

Williams, Paul C

From: Brittingham, Cathy
Sent: Wednesday, April 9, 2025 1:46 PM
To: Williams, Paul C
Cc: Paixao, Mark A; Tongue, Michelle; Barnes, Kyle W SAW; Ward, Garcy; Gary_Jordan@fws.gov; Wilson, Travis W.; Cannady, Lee
Subject: RE: Ocracoke Sandbag Project under CAMA Permit No. 24-03
Attachments: Ocracoke Island NC Highway 12, Amended by CRC Variance, 24-03, July 2020.pdf

Paul,

DCM has reviewed the NCDOT email dated April 4, 2025 providing notification that NCDOT proposes to complete the sandbag project previously authorized by a Variance granted by the Coastal Resources Commission (CRC) on June 11, 2020, and the Variance Order signed by the CRC Chair on June 18, 2020. For convenience, please find attached the modification of CAMA Major Permit No. 24-03 that was amended by the CRC variance, and that was issued on 7/16/2020.

NCDOT states that project details would not change from what was previously authorized. NCDOT determined that approximately 815 linear feet on the south end of the authorized alignment and approximately 140 linear feet on the north end of the authorized alignment were not completed in 2020. This would be Sta. 25+00 to 33+15 and Sta. 94+60 to 96+00. The alignment that has already been completed was constructed using traditional sandbags due to factors unrelated to permitting. The work proposed in the April 4, 2025 email would be constructed using the non traditional sandbags that were previously authorized. All work would take place during daylight hours, and all work would take place above the current NHWL. NCDOT would also use beach quality sand from the South Dock Dredge Spoil Site to cover the existing sandbags during this project.

CAMA Major Permit No. 24-03 includes a condition that: “In order to protect sea turtle and shorebird populations, no work on the beach or forward of the dunes shall be conducted during the sea turtle and piping plover nesting season from April 1st to November 15th of any year without first obtaining approval from DCM in consultation with the Wildlife Resources Commission (WRC) and the NPS.”

NCDOT states that it is coordinating with NPS on sea turtle and shorebird nesting activities in the project vicinity, including the spoil site, to ensure the project doesn't impact nesting. The beach would be surveyed each morning for sea turtle nesting activity during the project, and a no work buffer of 300 feet would be established around any known nest. The April 4, 2025 NCDOT email provides a copy of Special Use Permit #USA25-5700-CAHA-001 that was issued by the National Park Service (NPS) on March 28, 2025. Comments on the April 4, 2025 NCDOT email were received from the U.S. Fish and Wildlife Service and the N.C. Wildlife Resources Commission.

Based upon coordination with appropriate agencies, and in accordance with the permit conditions contained in the 7/16/20 CAMA permit action, the activities proposed in the NCDOT April 4, 2025 email allowed to take place during the sea turtle and piping plover moratorium of April 1 to November 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).

DCM appreciates your coordination regarding NCDOT's plans to complete the previously authorized work.

Please let me or Lee Cannady know if you have any questions or concerns.

Sincerely,

Cathy Brittingham

Cathy Brittingham, Transportation Project Coordinator
N.C. Division of Coastal Management
(919) 707-9149 phone
cathy.brittingham@deq.nc.gov

Mailing Address:

1617 Mail Service Center
Raleigh, NC 27699-1617

Physical Address:

512 North Salisbury Street
Archdale Building
12th Floor, Room 1204G
Raleigh, NC 27604

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Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Williams, Paul C <pcwilliams2@ncdot.gov>

Sent: Friday, April 4, 2025 10:57 AM

To: Cannady, Lee <lee.cannady@deq.nc.gov>; Brittingham, Cathy <cathy.brittingham@deq.nc.gov>; Wilson, Travis W. <travis.wilson@ncwildlife.gov>; Gary_Jordan@fws.gov

Cc: Paixao, Mark A <mark_paixao@nps.gov>; Tongue, Michelle <Michelle_Tongue@nps.gov>; Barnes, Kyle W SAW <Kyle.W.Barnes@usace.army.mil>; Ward, Garcy <garcy.ward@deq.nc.gov>

Subject: Ocracoke Sandbag Project under CAMA Permit No. 24-03

Lee and Cathy,

With NC 12 still exposed to the erosive forces of the ocean overwash events from coastal storms, NCDOT proposes completing the sandbag project previously authorized by the CRC Variance on CAMA Permit No. 24-03 (issued 7/16/2020). The Division has received the attached Special Use Permit from the Cape Hatteras National Seashore for the project. The project includes the placement of trapezoidal sandbags at the ends of the existing sandbag alignment. After field verifications of the existing sandbag alignment, approximately 815 linear feet on the south end and 140 linear feet on the north end were not completed in 2020. This would be Sta. 25+00 to 33+15 and Sta. 94+60 to 96+00.

