

also,  
401  
Certified



Text

STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION  
P.O. BOX 25201  
RALEIGH 27611-5201

JAMES G. MARTIN  
GOVERNOR

April 12, 1988

DIVISION OF HIGHWAYS

JAMES E. HARRINGTON  
SECRETARY

GEORGE E. WELLS, P.E.  
STATE HIGHWAY ADMINISTRATOR

MEMORANDUM TO: Mr. Tommy Peacock, P. E.

---

FROM: William G. Marley, Jr., P. E. *WGM*

SUBJECT: Dare County, Proposed Relocation of "S" Curves on NC 12  
North of Rodanthe (R-2125)

Attached is a copy of the Department of the Army General Permit SAWC080-N-000-0291 and an April 6, 1988, letter from the Corps of Engineers authorizing the construction of the subject project under this general permit. Also attached is a copy of Permit No. 61-88 issued by the Division of Coastal Management, NRCD on March 30, 1988. If, in the development of the project, it is determined that any condition of these permits cannot be met, you should contact my office so that additional coordination can be arranged.

TLW/BJO/rm

Attachment

cc: Mr. W. M. Ingram, P. E.  
Mr. A. L. Hankins, P. E.  
Mr. W. A. Wilson  
Mr. D. L. Squires, P. E.  
Mr. Carl Acker  
Mr. C. O. White, P. E.  
Mr. Ken Bellamy, FHWA



State of North Carolina  
Department of Natural Resources and Community Development  
Division of Coastal Management  
512 North Salisbury Street • Raleigh, North Carolina 27611

James G. Martin, Governor  
S. Thomas Rhodes, Secretary

David W. Owens  
Director

March 31, 1988

N.C. Dept. of transportation  
Division of Highways  
P. O. Box 25201  
Raleigh, NC 27611



Dear Sir:

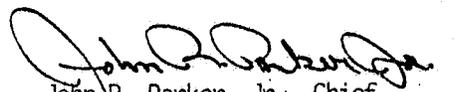
The enclosed permit constitutes authorization under the Coastal Area Management Act and where applicable, the State Dredge and Fill Law, for you to proceed with your project proposal. The original (yellow form) is retained by you and it must be available on-site when the project is inspected for compliance. Please sign both the original and the copy and return the copy to this office in the enclosed envelope. Signing the permit and proceeding means you have waived your right of appeal described below.

If you object to the permit, as conditioned, you may request an appeal hearing before the Coastal Resources Commission pursuant to NCGS 113A-122 or 113-229. Such hearing must be requested within twenty (20) days of your receipt of this letter. You should also be aware that, by law, if another qualified party submits a valid objection to the issuance of this permit within twenty (20) days, the matter must be resolved prior to work initiation.

The project plan is subject to those conditions appearing on the permit form. Otherwise, all work must be carried out in accordance with your application. Modifications, time extensions and future maintenance require additional approval. Please read your permit carefully prior to starting work and review all project plans, as approved. If you are having the work done by a contractor, it would be to your benefit to be sure that he fully understands all permit requirements.

From time to time, Department personnel will visit the project site. To facilitate this review, we request that you complete and mail the enclosed Notice Card just prior to work initiation. However, if questions arise concerning permit conditions, environmental safeguards, or problem areas, you may contact Department personnel at any time for assistance. By working in accordance with the permit, you will be helping to protect our vitally important coastal resources.

Very sincerely,

  
John R. Parker, Jr., Chief  
Major Permits Processing Section

JRP: jr/aw  
Enclosure

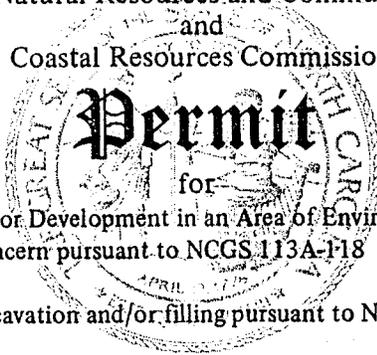
P.O. Box 27687, Raleigh, North Carolina 27611-7687 Telephone 919-733-2293

An Equal Opportunity Affirmative Action Employer

Permit Class  
New

Permit Number  
61-88

STATE OF NORTH CAROLINA  
Department of Natural Resources and Community Development  
and  
Coastal Resources Commission



- Major Development in an Area of Environmental Concern pursuant to NCGS 113A-118
- Excavation and/or filling pursuant to NCGS 113-229

Issued to NC Dept. of Transportation, Div. of Highways, P.O. Box 25201, Raleigh, NC 27611  
authorizing development in Dare County at Pamlico Sound, marshland N. of  
Rodanthe as requested in the permittee's application dated 12/15/87 including  
attached plats, sheets 1-10 of 10 dated 5/87.

This permit, issued on 3/30/88, 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 subject permittee to a fine, imprisonment or civil action; or may cause the permit to be null and void.

- (1) The agreed to mitigation involving duck pond construction at Pea Island must be carried out so as to provide suitable wetland and shallow water habitat in keeping with the design criteria of the Refuge managers, in consultation with the U. S. Fish and Wildlife Service, Division of Ecological Services and the N. C. Wildlife Resources Commission.
- (2) The fill material will be clean and free of any pollutants, except in trace quantities. Metal products, organic materials, or unsightly debris will not be used.
- (3) The applicant, as proposed, will remove the existing pavement and fill of the old roadbed reestablishing original elevation contours so as to allow natural revegetation.
- (4) Appropriate measures will be taken to control erosion and prevent sediment from entering adjacent wetlands.

(See attached sheet for Additional Conditions)

This permit action may be appealed by the permittee or other qualified persons within twenty (20) days of the issuing date. An appeal requires resolution prior to work initiation or continuance, as the case may be.

