



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

BEVERLY PERDUE  
GOVERNOR

EUGENE CONTI  
SECRETARY

March 23, 2012

MEMORANDUM TO: File

FROM: Elizabeth Lusk, PDEA, Natural Environment Section

SUBJECT: Dare County, Emergency Permits for Hurricane Irene  
Damage on NC12 Repair, Federal Aid Project No. NC11-  
01(FMIS 2011-01), WBS Element 13201.1028025.

A handwritten signature in black ink, appearing to read "E. Lusk", written over the "FROM:" line of the memorandum.

In addition to the previously obtained and posted permits, the following permits were issued for the emergency repairs to NC 12 following Hurricane Irene:

1. Section 404 Nationwide Permit 48, dated September 8, 2011
2. Section 401 Water Quality Certification, modification, dated September 8, 2011
3. USFWS Special Use Permits (3), dated September 1, 2011

A copy of this permit package has been posted on the NCDOT website at:  
<http://www.ncdot.gov/doh/preconstruct/pe/neu/permit.html>

## **PROJECT COMMITMENTS**

Post-Hurricane Irene Emergency NC 12 Recovery  
Dare County  
Federal Aid Project No. NC11-01(FMIS 2011-01)  
W.B.S. No. 31201.1028011

### **COMMITMENTS FROM PROJECT DEVELOPMENT AND DESIGN**

#### **Division One Construction, Resident Engineer's Office**

All work is expected to be contained within the existing 100' easement, except for the excavation of fill material from behind the Oregon Inlet terminal groin, the location of bridge bents on the east side of the bridge, and the dredging of sandbag fill material from the beach face below the mean high water line.

De-watering of the site will be performed in a manner that does not cause further erosion of the beach face.

#### **Division One Construction, Resident Engineer's Office, Natural Environment Unit**

This work will temporarily involve habitat where federally listed endangered or threatened species may occur, as it is adjacent to the shoreline within the PINWR and in the area behind the Oregon Inlet terminal groin (critical habitat for the wintering piping plover). The excavation behind the terminal groin is at US Fish and Wildlife Service request, in part to benefit the piping plover habitat. NCDOT will conduct the work in consultation with PINWR and NC Division of Coastal Management staff. This emergency repair meets the criteria of 50 CFR 402.05.

This property is listed under the Coastal Barrier Resource Act as being "otherwise protected areas." The restoration of NC 12 will have no effect on the status of the listing with the Coastal Barrier Resource Act.

### **COMMITMENTS FROM PERMITTING**

#### **Division One Construction, Resident Engineer's Office, Natural Environment Unit**

Only beach quality sand shall be utilized for dune reconstruction purposes.

Any reconstructed dunes shall be planted with appropriate vegetation as soon as possible after project completion.

All work shall be accomplished in such a manner that damage to existing vegetation is minimized.



All fill material, including that used to fill the slope-stabilization sandbags, shall be clean and free of any pollutants, except in trace quantities.

15A NCAC 07H .0308(a)(1)(B) prohibits permanent erosion control structures within the Ocean Hazard Area of Environmental Concern (AEC). Therefore, in order to ensure compliance with this rule, the design of all retaining walls within the AEC shall be the absolute minimum necessary to retain the roadway fill material. The retaining walls shall not serve as or be designed to serve as permanent erosion control structures.

The slope-stabilization sandbags and retaining wall shall be removed in their entirety once they are no longer necessary, due to implementation of more permanent transportation solutions in the project area.

Any waste materials or debris generated in the demolition and removal of the existing roadway, including exposed damage or remnant pavement, shall be disposed of at an approved upland site or shall be recycled in an environmentally appropriated manner provided appropriate authorization from any relevant state, federal, or local authorities are obtained.

Sandbags shall be removed without delay or challenge within 60 days of completing a satisfactory alternative for the highway or when they are no longer serving the purpose for which they were established as a result of natural forces or due to human actions.

Sandbags shall be filled and installed prior to May 1. In the event of bird or turtle nesting activity within or adjacent to the project area prior to May 1, construction and associated activities shall be either suspended or moved a sufficient distance from the biological activity so as to avoid direct and indirect impacts. If the project is not completed by or before May 1, work may resume after September 1. Any type of encroachment into this time period wherein work activities would be required on the dune or on the ocean side of the dune shall be done with full coordination and at the discretion of the Refuge Manager.

