



**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)



<b>Permittee information</b>
Permittee 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: NC
Country: USA
Zip code: 27932
Mobile phone number: <b>252-333-9812, 252-482-1861</b>
Fax number:
Email address: <a href="mailto:Pcwilliams2@ncdot.gov">Pcwilliams2@ncdot.gov</a>

**Park alpha code:** CAHA

**Permit # USA24-5700-002 Amendment #3**  
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 # 92710
- 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**:

**Amendments to the original permit USA24-5700-002 and Amendment #1 & #2 are in *Italics and underlined*. Amendment #3 for covering existing and replacement sandbags is also in *italics and underlined*.**

**Reconstruct dunes for the restoration, repair, and replacement of existing sandbags along the approximately 6,320 linear feet *with an increase of approximately 400 more sandbags*\*\* along a section of NC12 roadway on the North end of Ocracoke Island. The total number of sandbags would increase to approximately 2,100, and the total volume of sand from the swash zone for the 2,100 sandbags would increase to approximately 11,760 cubic yards.\*\* The environmentally sensitive areas would be avoided during pumping operations, and the ESA alignments have been marked on the highway and/or the existing exposed sandbags. When turtle nesting season begins, NCDOT would coordinate with NPS staff, Will Thompson at 252-216-9237 to verify if nesting activity is occurring in the vicinity of the work zone. Damage to existing dune vegetation would be avoided – as depicted in the maps Condition #27.**

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

**NCDOT is permitted to restore, repair, and replacement of approximately a 6,320 linear feet section of dune along NC12 on the North end of Ocracoke Island that was severely eroded by ocean over wash resulting from coastal storms in December 2023 and January and February 2024. A large section of the**

existing sandbags was exposed, and most of the sandbags from the top two layers were dislodged or damaged by wave action. The work will include:

- Replace the dislodged and damaged sandbags along an approximate 6,320 linear feet section to maintain protection of the NC12 roadway. The sandbags will be tan in color and will be hydraulically filled from the swash zone of the adjacent beach with approximately 11,760\*\* cubic yards of sand. 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.
- Remnant and damaged sandbags would be removed from the site and properly disposed outside of the Cape Hatteras National Seashore.
- Sandbags would be placed on top of the existing bottom layer of sandbags. The existing alignment of sandbags would not be extended, and the sandbag structure would not exceed 20 feet in width or 6 feet in height.
- NCDOT Division 1 commits to covering the existing and replacement sandbags when the sand is available from the existing spoil site. The dimensions of the dune reconstruction would be determined by the volume of sand available and the location of the NHW line. NCDOT will coordinate with the Park for authorization prior to the dune reconstruction. **Amended: NCDOT will reconstruct the 6,320 linear feet of primary dune on the existing sandbags with approximately 19,400 cubic yards of beach quality sand from the South Dock Spoil Site.**
- 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.
- The three designated Environmental Sensitive Areas (ESA's) are to the Northeast of the damaged sandbag area and will not be impacted by the project.

See maps Condition #27.

The permit begins at 12:01  am /  pm on 3/1/2024


The permit expires at 11:59  am /  pm on 12/31/2024

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

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:  
  
 7C79B0D2941F47E...

North Carolina Department of Transportation

Division Environmental Officer

08/20/2024

Permittee signature

Title:

Date:

ROBIN  
SNYDER

Digitally signed  
by ROBIN SNYDER  
Date: 2024.08.20  
18:10:41 -04'00'

\_\_\_\_\_  
Authorizing NPS official

Deputy Superintendent  
Title:

Date:

## 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 be reachable at all times; 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 in excess of 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](mailto:ed_fuller@nps.gov)
- b. Permit Coordinator: Robin Snyder – (252) 216-6700, [robin\\_snyder@nps.gov](mailto:robin_snyder@nps.gov)
- c. District Biological Science Technician: Matt Jansen - (252) 423-8002 [Matthew\\_Janson@nps.gov](mailto:Matthew_Janson@nps.gov)

21. The Permittee must notify the parks Special Parks Uses Coordinator, Robin Snyder, [robin\\_snyder@nps.gov](mailto:robin_snyder@nps.gov), (252) 216-6700, 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 92710;

**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 Robin Snyder, [robin\\_snyder@nps.gov](mailto:robin_snyder@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. 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.
  - iv. **Prior to commencement of work each day, NPS staff will clear the area of any new nesting activity for the duration of the work, until sea turtle nesting ends (November 15<sup>th</sup>).**
  - v. 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.
  - vi. 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.
  - vii. 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.
  - viii. **No night work should occur after 9:00 PM.**
  - 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 be with the permittee and on site at all times 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:**

Permit Class  
**RENEWAL**  
**MAINTENANCE 5**

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, highway NC 12,  
Ocracoke Island, as requested in the permittee's application letter dated 10/19/20, including  
the attached vicinity map dated 10/19/20.