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 Departmental approval.

All work must cease when the permit expires on  
December 31, 1991

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 DNRCD and the Chairman of the Coastal Resources Commission.

David W. Owens, Director  
Division of Coastal Management

This permit and its conditions are hereby accepted.

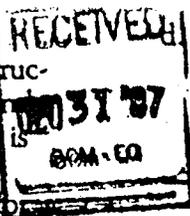
Signature of Permittee

**ADDITIONAL CONDITIONS**

- (5) The activity will be conducted in such a manner as to prevent significant increase in turbidity outside the area of construction or construction-related discharge (increases such that the turbidity in the stream is 25 NTUs or less are not considered significant).

**NOTE:** The Division of Environmental Management issued Section 401 Water Quality Certification No. 2214 for this project on March 11, 1988.

Please type or print. Carefully describe all anticipated development activities, including construction, excavation, filling, paving, land clearing, and stormwater control. If the requested information is not relevant to your project, write N/A (not applicable). Items 1-4 and 8-9 must be completed for all projects.



Describe the planned use of the project.  
Transportation

### 1 APPLICANT

- a. Name William G. Marley, Jr., PE  
 Address P. O. Box 25201  
 City Raleigh State NC  
 Zip 27611 Day phone 733-6348  
 Landowner or  Authorized agent
- b. Project name (if any) N/A
- c. If the applicant is not the landowner, also give the owner's name and address.

### 2 LOCATION OF PROPOSED PROJECT

- a. Street address or secondary road number  
NC 12
- b. City, town, community, or landmark  
North of Rodanthe
- c. County Dare
- d. Is proposed work within city limits or planning jurisdiction? No
- e. Name of body of water nearest project  
Atlantic Ocean & Pamlico Sound

### 3 DESCRIPTION AND PLANNED USE OF PROPOSED PROJECT

- a. Describe all development activities you propose (for example, building a home, motel, marina, bulkhead, or pier).  
Relocation of Highway
- If you plan to build a marina, also complete and attach Form DCM,MP-2.
- b. Is the proposed activity maintenance of an existing project, new work, or both? Both
- c. Will the project be for community, private, or commercial use?  
Public

### 4 LAND AND WATER CHARACTERISTICS

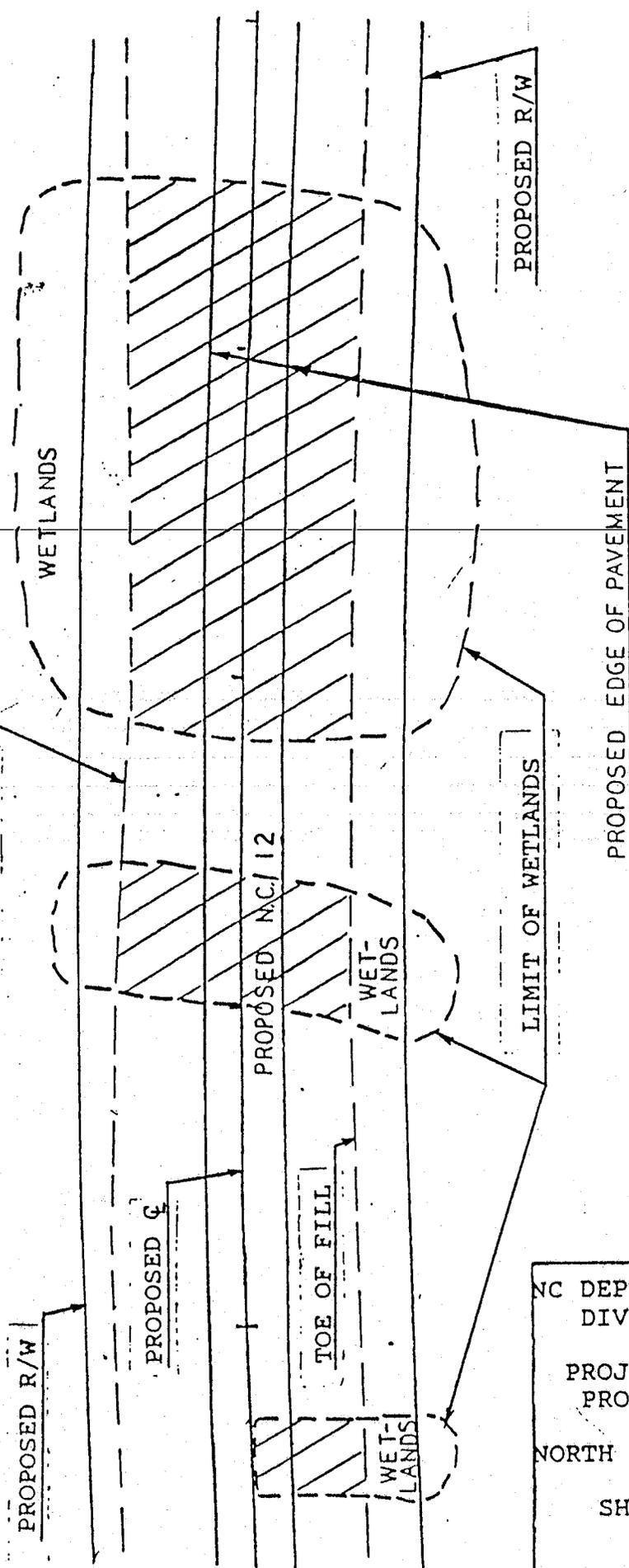
- a. Size of entire tract N/A
- b. Size of individual lot(s) N/A
- c. Elevation of tract above mean sea level or National Geodetic Vertical Datum 5 ft.
- d. Soil type(s) and texture(s) of tract Sand
- e. Vegetation on tract Sparsely Vegetated With Mixed Grasses & Shrubs
- f. Man-made features now on tract None
- g. What is the CAMA Land Use Plan Classification of the site? (Consult the local land use plan.)  
 Conservation       Transitional  
 Developed       Community  
 Rural       Other
- h. How is the tract zoned by local government?  
National Park & Wildlife Refuge
- i. How are adjacent waters classified?
- j. Has a professional archaeological survey been carried out for the tract? No  
 If so, by whom?