The permittee agrees to prepare a beach/dune restoration plan. Beach/dune restoration is needed to augment the installed sandbags that are protecting the highway pavement from the effects of ocean over-wash during minor storm events and spring tide events. The beach/dune restoration plan will encompass but is not limited to the following goals:

- a. Through appropriate beach/dune restoration techniques, the upper beach/dune shall be restored to a mutually agreed upon extent as is necessary to cover the sandbags and slope the cover material into the natural beach. Any subsequent beach/dune restoration actions necessary to maintain the integrity of the sandbag structure shall be fully coordinated with the Refuge Manager prior to any construction/restoration activity.
- b. Through prudent sand placement, sandbags shall be covered by suitable sand, as determined by the Refuge Manager, in accordance with NCDOT specifications as stated in the application for this permit. This measure shall be repeated in the event of removal of the sand cover over the sandbags through the action of wind or water. The intent is to provide the most productive barrier dune habitat possible through covering the sandbags with suitable sand and through incorporation of suitable dune stabilization measures.
- c. The beach/dune restoration plan shall include a monitoring program of sufficient detail so as to document baseline (pre-sandbag and pre-beach/dune restoration) physical and biological parameters of the beach face community in and adjacent to the affected area, impacts to that community as determined immediately after construction, and seasonal (4 times per year) monitoring for as long as the sandbags are in place plus for a minimum of one full year after removal of the sandbags. For comparative purposes, a control area, as agreed upon by the Refuge Manager and NCDOT, will be monitored in the vicinity of the project area.
- d. The NCDOT or their designee shall provide the refuge with copies of raw data after each sampling session in an EXCEL data format.

The beach/dune restoration plan and monitoring protocols shall be developed through coordination with the Refuge Biologist and must be acceptable to the Refuge Manager. Funding for the monitoring component of the restoration plan shall be provided by NCDOT. Progress reports shall be provided to the Refuge Manager at no cost to the refuge on a semi-annual basis. A final report shall be submitted to the Refuge Manager within 90 days of satisfactory completion of monitoring as stated in Special Use Permit Condition # C.

Compatible sand is defined as sand consisting of a grain size and mineral content similar to native refuge beach sand as determined by the Refuge Manager or designee. All sand to be used for beach/dune habitat restoration shall be sampled and analyzed for the presence of hazardous or toxic materials, debris, or other pollutants. Sand containing any unsuitable material cannot be placed on the refuge beach or into a dune system.

If sand sources for compliance with the terms and conditions of SUP # 2011-019 are located on the refuge, relocation of the sand by whatever means will be covered by a separate Special Use Permit. For sand sources off the refuge, data regarding grain size, heavy mineral content, and contaminant levels shall be provided to the Refuge Manager at no cost to the Refuge.

Any and all work areas on the refuge shall be sloped and contoured to pre-work conditions or to the satisfaction of the Refuge Manager.

Permittee is responsible for removing any and all construction debris, materials, and equipment from the refuge. If, during the period when the sandbags or other related materials are in place on the refuge, there is damage resulting in debris from the project, it shall be NCDOT's responsibility to clean up and remove the debris from the refuge.

Monitoring and maintaining the structural stability of the sandbag structure, including the sand covering the sandbags with associated vegetative community shall be the responsibility of NCDOT.

At the discretion of the Refuge Manager, a determination of failure to comply with all terms and provisions of SUP # 2011-019 shall result in revocation of the permit and removal of the sandbags within 60 days of the refuge notifying NCDOT of permit condition violation(s). Upon revocation or expiration of SUP # 2011-019, all sandbags along with associated appurtenances deemed by the Refuge Manager to be an un-natural addition to the refuge shall be removed within 60 days from receipt of notice of revocation of the permit.

Upon discovery of new ecological or biological information regarding fish, wildlife, or their habitats that could be affected by this project, the Refuge Manager retains the authority to amend this permit to protect natural resources in the interests of achieving the refuge system mission or the purpose for establishing the refuge.