Project details would not change from what was previously authorized. These “variance” sandbags are made of white polypropylene and have a trapezoidal cross section. The sandbag sections are 50 feet in length, and each 50’ section is separated every 2’ by a sewn baffle. NCDOT proposes to use two rows of sandbags. The oceanward row would be 6’ high and have an 8’ wide base. The landward row would be 4’ high and have a 6’ wide base. Both rows would be placed 2’ below the grade of the roadway and directly adjacent to each other with a combined base

of 14' wide. The sandbags would be placed 10' from the edge of pavement and would be entirely covered by a reconstructed dune. The reconstructed dune dimensions would be no more than 10' high and 50' wide. The sandbags and reconstructed dune would be placed within NCDOT Right-of-Way (ROW), and the reconstructed dune would not result in open water impacts. The sandbags would be dry-filled with sand from the South Dock Dredge Spoil Site. Clean sand would be used for filling the sandbags and reconstructing the dunes, free of vegetation and debris. Sand for the sandbags and dune reconstruction shall be of the same general characteristics as the sand in the existing dune. A steel installation platform would be used to support the alternative sandbags during the filling operation. Sand would not be dredged from the swash zone of the beach. NCDOT would coordinate with Seashore biological staff to avoid any impacts to shorebirds or sea turtles nesting in the project vicinity. Environmentally Sensitive Areas previously designated by NPS on the beach would be avoided.

With the existing sandbag alignment significantly uncovered, NCDOT would also use beach quality sand from the Spoil Site to cover the existing sandbags during this project. The sandbags would be covered as much as practicable, but will be limited by sand availability from the spoil site and avoidance of placing sand below NHW.

This sandbag project is a temporary solution for maintaining this section of NC 12 on Ocracoke Island. When longer term solutions are developed and implemented, NCDOT would remove the temporary sandbags when no longer needed to protect the roadway of NC 12.

Travis and Gary,

In accordance with the CAMA permit conditions, all work during the sea turtle and piping plover moratorium of April 1st to November 15th requires coordination with NCWRC and USFWS. It's anticipated the contract available for this project would be June of this year. NCDOT is coordinating with NPS on sea turtle and shorebird nesting activities in the project vicinity, including the spoil site, to ensure the project doesn't impact nesting. The beach would be surveyed each morning for sea turtle nesting activity during the project, and a no work buffer of 300 ft. would be established around any known nest. All work would also take place during daylight hours.

Please provide any comments with a response to this email regarding the project.

Kyle and Garcy,

Jurisdictional impacts to open waters would be avoided with this project. All work would take place above the current NHWL. If a storm event were to take place prior to the project, I'll coordinate with both of you if jurisdictional impacts would be needed and your authorization required.

Thanks, and please let me know if you have any questions or concerns.

Paul C. Williams, Jr.

Division Environmental Officer

Division One

NC Department of Transportation

(252) 482-1861 office
(252) 333-9812 mobile
(252) 482-8722 fax
pcwilliams2@ncdot.gov

113 Airport Dr.
Suite 100
Edenton, NC 27932

Permit Class
AMENDED
(By CRC Variance)

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 letters dated 3/2/20, 3/19/20 &

4/20/20, including the attached workplan drawings and AEC Hazard Notice as referenced in Condition #1 of this permit.

This permit, issued on **July 16, 2020**, 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, all development shall be carried out in accordance with the following attached workplan drawings (13), except as modified herein: (3) dated 4/9/20, (9) dated 3/17/20, and (1) dated as received on 3/5/20, and AEC Hazard Notice dated 9/20/19.
- 2) In keeping with the Variance granted by the Coastal Resources Commission (CRC) on June 11, 2020, and the Variance Order signed by the CRC Chair on June 18, 2020, the use of approximately 1,948 linear feet of temporary erosion control structures in 50' sections that are separated every 2' by an internal sewn baffle and are white in color is authorized. The authorized sandbags shall consist of an oceanward row 6' high x 8' base and a landward row 4' high x 6' base. Both rows shall be placed 2' below grade and shall have a combined base width of 14'.

