



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

Patrick L. McCrory
GOVERNOR

Anthony J. Tata
SECRETARY

May 29, 2015

Memo To: Sterling Baker, P.E. Maintenance Engineer

From: Clay Willis, Division Environmental Supervisor

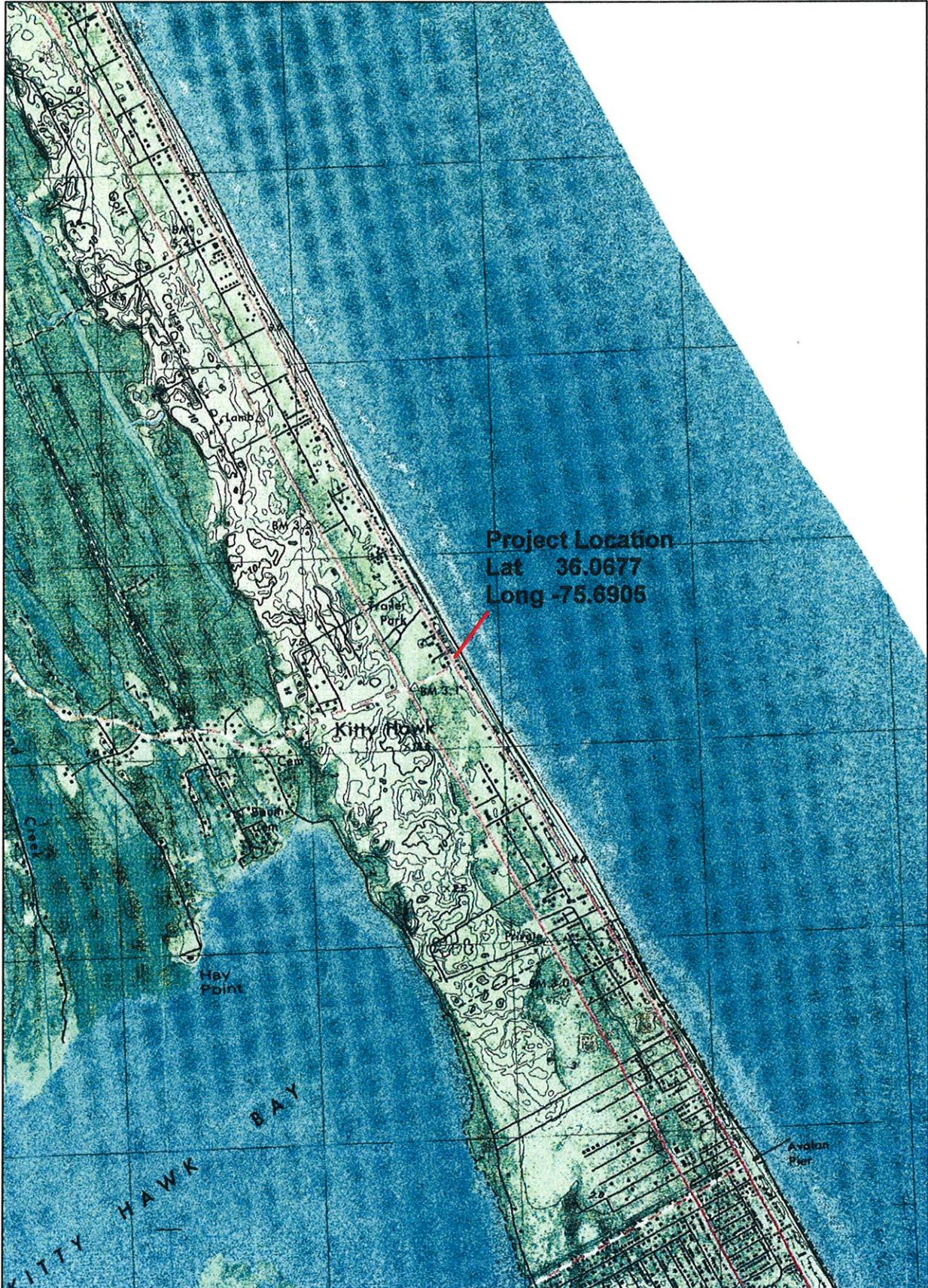
Subject: Permits for Emergency Sand Bag Project, Kitty Hawk, Dare County

Attached to this memo are the US Army Corps of Engineers NW 48 permit, DWR 401 certification for dredging/excavation below the Mean High Water line (filling sandbags) and the Division of Coastal Management general permit for emergency shoreline stabilization. The attached permits have conditions that apply to the permit that must be adhered to during the construction process. Part of the construction process is the utilization of temporary sheet pile to retain the roadbed, during sandbag installation. The sheet pile must be immediately removed following the sandbag placement. NCDOT is also required to perform daily turtle monitoring prior to any beach activity taking place. That monitoring must be conducted each morning at sunrise, 7 days a week. A record of the survey must be kept and a copy provided to the division environmental officer each week. This permit does not authorize any fill below the mean high water mark, as shown on the provided permit drawings. These drawing must be adhered to, in order to stay in compliance with the issued permit. Any changes to the design that may change impact limits may require a permit modification. **If the project limits or design change the environmental officer needs to be notified in order to request the proper permit modifications. Before construction begins on this project a preconstruction meeting needs to be scheduled for permit review. Please, allow two weeks in advance for scheduling of this meeting. A copy of this permit and the attached conditions need to be on the project site during construction of this project.**

Sincerely,
Jerry Jennings, P.E.
Division One Engineer

Clay Willis 
Division One Environmental Officer

500' Sandbag Placement along NC 12
Kitty Hawk, Dare County



0 0.5 1 2 Miles

NC DCM PERMIT



CAMA / DREDGE & FILL
GENERAL PERMIT

New Modification Complete Reissue Partial Reissue

N# A 64242

Previous permit # _____
 Date previous permit issued _____

As authorized by the State of North Carolina, Department of Environment and Natural Resources and the Coastal Resources Commission in an area of environmental concern pursuant to 15A NCAC

07H .1700

Rules attached.

Applicant Name NCDOT
 Address 113 AIRPORT DR.
 City EDENTON State NC ZIP 27932
 Phone # (252) 482-1876 Fax # (252) 482-8722
 Authorized Agent CLAY WILLIS

Project Location: County DARE
 Street Address/ State Road/ Lot #(s) AREA ADJACENT TO THE INTERSECTION OF SR 1260 AND NC 12
 Subdivision _____
 City KITTY HAWK ZIP 27948
 Phone # (____) _____ River Basin PASQUOTANK
 Adj. Wtr. Body ATLANTIC OCEAN (nat /man /unkn)
 Closest Maj. Wtr. Body ATLANTIC OCEAN

Affected AEC(s): CW EW PTA ES PTS
 OEA HHF IH UBA N/A
 PWS: _____ FC: _____

ORW: yes / no PNA yes / no Crit.Hab. yes / no

Type of Project/ Activity PLACE 500' OF PROTECTIVE SANDBAGS WITHIN THE RIGHT OF WAY OF NC 12 (VIRGINIA DARE TRAIL) TO PREVENT FURTHER DAMAGE. UTILIZE TEMPORARY SHEET PILE PLACEMENT ALONG THE SEAWARD EDGE IN THE PROJECT AREA. (Scale: N/A)

- Pier (dock) length _____
- Platform(s) _____
- Finger pier(s) _____
- Groin length _____
number _____
- Bulkhead/ Riprap length _____
avg distance offshore _____
max distance offshore _____
- Basin, channel _____
cubic yards _____
- Boat ramp _____
- Boathouse/ Boatlift _____
- Beach Bulldozing _____
- Other SANDBAGS,
TEMPORARY SHEET
METAL PILES.

PLANS ATTACHED AND INCORPORATED INTO PERMIT
 * DATED: ONE (1) 05/07/2015
 ONE (1) 05/14/2015
 ONE (1) 05/19/2015

NOTE: IN ACCORDANCE WITH COMMITMENTS MADE BY THE PERMITTEE, THE AUTHORIZED TEMPORARY CONSTRUCTION SHEET PILE STRUCTURE SHALL BE REMOVED IN ITS ENTIRETY EITHER IMMEDIATELY UPON PROJECT COMPLETION OR UPON RECEIPT OF A WRITTEN REMOVAL NOTICE FROM DCM.

Shoreline Length 500'
 SAV: not sure yes no
 Sandbags: not sure yes no
 Moratorium: n/a yes no
 Photos: yes no
 Waiver Attached: yes no

A building permit may be required by: KITTY HAWK See note on back regarding River Basin rules.

Notes/ Special Conditions ① NCDOT MUST MAINTAIN BAGS IN GOOD CONDITION, DAMAGE AND REMNANT FABRIC MUST BE REMOVED AS THEY ARE UNCOVERED. ② A COPY OF THIS PERMIT AND APPROVED DRAWINGS MUST BE KEPT ON-SITE DURING WORK.

Agent or Applicant Printed Name Clay Willis
 Signature Clay Willis
 Application Fee(s) \$400.00
 WBS# ISP.10281.18
 Check # _____

Permit Officer's Signature Guy Dany
 Issuing Date 5/29/2015
 Local Planning Jurisdiction KITTY HAWK
 Expiration Date 6/28/2015
 River File Name 36° 04' 02.96" N
75° 41' 26.80" W

**SECTION .1700 - GENERAL PERMIT FOR EMERGENCY WORK REQUIRING A CAMA AND/OR A
DREDGE AND FILL PERMIT**

15A NCAC 07H .1701 PURPOSE

This permit allows work necessary to protect property and/or prevent further damage to property caused by a sudden or unexpected natural event or structural failure which imminently endangers life or structure. For the purposes of this general permit, major storms such as hurricanes, northeasters or southwesters may be considered a sudden unexpected natural event although such storms may be predicted and publicized in advance.

*History Note: Authority G.S. 113-229(c); 113A-107(a),(b); 113A-113(b); 113A-118.1;
Eff. November 1, 1985.*

15A NCAC 07H .1702 APPROVAL PROCEDURES

- (a) Any person wishing to undertake development in an area of environmental concern necessary to protect life or endangered structures will notify the Division of Coastal Management or Local Permit Office (LPO) when a possible emergency situation exists.
- (b) The applicant may qualify for approval of work described in this permit after an onsite inspection by the LPO or Division of Coastal Management Field Consultant and upon his findings that the proposed emergency work requires a CAMA and/or Dredge and Fill permit. The LPO shall issue the permit if the required emergency measures constitute minor development.
- (c) Once the LPO or Consultant determines that the applicant's proposed project may qualify for an emergency permit, he shall consult with the applicant and assist him in preparing an application. The applicant shall include a sketch showing existing conditions and the proposed work.
- (d) The applicant for an emergency permit must take all reasonable steps to notify adjacent riparian landowners of the application, and prior to receiving a permit will certify by signing the permit the following:
- (1) that a copy of the application and sketch has been served on all adjacent riparian landowners, or if service of a copy was not feasible, that the applicant has explained the project to all adjacent riparian landowners;
 - (2) that the applicant has explained to all adjacent riparian landowners that they have a right to oppose the issuance of a permit by filing objections with the local CAMA permit officer or with the Secretary of the Department of Environment, Health, and Natural Resources;
 - (3) that, as to adjacent riparian landowners not contacted, the applicant has made a reasonable attempt to contact them and furnish them with the required information.
- (e) All work authorized by this general permit will cease after thirty days from the date of issuance.

*History Note: Authority G.S. 113-229(c); 113A-107(a),(b); 113A-113(b); 113A-118.1;
Eff. November 1, 1985;
Amended Eff. May 1, 1990.*

15A NCAC 07H .1703 PERMIT FEE

The agency shall not charge a fee for permitting work necessary to respond to emergency situations except in the case when a temporary erosion control structure is used. In those cases, the applicant shall pay a permit fee of four hundred dollars (\$400.00) by check or money order made payable to the Department.

*History Note: Authority G.S. 113-229(c); 113A-107(a),(b); 113A-113(b); 113A-118.1; 113A-119;
Eff. November 1, 1985;
Amended Eff. September 1, 2006; August 1, 2002; March 1, 1991; October 1, 199.*

15A NCAC 07H .1704 GENERAL CONDITIONS

- (a) Work permitted by means of an emergency general permit shall be subject to the following limitations:
- (1) No work shall begin until an onsite meeting is held with the applicant and a Division of Coastal Management representative so that the proposed emergency work can be delineated. Written authorization to proceed with the proposed development may be issued during this visit.
 - (2) No work shall be permitted other than that which is necessary to reasonably protect against or reduce the imminent danger caused by the emergency, to restore the damaged property to its condition immediately before the emergency, or to re-establish necessary public facilities or transportation corridors.
 - (3) Any permitted erosion control projects shall be located no more than 20 feet waterward of the imminently threatened structure or the right-of way in the case of roads. If a building or road is found to be imminently threatened and at increased risk of imminent damage due to site conditions such as a flat beach profile or accelerated erosion, temporary erosion control structures may be located more than 20 feet seaward of the structure being

protected. In cases of increased risk of imminent damage, the location of the temporary erosion control structures shall be determined by the Director of the Division of Coastal Management or designee.

(4) Fill materials used in conjunction with emergency work for storm or erosion control shall be obtained from an upland source. Excavation below MHW in the Ocean Hazard AEC may be allowed to obtain material to fill sandbags used for emergency protection.

(5) Structural work shall meet sound engineering practices.

(6) This permit allows the use of oceanfront erosion control measures for all oceanfront properties without regard to the size of the existing structure on the property or the date of construction.

(b) Individuals shall allow authorized representatives of the Department of Environment and Natural Resources to make inspections at any time deemed necessary to be sure that the activity being performed under authority of this general permit is in accordance with the terms and conditions in these Rules.

(c) Development shall not jeopardize the use of the waters for navigation or for other public trust rights in public trust areas including estuarine waters.

(d) This permit shall not be applicable to proposed construction where the Department has determined, based on an initial review of the application, that notice and review pursuant to G.S. 113A-119 is necessary because there are unresolved questions concerning the proposed activity's impact on adjoining properties or on water quality, air quality, coastal wetlands, cultural or historic sites, wildlife, fisheries resources, or public trust rights.

(e) This permit does not eliminate the need to obtain any other state, local, or federal authorization.

(f) Development carried out under this permit must be consistent with all local requirements, CAMA rules, and local land use plans, storm hazard mitigation, and post-disaster recovery plans current at the time of authorization.

History Note: Authority G.S. 113-229(c); 113A-107(a),(b); 113A-113(b); 113A-118.1; Eff. November 1, 1985; Amended Eff. December 1, 1991; May 1, 1990; RRC Objection due to ambiguity Eff. May 19, 1994; Amended Eff. May 1, 2010; August 1, 1998; July 1, 1994.

15A NCAC 07H .1705 SPECIFIC CONDITIONS

(a) Temporary Erosion Control Structures in the Ocean Hazard AEC.

(1) Permittable temporary erosion control structures shall be limited to sandbags placed landward of mean high water and parallel to the shore.

(2) Temporary erosion control structures as defined in Subparagraph (1) of this Paragraph shall be used to protect only imminently threatened roads and associated right of ways, and buildings and their associated septic systems. A structure shall be considered imminently threatened if its foundation, septic system, or, right-of-way in the case of roads, is less than 20 feet away from the erosion scarp. Buildings and roads located more than 20 feet from the erosion scarp or in areas where there is no obvious erosion scarp may also be found to be imminently threatened when site conditions, such as a flat beach profile or accelerated erosion, increase the risk of imminent damage to the structure.

(3) Temporary erosion control structures shall be used to protect only the principal structure and its associated septic system, but not appurtenances such as pools, gazebos, decks or any amenity that is allowed as an exception to the erosion setback requirement.

(4) Temporary erosion control structures may be placed seaward of a septic system when there is no alternative to relocate it on the same or adjoining lot so that it is landward of or in line with the structure being protected.

(5) Temporary erosion control structures shall not extend more than 20 feet past the sides of the structure to be protected. The landward side of such temporary erosion control structures shall not be located more than 20 feet seaward of the structure to be protected or the right-of-way in the case of roads. If a building or road is found to be imminently threatened and at increased risk of imminent damage due to site conditions such as a flat beach profile or accelerated erosion, temporary erosion control structures may be located more than 20 feet seaward of the structure being protected. In cases of increased risk of imminent damage, the location of the temporary erosion control structures shall be determined by the Director of the Division of Coastal management or designee.

(6) Temporary erosion control structures may remain in place for up to two years after the date of approval if they are protecting a building with a total floor area of 5000 square feet or less and its associated septic system, or for up to five years for a building with a total floor area of more than 5000 square feet and its associated septic system. Temporary erosion control structures may remain in place for up to five years if they are protecting a bridge or a road. The property owner shall be responsible for removal of the temporary structure within 30 days of the end of the allowable time period.

(7) Temporary sandbag erosion control structures may remain in place for up to five years from the date of approval if they are located in a community that is actively pursuing a beach nourishment project, and up to eight years from the date of approval if they are located in an Inlet Hazard Area adjacent to an inlet for which a community is actively pursuing an inlet relocation project. For purposes of this Rule, a community is considered to be actively pursuing a beach nourishment or inlet relocation project if it has:

(A) an active CAMA permit, where necessary, approving such project, or

- (B) been identified by a U.S. Army Corps of Engineers' Beach Nourishment Reconnaissance Study, General Reevaluation Report, Coastal Storm Damage Reduction Study, or an ongoing feasibility study by the U.S. Army Corps of Engineers and a commitment of local or federal money, when necessary; or
- (C) received a favorable economic evaluation report on a federal project; or
- (D) is in the planning stages of a project that has been designed by the U.S. Army Corps of Engineers or persons meeting applicable State occupational licensing requirements and has been initiated by a local government or community with a commitment of local or state funds to construct the project and the identification of the financial resources or funding bases necessary to fund the beach nourishment or inlet relocation project.

If beach nourishment or inlet relocation is rejected by the sponsoring agency or community, or ceases to be actively planned for a section of shoreline, the time extension is void for that section of beach or community and existing sandbags are subject to all applicable time limits set forth in Subparagraph (6) of this Paragraph.

(8) Once the temporary erosion control structure is determined to be unnecessary due to relocation or removal of the threatened structure, a storm protection project constructed by the U.S. Army Corps of Engineers, a large scale beach nourishment project or an inlet relocation project, it shall be removed by the permittee within 30 days of official notification by the Division of Coastal Management regardless of the time limit placed on the temporary erosion control structure.

(9) Removal of temporary erosion control structures shall not be required if they are covered by dunes with stable and natural vegetation.

(10) The property owner shall be responsible for the removal of remnants of all portions of any damaged temporary erosion control structure.

(11) Sandbags used to construct temporary erosion control structures shall be tan in color and 3 to 5 feet wide and 7 to 15 feet long when measured flat. Base width of the structure shall not exceed 20 feet, and the height shall not exceed 6 feet.

(12) Soldier pilings and other types of devices to anchor sandbags shall not be allowed.

(13) Excavation below mean high water in the Ocean Hazard AEC may be allowed to obtain material to fill sandbags used for emergency protection.

(14) An imminently threatened structure may be protected only once regardless of ownership unless the threatened structure is located in an Inlet Hazard Area and in a community that is actively pursuing an inlet relocation project in accordance with Subparagraph (7). Existing temporary erosion control structures located in Inlet Hazard Areas may be eligible for an additional eight year permit extension provided that the structure being protected is still imminently threatened, the temporary erosion control structure is in compliance with requirements of this Subparagraph and the community in which it is located is actively pursuing an inlet relocation project in accordance with Subparagraph (7) of this Paragraph. In the case of a building, a temporary erosion control structure may be extended, or new segments constructed, if additional areas of the building become imminently threatened. Where temporary structures are installed or extended incrementally, the time period for removal under Subparagraph (6) or (7) shall begin at the time the initial erosion control structure is installed. For the purpose of this Rule:

- (A) a building and septic system shall be considered as separate structures.
- (B) a road or highway shall be allowed to be incrementally protected as sections become imminently threatened. The time period for removal of each section of sandbags shall begin at the time that section is installed in accordance with Subparagraph (6) or (7) of this Rule.

(15) Existing sandbag structures may be repaired or replaced within their originally permitted dimensions during the time period allowed under Subparagraph (6) or (7) of this Rule.