### 5 UPLAND DEVELOPMENT

- Complete this section if the project includes any upland development.
- a. Type and number of buildings, facilities, or structures proposed \_\_\_\_\_
  - b. Number of lots or parcels \_\_\_\_\_
  - c. Density (Give the number of residential units and the units per acre.) \_\_\_\_\_
  - d. Size of area to be graded or disturbed \_\_\_\_\_
  - e. If the proposed project will disturb more than one acre of land, the Division of Land Resources must receive an erosion and sedimentation control plan at least 30 days before land disturbing activity begins. If applicable, has a sedimentation and erosion control plan been submitted to the Division of Land Resources?
  - f. Give the percentage of the tract within 75 feet of mean high water to be covered by impermeable surfaces, such as pavement, buildings, or rooftops. \_\_\_\_\_

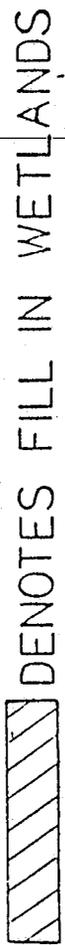


25 26 27 28 29

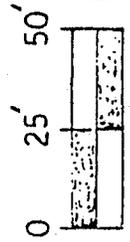


PROPOSED EDGE OF PAVEMENT

PROPOSED R/W



FILL IN WETLANDS = 0.37 AC. (THIS SHEET)



NC DEPT. OF TRANSPORTATION  
 DIVISION OF HIGHWAYS  
 DARE COUNTY  
 PROJECT 6.051014, R-2125  
 PROPOSED RELOCATION OF  
 "S" CURVES  
 NORTH OF RODANTHE, DARE COUNTY

SHEET 2 OF 10

MAY 1987

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131  
OCM-EC

- g. List the materials, such as marl, paver stone, asphalt, or concrete, to be used for paved surfaces. \_\_\_\_\_
- h. If applicable, has a stormwater management plan been submitted to the Division of Environmental Management? \_\_\_\_\_
- i. Describe proposed sewage disposal and/or waste water treatment facilities. \_\_\_\_\_
- j. Have these facilities received state or local approval? \_\_\_\_\_
- k. Describe existing treatment facilities. \_\_\_\_\_
- l. Describe location and type of discharges to waters of the state (for example, surface runoff, sanitary wastewater, industrial/commercial effluent, or "wash down"). \_\_\_\_\_
- m. Water supply source \_\_\_\_\_
- n. If the project is oceanfront development, describe the steps that will be taken to maintain established public beach accessways or provide new access. \_\_\_\_\_
- o. If the project is on the oceanfront, what will be the elevation above mean sea level of the first habitable floor? \_\_\_\_\_

## 6 EXCAVATION AND FILL INFORMATION

- a. Describe below the purpose of proposed excavation or fill activities (excluding bulkheads, which are covered in Section 7).

Length    Width    Depth

|   |                       |  |  |
|---|-----------------------|--|--|
| Access channel (MLW) or (NWL)                   |                       |  |  |
| Boat basin                                      |                       |  |  |
| Other (breakwater, pier, boat ramp, rock jetty) |                       |  |  |
| Fill placed in wetland or below MHW             | See Attached Drawings |  |  |
| Upland fill areas                               |                       |  |  |

- b. Amount of material to be excavated from below water level in cubic yards 0
- c. Type of material N/A
- d. Does the area to be excavated include marshland, swamps, or other wetlands? No
- e. High ground excavation, in cubic yards N/A
- f. Dimensions of spoil disposal area \_\_\_\_\_
- g. Location of spoil disposal area Excavated Material To Be Used As Road Fill
- h. Do you claim title to the disposal area? Yes

If not, attach a letter granting permission from the owner.

- i. Will a disposal area be available for future maintenance? / N/A  
If so, where? \_\_\_\_\_
- j. Does the disposal area include any marshland, swampland, or water areas? N/A
- k. Will the fill material be placed below mean high water? No
- l. Amount of fill in cubic yards \_\_\_\_\_
- m. Type of fill material Sand
- n. Source of fill material Roadway
- o. Will fill material be placed on marsh or other wetlands? Yes
- p. Dimensions of the wetland to be filled See Attached
- q. How will excavated or fill material be kept on site and erosion controlled? Erosion/Sedimentation Control Measures
- r. What type of construction equipment will be used (for example, dragline, backhoe, or hydraulic dredge)? Mechanical Highway Construction Equipment
- s. Will wetlands be crossed in transporting equipment to the project site? No. If yes, explain the steps that will be taken to lessen environmental impacts. \_\_\_\_\_

## 7 SHORELINE STABILIZATION

- a. Length of bulkhead or riprap \_\_\_\_\_
- b. Average distance waterward of mean high water or normal water level \_\_\_\_\_
- c. Shoreline erosion during preceding 12 months, in feet \_\_\_\_\_
- d. Type of bulkhead material \_\_\_\_\_
- e. Amount of fill, in cubic yards, to be placed below mean high water \_\_\_\_\_
- f. Type of fill material \_\_\_\_\_

## 8 ADDITIONAL INFORMATION

In addition to the completed application form, the following items must be submitted:

A copy of the deed (with state application only) or other instrument under which the applicant claims title to the affected property. If the applicant is not claiming to be the owner of said property, then forward a copy of the deed or other instrument under which the owner claims title, plus written permission from the owner to carry out the project.