(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.

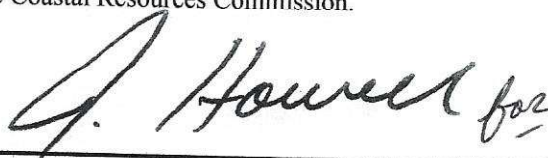
Any maintenance work or project modification not covered hereunder requires further Division approval.

All work must cease when the permit expires on

December 31, 2020

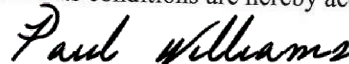
In issuing this permit, the State of North Carolina agrees that your project is consistent with the North Carolina Coastal Management Program.

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

DocuSigned by:
This permit and its conditions are hereby accepted.



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Signature of Permittee

ADDITIONAL CONDITIONS

- 3) Nothing in this permit authorizes any activity that has not received approval from the National Park Service (NPS) for work within the Cape Hatteras National Seashore.

NOTE: NPS issued Permit #USA20-5700-001 Revision 2 on May 1, 2020.

- 4) Based upon coordination with appropriate agencies, and in accordance with the following permit conditions, the activities authorized by this amended permit 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).
- 5) 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).
- 6) Should the operations encounter sand that could be considered non-compatible with the characteristics of the native beach, the permittee shall immediately cease operations and contact the DCM Field Representative for Transportation Projects. Permitted activities shall resume only after resolution of the issue of sand compatibility.
- 7) All fill material shall be clean and free of any pollutants, except in trace quantities.
- 8) Soldier pilings and other types of devices to anchor the sandbags shall not be allowed.
- 9) 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.
- 10) All work shall be accomplished in such a manner that damage to existing vegetation is minimized.
- 11) Construction staging areas shall be located only in upland areas, and not in wetlands or waters of the State.
- 12) No vegetated wetlands or waters of the State shall be excavated or filled, without permit modification.

ADDITIONAL CONDITIONS

- 13) The temporary placement and/or double handling of any excavated or fill material within waters or vegetated wetlands is not authorized.
- 14) This project shall conform to all requirements of the N.C. Sedimentation Pollution Control Act and the N.C. Department of Transportation's (NCDOT's) Memorandum of Agreement with the N.C. Division of Energy, Mineral and Land Resources.
- 15) Appropriate sedimentation and erosion control devices, measures or structures shall be implemented to ensure that eroded materials do not enter adjacent wetlands, watercourses and properties (e.g. silt fence, diversion swales or berms, etc.).
- 16) In order to protect water quality, runoff from construction shall not visibly increase the amount of suspended sediments in adjacent waters.
- 17) 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.
- 18) 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.
- 19) The permittee shall exercise all available precautions in the day-to-day operation of the facility to prevent waste from entering the adjacent waters and wetlands.
- 20) The permittee and/or its contractor shall contact the DCM Transportation Project Field Representative in Elizabeth City at (252) 264-3901 to request a preconstruction conference prior to project initiation.

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

- 21) This amended permit shall be attached to the original of Permit No. 24-03, which was issued on 2/19/03, and 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.
- 22) All conditions and stipulations of the active permit remain in force under this amended permit unless altered herein.

NOTE: No application processing fee was required for this amended permit.



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



| |
|--|
| Permittee information |
| Permittee name: Paul Williams, Environmental Specialist |
| Company/Organization: North Carolina Department of Transportation (NCDOT) |
| Street address: 113 Airport Dr. |
| City: Edenton |
| State: NC |
| Country: USA |
| Zip code: 27932 |
| Mobile phone number: 252-333-9812, 252-482-1861 |
| Fax number: |
| Email address: Pcwilliams2@ncdot.gov |

Park alpha code: CAHA

Permit # USA25-5700-CAHA-001

NCDOT Roads

Type of use:

- ☐ Special event
☐ Filming or still photography
☐ Demonstration, sale, or distribution of printed matter, etc.
☐ Agricultural or grazing
☒ Other: **Infrastructure – Emergency Dune Repair NC-12 Ocracoke Island**