(b) Erosion Control Structures in the Estuarine Shoreline, Estuarine Waters, and Public Trust AECs. Work permitted by this general permit shall be subject to the following limitations:

(1) no work shall be permitted other than that which is necessary to reasonably protect against or reduce the imminent danger caused by the emergency or to restore the damaged property to its condition immediately before the emergency;

(2) the erosion control structure shall be located no more than 20 feet waterward of the imminently threatened structure. If a building or road is found to be imminently threatened and at increased risk of imminent damage due to site conditions such as a flat shore profile or accelerated erosion, temporary erosion control structures may be located more than 20 feet seaward of the structure being protected. In cases of increased risk of imminent damage, the location of the temporary erosion control structures shall be determined by the Director of the Division of Coastal Management or designee.

(3) fill material used in conjunction with emergency work for storm or erosion control in the Estuarine Shoreline, Estuarine Waters and Public Trust AECs shall be obtained from an upland source.

(c) Protection, Rehabilitation, or Temporary Relocation of Public Facilities or Transportation Corridors.

(1) Work permitted by this general permit shall be subject to the following limitations:

- (A) no work shall be permitted other than that which is necessary to protect against or reduce the imminent danger caused by the emergency or to restore the damaged property to its condition immediately before the emergency;

- (B) the erosion control structure shall be located no more than 20 feet waterward of the imminently threatened structure or the right-of-way in the case of roads. If a public facility or transportation corridor is found to be imminently threatened and at increased risk of imminent damage due to site conditions such as a flat shore profile or accelerated erosion, temporary erosion control structures may be located more than 20 feet seaward of the facility or corridor being protected. In cases of increased risk of imminent damage, the location of the temporary erosion control structures shall be determined by the Director of the Division of Coastal Management or designee;
 - (C) any fill materials used in conjunction with emergency work for storm or erosion control shall be obtained from an upland source except that dredging for fill material to protect public facilities or transportation corridors shall be considered in accordance with standards in 15A NCAC 7H .0208;
 - (D) all fill materials or structures associated with temporary relocations which are located within Coastal Wetlands, Estuarine Water, or Public Trust AECs shall be removed after the emergency event has ended and the area restored to pre-disturbed conditions.
- (2) This permit authorizes only the immediate protection or temporary rehabilitation or relocation of existing public facilities. Long-term stabilization or relocation of public facilities shall be consistent with local governments' post-disaster recovery plans and policies which are part of their Land Use Plans.

History Note: Authority G.S. 113-229(c1); 113A-107(a),(b); 113A-113(b); 113A-118.1;
Eff. November 1, 1985;
Amended Eff. April 1, 1999; February 1, 1996; June 1, 1995;
Temporary Amendment Eff. July 3, 2000; May 22, 2000;
Amended Eff. May 1, 2010; August 1, 2002. Temporary Amendment Eff. July 3, 2000; May 22, 2000;

OCEAN HAZARD AEC NOTICE

Project is in an: Ocean Erodeable Area High Hazard Flood Area Inlet Hazard Area

Property Owner: NCDOT

Property Address: INTERSECTION OF SR 1260 AND NC 12, KITTY HAWK, NC 27949

Date Lot Was Platted: _____

This notice is intended to make you, the applicant, aware of the special risks and conditions associated with development in this area, which is subject to natural hazards such as storms, erosion and currents. The rules of the Coastal Resources Commission require that you receive an AEC Hazard Notice and acknowledge that notice in writing before a permit for development can be issued.

The Commission's rules on building standards, oceanfront setbacks and dune alterations are designed to minimize, but not eliminate, property loss from hazards. By granting permits, the Coastal Resources Commission does not guarantee the safety of the development and assumes no liability for future damage to the development. Permits issued in the Ocean Hazard Area of Environmental Concern include the condition that structures be relocated or dismantled if they become imminently threatened by changes in shoreline configuration. The structure(s) must be relocated or dismantled within two (2) years of becoming imminently threatened, and in any case upon its collapse or subsidence.

The best available information, as accepted by the Coastal Resources Commission, indicates that the annual long-term average ocean erosion rate for the area where your property is located is 2 feet per year.

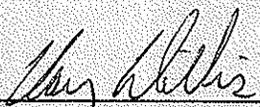
The rate was established by careful analysis of aerial photographs of the coastline taken over the past 50 years.

Studies also indicate that the shoreline could move as much as 25 feet landward in a major storm.

The flood waters in a major storm are predicted to be about 12 feet deep in this area.

Preferred oceanfront protection measures are beach nourishment and relocation of threatened structures. Hard erosion control structures such as bulkheads, seawalls, revetments, groins, jetties and breakwaters are prohibited. Temporary sand bags may be authorized under certain conditions.

The applicant must acknowledge this information and requirements by signing this notice in the space below. Without the proper signature, the application will not be complete.


Property Owner Signature

5/29/15
Date

SPECIAL NOTE: This hazard notice is required for development in areas subject to sudden and massive storms and erosion. Permits issued for development in this area expire on December 31 of the third year following the year in which the permit was issued. Shortly before work begins on the project site, the Local Permit Officer must be contacted to determine the vegetation line and setback distance at your site. If the property has seen little change since the time of permit issuance, and the proposed development can still meet the setback requirement, the LPO will inform you that you may begin work. Substantial progress on the project must be made within 60 days of this setback determination, or the setback must be remeasured. Also, the occurrence of a major shoreline change as the result of a storm within the 60-day period will necessitate remeasurement of the setback. It is important that you check with the LPO before the permit expires for official approval to continue the work after the permit has expired. Generally, if foundation pilings have been placed and substantial progress is continuing, permit renewal can be authorized. It is unlawful to continue work after permit expiration.

For more information, contact:

GREG DAISEY
Local Permit Officer

1367 US 17 SOUTH, ELIZABETH CITY, NC 27909
Address

NCDOT DIVISION 1
Locality

252-264-3901 ext. 237
Phone Number

USACOE PERMIT

Willis, Thomas C

From: Wheeler, Tracey L SAW <Tracey.L.Wheeler@usace.army.mil>
Sent: Thursday, May 28, 2015 3:18 PM
To: Willis, Thomas C; Ward, Garcy
Cc: Daisey, Greg; Gary_Jordan@fws.gov
Subject: RE: Permit Application for Emergency Sandbag Project in Kitty Hawk (UNCLASSIFIED)
Attachments: Email NCDOT NC 12 Kitty Hawk Emergency Sandbags RGP 48.pdf; GP80-0048signed.pdf

Classification: UNCLASSIFIED

Caveats: NONE

Clay,

The above project qualifies for a Regional General Permit 198000048 authorization. NCDOT is authorized to place 500 linear feet of sand bags and to reconstruct sand dunes on an 800 foot section of NC 12 near the intersection with NCSR 1260 in Kitty Hawk, North Carolina. NCDOT proposes to place the sand bags parallel to the roadway above the mean high water line. In order to facilitate the placement of the sandbags, NCDOT will install a sheet pile wall that will be removed, in its entirety upon completion of the installation. NCDOT proposes to fill the sand bags with material removed from the swash zone within the project area. Construction of the project will result in the excavation of 1,668 cubic yards of material. The following Special Conditions apply:

1. Temporary sheet pile must be removed in its entirety upon completion of sand bag placement.
2. No fill material is authorized below MHWL, including sand bags and dune material.
3. In order to protect sea turtles, NCDOT must survey the beach within the project area every morning prior to work beginning. If any sea turtle tracks are observed, NCDOT must stop work immediately and coordinate with USFWS and NCWRC.
4. Sand for dune construction must come from an upland source.

Action ID SAW-2015-01119

Tracey L. Wheeler
Regulatory Project Manager
U.S. Army Corps of Engineers
Washington Regulatory Field Office
2407 West 5th Street
Washington, North Carolina 27889
(910) 251-4627

The Wilmington District is committed to providing the highest level of support to the public. To help us ensure we continue to do so, please complete the Customer Satisfaction Survey located at <http://regulatory.usacesurvey.com/>.

-----Original Message-----

From: Willis, Thomas C [<mailto:tcwillis@ncdot.gov>]
Sent: Tuesday, May 19, 2015 12:45 PM
To: Wheeler, Tracey L SAW; Ward, Garcy
Cc: Carpenter, Kristi

Subject: [EXTERNAL] Permit Application for Emergency Sandbag Project in Kitty Hawk

Tracey and Garcy,

Attached is a permit application for the placement of 500 feet of sandbags in Kitty Hawk. I am waiting on a concurrence letter from the USFWS, which will be forwarded to you as soon as I receive it. We are also getting a GP 1700 from CAMA for emergency work. Let me know if you need anything else from me or have any questions.

Thanks,
Clay

NCDOT - Division One

Environmental Supervisor

Office - 252-482-1876

Cell - 252-312-3692

tcwillis@ncdot.gov

Email correspondence to and from this sender is subject to the N.C. Public Records Law and may be disclosed to third parties.

Classification: UNCLASSIFIED

Caveats: NONE

**U.S. ARMY CORPS OF ENGINEERS
WILMINGTON DISTRICT**

Action Id. SAW-2015-01119 County: Dare U.S.G.S. Quad: NC-KITTY HAWK

GENERAL PERMIT (REGIONAL AND NATIONWIDE) VERIFICATION

Permittee: NCDOT, Division Engineer
Jerry Jennings
Address: 113 Airport Road, Suite 100
Edenton, NC, 27932
Telephone Number: _____

Size (acres) 0.88 Nearest Town Kitty Hawk
Nearest Waterway Atlantic Ocean River Basin Albemarle, North Carolina, Virginia.
USGS HUC 3010205 Coordinates Latitude: 36.0675609038274
Longitude: -75.6907213649446

Location description: The project area is a 0.88 acre area adjacent to NC 12 near NCSR 1260 within the NCDOT Right of Way, across from the Black Pelican Restaurant in Kitty Hawk, Dare County, North Carolina.

Description of projects area and activity: NCDOT proposes to place 500 linear feet of sand bags and to reconstruct sand dunes on an 800 foot section of NC 12 near the intersection with NCSR 1260 in Kitty Hawk, North Carolina. On May 2, 2015 storm surge eroded the northbound lane and existing dunes in the project area. NCDOT proposes to place the sand bags parallel to the roadway above the mean high water line. In order to facilitate the placement of the sandbags, NCDOT will install a sheet pile wall that will be removed, in its entirety upon completion of the installation. NCDOT proposes to fill the sand bags with material removed from the swash zone within the project area. Construction of the project will result in the excavation of 1,668 cubic yards of material.