An accurate work plat (including plan view and cross sectional drawings) drawn to scale in black ink on 8 1/2 x 11 white paper. (Refer to Coastal Resources Commission Rule 7J.0203 for a detailed description.)

Please note that original drawings are preferred and only high quality copies will be accepted. Blue-line prints or other larger plats are acceptable only if 16 high quality copies are provided by the applicant. (Contact the U.S. Army Corps of Engineers regarding that agency's use of larger drawings.) A site or location map is a part of plat requirements and it must be sufficiently detailed to guide agency personnel unfamiliar with the area to the site. Include county road (SR) numbers, landmarks, and the like.

A stormwater management plan, if applicable, that may have been developed in consultation with the Division of Environmental Management.

A list of the names and complete addresses of the adjacent waterfront (riparian) landowners. These individuals have 30 days in which to submit comments on the proposed project to the Division of Coastal Management. The applicant must advise the adjacent landowners of this opportunity by sending a copy of the permit application to them by registered or certified mail. This notification is required by G.S. 113-229(d).

Name U. S. Dept. of the Interior  
Address Fish & Wildlife Service  
P. O. Box 1969

Name Manteo, NC 27954  
Address \_\_\_\_\_

Name \_\_\_\_\_  
Address \_\_\_\_\_

A list of previous state or federal permits issued for work on the project tract. Include permit numbers, permittee, and issuing dates.

A check for \$100 made payable to the Department of Natural Resources and Community Development to cover the costs of processing the application.

A signed AEC hazard notice for projects in ocean-front and inlet areas.

A statement on the use of public funds. If the project involves the expenditure of public funds, attach a statement documenting compliance with the North Carolina Environmental Policy Act (N.C.G.S. 113A-1 to 10).

## 9 CERTIFICATION AND PERMISSION TO ENTER ON LAND

Any permit issued in response to this application will allow only the development described in the application. The project will be subject to conditions and restrictions contained in the permit.

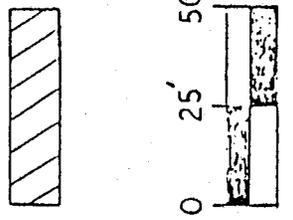
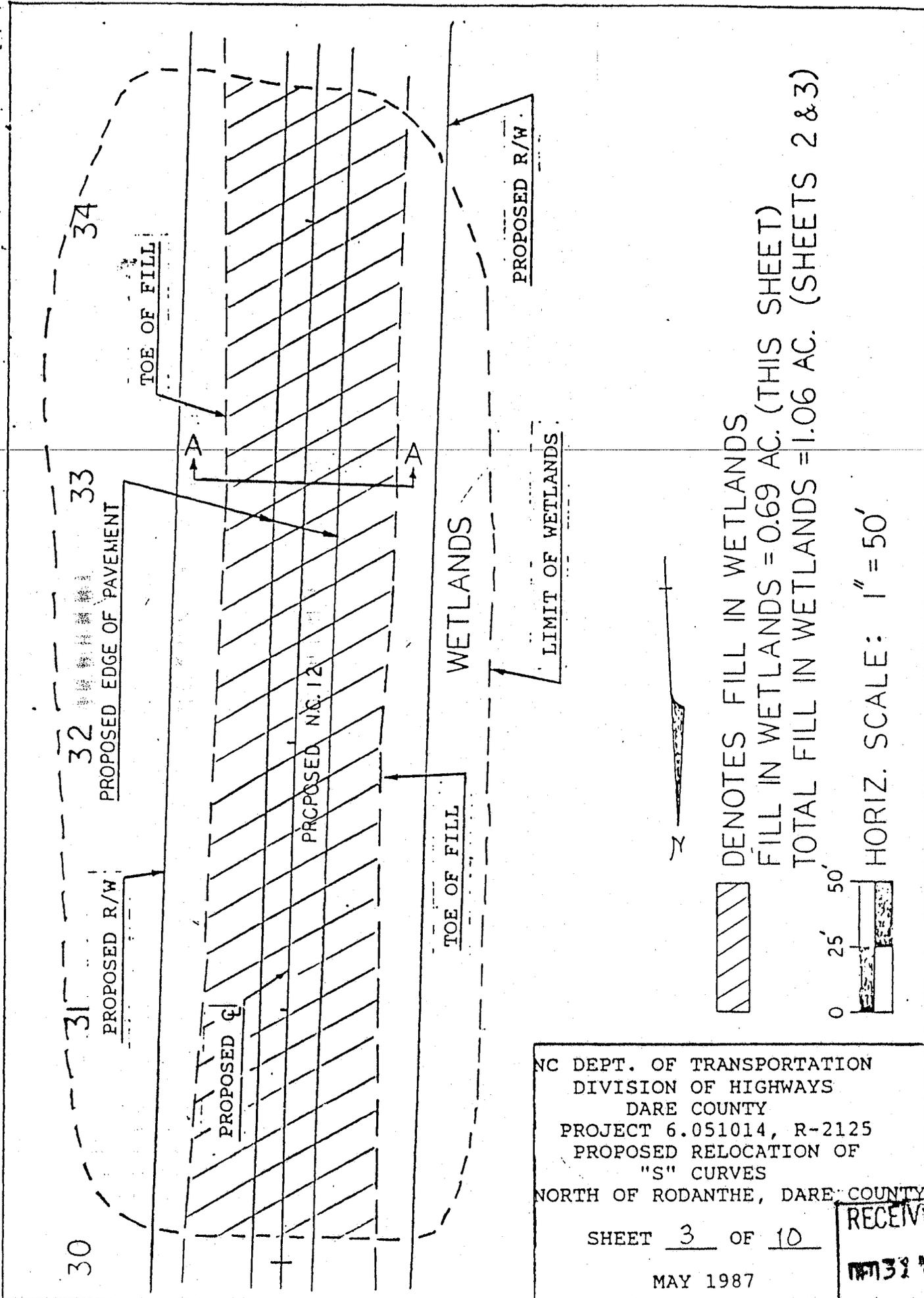
I certify that to the best of my knowledge, the proposed activity complies with the State of North Carolina's approved Coastal Management Program and will be conducted in a manner consistent with such program.