NEPA compliance:

- ☒ Categorically excluded
☐ EA/FONSI
☐ EIS
☒ PEPC # 129132
☐ Other

Authorizing legislation or other authority:

- ☒ 54 U.S.C. § 100101
☒ 54 U.S.C. § 100751(a)
☒ 54 U.S.C. § 103104
☐ 54 U.S.C. § 100905 (still photography)
☐ Other authority:

☒ Park-specific legislation: **16 U.S. Code § 459, 431 & Public Law 101-603**

The Permittee is authorized to use the following described lands or facilities in **Cape Hatteras National Seashore: Route 12 Ocracoke, NC**

The permittee may complete the sandbag alignment along NC 12 on the northern end of Ocracoke Island to protect a 700-foot section of waterline and restore the primary dune severely eroded by multiple storms, including Hurricane Dorian and two Nor'easters in 2019, as well as Hurricanes Sally and Teddy in 2020.

The Permittee may use those lands or facilities only for the following purpose:

The permittee (NCDOT) may complete approximately 955 linear feet of unfinished sandbag alignment. The sandbags authorized are trapezoidal sandbags made of white polypropylene, consisting of 50-foot sections separated by sewn baffles.

This will be accomplished by making two rows of sandbags:

- Oceanward Row: 6 feet high, 8 feet wide base.
- Landward Row: 4 feet high, 6 feet wide base.

Both rows to be placed 2 feet below roadway grade, with a combined base width of 14 feet. All materials will be approved by NPS resource management and may be taken from the South Dock Dredge Spoil Site, which will match the characteristics of existing dune sand. NCDOT will coordinate with biological staff to avoid impacts to nesting shorebirds and sea turtles. The permittee and contractors must utilize the NCDOT right of way for staging on the west side of NC 12. Work will occur from NC 12 ROW and the top of the existing dune. **No vehicles may**

be parked on NPS land overnight unless approved by local rangers 24 hours prior. Please see the approved project area map in condition #27.

The permit begins at 12:01 ☒ am / ☐ pm on 5/1/2025


The permit expires at 11:59 ☐ am / ☒ pm on 12/31/2025

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.

| | | |
|----------------------|--|--------------------------------|
| Application fee | Received <input type="checkbox"/> Not Required <input checked="" type="checkbox"/> | Amount Waived |
| Performance bond | Received <input type="checkbox"/> Not Required <input checked="" type="checkbox"/> | Amount \$ 0 |
| Liability insurance | Received <input checked="" type="checkbox"/> Not Required <input type="checkbox"/> | Amount See Condition #9 |
| Cost recovery | Received <input type="checkbox"/> Not Required <input checked="" type="checkbox"/> | Amount \$ 0 |
| Location fee | Received <input type="checkbox"/> Required <input type="checkbox"/> | Amount \$ N/A |
| Other authorized fee | Received <input type="checkbox"/> Required <input type="checkbox"/> | Amount \$ N/A |

Issuance of the permit is subject to the below-listed general and park-specific terms and conditions. The undersigned hereby accepts this permit subject to those terms and conditions and agrees to be bound by them.

DocuSigned by:

Permittee signature
7C79B0D2941F47E...
ROBIN SNYDER
Digitally signed by ROBIN SNYDER
Date: 2025.04.01 12:03:43 -04'00'

North Carolina Department of Transportation
Division Environmental Officer
03/28/2025
Title: _____
Date: _____

Deputy Superintendent
Title: _____
Date: _____

Authorizing NPS official

General Terms and Conditions

1. The Permittee must perform the work or conduct the activities authorized by this permit in accordance with the permit's terms and conditions and in accordance with all applicable federal, state, or local law, including the regulations in 36 C.F.R. chapter I; the regulations in 43 C.F.R. part 5; and all applicable workplace-safety and public-health orders, rules, and requirements. If the Permittee fails to do so, then the Superintendent of **Cape Hatteras National Seashore, Wright Brothers National Memorial, and Fort Raleigh National Historical Site** (Superintendent) may immediately suspend or revoke this permit without notice.

2. The Superintendent may immediately suspend or revoke this permit without notice if destruction of, loss of, or injury to any park property or resource has occurred, is occurring, or appears imminent. In accordance with the System Unit Resource Protection Act, 54 U.S.C. §§ 100721-100725, any person that destroys, causes the loss of, or injures any park system unit resource will be liable to the United States for response costs and damages resulting from the destruction, loss, or injury.