This permit, issued on December 8, 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.

### Dune Maintenance along NC Highway 12 on Ocracoke Island

**NOTE:** The intent of this permit renewal is to allow all of the areas on Ocracoke Island where the need for future dune maintenance and repair by the permittee is anticipated to be covered under one active CAMA major permit. This will facilitate expedited responses to future NC Highway 12 dune maintenance needs, particularly in emergency situations.

- 1) If work must be conducted outside of the areas depicted on the attached vicinity map, additional authorization from the N.C. Division of Coastal Management (DCM) shall be required prior to initiation of work in these areas, either through permit modification or a new CAMA major permit as deemed appropriate by DCM.

**(See attached sheet for Additional Permit 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.

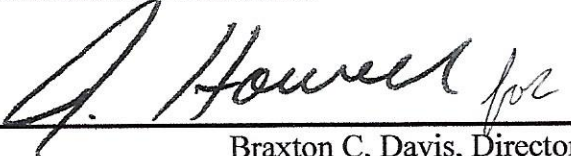
Any maintenance work or project modification not covered hereunder requires further Division approval.

All work must cease when the permit expires on

**December 31, 2025**

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:



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\_\_\_\_\_  
Signature of Permittee



**ADDITIONAL CONDITIONS**

- 2) 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. The proposed work shall not commence until the permittee has been issued a Special Use Permit from NPS, if one is required, and a copy of the Special Use Permit is received by DCM.
- 3) 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 1<sup>st</sup> to November 15<sup>th</sup> of any year without first obtaining approval from DCM in consultation with the Wildlife Resources Commission (WRC) and the NPS.

**Maintenance Clause**

- 4) DCM shall be notified in writing at least two (2) weeks in advance, when practicable, of any maintenance work authorized by this permit, and such notification shall include:
  - A. The number of the original permit.
  - B. A statement that no dimensional changes are proposed.
  - C. A copy of the original permit plans with cross-hatching indicating the area to be maintained.
  - D. The date of map revision and the permittee's signature shown anew on the original plan.
  - E. A description of the amount of sand to be used for dune maintenance in cubic yards, and the source of this sand.