I further certify that I am authorized to grant, and do in fact, grant permission to representatives of state and federal review agencies to enter on the aforementioned lands in connection with evaluating information related to this permit application and follow-up monitoring of project.

This is the 15 day of December  
19 87.

X William G. Marley, Jr.  
Landowner or Authorized agent

Send the completed application materials to the Division of Coastal Management Office nearest you and the U.S. Army Corps of Engineers. See the map on the inside front cover for the appropriate DCM office and addresses and phone number.



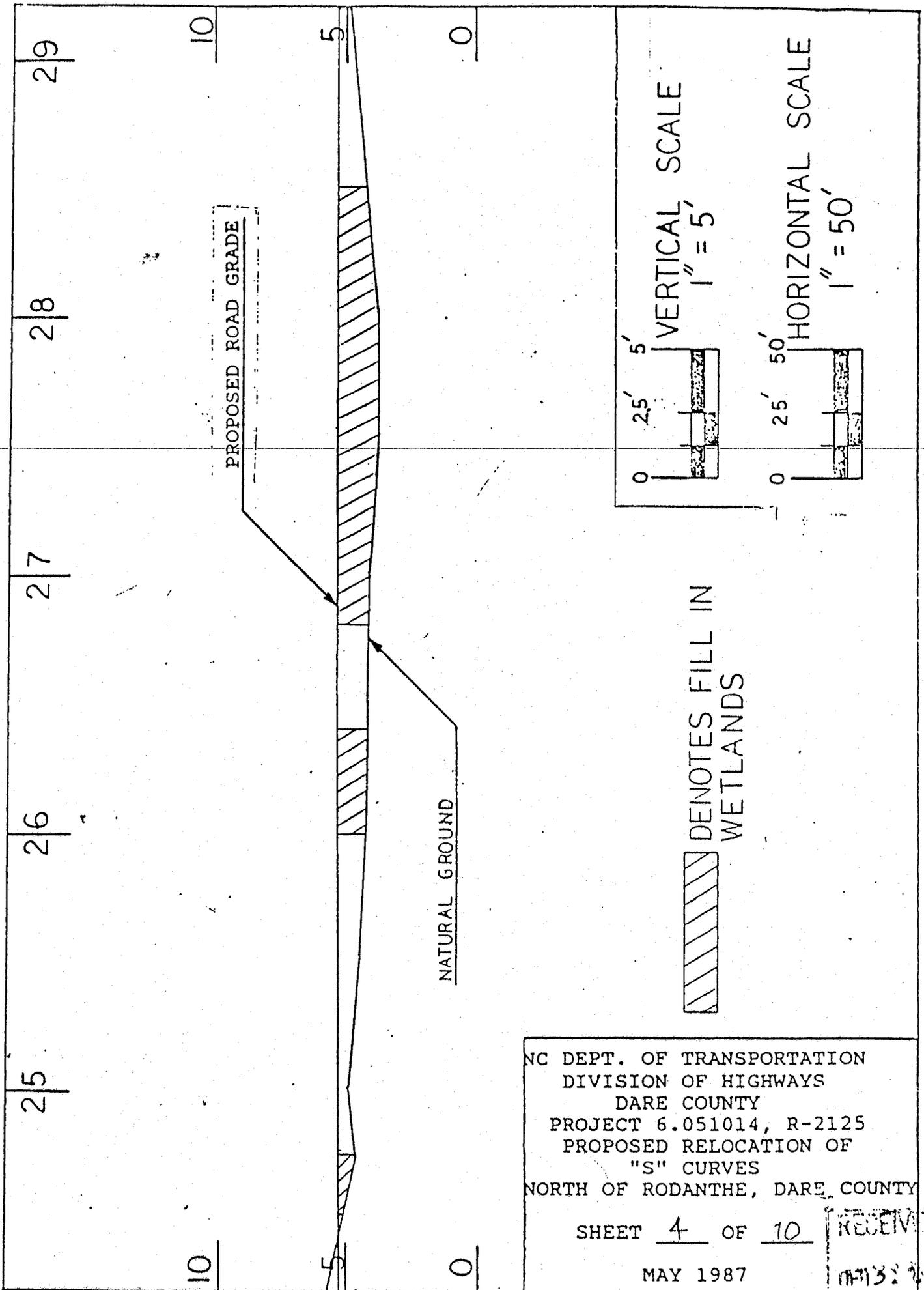
DENOTES FILL IN WETLANDS  
 FILL IN WETLANDS = 0.69 AC. (THIS SHEET)  
 TOTAL FILL IN WETLANDS = 1.06 AC. (SHEETS 2 & 3)

NC DEPT. OF TRANSPORTATION  
 DIVISION OF HIGHWAYS  
 DARE COUNTY  
 PROJECT 6.051014, R-2125  
 PROPOSED RELOCATION OF  
 "S" CURVES  
 NORTH OF RODANTHE, DARE COUNTY