3. The Superintendent may revoke this permit at any time after providing 24 hours' written notice to the Permittee setting forth the reasons for the revocation.
4. If this permit is revoked for any reason or upon its expiration, the Permittee must repair all damage to park property or resources in accordance with the Superintendent's direction and must restore the Permitted Area to its original, pre-permit condition.
5. The Permittee must obtain all federal, state, or local permits, licenses, inspections, or other reviews or approvals legally required to perform the permitted work or conduct the permitted activities.
6. This permit does not grant the Permittee exclusive use of the Permitted Area. Unless the Superintendent restricts public access to or closes the Permitted Area in accordance with 36 C.F.R. § 1.5, the Permitted Area will remain open to the public to the same extent that it is open to the public during regular park visiting hours, and the permitted work or activities may not unduly interfere with the public's use and enjoyment of the Permitted Area.
7. This permit may not be transferred or assigned to another party without the Superintendent's prior written approval.
8. The Permittee waives all demands, claims, and causes of action against the United States and its officers, employees, agents, and representatives, and releases the United States and its officers, employees, agents, and representatives from all liability, arising out of or resulting from the permitted work or activities. The National Park Service issues this permit upon the express condition that the United States and its officers, employees, agents, and representatives will be free from all liability of any sort whatsoever arising out of or resulting from the permitted work or activities. Accordingly, the Permittee hereby agrees to indemnify, defend, and save and hold harmless the United States and its officers, employees, agents, and representatives from and against all liability of any sort whatsoever arising out of or resulting from the permitted work or activities.
9. If the Superintendent requires liability insurance as a condition of issuing this permit, then the Permittee must obtain general liability insurance against claims occasioned by the acts or omissions of the Permittee and its officers, employees, agents, representatives, and contractors while performing the work or conducting the activities authorized by this permit. The policy must be in the amount of **\$1 million** per occurrence and **\$2 million** aggregate; must be issued by a company licensed to do business and in good standing in the state of North Carolina; and must name the United States of America as an additional insured. The Permittee must provide the Superintendent with a Certificate of Insurance with the proper endorsements before the permit's effective date.
10. If the Superintendent requires a bond as a condition of issuing this permit, then the Permittee must deposit with the Park, before the effective date of this permit, a bond in the amount of \$N/A from a bonding company licensed to do business and in good standing in the state of North Carolina; or in the form of cash or cash equivalent, to guarantee that all financial obligations to the Park will be satisfied.
11. As authorized by 54 U.S.C. § 103104 or 54 U.S.C. § 100905 and in accordance with other applicable law and policy, the National Park Service will recover all costs of providing necessary services associated with this permit, including the costs of administering the permit and monitoring the permitted work or activities. The National Park Service may bill the Permittee for either actual costs or estimated costs. Payment is due at the time of billing. If the National Park Service bills the Permittee for estimated costs, and actual costs exceed the estimated amounts, then the National Park Service will bill the Permittee for the excess. If the National Park Service bills the Permittee for estimated costs, and actual costs are less than the estimated amounts, then the National Park Service will refund the difference to the Permittee after the permitted work or activities have concluded and the permit has expired or been terminated. Under no circumstances will the National Park Service be liable for interest on any refunded amount.
12. The Permittee designates, **See Above**, as the on-site person responsible for adherence to the permit's terms and conditions. The on-site person must have full authority to make all decisions about the permitted work or activities; must always be reachable; and is responsible for all persons or entities performing the permitted work or activities, including the Permittee's contractors and subcontractors.

13. Nothing in this permit binds the National Park Service to expend in any one fiscal year any sum more than appropriations made by Congress or allocated by the National Park Service for the purpose of this permit, or to involve the National Park 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 is found to be invalid or unenforceable, the remaining provisions of this permit will not be affected and may be enforced to the full extent authorized by applicable law.

15. Use of the National Park Service Arrowhead Symbol is governed by 36 C.F.R. part 11. The Arrowhead Symbol is the official emblem and a registered trademark of the National Park Service. The National Park Service must authorize any use of the Arrowhead Symbol, including incidental use. Using the Arrowhead Symbol for advertising, promotional, or other commercial purposes is prohibited. Unauthorized use of the Arrowhead Symbol may subject an individual to criminal penalties under 18 U.S.C. § 701.