Applicable Law: Section 404 (Clean Water Act, 33 USC 1344)
 Section 10 (Rivers and Harbors Act, 33 USC 403)

Authorization: Regional General Permit Number or Nationwide Permit Number: GP 19800048 Emergency Activities on Ocean Beaches SEE ATTACHED RGP or NWP GENERAL, REGIONAL AND SPECIAL CONDITIONS

Your work is authorized by the above referenced permit provided it is accomplished in strict accordance with the attached conditions and your submitted application and attached information dated 05/20/2015. Any violation of the attached conditions or deviation from your submitted plans may subject the permittee to a stop work order, a restoration order, a Class I administrative penalty, and/or appropriate legal action.

This verification will remain valid until the expiration date identified below unless the nationwide authorization is modified, suspended or revoked. If, prior to the expiration date identified below, the nationwide permit authorization is reissued and/or modified, this verification will remain valid until the expiration date identified below, provided it complies with all requirements of the modified nationwide permit. If the nationwide permit authorization expires or is suspended, revoked, or is modified, such that the activity would no longer comply with the terms and conditions of the nationwide permit, activities which have commenced (i.e., are under construction) or are under contract to commence in reliance upon the nationwide permit, will remain authorized provided the activity is completed within twelve months of the date of the nationwide permit's expiration, modification or revocation, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend or revoke the authorization.

Activities subject to Section 404 (as indicated above) may also require an individual Section 401 Water Quality Certification. You should contact the NC Division of Water Quality (telephone 919-807-6300) to determine Section 401 requirements.

For activities occurring within the twenty coastal counties subject to regulation under the Coastal Area Management Act (CAMA), prior to beginning work you must contact the N.C. Division of Coastal Management in Elizabeth City, NC, at (252) 264-3901.

This Department of the Army verification does not relieve the permittee of the responsibility to obtain any other required Federal, State or local approvals/permits.

If there are any questions regarding this verification, any of the conditions of the Permit, or the Corps of Engineers regulatory program, please contact Tracey Wheeler at 910-251-4627 or Tracey.L.Wheeler@usace.army.mil.

Corps Regulatory Official: .1271895182 Date: 05/28/2015
Expiration Date of Verification: 12/31/2016

Digitally signed by
WHEELER.TRACEY.L
DN: c=US, o=U.S. Government, ou=DoD, ou=PW,
ou=USA, cn=WHEELER TRACEY.L.1271895182
Date: 2015.05.28 14:59:29 -0500

Determination of Jurisdiction:

- A. Based on preliminary information, there appear to be waters of the US including wetlands within the above described project area. This preliminary determination is not an appealable action under the Regulatory Program Administrative Appeal Process (Reference 33 CFR Part 331).
- B. There are Navigable Waters of the United States within the above described project area subject to the permit requirements of Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
- C. There are waters of the US and/or wetlands within the above described project area subject to the permit requirements of Section 404 of the Clean Water Act (CWA)(33 USC § 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
- D. The jurisdictional areas within the above described project area have been identified under a previous action. Please reference jurisdictional determination issued . Action ID: **SAW-** .

Basis For Determination: The project is located in and adjacent to the Atlantic Ocean.

Remarks:

E. Attention USDA Program Participants

This delineation/determination has been conducted to identify the limits of Corps' Clean Water Act jurisdiction for the particular site identified in this request. The delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are USDA Program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work.

F. Appeals Information (This information applies only to approved jurisdictional determinations as indicated in B and C above).

This correspondence constitutes an approved jurisdictional determination for the above described site. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and request for appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the following address:

US Army Corps of Engineers
South Atlantic Division
Attn: Jason Steele, Review Officer
60 Forsyth Street SW, Room 10M15
Atlanta, Georgia 30303-8801
Phone: (404) 562-5137

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by **7/27/2015**.

****It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this correspondence.****

Corps Regulatory Official: WHEELER.TRACEY.L.1271895182
Tracey Wheeler

Digitally signed by WHEELER.TRACEY.L.1271895182
DN: c=US, o=U.S. Government, ou=DoD, ou=PKI, ou=USA,
cn=WHEELER.TRACEY.L.1271895182
Date: 2015.05.28 14:59:58 -0400

Date of JD: **05/28/2015**

Expiration Date of JD: **5/28/2020**

The Wilmington District is committed to providing the highest level of support to the public. To help us ensure we continue to do so, please complete our customer Satisfaction Survey online at <http://regulatory.usacesurvey.com/>.

SPECIAL CONDITIONS

1. Temporary sheet pile must be removed in its entirety upon completion of sand bag placement.
2. No fill material is authorized below MHWL, including sand bags and dune material.
3. In order to protect sea turtles, NCDOT must survey the beach within the project area every morning prior to work beginning. If any sea turtle tracks are observed, NCDOT must stop work immediately and coordinate with USFWS and NCWRC.
4. Sand for dune construction must come from an upland source.

Action ID Number: SAW-2015-01119 County: Dare

Permittee: NCDOT, Division Engineer
Jerry Jennings

Project Name: NCDOT/NC 12 Kitty Hawk/Emergency Sand Bags

Date Verification Issued: 05/28/2015

Project Manager: Tracey Wheeler

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

US ARMY CORPS OF ENGINEERS
WILMINGTON DISTRICT
Attn: Tracey Wheeler
2407 West 5th Street
Washington, North Carolina 27889

Please note that your permitted activity is subject to a compliance inspection by a U. S. Army Corps of Engineers representative. Failure to comply with any terms or conditions of this authorization may result in the Corps suspending, modifying or revoking the authorization and/or issuing a Class I administrative penalty, or initiating other appropriate legal action.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and condition of the said permit, and required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND
REQUEST FOR APPEAL**

Applicant: NCDOT, Division Engineer
Jerry Jennings

File Number: SAW-2015-01119

Date: 05/28/2015

Attached is:

See Section below

<input type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
<input type="checkbox"/>	PERMIT DENIAL	C
<input type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	D
<input checked="" type="checkbox"/>	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at or <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits.aspx> or the Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the district engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:
**District Engineer, Washington Regulatory Field Office,
Attn: Tracey Wheeler
2407 West 5th Street
Washington, North Carolina 27889**

If you only have questions regarding the appeal process you may also contact:
Mr. Jason Steele, Administrative Appeal Review Officer
CESAD-PDO
U.S. Army Corps of Engineers, South Atlantic Division
60 Forsyth Street, Room 10M15
Atlanta, Georgia 30303-8801
Phone: (404) 562-5137

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

_____	Date:	Telephone number:
Signature of appellant or agent.		

For appeals on Initial Proffered Permits send this form to:

District Engineer, Washington Regulatory Field Office, Attn: Tracey Wheeler, 2407 West 5th Street, Washington, North Carolina 27889.

For Permit denials, Proffered Permits and approved Jurisdictional Determinations send this form to:

**Division Engineer, Commander, U.S. Army Engineer Division, South Atlantic, Attn: Mr. Jason Steele, Administrative Appeal Officer, CESAD-PDO, 60 Forsyth Street, Room 10M15, Atlanta, Georgia 30303-8801
Phone: (404) 562-5137**

DEPARTMENT OF THE ARMY
Wilmington District, Corps of Engineers
69 Darlington Avenue
Wilmington, North Carolina 28403-1343
<http://www.saw.usace.army.mil/WETLANDS/index.html>

General Permit No. 198000048
Name of Permittee: General Public
Effective Date: January 1, 2011
Expiration Date: December 31, 2016

**DEPARTMENT OF THE ARMY
GENERAL (REGIONAL) PERMIT**

A general permit to perform work in or affecting navigable waters of the United States and waters of the United States, upon recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 U.S.C. 403), and Section 404 of the Clean Water Act (33 U.S.C. 1344), is hereby modified and renewed by authority of the Secretary of the Army by

District Commander
U.S. Army Engineer District, Wilmington
Corps of Engineers
69 Darlington Avenue
Wilmington, North Carolina 28403-1343

TO AUTHORIZE EMERGENCY CONSTRUCTION OF PRIMARY DUNES AND ANY ASSOCIATED EXCAVATION WATERWARD OF THE MEAN HIGH WATER (MHW) ELEVATION CONTOUR ON ATLANTIC OCEAN SHORELINES WITHIN NORTH CAROLINA, AND TO AUTHORIZE THE EMERGENCY PLACEMENT OF SANDBAGS AND ANY ASSOCIATED EXCAVATION NECESSARY TO FILL SANDBAGS WATERWARD OF THE MEAN HIGH WATER (MHW) ELEVATION CONTOUR ON ATLANTIC OCEAN SHORELINES WITHIN NORTH CAROLINA.

Special Conditions

a. Before initiating work under the authority of this general permit, the permittee must obtain written approval from the North Carolina Division of Coastal Management (NCDCM) and forward this approval to the Corps of Engineers, Wilmington District, Regulatory Division.

b. Work authorized by this general permit is limited to the reconstruction of primary dunes and the placement of sandbags determined to be absolutely necessary to rectify an emergency situation as defined by North Carolina Coastal Resources Commission Regulations. The NCDCM in coordination with the Corps of Engineers, Wilmington District, Regulatory

Division, will make the decision whether an emergency exists. All work must comply with the North Carolina Guidelines for Areas of Environmental Concern in Ocean Hazard Areas.

c. This general permit does not necessarily authorize restoration of the property to its condition prior to the emergency. The Corps or the NCDCM may limit the scope of work to that necessary to stabilize the beach to prevent property damage, injury or loss of life. Neither the U.S. Government nor the State of North Carolina will be held liable should the authorized work not fulfill its intended purpose.

d. All activities authorized by this general permit must be performed in strict accordance with the Special and General Conditions of this general permit, any specific instructions from the State or the Corps and any other state or federal requirements including North Carolina General Statutes 113-229, 143-215.3(a)(1), 143-215.3(c) and 113A-118.

e. This general permit does not authorize the excavation or filling of wetlands subject to Clean Water Act regulation.

f. Primary dunes will be reconstructed at or landward of existing or recently eroded primary dunes and/or adjacent primary dunes.

g. Between April 1 and November 15 of any year, no work will be authorized by this general permit until the permittee notifies the Corps and the Corps, after appropriate coordination with USFWS and/or NCWRC makes a case specific determination that the work is not likely to adversely affect threatened or endangered species or their critical habitat. The Corps may require a permittee to comply with specific conditions to ensure that authorized work does not adversely affect threatened or endangered species or their critical habitat.