SHEET 3 OF 10

MAY 1987

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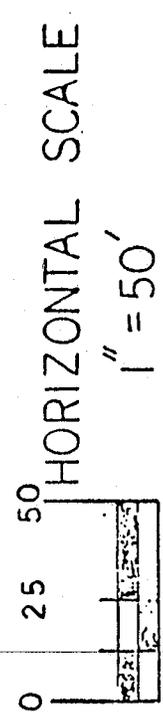
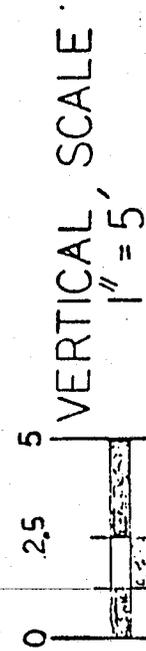
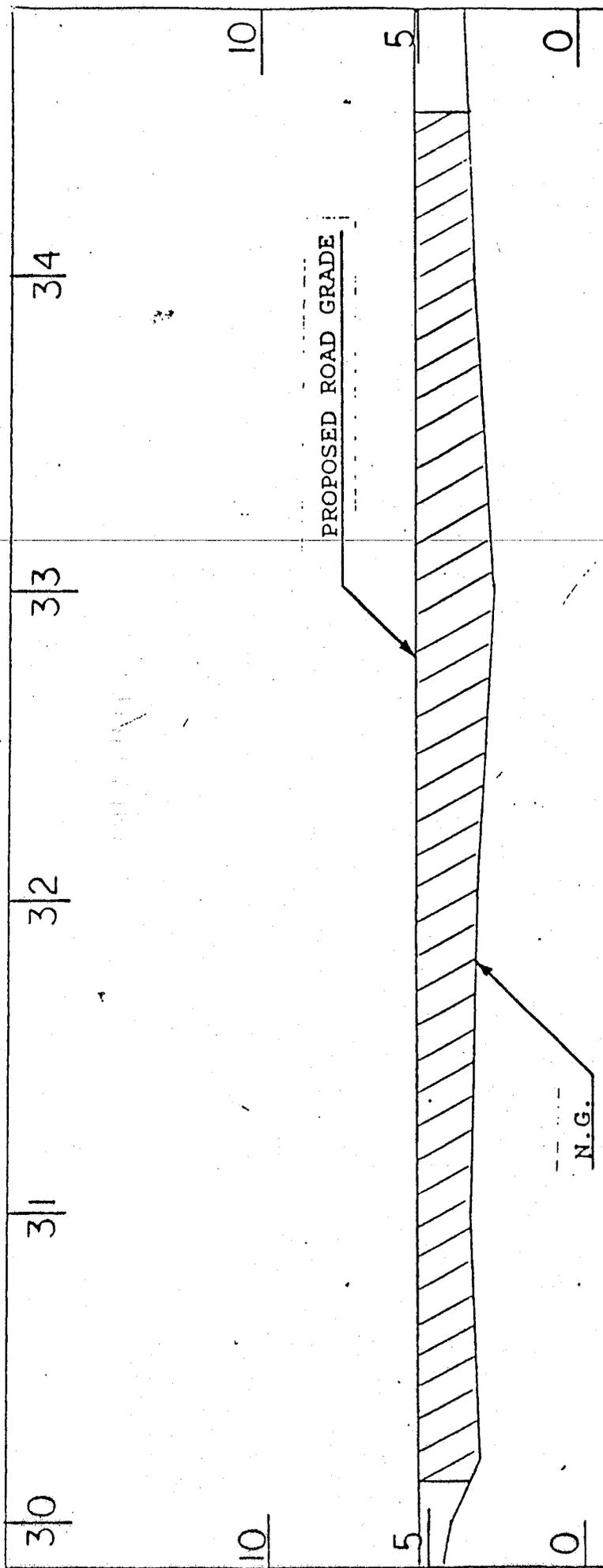


NC DEPT. OF TRANSPORTATION  
 DIVISION OF HIGHWAYS  
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 PROPOSED RELOCATION OF  
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SHEET 4 OF 10

MAY 1987

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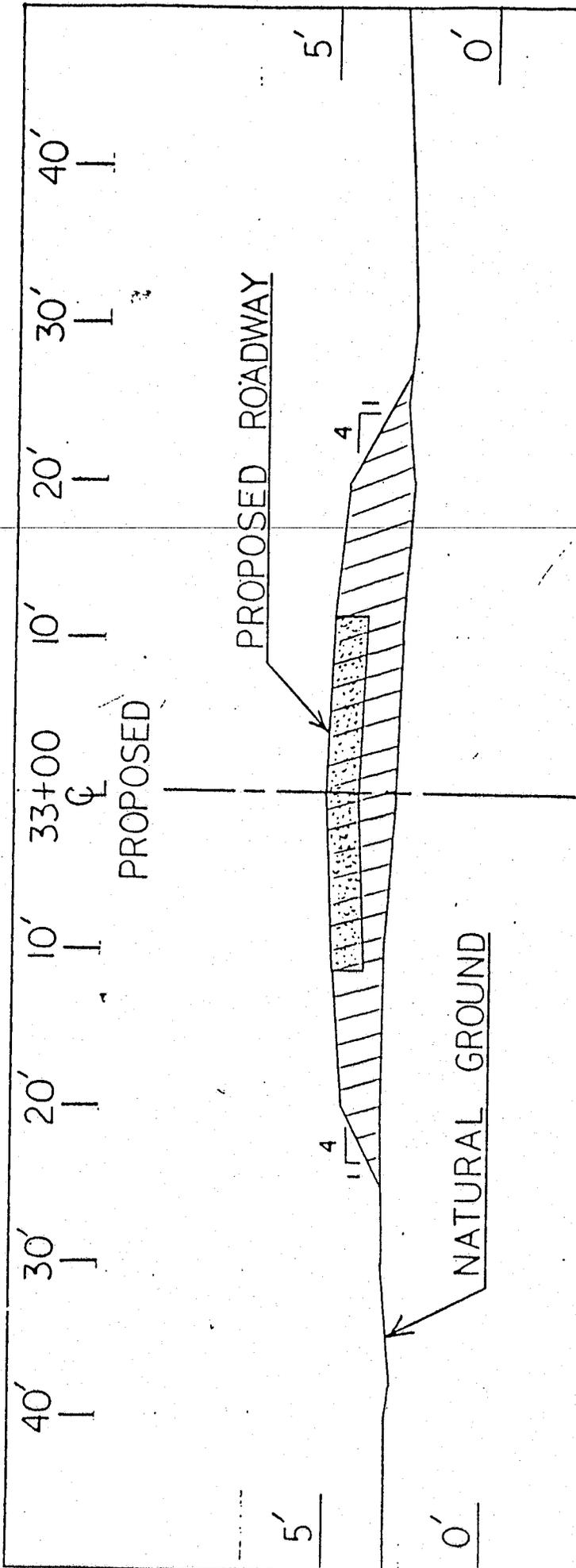