**General**

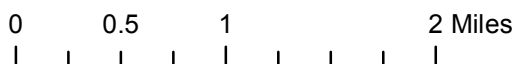
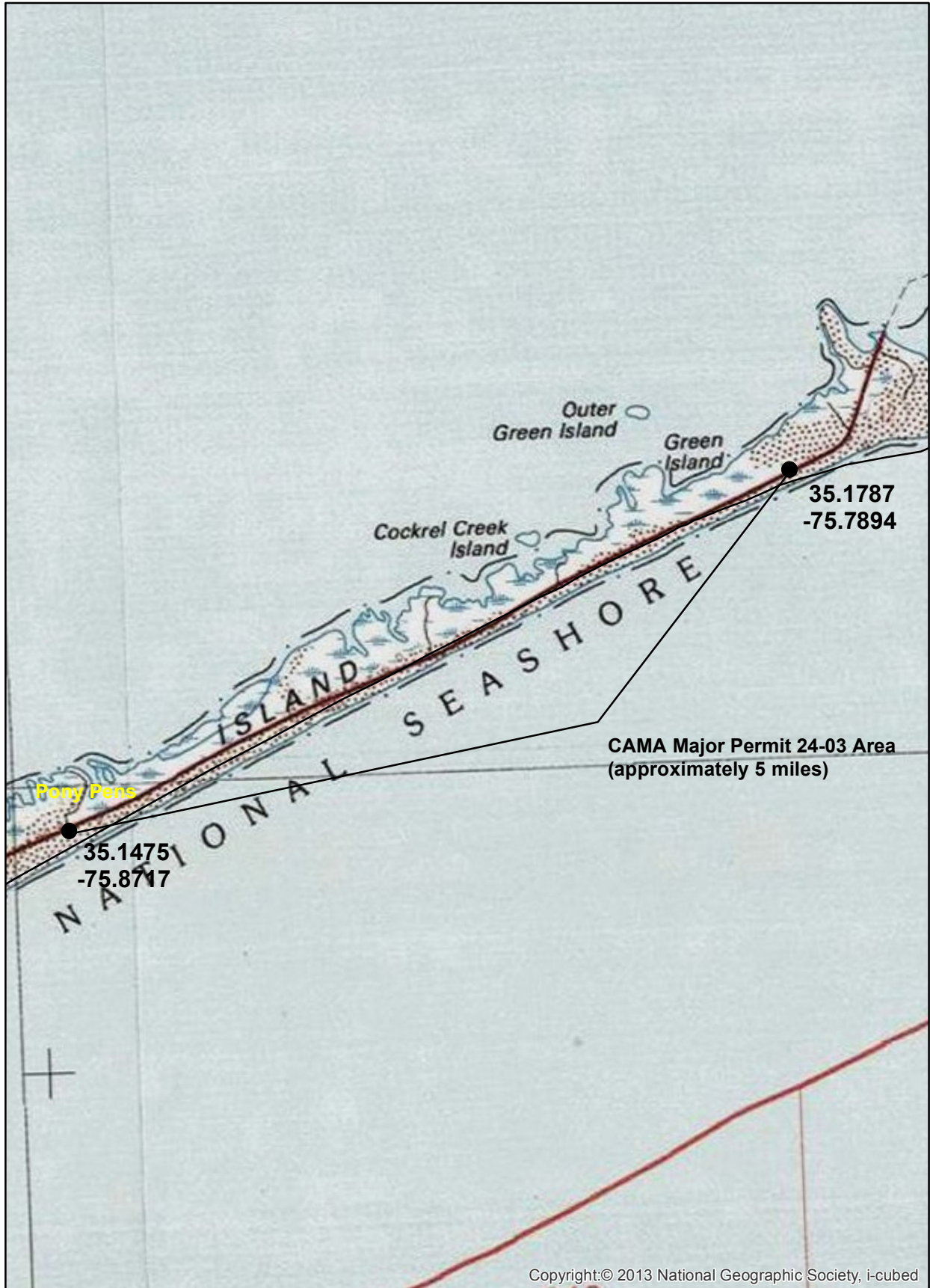
**NOTE:** The permittee is strongly encouraged to expedite efforts to develop and implement a long-term solution to the maintenance and protection of NC Highway 12 along Ocracoke Island.

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

- 5) This renewal shall be attached to the original of Permit No. 24-03, which was originally issued on 2/19/03, as well as all subsequent renewals, modifications, and letters of refinement, and copies of all documents shall be readily available on site when a Division representative inspects the project for compliance.
- 6) All conditions and stipulations of the active permit remain in force under this renewal unless altered herein.

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

Ocracoke Dune Maintenance  
CAMA Major Permit No. 24-03



## Williams, Paul C

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**From:** Brittingham, Cathy  
**Sent:** Friday, August 16, 2024 3:02 PM  
**To:** Williams, Paul C  
**Cc:** Wilson, Travis W.; Gary\_Jordan@fws.gov; Ward, Garcy; Barnes, Kyle W SAW; Tongue, Michelle; Lane, Stephen; Cannady, Lee; Snyder, Robin F  
**Subject:** NC 12 Ocracoke Island, place beach compatible material from the South Dock spoil site on existing sandbags adjacent to NC Highway 12, 24-03

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Paul,

DCM has reviewed the NCDOT email request dated July 29, 2024, including two (2) attachments: a vicinity map dated 4/5/24; and a typical section dated 6/24/24. The NCDOT request is to cover the existing sandbags along NC Highway 12 on Ocracoke Island for the entire existing alignment of approximately 6,320 linear feet with approximately 19,400 cubic yards of beach quality sand from the South Dock spoil site. NCDOT states that all work would be from the roadway, and any posted bird nesting areas and environmentally sensitive areas would be avoided. NCDOT equipment would not be placed on the beach for this project. All work would be conducted above the Normal High Water line. All of the proposed work would be within the existing authorized sandbag alignment, and the existing authorized sandbag alignment would not be increased.

NCDOT is requesting to conduct the proposed work during the remainder of the 2024 sea turtle and piping plover nesting season. The active permit, CAMA Major Permit 24-03, includes the following permit condition: “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 1<sup>st</sup> to November 15<sup>th</sup> of any year without first obtaining approval from DCM in consultation with the Wildlife Resources Commission (WRC) and the NPS.”