General Conditions

a. Except as authorized by this general permit or any USACE approved modification to this general permit, no excavation, fill or mechanized land-clearing activities shall take place within waters or wetlands, at any time in the construction or maintenance of this project. This permit does not authorize temporary placement or double handling of excavated or fill material within waters or wetlands outside the permitted area. This prohibition applies to all borrow and fill activities connected with this project.

b. Authorization under this general permit does not obviate the need to obtain other federal, state, or local authorizations.

c. All work authorized by this general permit must comply with the terms and conditions of the applicable Clean Water Act Section 401 Water Quality Certification for this general permit issued by the North Carolina Division of Water Quality.

d. The permittee shall employ all sedimentation and erosion control measures necessary to prevent an increase in sedimentation or turbidity within waters and wetlands outside the permit area. This shall include, but is not limited to, the immediate installation of silt fencing or similar appropriate devices around all areas subject to soil disturbance or the movement of earthen fill, and the immediate stabilization of all disturbed areas. Additionally, the project must remain in full compliance with all aspects of the Sedimentation Pollution Control Act of 1973 (North Carolina General Statutes Chapter 113A Article 4).

e. The activities authorized by this general permit must not interfere with the public's right to free navigation on all navigable waters of the United States. No attempt will be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the authorized work for a reason other than safety.

f. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

g. The permittee, upon receipt of a notice of revocation of this permit or upon its expiration before completion of the work will, without expense to the United States and in such time and manner as the Secretary of the Army or his authorized representative may direct, restore the affected water of the United States to its former conditions.

h. The permittee will allow the Wilmington District Engineer or his representative to inspect the authorized activity at any time deemed necessary to assure that the activity is being performed or maintained in strict accordance with the Special and General Conditions of this permit.

i. This general permit does not grant any property rights or exclusive privileges.

j. This permit does not authorize any injury to the property or rights of others.

k. This general permit does not authorize the interference with any existing or proposed federal project.

l. In issuing this permit, the Federal Government does not assume any liability for the following:

(1) Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

(2) Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

(3) Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

(4) Design or construction deficiencies associated with the permitted work

(5) Damage claims associated with any future modification, suspension, or revocation of this permit.

m. Authorization provided by this general permit may be modified, suspended or revoked in whole or in part if the Wilmington District Engineer, acting for the Secretary of the Army, determines that such action would be in the best public interest. The term of this general permit shall be five (5) years unless subject to modification, suspension or revocation. Any modification, suspension or revocation of this authorization will not be the basis for any claim for damages against the United States Government.

n. This general permit does not authorize any activity that the District Engineer determines, after any necessary investigations, would adversely affect:

(1) Rivers named in Section 3 of the Wild and Scenic Rivers Act (15 U.S.C. 1273), those proposed for inclusion as provided by Sections 4 and 5 of the Act and wild, scenic and recreational rivers established by state and local entities.

(2) Historic, cultural or archeological sites listed in or eligible for inclusion in the National Register of Historic Places as defined in the National Historic Preservation Act of 1966 and its codified regulations, the National Historic Preservation Amendment Acts of 1980 and 1992, the Abandoned Shipwreck Act of 1987 and the Native American Graves Protection and Repatriation Act.

(3) Sites included in or determined eligible for listing in the National Registry of Natural Landmarks.

o. This general permit does not authorize any activity which will adversely affect any threatened or endangered species or a species proposed for such designation, or their designated critical habitat as identified under the Federal Endangered Species Act (16 U.S.C. 1531). Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the Corps field offices or at the following internet address: <http://www.ncnhp.org/Pages/heritagedata.html>. or <http://nc-es.fws.gov/es/es.html>. Permittees should notify the Corps if any listed species or designated critical habitat might be affected by the proposed project and may not begin work until notified by the Corps that the requirements of the Endangered Species Act have been satisfied and that the activity is authorized.

p. Permittees are advised that development activities in or near a floodway may be subject to the National Flood Insurance Program that prohibits any development, including fill, within a floodway that results in any increase in base flood elevations. This general permit does not authorize any activity prohibited by the National Flood Insurance Program.

q. The permittee must install and maintain, at his expense, any signal lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, on authorized facilities. For further information, the permittee should contact the U.S. Coast Guard Marine Safety Office at (910) 772-2191.

r. At his sole discretion, any time during the processing cycle, the Wilmington District Engineer may determine that this general permit will not be applicable to a specific proposal. In such case, the procedures for processing an individual permit in accordance with 33 CFR 325 will be available.

s. Activities which have commenced (i.e., are under construction) or are under contract to commence in reliance upon an RGP will remain authorized provided the activity is completed within twelve months of the date of an RGP's expiration, modification, or revocation. Activities completed under the authorization of an RGP which was in effect at the time the activity was completed continue to be authorized by that RGP.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:



Jefferson M. Ryscavage
Colonel, U.S. Army
District Commander

NC DWR PERMIT



North Carolina Department of Environment and Natural Resources

Pat McCrory
Governor

Donald R. van der Vaart
Secretary

May 22, 2015
Dare County
DWR Project No. 20150506
NC 12 repair

APPROVAL of 401 WATER QUALITY CERTIFICATION with ADDITIONAL CONDITIONS

Mr. Clay Willis
NCDOT, Division One
113 Airport Drive, Suite 100
Edenton, NC 27932

Dear Mr. Willis:

You have our approval, in accordance with the conditions listed below, for the following impacts for the purpose of sand bag fill and placement as needed for road repair and shoreline protection along NC 12 in Kitty Hawk in Dare County:

Open Water Impacts in the Pasquotank River Basin

NC 12	Open Water Excavation (ac)
Total	0.009

This approval is only valid for the purpose and design that you submitted in your application dated received May 19, 2015. After reviewing your application, we have decided that these impacts are covered by General Water Quality Certification Number 3908. This certification corresponds to the General Permit 198000048 issued by the Corps of Engineers. In addition, you should acquire any other federal, state or local permits before you proceed with your project including (but not limited to) Sediment and Erosion Control, Non-Discharge and Water Supply Watershed regulations. This approval will expire with the accompanying 404 permit.

This approval is valid solely for the purpose and design described in your application (unless modified below). Should your project change, you must notify the DWR and submit a new application. If the property is sold, the new owner must be given a copy of this Certification and approval letter, and is thereby responsible for complying with all the conditions. If total wetland fills for this project (now or in the future) exceed one acre, or of total impacts to streams (now or in the future) exceed 150 linear feet, compensatory mitigation may be required as described in 15A NCAC 2H .0506 (h) (6) and (7). For this approval to remain valid, you must adhere to the conditions listed in the attached certification.

1. This certification authorizes the excavation of approximately 1,668 cubic yards of sand from the swash zone in order to fill an estimated 300 sand bags as needed for the repair and protection of NC 12 in Kitty Hawk in Dare County.
2. All of the old road that is being removed, including pieces of old asphalt and other roadbed debris, shall be disposed of properly. [15A NCAC 02H.0506(b)(3)]

3. The Permittee shall ensure that the final design drawings adhere to the certification and to the drawings submitted for approval. [15A NCAC 02H .0507 (c) and 15A NCAC 02H .0506 (b)(2) and (c)(2)]
4. The issuance of this certification does not exempt the Permittee from complying with any and all statutes, rules, regulations, or ordinances that may be imposed by other government agencies (i.e. local, state, and federal) having jurisdiction, including but not limited to applicable buffer rules, stormwater management rules, soil erosion and sedimentation control requirements, etc.
5. During the construction of the project, no staging of equipment of any kind is permitted in waters of the U.S., or protected riparian buffers. [15A NCAC 02H.0506(b)(2)]
6. All mechanized equipment operated near surface waters must be regularly inspected and maintained to prevent contamination of waters from fuels, lubricants, hydraulic fluids, or other toxic materials. [15A NCAC 02H.0506(b)(3)]
7. No rock, sand or other materials shall be dredged from the channel except where authorized by this certification. [15A NCAC 02H.0506(b)(3)]
8. The permittee and its authorized agents shall conduct its activities in a manner consistent with State water quality standards (including any requirements resulting from compliance with §303(d) of the Clean Water Act) and any other appropriate requirements of State and Federal law. If NCDWR determines that such standards or laws are not being met (including the failure to sustain a designated or achieved use) or that State or federal law is being violated, or that further conditions are necessary to assure compliance, NCDWR may reevaluate and modify this certification. [15A NCAC 02B.0200]
9. The Permittee shall report any violations of this certification to the Division of Water Resources within 24 hours of discovery. [15A NCAC 02B.0506(b)(2)]
10. Upon completion of the project (including any impacts at associated borrow or waste site), the NCDOT Division Engineer shall complete and return the enclosed "Certification of Completion Form" to notify NCDWR when all work included in the 401 Certification has been completed. [15A NCAC 02H.0502(f)]
11. A copy of this Water Quality Certification shall be maintained on site at the construction site at all times. In addition, the Water Quality Certification and all subsequent modifications, if any, shall be maintained with the Division Engineer and the on-site project manager. [15A NCAC 02H .0507(c) and 15A NCAC 02H .0506 (b)(2) and (c)(2)]

If you wish to contest any statement in the attached Certification you must file a petition for an administrative hearing. You may obtain the petition form from the office of Administrative hearings. You must file the petition with the office of Administrative Hearings within sixty (60) days of receipt of this notice. A petition is considered filed when it is received in the office of Administrative Hearings during normal office hours. The Office of Administrative Hearings accepts filings Monday through Friday between the hours of 8:00am and 5:00pm, except for official state holidays. The original and one (1) copy of the petition must be filed with the Office of Administrative Hearings.

The petition may be faxed-provided the original and one copy of the document is received by the Office of Administrative Hearings within five (5) business days following the faxed transmission.