 DENOTES FILL IN WETLANDS

NC DEPT. OF TRANSPORTATION  
 DIVISION OF HIGHWAYS  
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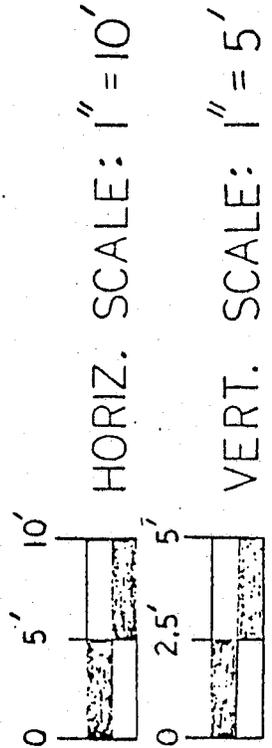
SHEET 5 OF 10

MAY 1987



SECTION A-A

 DENOTES FILL IN WETLANDS



NC DEPT. OF TRANSPORTATION  
 DIVISION OF HIGHWAYS  
 DARE COUNTY  
 PROJECT 6.051014, R-2125  
 PROPOSED RELOCATION OF  
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 NORTH OF RODANTHE, DARE COUNTY

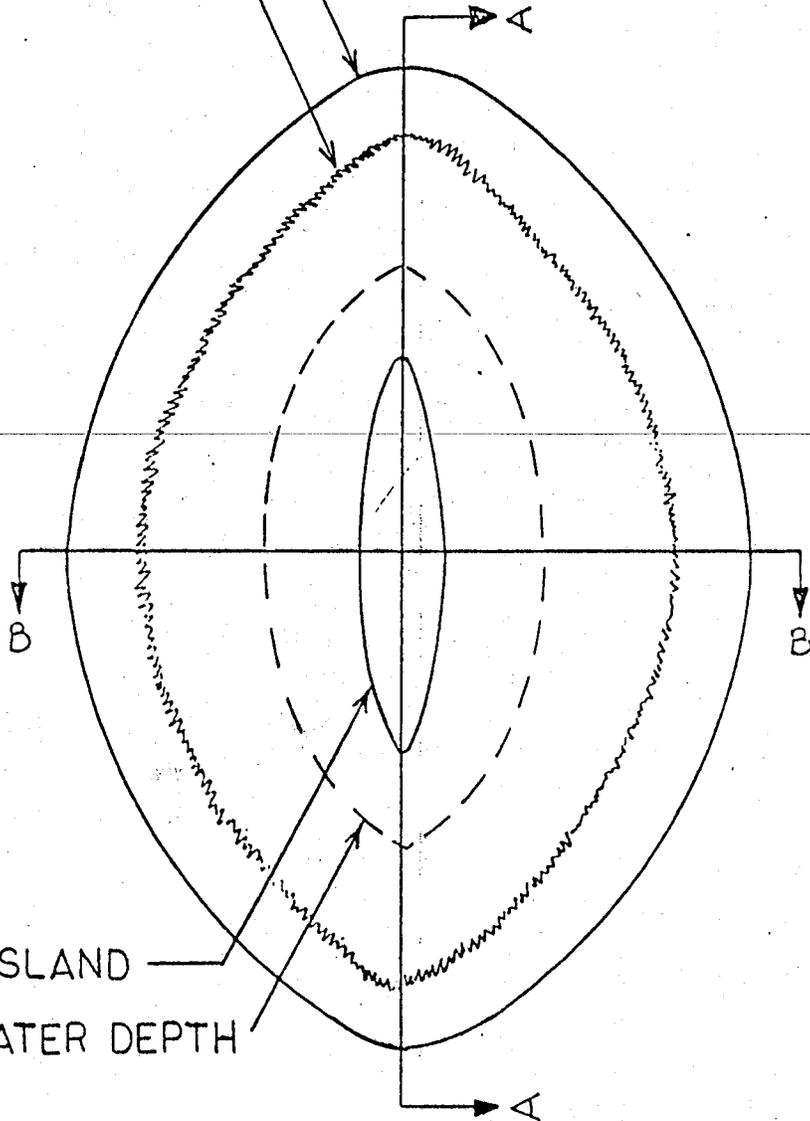
SHEET 6 OF 10

MAY 1987

NATURAL GROUND  
WETLAND BOUNDARY

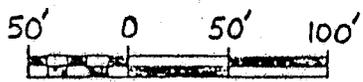
SPOIL AREA  
( $\approx 2.5$  ACRES)

NESTING ISLAND  
2' MEAN WATER DEPTH



ALL PROPERTY OWNED BY:  
DEPT. OF THE INTERIOR  
U.S. FISH & WILDLIFE SERVICE

PLAN VIEW OF LARGE DUCK  
POND TO BE CONSTRUCTED  
FOR WETLAND MITIGATION



SCALE: 1" = 100'

AREA OF "CREATED" WETLANDS  
IN LARGE DUCK POND = 3.07 AC.