Based upon coordination by DCM with WRC, NPS, and USFWS, it is requested that NCDOT implement the following protocols that have been utilized in the past on this project when NCDOT has been authorized to work during the sea turtle and shorebird nesting season for this project:

“During 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).”

In addition, based upon comments from resource agencies, DCM emphasizes the importance of implementing the steeper slope on the oceanside of the covered sandbags following spoil placement as depicted on the typical section dated 6/24/24. The steeper slope on the oceanside will help to discourage sea turtles from attempting to crawl from the beach over the dune to the roadside.

DCM has determined that the proposed work is consistent with the Maintenance Clause contained within CAMA Major Permit No. 24-03 and does not require authorization for the additional proposed work beyond this email. If any aspect of this project should change, please contact our office to determine if additional authorization is necessary. NCDOT remains responsible for ensuring that all material used to cover the sandbags is compatible with native beach material in the project area. 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 Transportation Projects Field Representative before proceeding. Permitted activities shall resume only after resolution of the issue of sand compatibility. All proposed work shall be accomplished in a manner that damage to existing vegetation is minimized. All authorized work shall remain within the alignment/dimensions approved under CAMA Major Permit No. 24-03.

All conditions of the active permit remain in force. If it is determined that additional permanent and/or temporary impacts are proposed, additional authorization from DCM may be required. The permittee shall contact a representative of DCM prior to commencement of any such activity for this determination and any permit modification. This email shall be attached to the original of Permit No. 24-03, which was issued on 2/19/03, as well as all subsequent permit actions, and copies of all documents shall be readily available on site when a Division representative inspects the project for compliance.

This email approval 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) and/or the U.S. Army Corps of Engineers (USACE). Nothing in this email approval authorizes any activity that has not received approval from the National Park Service (NPS), if required, for work within the Cape Hatteras National Seashore.

Please let me or Lee Cannady, DCM Field Representative for DOT Projects, know if you have any questions or concerns. I can be reached by phone at (919) 707-9149 or by email at [cathy.brittingham@deq.nc.gov](mailto:cathy.brittingham@deq.nc.gov). Lee can be reached by phone at (252) 948-3855 or by email at [Lee.Cannady@deq.nc.gov](mailto:Lee.Cannady@deq.nc.gov).

Sincerely,

Cathy Brittingham

**Cathy Brittingham**

*Transportation Project Coordinator, Division of Coastal Management*

North Carolina Department of Environmental Quality

Office: (919) 707-9149

**Please note my new email address: [cathy.brittingham@deq.nc.gov](mailto:cathy.brittingham@deq.nc.gov)**

Mailing Address:

c/o DWR Transportation Permitting Branch

1617 Mail Service Center

Raleigh, NC 27699-1617

Physical Address:

512 North Salisbury Street

Archdale Building, 12<sup>th</sup> Floor, Room 1204C

Raleigh, NC 27604



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---

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

**Sent:** Monday, July 29, 2024 11:05 AM

**To:** Snyder, Robin F <Robin\_Snyder@nps.gov>; Johnson, Meaghan E <Meaghan\_Johnson@nps.gov>; Lane, Stephen <stephen.lane@deq.nc.gov>

**Cc:** Brittingham, Cathy <cathy.brittingham@deq.nc.gov>; Pugh, Carla D <cdpugh@ncdot.gov>; Wilson, Travis W. <travis.wilson@ncwildlife.org>; Gary\_Jordan@fws.gov; Thompson, William P <William\_P\_Thompson@nps.gov>; Ward, Garcy <garcy.ward@deq.nc.gov>; Barnes, Kyle W SAW <Kyle.W.Barnes@usace.army.mil>; Tongue, Michelle <Michelle\_Tongue@nps.gov>; Janson, Matthew D <matthew\_janson@nps.gov>

**Subject:** RE: Authorization Request for Sandbag Repairs on NC 12, Ocracoke Island

All,

With bird nesting concluded in the South Dock spoil site and the spoil evaluated for beach compatibility, NCDOT is planning to reconstruct the primary dune on the NC 12 sandbags on Ocracoke Island. This project would cover the existing sandbags where needed for the entire alignment with beach quality sand from the South Dock spoil site. Any posted bird nesting areas of the dune along NC 12 would be avoided, and all work would be from the roadway. NCDOT equipment would not be placed on the beach for this project. All work would be conducted above the NHW line resulting in no open water impacts. A typical drawing is attached for the project. As the volume of good material in the spoil site is limited, coverage of the sandbags will likely be minimal.