16. Approval of the special use permit does not constitute and should not be construed as a government endorsement of the permittee's views, activities, products, goods, services, or enterprise. The permittee shall not refer to special use permits awarded by the National Park Service for commercial purposes, in advertising, or in a manner which states or implies that, by issuing the special use permit, the views, activities, products, goods, services, or enterprises undertaken pursuant to this permit are approved of or endorsed by the Government.

17. Credit Lines may be approved through additional terms and conditions.

18. Federal regulations prohibit any person from knowingly giving false information on an application for a permit and from knowingly giving a false report for the purpose of misleading a government employee or agent in the conduct of official duties. 36 C.F.R. §§ 2.32(a)(3) and 2.32(a)(4). Any violation of those regulations will result in this permit's immediate revocation.

SPECIAL PARK CONDITIONS

Cape Hatteras National Seashore Special Park Conditions Ocracoke Island NC-12 Dune Restoration/Repair

19. In the event of an emergency, dial 911. In the event of an incident that does not require emergency assistance, dial 252-473-3444.

20. The National Park Service points of contact for emergency and/or non-emergency are as follows:

- a. On-site on Ocracoke Island: District Ranger Ed Fuller - work cell (252) 475-8313; ed_fuller@nps.gov
- b. Permit Coordinator: Mark Paixao – 252-473-7868, MPaixao@nps.gov
- c. District Biological Science Technician: Will Thompson - (252) 216-9237, will_thompson@nps.gov

21. The Permittee must notify the parks Special Parks Uses Coordinator, Mark Paixao, MPaixao@nps.gov, 252-473-7868, at least 1 week prior to project activities.

22. NCDOT and its contractors/agents are permitted to use the following equipment and additional equipment as needed and in keeping with all the provisions of this permit: mini excavators, tele-handler, pump for sand, light trucks, and loader.

23. National Park Service permit conditions as required by environmental compliance review - PEPC 129132;

a. Dune Maintenance and Sandbags

- i. 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.
- ii. 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.
- iii. Permittee and contractor are responsible to ensure soil erosion mitigations (silt fencing, coir logs, etc.) is appropriately installed prior to project implementation to reduce impacts to adjacent wetlands.
- iv. Sandbags and other temporary oceanfront erosion controls must meet CAMA's general rules for the ocean hazard AEC {15A NCAC 7H Section .0308(a)}.
- v. Sandbags must be placed above the normal high-water mark and parallel to the shore.
- vi. Placement of sand must be spread and contoured within the existing dune or beach area.
- vii. 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

- i. 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.
- ii. All construction generated debris will be removed from the park to an approved landfill.
- iii. 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.
- iv. No heavy equipment use is authorized in environmentally sensitive areas.

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.

- i. 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 Mark Paixao, MPaixao@nps.gov, to set up a meeting.
- ii. 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.
- iii. Soils, Topography, Geology - Disturbance: Sandbags should be considered a short-term, emergency measure until longer-term, more sustainable solutions can be established. Sandbags should be removed in accordance with NC CAMA guidelines after a period no longer than 10 years, OR at which time there is significant degradation or damage to the bags causing sandbag debris to be introduced into the marine environment.
- iv. Soils, Topography, Geology - Disturbance: Disturbance of the soils and vegetation shall be limited to the footprint of each structure and immediately surrounding areas.
- v. Vegetation: Revegetate disturbed dune areas with native dune grass (sprigging) upon completion of construction.
- vi. 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 plan 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.

- vii. 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, or a crawl or emergence of sea turtle hatchlings from an unknown nest occurs, all work must stop within site and project manager must contact District Biological Science Technician Will Thompson at (252) 216-9237. Work in area will not resume until NPS staff gives approval.
- viii. 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.
- ix. 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.
- x. Known populations of special-status species will be monitored to ensure long-term impacts are avoided during project activities.
- xi. Shipwrecks will be buffered to avoid disturbance from sandbagging activities

