

Permit Class  
**MODIFICATION/MINOR**

Permit Number  
**106-12**

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, Edenton, NC 27932**

Authorizing development in Dare County at Atlantic Ocean, NC Highway 12, Pea Island National Wildlife Refuge, as requested in the permittee's application letter dated 1/2/19, including the attached workplan drawings (3) as referenced in Condition No. 1 of this permit, & AEC Hazard Notice dated 1/17/19.

This permit, issued on 1/18/19, 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 work authorized by this Minor Modification shall be carried out in accordance with the following attached workplan drawings (3): 1 dated as received 1/2/19, 1 dated 1/4/19, and 1 dated 1/7/19, except as modified herein.
- 2) Unless specifically altered herein, this Minor Modification authorizes the following activities to maintain suitable habitat conditions for migratory birds and other federal trust species on the Pea Island National Wildlife Refuge (PINWR) in the area adjacent to the Oregon Inlet Terminal Groin: excavation of sandy material to restore open water habitat, and placement of the compatible sandy material on the adjacent area, all as depicted on the attached workplan drawings.
- 3) Nothing in this permit authorizes any activity that has not received approval from the United States Fish and Wildlife Service (USFWS) for work within PINWR.

**(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.

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

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

*Douglas V. Huggett for*

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

Braxton C. Davis, Director  
Division of Coastal Management

All work must cease when the permit expires on

This permit and its conditions are hereby accepted.

**No expiration date, pursuant to GS 136-44.7B**

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

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



**ADDITIONAL CONDITIONS**

**NOTE:** The specific development being permitted does not preclude the remainder of the B-2500 project being built in the Pamlico Sound provided that future development will be constructed in a way that avoids and minimizes impacts to AECs.

**NOTE:** The activities authorized by this Minor Modification are required by the Easement dated August 8, 2012 issued by the USFWS to the N.C. Department of Transportation (NCDOT) to use wildlife refuge lands for the retention of the existing terminal groin and connected revetments on the northern terminus of PINWR.

- 4) In order to protect sea turtle and shorebird populations, no work shall be conducted on the beach or forward of the dunes 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 prior approval from the N.C. Division of Coastal Management (DCM) in coordination with the USFWS and the N.C. Wildlife Resources Commission.
- 5) The permittee shall ensure that all material that is excavated and placed on the adjacent area is compatible with the general characteristics of the native sandy material in the area in which it is to be placed, and that it conforms to any requirements of the USFWS. Should the excavation operations encounter sand that may not be compatible, the permittee shall immediately cease operation and contact DCM and USFWS to resolve the issue of compatibility.
- 6) No stable natural vegetation shall be impacted outside of the work areas indicated on the attached workplan drawings.
- 7) In accordance with commitments made by the permittee, the existing dune in the deposition area shall not be moved.
- 8) The authorized activities shall not result in impacts to the existing dune system that would weaken the protective values of these dune systems.
- 9) No new vegetated wetlands or public trust waters shall be excavated or filled, without permit modification.
- 10) The temporary placement and double handling of any excavated or fill material within waters or vegetated wetlands is not authorized.
- 11) Construction staging areas shall be located only in upland areas, and not in wetlands or waters of the State.

**General**

- 12) The permittee and/or his contractor shall provide for proper storage and handling of all oils, chemicals, etc., necessary to carry out the project.



**ADDITIONAL CONDITIONS**

- 13) If it is determined that additional permanent and/or temporary impacts 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 may be required. In addition, any changes in the approved plan may also require a permit modification and/or additional authorization from DCM. The permittee shall contact a representative of DCM prior to commencement of any such activity for this determination and any permit modification.
- 14) The permittee and/or its contractor shall contact the DCM Transportation Project Field Representative in Elizabeth City to request a preconstruction conference prior to project initiation.
- 15) This permit 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 and/or the U.S. Army Corps of Engineers.
- 16) Development authorized by this permit shall only be conducted on lands owned by NCDOT and/or its right-of-ways and/or easements.
- 17) This Minor Modification shall be attached to the original of Permit No. 106-12, which was issued on 9/19/12, as well as all subsequent modifications, and copies of all documents shall be readily available on site when a Division representative inspects the project for compliance.
- 18) All conditions and stipulations of the active permit remain in force under this Minor Modification unless altered herein.

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