Meaghan,

Have any new sea turtle nests been found in the sandbag area of Ocracoke? Is bird nesting on the south end of the sandbag alignment ongoing?

Robin,

NCDOT requests Special Use Permit # USA24-5700-002 be amended for the dune reconstruction in the sandbag area of NC 12 on Ocracoke Island. NCDOT proposes to reconstruct a maximum of 6,320 linear feet of primary dune on the existing sandbags with approximately 19,400 cubic yards of beach quality sand from the South Dock Spoil Site. All work would be conducted from the roadway, and the bird nesting areas and environmentally sensitive areas would be avoided. NCDOT will coordinate with NPS staff for any new nesting activity in the area.

Stephen,

Please respond with another Maintenance Clause determination email. All of the proposed work is within the entire existing sandbag footprint. The existing sandbag alignment will not be lengthened/expanded by the project. NCDOT would continue to coordinate with NPS staff to verify if nesting activity is occurring in the vicinity of the work zone. NCWRC will be included with any coordination with NPS regarding operations if sea turtle nesting occurs.

Kyle and Garcy,

Open waters will not be impacted by this project. All work would be in the South Dock spoil site and the sandbag area of the primary dune along NC 12.

**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](mailto:pcwilliams2@ncdot.gov)

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Edenton, NC 27932



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**From:** Williams, Paul C

**Sent:** Monday, April 29, 2024 11:01 AM

**To:** Daisey, Greg <[Greg.Daisey@deq.nc.gov](mailto:Greg.Daisey@deq.nc.gov)>; 'Barnes, Kyle W SAW' <[Kyle.W.Barnes@usace.army.mil](mailto:Kyle.W.Barnes@usace.army.mil)>; Ward, Garcy <[garcy.ward@deq.nc.gov](mailto:garcy.ward@deq.nc.gov)>; Pantaleo, Carmen <[carmen\\_pantaleo@nps.gov](mailto:carmen_pantaleo@nps.gov)>

**Cc:** Brittingham, Cathy <[cathy.brittingham@deq.nc.gov](mailto:cathy.brittingham@deq.nc.gov)>; Pugh, Carla D <[cdpugh@ncdot.gov](mailto:cdpugh@ncdot.gov)>; Wilson, Travis W. <[travis.wilson@ncwildlife.org](mailto:travis.wilson@ncwildlife.org)>; [Gary\\_Jordan@fws.gov](mailto:Gary_Jordan@fws.gov); Thompson, William P <[William\\_P\\_Thompson@nps.gov](mailto:William_P_Thompson@nps.gov)>

**Subject:** RE: Authorization Request for Sandbag Repairs on NC 12, Ocracoke Island

All,

As work continues to repair the sandbag alignment on Ocracoke, NCDOT is finding more and more damaged sandbags in the existing alignment. Our engineers now estimate another 400 sandbags will be required to replace the existing damaged sandbags.

Carmen,

NCDOT requests the SUP for the project be amended again with the revised typical attached. The existing alignment continues to be approx. 6,320 linear feet and approximately 400 more sandbags would be required for the repairs with the locations as needed. The total number of sandbags would increase to 2,100, and the total

volume of sand from the swash zone for the 2,100 sandbags would increase to 11,760 cubic yards. The environmentally sensitive areas would be avoided during pumping operations, and the ESA alignments have been marked on the highway and/or the existing exposed sandbags. NCDOT would continue to coordinate with NPS staff (Will Thompson at (252)216-9237) to verify if nesting activity is occurring in the vicinity of the work zone. Damage to existing dune vegetation would be avoided.

Greg,

Please respond with another Maintenance Clause determination email. All of the proposed work is within the entire existing sandbag footprint. The existing sandbag alignment will not be lengthened/expanded by the project. NCDOT would continue to coordinate with NPS staff (Will Thompson at (252)216-9237) to verify if nesting activity is occurring in the vicinity of the work zone. NCWRC will be included with any coordination with NPS regarding operations if sea turtle nesting occurs.

Kyle and Garcy,

I will submit another Supplemental Information/More Information Response online unless you tell me otherwise. The area of impact would remain the same for the sand pumping to fill the additional 400 sandbags, but the volume would increase to a total of 11,760 cubic yards.