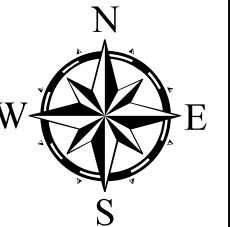
24. **HAZARDOUS SPILLS:** The permittee and their contractor will ensure that no fuel, oil, chemical, engine fluid or PCB contaminated oil from electrical equipment or other fluids escape onto park land. Permittee and their contractor are responsible for any containment and cleanup required to return the site to original condition. The permittee will follow all local, State of North Carolina Department of Environmental Quality, federal and EPA guidelines for reporting and mitigating the spill, and regulations including, but not limited to the handling and storage of fuel, oil, and hazardous substances. The permittee must contact the National Response Center at: 800-424-8802 <https://www.epa.gov/emergency-response/national-response-center> whenever a hazardous spill occurs. The contractor will have a spill response plan and kit on site if a release were to occur.

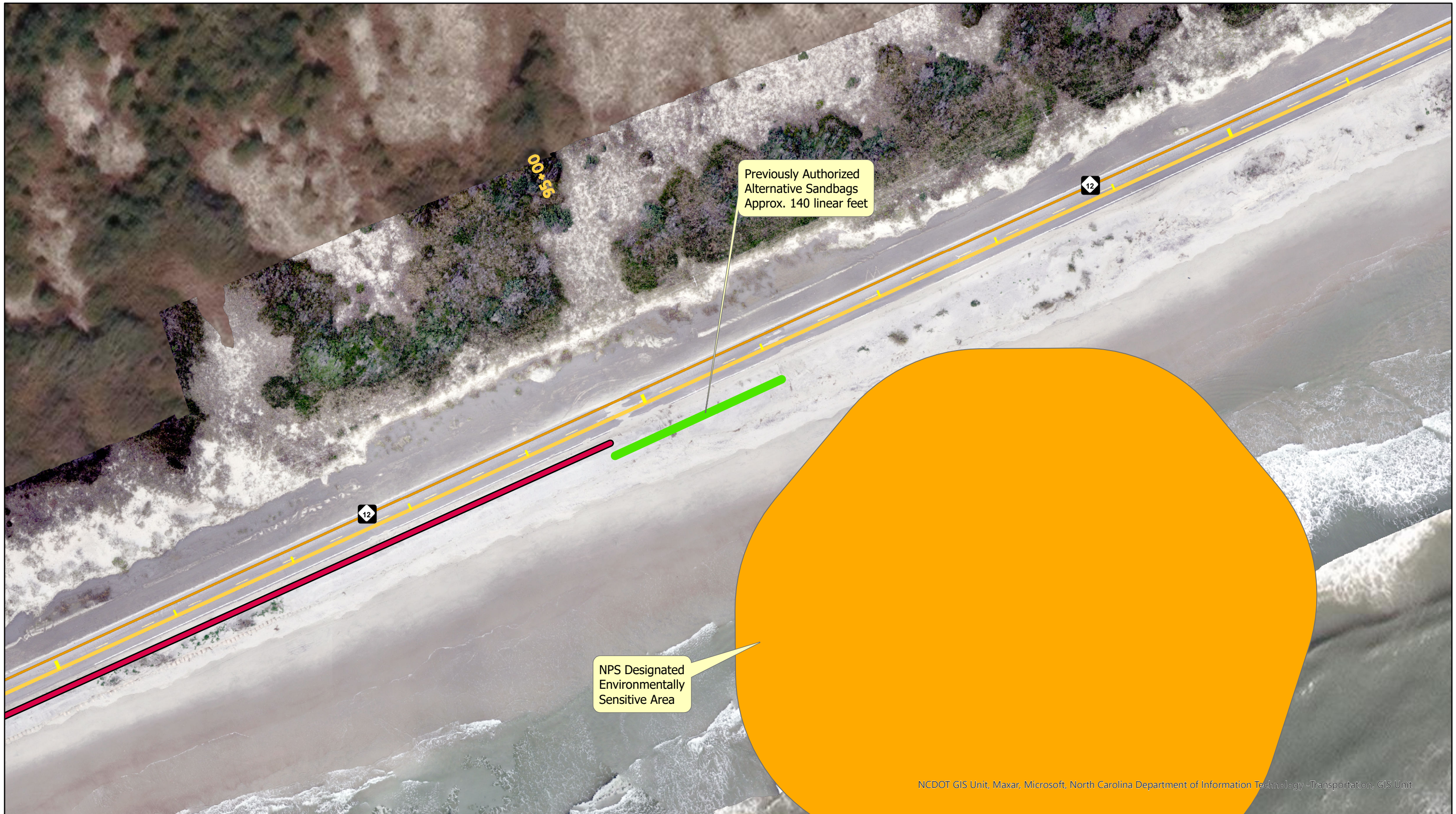
25. A copy of issued NPS permit must always be with the permittee and on site when conducting project activities within the National Park.