The mailing address for the Office of Administrative Hearings is:

Office of Administrative Hearings
6714 Mail Service Center
Raleigh, NC 27699-6714
Telephone: (919)-431-3000, Facsimile: (919)-431-3100

A copy of the petition must also be served on DENR as follows:

Mr. Sam M. Hayes, General Counsel
Department of Environment and Natural Resources
1601 Mail Service Center

This letter completes the review of the Division of Water Resources under Section 401 of the Clean Water Act. If you have any questions, please contact Garcy Ward at (252) 948-3917 or garcy.ward@ncdenr.gov

Sincerely,

A handwritten signature in blue ink that reads "S. Jay Zimmerman for".

for

S. Jay Zimmerman, Director
Division of Water Resources

Attachments (General Certification and Certificate of Completion form)

cc: Tracey Wheeler, US Army Corps of Engineers, Washington Field Office
Greg Daisey, DCM, Elizabeth City
Cathy Brittingham, DCM, Raleigh
Garcy Ward, DWR, Washington Regional Office
File Copy

DWR Project No.: _____

County: _____

Applicant: _____

Project Name: _____

Date of Issuance of 401 Water Quality Certification: _____

Certificate of Completion

Upon completion of all work approved within the 401 Water Quality Certification or applicable Buffer Rules, and any subsequent modifications, the applicant is required to return this certificate to the 401 Transportation Permitting Unit, North Carolina Division of Water Resources, 1617 Mail Service Center, Raleigh, NC, 27699-1617. This form may be returned to DWR by the applicant, the applicant's authorized agent, or the project engineer. It is not necessary to send certificates from all of these.

Applicant's Certification

I, _____, hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance and intent of the 401 Water Quality Certification and Buffer Rules, the approved plans and specifications, and other supporting materials.

Signature: _____ Date: _____

Agent's Certification

I, _____, hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance and intent of the 401 Water Quality Certification and Buffer Rules, the approved plans and specifications, and other supporting materials.

Signature: _____ Date: _____

Engineer's Certification

_____ Partial _____ Final

I, _____, as a duly registered Professional Engineer in the State of North Carolina, having been authorized to observe (periodically, weekly, full time) the construction of the project, for the Permittee hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance and intent of the 401 Water Quality Certification and Buffer Rules, the approved plans and specifications, and other supporting materials.

Signature _____ Registration No. _____

Date _____

USFWS CONCURRENCE



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Raleigh Field Office
Post Office Box 33726
Raleigh, North Carolina 27636-3726

May 20, 2015

Clay Willis
North Carolina Department of Transportation
113 Airport Drive, Suite 100
Edenton, North Carolina 27932

Dear Mr. Willis:

This letter is in response to your letter of May 19, 2015 which provided the U.S. Fish and Wildlife Service (Service) with the biological conclusion of the North Carolina Department of Transportation (NCDOT) that the placement of 500 feet of sandbags along NC 12 in Kitty Hawk in Dare County may affect, but is not likely to adversely affect the federally listed loggerhead sea turtle (*Caretta caretta*), leatherback sea turtle (*Dermochelys coriacea*), green sea turtle (*Chelonia mydas*), Kemp's ridley sea turtle (*Lepidochelys kempii*), piping plover (*Charadrius melodus*), and red knot (*Calidris canutus rufa*). These comments are provided in accordance with Section 7 of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531-1543).

According to information provided, NCDOT proposes to place 500 feet of sand bags along NC 12 in order to stabilize and repair the road which was damaged by a storm on May 2-3, 2015. Once sand bags are placed, a sand dune/berm will be constructed over the bags and connected to the existing dunes at both ends of the project area. The project area consists of a very narrow strip of severely eroded beach immediately adjacent to the storm-damaged NC 12. This high wave-energy environment provides poor habitat for nesting sea turtles, and the narrow and eroding beach face provides poor foraging habitat for piping plovers and red knots. The proposed work will occur during the daytime, and NCDOT has committed to conducting turtle crawl surveys each morning prior to work commencement. If a turtle crawl is detected, NCDOT will further consult with the Service and the North Carolina Wildlife Resources Commission before any further work occurs.

Based on the poor habitat conditions within the project area, the small scope of the project, and the commitment to conduct sea turtle crawl surveys each morning, the Service concurs with your conclusion that the proposed project may affect, but is not likely to adversely affect the loggerhead sea turtle, leatherback sea turtle, green sea turtle, Kemp's ridley sea turtle, piping plover, and red knot. We believe that the requirements of Section 7(a)(2) of the ESA have been satisfied. We remind you that obligations under Section 7 consultation must be reconsidered if: (1) new information reveals impacts of this identified action that may affect listed species or critical habitat in a manner not previously considered in this review; (2) this action is

subsequently modified in a manner that was not considered in this review; or (3) a new species is listed or critical habitat determined that may be affected by this identified action.

The Service appreciates the opportunity to review this project. If you have any questions regarding our response, please contact Mr. Gary Jordan at (919) 856-4520 (Ext. 32).

Sincerely,


for Pete Benjamin
Field Supervisor

Electronic copy: Tracey Wheeler, USACE, Washington, NC
Travis Wilson, NCWRC, Creedmoor, NC

09/08/15

WBS ELEMENT: ISP.10281.18

CONTRACT: DA00254

19-MAY-2015 08:55
C:\Users\stfenwick\Desktop\KH - WASH\ISP.10281.18.DIDOC-.+shl.dgn
stfenwick AT DICAD265783

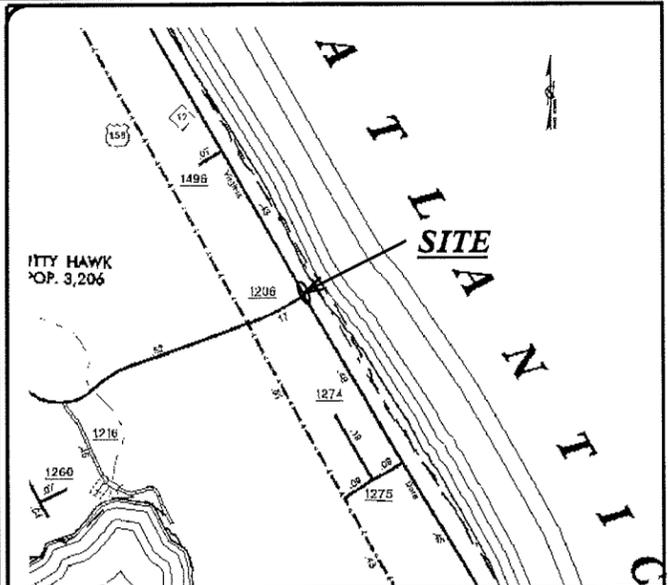
STATE	STATE PROJECT REFERENCE NO.	SHEET NO.	TOTAL SHEETS
N.C.	1SP.10281.18	1	
STATE PROJ. NO.	F.A. PROJ. NO.	DESCRIPTION	
1SP.10281.18		PE, CONST.	

STATE OF NORTH CAROLINA
DIVISION OF HIGHWAYS

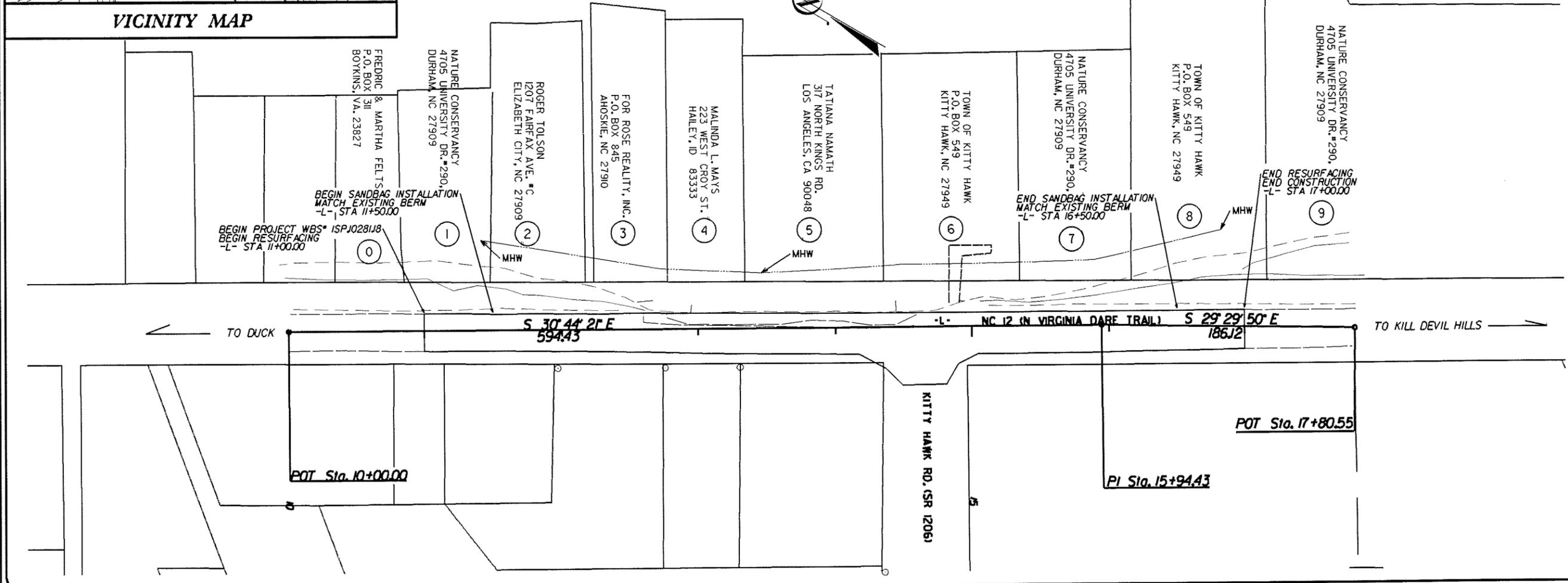
DARE COUNTY

LOCATION: NC 12 (N. VIRGINIA DARE TRAIL) AT
SR 1206 (KITTY HAWK RD.)