As the contractor is currently onsite and nearing completion of the previous 1,700 sandbags, expediting this request again would be greatly appreciated to allow them to continue work and not idle the operation.

Thanks, and please call if you would like to discuss.

**Paul C. Williams, Jr.**

Division Environmental Officer

Division One

NC Department of Transportation

(252) 482-1861 office  
(252) 333-9812 mobile  
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**From:** Williams, Paul C  
**Sent:** Friday, April 5, 2024 11:45 AM  
**To:** Daisey, Greg <[Greg.Daisey@deq.nc.gov](mailto:Greg.Daisey@deq.nc.gov)>; Barnes, Kyle W SAW <[Kyle.W.Barnes@usace.army.mil](mailto:Kyle.W.Barnes@usace.army.mil)>; Ward, Garcy <[garcy.ward@deq.nc.gov](mailto:garcy.ward@deq.nc.gov)>; Pantaleo, Carmen <[carmen\\_pantaleo@nps.gov](mailto:carmen_pantaleo@nps.gov)>  
**Cc:** Brittingham, Cathy <[cathy.brittingham@deq.nc.gov](mailto:cathy.brittingham@deq.nc.gov)>; Pugh, Carla D <[cdpugh@ncdot.gov](mailto:cdpugh@ncdot.gov)>  
**Subject:** RE: Authorization Request for Sandbag Repairs on NC 12, Ocracoke Island

All,

As work has progressed at Ocracoke, subsequent storms have continued to damage the existing sandbags along NC 12. As this has occurred, the impacts have started going outside the original area. We're also nearing the originally authorized 1,000 sandbags, and our engineers estimate another 700 sandbags will be required. Attached is a revised map for the entire sandbag alignment and a revised typical for the additional sandbags.

Carmen,

NCDOT requests the SUP for the project be amended again with the revised map and typical. The existing alignment is approx. 6,320 linear feet and approximately 700 more sandbags would be required for the repairs with the locations as needed. The total number of sandbags would increase to 1,700, and the total volume of sand from the swash zone for the 1,700 sandbags would increase to 9,520 cubic yards. The environmentally sensitive areas would be avoided during pumping operations, and the ESA alignments have been marked on the highway and/or the existing exposed sandbags. When turtle nesting season begins, NCDOT would coordinate with NPS staff (Will Thompson at (252)216-9237) to verify if nesting activity is occurring in the vicinity of the work zone. Damage to existing dune vegetation would be avoided.

Greg,

Please respond with another Maintenance Clause determination email.

Kyle and Garcy,

I will submit another Supplemental Information/More Information Response online.

As the contractor is currently onsite, expediting this request would be greatly appreciated to allow them to continue work and not idle the operation.

Thanks, and please call if you would like to discuss.

**Paul C. Williams, Jr.**  
Division Environmental Officer  
Division One  
NC Department of Transportation

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**From:** Williams, Paul C  
**Sent:** Wednesday, March 13, 2024 3:11 PM  
**To:** Daisey, Greg <[Greg.Daisey@deq.nc.gov](mailto:Greg.Daisey@deq.nc.gov)>; Barnes, Kyle W SAW <[Kyle.W.Barnes@usace.army.mil](mailto:Kyle.W.Barnes@usace.army.mil)>; Ward, Garcy <[garcy.ward@deq.nc.gov](mailto:garcy.ward@deq.nc.gov)>; Pantaleo, Carmen <[carmen\\_pantaleo@nps.gov](mailto:carmen_pantaleo@nps.gov)>  
**Cc:** Brittingham, Cathy <[cathy.brittingham@deq.nc.gov](mailto:cathy.brittingham@deq.nc.gov)>; Pugh, Carla D <[cdpugh@ncdot.gov](mailto:cdpugh@ncdot.gov)>  
**Subject:** RE: Authorization Request for Sandbag Repairs on NC 12, Ocracoke Island

All,

As work began on Ocracoke this week, NCDOT discovered a discrepancy in the map provided for the permits in relation to the damaged sandbags along NC 12. The stopping point on the map was taken in January after the storm events of that month. It was reported that the storm events of February only affected that area. However, there was additional damage that extended beyond the previously damaged area to a total of 3,260 linear feet, ending around Sta. 71+60. Attached is a revised map of the damage area, which extends up to but not past the southernmost NPS Env. Sensitive Area. This extension is still within the footprint of the existing sandbag alignment. The total length of existing sandbags placed along NC 12 will not increase with this project.

