



NORTH CAROLINA  
Environmental Quality

ROY COOPER  
Governor

MICHAEL S. REGAN  
Secretary

BRAXTON C. DAVIS  
Director

## MEMORANDUM

**TO:** Sabrina Henry, NPS  
Kyle Barnes, USACE  
Garcy Ward, DWR  
Travis Wilson, WRC  
Gary Jordan, USFWS

**CC:** Greg Daisey, DCM

**FROM:** Cathy Brittingham, Transportation Project Coordinator

**DATE:** March 25, 2020

**SUBJECT:** Proposed Modification to CAMA Major Permit No. 24-03 to authorize the use of alternative sandbags in the areas on Ocracoke Island that were previously authorized for placement of approximately 5,223 linear feet of temporary erosion control structures (sandbags) to protect NC Highway 12 on Ocracoke Island in Hyde County.

Please indicate below your agency's position or viewpoint on the proposed project and return this form as soon as possible to Cathy Brittingham via e-mail at [cathy.brittingham@ncdenr.gov](mailto:cathy.brittingham@ncdenr.gov). If you have any questions regarding the proposed project, please contact Cathy Brittingham at (919) 707-9149 or Greg Daisey at (252) 207-3656. When appropriate, in-depth comments with supporting data are requested.

**REPLY**     This agency has no objection to the project as proposed.

This agency has no comment on the proposed project.

This agency approves of the project, only if the recommended changes are incorporated. See attached.

This agency objects to the project for reasons described in the attached memo.

Signed Kyle Barnes Date March 25, 2020



North Carolina Department of Environmental Quality | Division of Coastal Management  
DWR Wetlands Unit | 512 North Salisbury Street | 1617 Mail Service Center | Raleigh, North Carolina 27699-1617  
919.707.9149



**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

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**  
**Revision 1**  
**Supersedes permit dated 1/28/2020**

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 03/27/2020. The permit expires at 11:59  am /  pm on 09/30/2020.

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. Roadway shoulders would be restored within NCDOT Right-of Way. The sandbags will be filled using sand from the spoil site and/or sand removed from the dune during sandbag installation or sand on the roadway or roadway shoulders deposited by wind or over wash events. Sand for the sandbags and dune reconstruction must be of beach quality characteristics and of the same general characteristics as the sand in the existing dune.
- The sandbags (6'Hx8'Wx50'L) will be installed according to 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



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APPLICATION FEE	<input type="checkbox"/> Received	Amount
	<input checked="" type="checkbox"/> Not Required	\$ Waived
PERFORMANCE BOND	<input type="checkbox"/> Required	Amount
	<input checked="" type="checkbox"/> Not Required	\$ 0
LIABILITY INSURANCE	<input type="checkbox"/> Required	Amount
	<input checked="" type="checkbox"/> Not Required	\$ 0
COST RECOVERY	<input type="checkbox"/> Required	Amount
	<input checked="" type="checkbox"/> Not Required	\$ 0
LOCATION FEE	<input type="checkbox"/> Required	Amount
	<input checked="" type="checkbox"/> 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.

*Paul Williams*

PERMITTEE Signature

3/27/2020

Title: Environmental officer

Date: 3/30/2020

**X** Mark Dowdle

Mark Dowdle

Signed by: MARK DOWDLE

Authorizing NPS Official

Title: Deputy Superintendent

Date:

**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.



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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 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**



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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 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)
- d. District Biological Science Technician: Amy Thompson - 252-305-1045, [amy\\_thompson@nps.gov](mailto:amy_thompson@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 must 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 must 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 must 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.
- Sand for the sandbags and dune reconstruction must have beach quality characteristics and be of the same general characteristics as the sand in the existing dune.

**b. Equipment**



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- 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 must be pressure cleaned and free of weeds, seed, debris, and mud to prevent the introduction and/or spread of exotic, invasive plants.
  - The permittee will ensure that no vehicle fuel, oil or other fluids escape from its vehicles on park land. Permittee is responsible for any containment and cleanup required to return the site to original condition. An approved disposal site will be determined before the pre-construction meeting for removal of any spilled hazardous materials and spoil. The permittee must comply with all State of North Carolina Department of Environmental Quality and National Park Service rules and regulations including, but not limited to the handling and storage of fuel, oil and hazardous substances. The District Ranger, Ed Fuller (252-475-8313) must be notified of any leaks or spills. The permittee must contact the Emergency Incident Command Center (EICC) at [nps\\_eicc@nps.gov](mailto:nps_eicc@nps.gov). The permittee will assist the park as directed in fire suppression in the event permittee's activities cause a wildfire event.
  - 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. 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 contact District Biological



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Science Technician Amy Thompson at 252-305-1045. 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.

21. Maps of area and project drawings: