG LENGTH:	1,200 L.F.



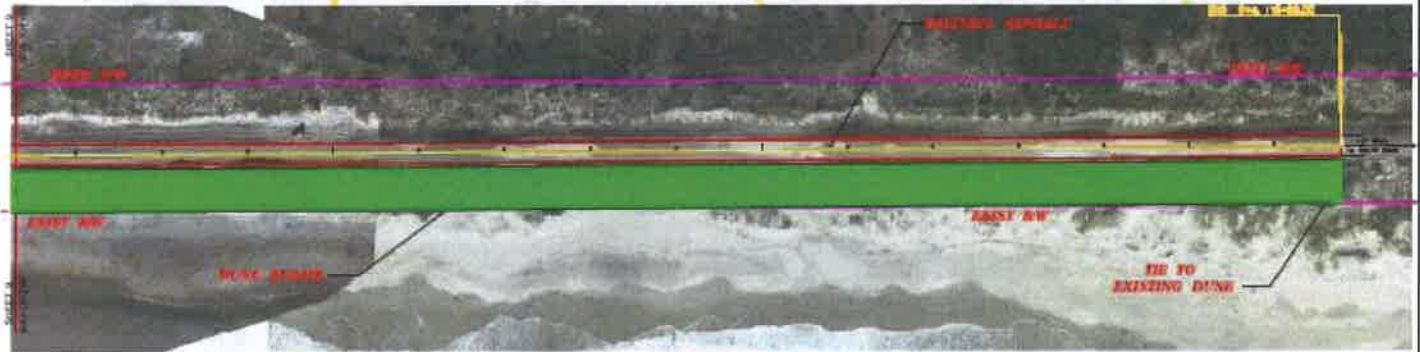


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## NC 12 OCRACOKE ISLAND DUNE RECONSTRUCTION

National Park Service  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954  
64 | 233



ATLANTIC OCEAN

**SHEET 10** LAT: 35.145157°  
LONG: -75.826554°

NC DEPT OF TRANSPORTATION

DUNE RECONSTRUCTION: 1,350 L.F.  
DUNE AREA: 77,688 SQ FT  
DUNE VOLUME: 8,800 C.Y.  
SAND BARS: 3 EA.

COUNTY:	HYDE
CITY:	WRIGHT BROTHERS
DISTRICT:	TRANSPORTATION
PROJECT:	DUNE RECONSTRUCTION
WORK ELEMENT:	1801-1801-1
SCALE:	1" = 100 FT.
DATE:	12/06/2019
DRAWN BY:	HEATH KATALLINGA





### SPECIAL USE PERMIT

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