The number of sandbags needed for the repairs has not changed. The number of bags needed was based on an assessment completed after the damage in February. Therefore the volume of sand needed for the replacement sandbags will not change. Only the extent of the location of damaged bags has been revised in the attached drawing.

Carmen,

NCDOT requests the SUP for the project be amended with the attached revised map. The Environmentally Sensitive Area will not be impacted by our project, including the pumping operation in the swash zone or any equipment.

Kyle and Garcy,

I can submit this map as Supplemental Information into Laserfiche with the narrative above. Would either of you need anything else?

Greg,

Please respond with another Maintenance Clause determination email.

A quick response to this situation would be greatly appreciated as the contractor is currently onsite, and the extended area is one of the most vulnerable sections of NC 12. I apologize for any inconvenience or confusion from this discrepancy. Please call if you would like to discuss.

Thanks,

**Paul C. Williams, Jr.**

Division Environmental Officer

Division One

NC Department of Transportation

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**From:** Daisey, Greg <[Greg.Daisey@deq.nc.gov](mailto:Greg.Daisey@deq.nc.gov)>

**Sent:** Friday, February 23, 2024 4:03 PM

**To:** Williams, Paul C <[pcwilliams2@ncdot.gov](mailto:pcwilliams2@ncdot.gov)>

**Cc:** Brittingham, Cathy <[cathy.brittingham@deq.nc.gov](mailto:cathy.brittingham@deq.nc.gov)>; Barnes, Kyle W SAW <[Kyle.W.Barnes@usace.army.mil](mailto:Kyle.W.Barnes@usace.army.mil)>; Ward, Garcy <[garcy.ward@deq.nc.gov](mailto:garcy.ward@deq.nc.gov)>

**Subject:** RE: Authorization Request for Sandbag Repairs on NC 12, Ocracoke Island

Paul –

DCM has reviewed the work described in your email, dated February 17, 2024, containing three (3) attachments. The request is related to proposed repair/maintenance of existing sandbags adjacent to NC Highway 12 (35.168300° / -75.817541° to 35.171098° / -75.809803°) on Ocracoke Island, Hyde County. NCDOT states ocean overwash from coastal storms in December 2023, January 2024, and February 2024 impacted the existing sandbag area and sandbags located on the top two layers have been dislodged and/or damaged by the wave action. NCDOT proposes to repair/maintain approximately 2,525' of existing sandbags and sandbags would be hydraulically filled from the swash zone within the

adjacent beach with approximately 5,600 cubic yards of sand. Once available, sand from Southdock dredge spoil site will be used to rebuild the dune.

DCM has determined that the proposed work is consistent with the Maintenance Clause contained within CAMA Major Permit No. 24-03 and does not require authorization for the proposed work beyond this email. If any aspect of this project should change, please contact our office to determine if additional authorization is necessary. NCDOT remains responsible for ensuring that all dune repair/maintenance material is compatible with native beach material in the project area and that all proposed work is accomplished in a manner that damage to existing vegetation is minimized. All authorized work shall remain within the alignment/dimensions approved under CAMA Major Permit No. 24-03. 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 Transportation Projects Field Representative before proceeding. Permitted activities shall resume only after resolution of the issue of sand compatibility. If any proposed activities occur during sea turtle nesting season, NCDOT shall coordinate with NPS on sea turtle nest monitoring within the project area. The proposed work shall not result in any new permanent impacts to wetlands or waters of the State, without permit modification.

Please consult with any other local, state, or federal agencies that may require a permit or authorization before project initiation. Nothing in this e-mail authorizes any activity that has not received approval from NPS, if required. Please contact me if I can provide anymore assistance.

**Greg Daisey**

Transportation Projects Field Representative  
Division of Coastal Management  
*North Carolina Department of Environmental Quality*

252.955.4191

[Greg.Daisey@deq.nc.gov](mailto:Greg.Daisey@deq.nc.gov)

401 South Griffin Street, Suite 300  
Elizabeth City, NC 27909

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---

**From:** Williams, Paul C <[pcwilliams2@ncdot.gov](mailto:pcwilliams2@ncdot.gov)>

**Sent:** Saturday, February 17, 2024 2:24 PM

**To:** Daisey, Greg <[Greg.Daisey@deq.nc.gov](mailto:Greg.Daisey@deq.nc.gov)>

**Cc:** Brittingham, Cathy <[cathy.brittingham@deq.nc.gov](mailto:cathy.brittingham@deq.nc.gov)>; Bodnar, Gregg <[gregg.bodnar@deq.nc.gov](mailto:gregg.bodnar@deq.nc.gov)>

**Subject:** Authorization Request for Sandbag Repairs on NC 12, Ocracoke Island

Greg,

Please see the attached letter, drawing, and map for the sandbag repairs on Ocracoke. I'll forward any other permits for the project when they are issued.