TYPE OF WORK: SANDGAG INSTALLATION,
BERM CONSTRUCTION & RESURFACING



VICINITY MAP



NTS

PROJECT LENGTH

LENGTH STATE PROJECT ISP.10281.18 = 0.114 MILES

Prepared in the Office of:
DIVISION OF HIGHWAYS
113 Airport Dr., Edenton NC, 27932

2012 STANDARD SPECIFICATIONS

RIGHT OF WAY DATE: _____

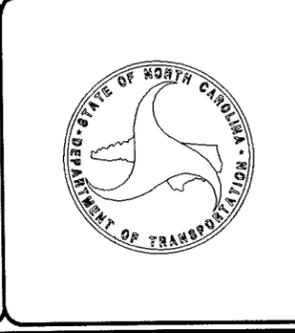
LETTING DATE: _____

W. B. HOBBS, PE
DIVISION PROJECT MANAGER

CHRIS SLACHTA
DIVISION PROPOSAL ENGINEER

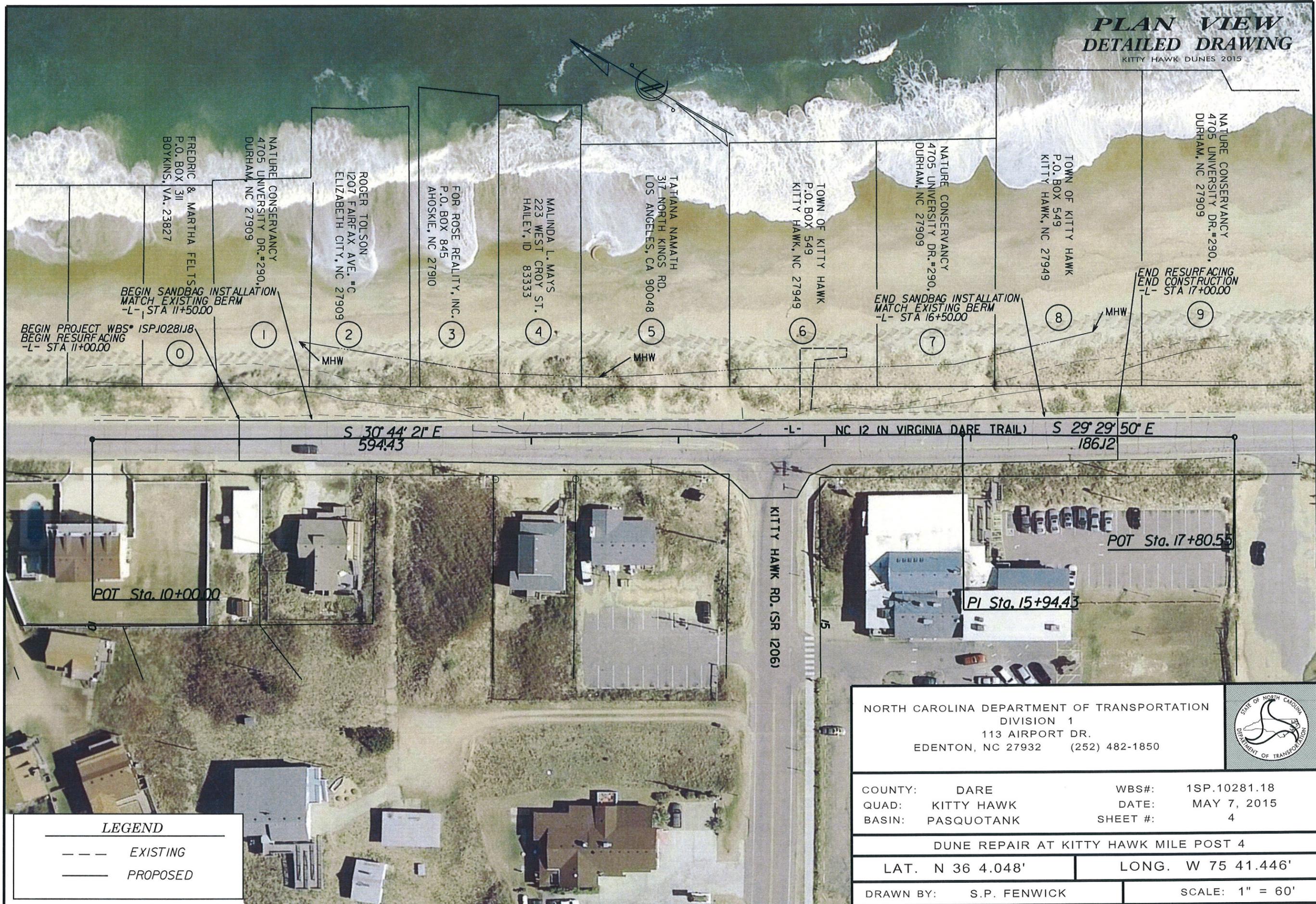
ROADWAY DESIGN ENGINEER

S. P. FENWICK



PLAN VIEW DETAILED DRAWING

KITTY HAWK DUNES 2015



BEGIN PROJECT WBS* ISP10281J8
BEGIN RESURFACING
-L- STA 11+00.00

BEGIN SANDBAG INSTALLATION
MATCH EXISTING BERM
-L- STA 11+50.00

END SANDBAG INSTALLATION
MATCH EXISTING BERM
-L- STA 16+50.00

END RESURFACING
END CONSTRUCTION
-L- STA 17+00.00

S 30° 44' 21" E
594.43

-L- NC 12 (N VIRGINIA DARE TRAIL) S 29° 29' 50" E
186J2

POT Sta. 10+00.00

PI Sta. 15+94.43

POT Sta. 17+80.55

KITTY HAWK RD. (SR 1206)

LEGEND	
---	EXISTING
—	PROPOSED

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
DIVISION 1
113 AIRPORT DR.
EDENTON, NC 27932 (252) 482-1850



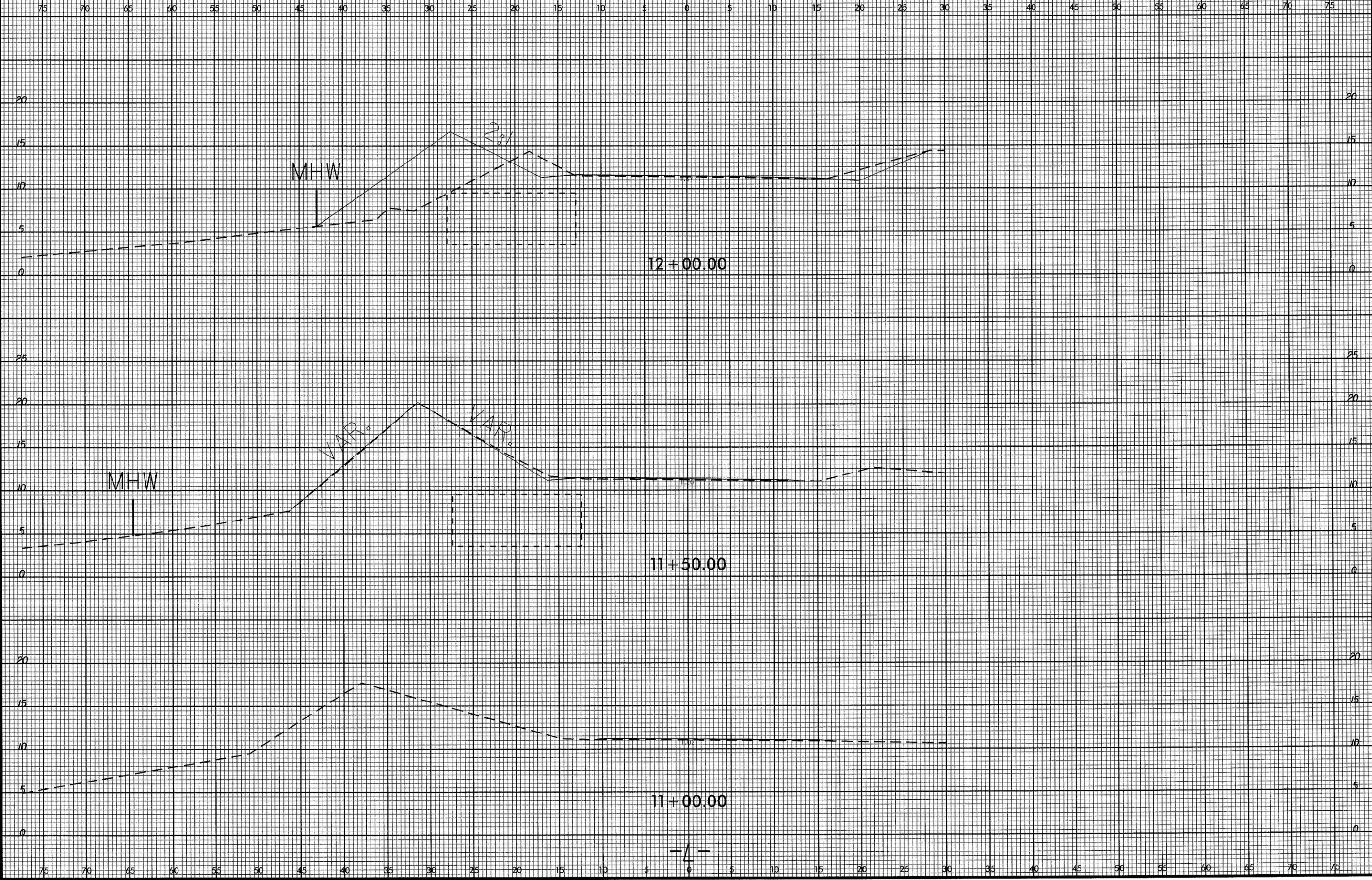
COUNTY: DARE	WBS#: 1SP.10281.18
QUAD: KITTY HAWK	DATE: MAY 7, 2015
BASIN: PASQUOTANK	SHEET #: 4

DUNE REPAIR AT KITTY HAWK MILE POST 4

LAT. N 36 4.048'	LONG. W 75 41.446'
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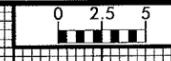
DRAWN BY: S.P. FENWICK	SCALE: 1" = 60'
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8/23/99

