



NORTH CAROLINA
Environmental Quality

ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

BRAXTON C. DAVIS
Director

TO: Jonathan Howell, Major Permit Coordinator, DCM

THROUGH: Cathy Brittingham, Transportation Project Coordinator, DCM

FROM: Greg Daisey, Transportation Projects Field Representative, DCM

SUBJECT: Comments & Recommendations - Proposed Minor Modification for CAMA Major Permit No. 24-03, NC Highway 12 on Ocracoke Island, Hyde County

The following are my comments and recommendations regarding the above-mentioned permit minor modification request. The request is related to the previously authorized repair to a 2.02-mile section of dune along NC 12 on Ocracoke Island due to damage from Hurricane Dorian. An Emergency Major Modification (issued on September 26, 2019), Emergency Minor Modification (issued on October 22, 2019) and a Minor Modification (issued on January 31, 2020) authorized approximately 5,223' of temporary erosion control structures adjacent to NC Highway 12 to protect the existing roadway. The applicant states the placement of sandbags, as specified by the standards required by 15A NCAC 07H.0308(a)(2)(K), takes an extensive amount of time to install and the current rate of production is approximately 50' per day. NCDOT has investigated non-conforming erosion control products in order to expedite installation time. The applicant states the proposed alternative temporary erosion control sandbags are made of white polypropylene with a trapezoidal cross section. The alternative sandbags sections are 50' in length and each section is separated by a sewn baffle, with each section having the ability to be connected together at the ends with nylon strapping. NCDOT proposed to use two rows of alternative sandbags within the footprint of the previously authorized conforming sandbags. The oceanward row of alternative sandbags is proposed to be 6' high with an 8' wide base and the landward row is proposed to be 4' high with a 6' wide base. The alternative sandbags would be placed approximately 10' from the edge of pavement and would be entirely covered by the previously authorized reconstructed dune (approximately 10' high and 50' wide). Alternative sandbags would not be hydraulically filled from the swash zone and would be filled by on-site sources (material on the existing roadway/roadway shoulders) or the Southdock dredge spoil site. A temporary steel installation platform would be utilized to support the alternative sandbags during the filling operation. Material for dune reconstruction would be sourced from the Southdock dredge spoil site or the Avon borrow pit.



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The applicant states that all material used in relation to the alternative sandbags and dune reconstruction shall be of the same general characteristics as the material as within the existing dune/beach. The roadway would remain on the existing alignment and the shoulder reconstruction would occur within NCDOT Right-Of-Way. NCDOT states the alternative sandbags are a temporary measure until a long-term solution can be selected/funded/constructed to maintain access to Ocracoke Island via NC Highway 12 and will be removed entirely once a long-term solution is completed. Based upon my review I have no objection to the issuance of this permit, but offer the following conditions:

- 1 Nothing in this permit authorizes any activity which has not received approval from NPS for work within the Cape Hatteras National Seashore.
- 2 This permit does not eliminate the need to obtain any additional state, federal or local permits, approvals or authorizations that may be required.
- 3 Any temporary erosion control structures within the project area that are no longer necessary shall be removed in their entirety, including the removal of remnants of all portions of any damaged temporary erosion control structures.
- 4 All fill material shall be clean and free of any pollutants, except in trace quantities.
- 5 The permittee shall exercise all available precautions in the day-to-day operations of the facility to prevent waste from entering the adjacent waters and wetlands.
- 6 Construction staging areas shall be located only in upland areas, and not in wetlands or waters of the State.
- 7 The temporary placement and double handling of any excavated or fill material within waters or vegetated wetlands is not authorized.
- 8 This project shall conform to all requirements of the N.C. Sedimentation Pollution Control Act and NCDOT's Memorandum of Agreement with the Division of Land Resources.
- 9 Appropriate sedimentation and erosion control devices, measures, or structures shall be implemented to ensure that eroded materials do not enter adjacent wetlands, watercourses, and property (e.g. silt fence, diversion swales or berms, etc.).
- 10 In order to protect water quality, runoff from construction shall not visibly increase the amount of suspended sediments in adjacent waters.

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- 11 If it is determined that additional permanent and/or temporary impacts are necessary that are not shown on the attached work plan 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 a representative of DCM prior to commencement of any such activity for this determination and any permit modification.
- 12 In accordance with commitments made by the permittee, the source of backfill material shall be sand from the dredge spoil site located on the west side of the Southdock Ferry Basin, from the existing roadway/roadway shoulder, and/or the previously approved borrow pit in Avon, Dare County.
- 13 The permittee and/or his 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.
- 14 All conditions and stipulations of the active permit remain in force under this Minor Modification unless altered herein.

NOTE: This permit does not eliminate the need to obtain any additional state, federal or local permits, approvals or authorizations that may be required.

Based upon my review I recommend the proposed temporary erosion control structures depicted on the workplan drawings be denied due to the following:

- 1 The proposed temporary erosion control structures constitute development under the Rules of the Coastal Resources Commission (CRC) in an area classified by the N.C. Administrative Code as an Ocean Hazard Area of Environmental Concern.
2. The proposed placement and design of the temporary erosion control structures does not conform to the requirements of 15A NCAC 07H .0308(a)(2), including but not necessarily limited to the requirement that permittable temporary erosion control structures shall be tan in color and three to five feet wide and seven to 15 feet long when measured flat.