Thanks,

**Paul C. Williams, Jr.**  
Division Environmental Officer  
Division One  
NC Department of Transportation

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(252) 333-9812 mobile  
(252) 482-8722 fax  
[pcwilliams2@ncdot.gov](mailto:pcwilliams2@ncdot.gov)

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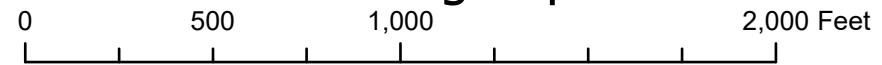
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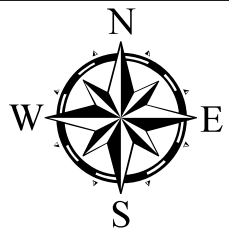
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## NC 12 - Ocracoke Sandbag Area 2024 Sandbag Repairs



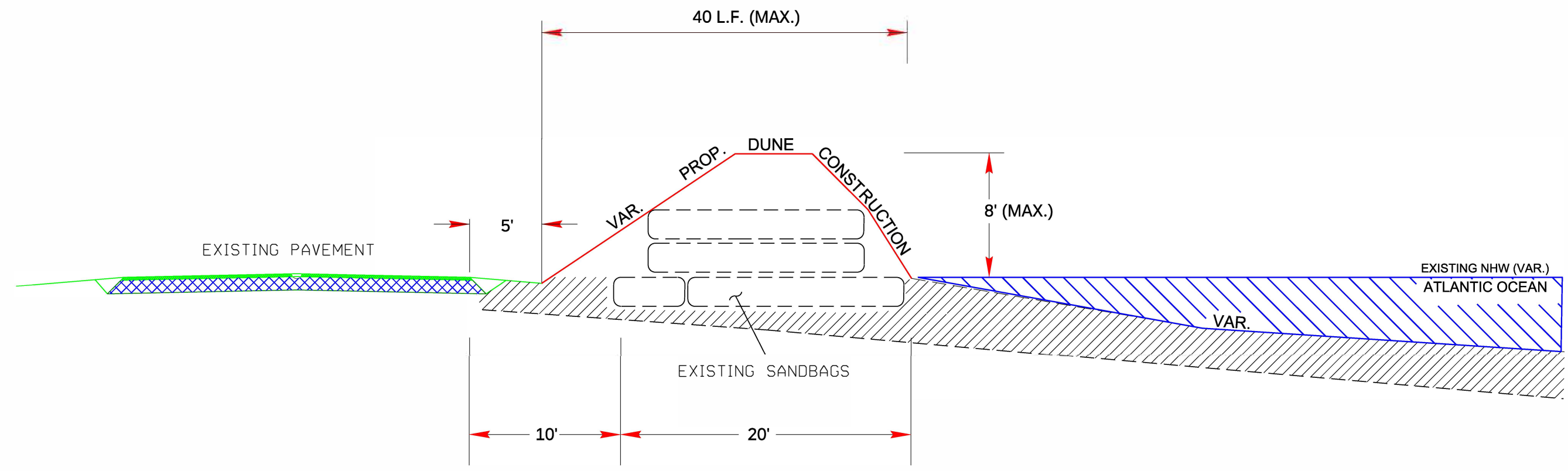
Date: 4/5/2024  
 Author: Paul Williams  
 Scale: 1:7,500  
 Sources:  
 Photography: NCDOT, NC OneMap, ESRI  
 National Park Service  
 NCDOT Orthoimagery Date: 2/14/2024



# DUNE REPAIRS & MAINTENANCE

## NC 12 OCRACOKE ISLAND

### SAND BAG SECTION



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

DUNE RECONSTRUCTION: 6,320 L.F.±  
 DUNE VOLUME: 19,400 C.Y.±  
 OPEN WATER IMPACTS: NONE

-Max. Permit Quantity Only  
 -Not for Contract Purposes

**TYPICAL SECTION A**  
 -L- STA. 31+50 TO STA. 94+70

NTS