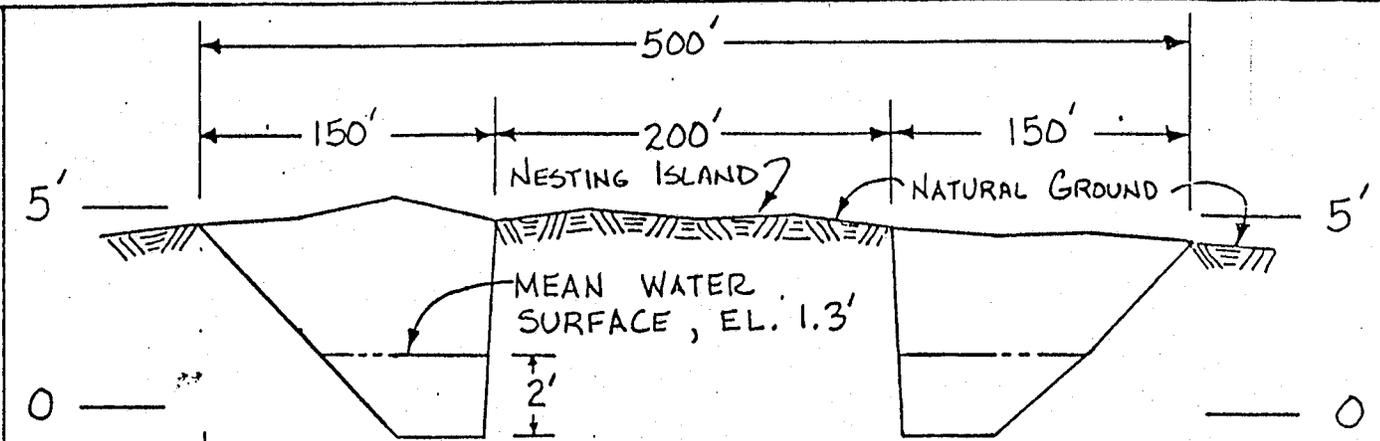
NC DEPT. OF TRANSPORTATION  
DIVISION OF HIGHWAYS  
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PROPOSED RELOCATION OF  
"S" CURVES  
NORTH OF RODANTHE, DARE COUNTY

SHEET 7 OF 10

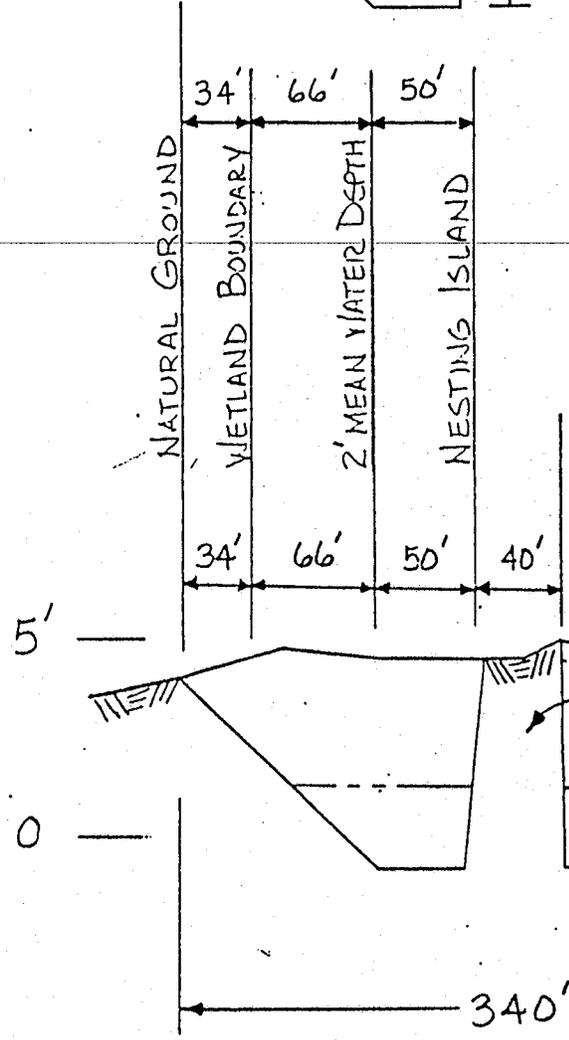
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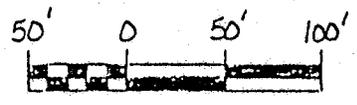
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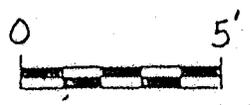
SECTION "A-A"



SECTION "B-B"



HORIZ. SCALE  
1" = 100'



VERT. SCALE  
1" = 5'

NC DEPT. OF TRANSPORTATION  
DIVISION OF HIGHWAYS  
DARE COUNTY  
PROJECT 6.051014, R-2125  
PROPOSED RELOCATION OF  
"S" CURVES  
NORTH OF RODANTHE, DARE COUNTY

SHEET 8 OF 10

MAY 1987

RECEIVED

MAY 31 1987  
DCM-LS