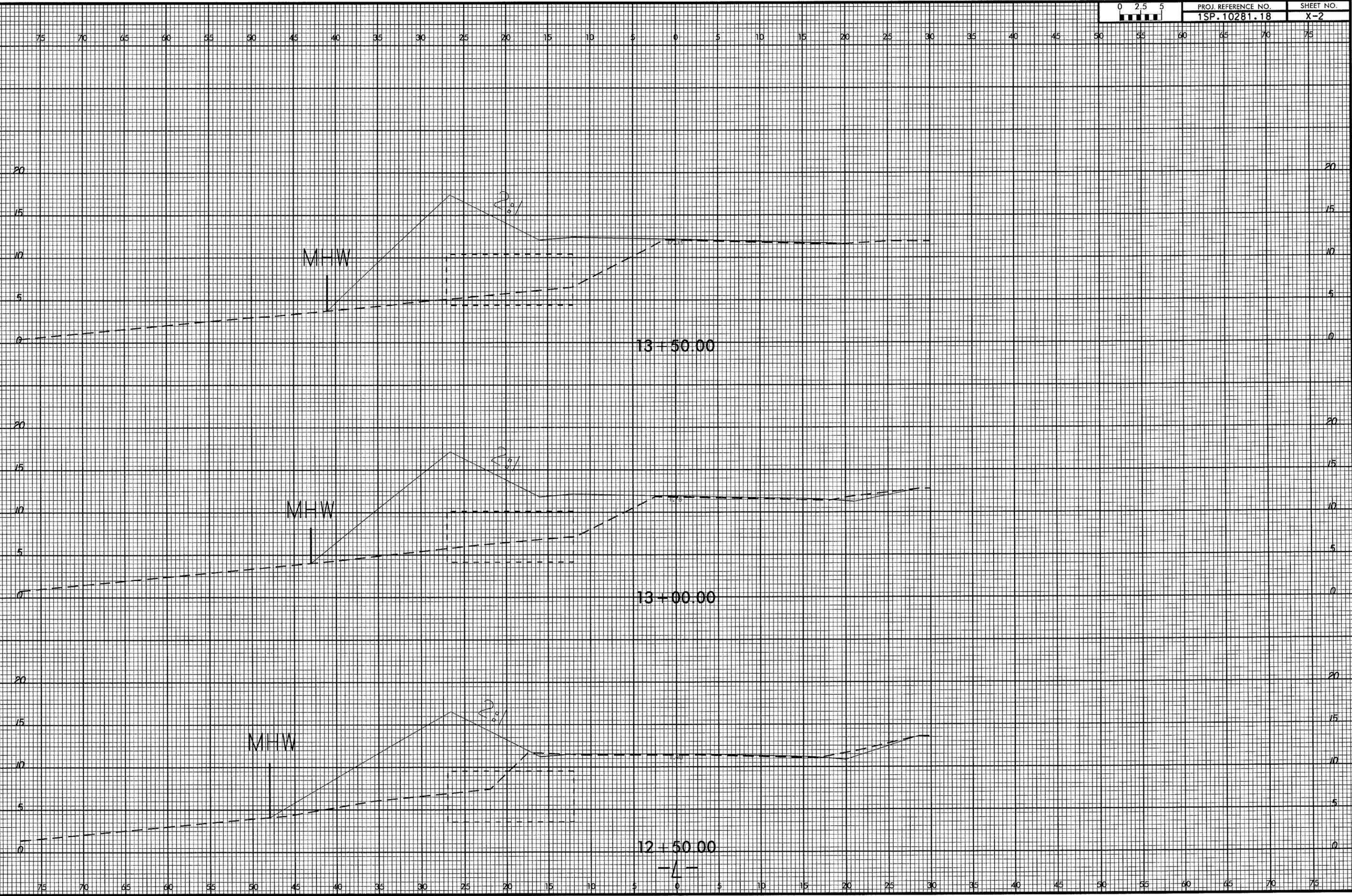


15-MAY-2015 09:25
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8/23/99

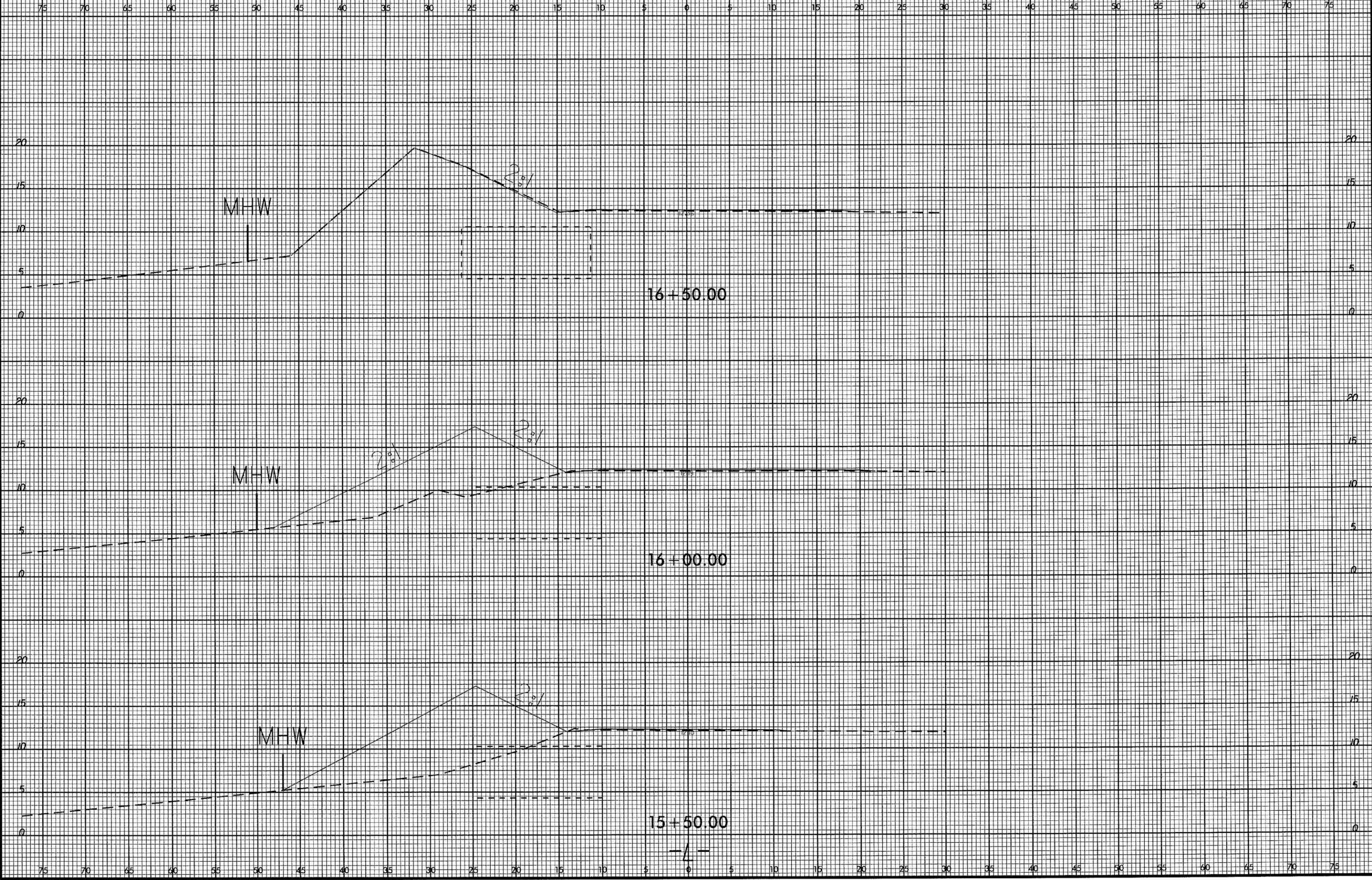


PROJ. REFERENCE NO.	SHEET NO.
1SP.10281.18	X-2



I5-MAY-2015 09:27
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 10/10/2015 10:25:28

8/23/99



15-MAY-2015 09:30
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at DIC028183

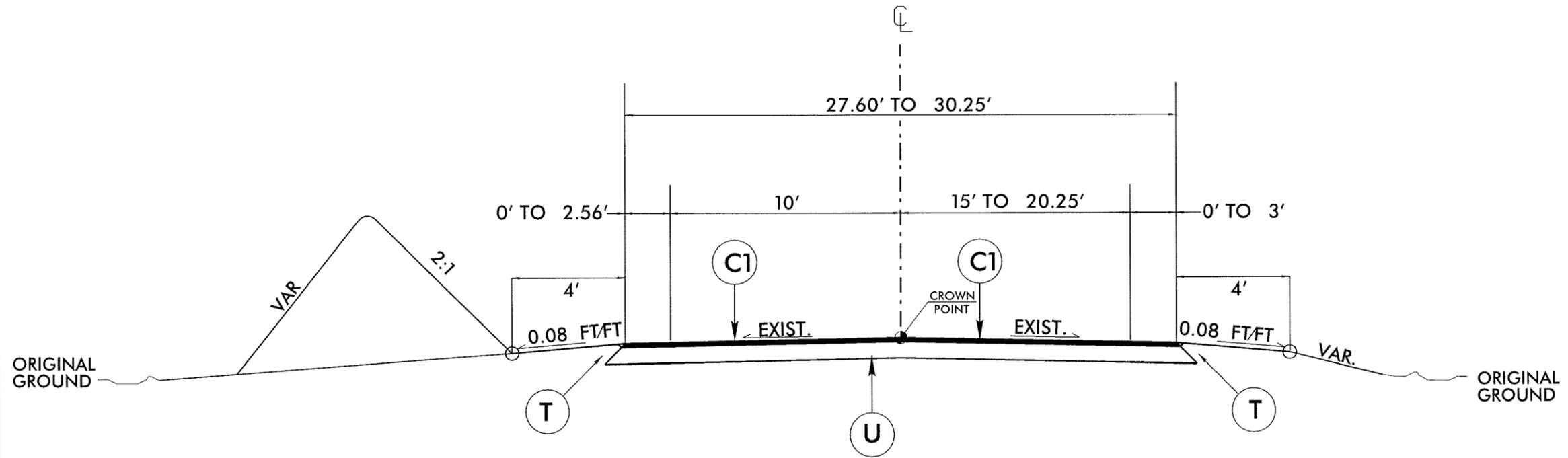
PAVEMENT SCHEDULE

C1	PROP. APPROX. 1½" ASPHALT CONCRETE SURFACE COURSE, TYPE S 9.5B, AT AN AVERAGE RATE OF 168 LBS. PER SQ. YD.
T	EARTH MATERIAL.
U	EXISTING PAVEMENT.

NOTE: PAVEMENT EDGE SLOPES ARE 1:1 UNLESS SHOWN OTHERWISE.

NOTE:

SEE SHEET 2-A FOR SANDBAG DETAIL.



TYPICAL SECTION NO. 1

-L- STA. 11+00 TO -L- STA. 17+00

6/2/98
14-MAY-2015 08:03
C:\Users\KSF\Documents\Projects\ISP10281J8\WASH\nci2sandbags.dgn