26. Fees will be waived In Accordance with RM 53 3.7 Permit Fee Waivers A waiver from the requirements to charge permit fees and to recover costs may be appropriate when:

- a. Charging and collecting are not cost-effective:
- b. A waiver is considered an appropriate courtesy to a foreign government or international organization:
- c. **The permittee is a state, local, or Federal agency or Native American tribe or group; or**
- d. The superintendent determines that the proposed use will promote the mission of the NPS or promote public safety, health, or welfare.

27. **Maps of area and project drawings:**





NCDOT GIS Unit, Maxar, Microsoft, North Carolina Department of Information Technology -Transportation, GIS Unit

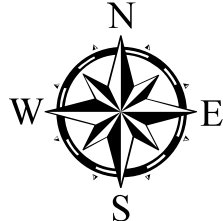


NC 12 - Ocracoke Sandbag Area

Previously Approved Alternative Sandbags - North Site

0 62.5 125 250 Feet

Date: 1/31/2025
Author: Paul Williams
Scale: 1:1,000
Sources:
Photography: NCDOT Division of Aviation
NCDOT Orthoimagery Date: 11/19/2024



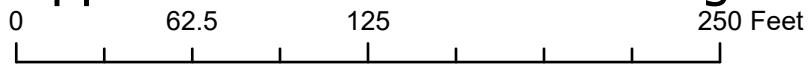


NCDOT GIS Unit, Maxar, Microsoft, North Carolina Department of Information Technology -Transportation, GIS Unit



NC 12 - Ocracoke Sandbag Area

Previously Approved Alternative Sandbags - South Site

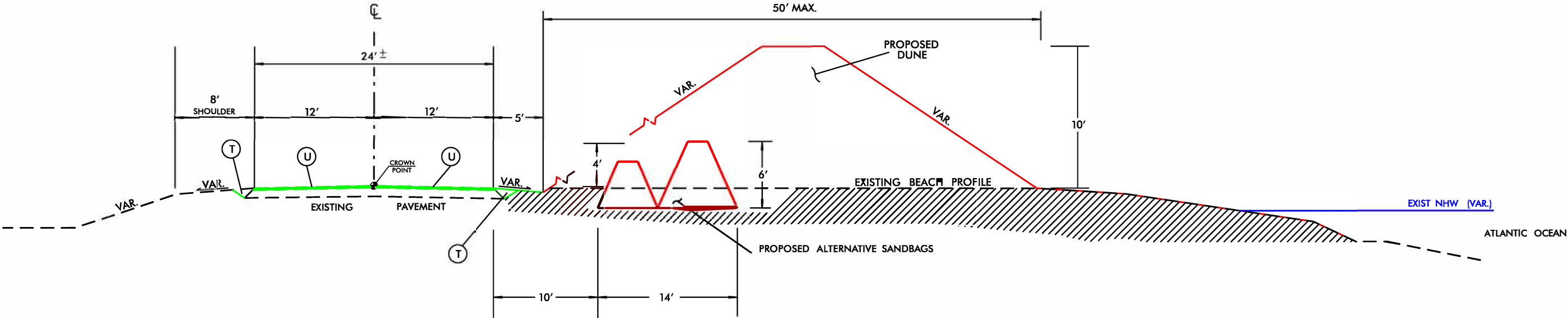


Date: 1/31/2025
Author: Paul Williams
Scale: 1:1,000
Sources:
Photography: NCDOT Division of Aviation
NCDOT Orthoimagery Date: 11/19/2024



For Permits
Only

EROSION PROTECTION NC 12 OCRACOKE ISLAND (PROPOSED SANDBAG SECTIONS)



* MATERIAL USED FOR DUNE CONSTRUCTION
AND SAND BAG FILLING 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. 2

-L- STA. 25+00.00 TO STA. 33+15.00
-L- STA. 94+60.00 TO STA. 96+00.00

NTS