Upon restoration of NC-12 traffic flow, provided this occurs within 30 days from the emergency declaration, NCDOT shall provide the Refuge with adequate NEPA documentation for all actions taken to restore the transportation system through the Refuge. Full compliance with NEPA is essential for the Refuge to complete a Compatibility Determination which can be suspended during declared emergencies for a period of up to 30 days.

### **Natural Environment Unit**

All necessary precautions and measures will be implemented so that the activity will not kill, injure, capture, pursue, harass, or otherwise harm any protected federally listed species, most specifically piping plovers. The Permittee will maintain a biologist on site at the work area while sand pumping is occurring to monitor for piping plover presence and will record any observance and associated effects of the action on the piping plovers. If piping plovers are observed and they are flushed or disturbed by the work activity, the Corps will be immediately notified so that required coordination can be initiated with the U.S. Fish and Wildlife Service. No work has to cease but after-the-fact formal Section 7 consultation must occur. If no piping plovers are observed, after-the-fact informal consultation must occur. This condition will remain in effect until the sand pumping is completed or until the Fish and Wildlife Service agrees that monitoring is no longer needed for the remaining sand pumping activities.

*A concurrence request has been submitted to the U.S. Fish and Wildlife Service.*

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

Action ID: SAW-2011-01657

County: Dare

USGS Quad: Pea Island, NC

**GENERAL PERMIT (REGIONAL AND NATIONWIDE) VERIFICATION**

Property Owner / Authorized Agent: Dr. Gregory J. Thorpe, Ph.D

Address: Environmental Management Director, PDEA

N.C. Department of Transportation

1598 Mail Service Center

Raleigh, North Carolina 27699-1598

Telephone No.: (919) 707-6156

Size and location of property (water body, road name/number, town, etc.): The project is located waterward of the Mean High Water elevation along the Atlantic Ocean Shoreline parallel to NC Highway 12 starting approximately 6 miles south of Oregon Inlet and ending approximately 6.5 miles south of Oregon Inlet. A second area is located in the Rodanthe S-Curve area north of any existing residences. Work Areas I.D. (aerial photo dated 9/8/2011 submitted with application).

Description of projects area and activity: Fill sandbags with sand material obtained/pumped from the swash zone. These sandbags are being utilized as toe protection for the reconstruction of NC Highway 12 in the breach zones and for reconstruction of primary dunes in the Rodanthe area. Authorization for the use of sandbags for toe protection in jurisdictional areas was obtained through a separate nationwide permit (Action ID # 2011-01633). Approximately 26,500 cubic yards of material will be pumped from the swash zone and is broken down as follows - Rodanthe Dune Restoration - 5,000 cy, Rodanthe toe protection 4,500 cy, Pea Island toe protection 17,00 cy. SEE ADDITIONAL SPECIAL CONDITIONS.

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

Authorization: Regional General Permit Number: 198000048  
Nationwide Permit Number: \_\_\_\_\_

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

This verification is valid until the NWP is modified, reissued, or revoked. All of the existing NWPs are scheduled to be modified, reissued, or revoked prior to March 18, 2012. It is incumbent upon you to remain informed of changes to the NWPs. We will issue a public notice when the NWPs are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant nationwide permit is modified or revoked, you will have twelve (12) months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this nationwide permit.

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) 733-1786) 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 .

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 Bill Biddlecome at (910) 251-4558 .

Corps Regulatory Official BIDDLECOME.WILLI  
AM.JJR.1228726504

Digitally signed by  
BIDDLECOME.WILLIAM.JJR.1228726504  
DN: cn=US, o=U.S. Government, ou=DoD, ou=PKI,  
ou=USA, cn=BIDDLECOME.WILLIAM.JJR.1228726504  
Date: 2011.09.08 17:27:33 -04'00'

Date: 09/08/2011

Expiration Date of Verification: **12/31/2016**

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 our website at <http://regulatory.usacesurvey.com/> to complete the survey online.

### **Determination of Jurisdiction:**

- ☐ 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).
- ☐ 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.
- ☐ 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.
- ☒ The jurisdictional areas within the above described project area have been identified under a previous action. Please reference jurisdictional determination issued **04/26/2006**. Action ID **200632020**

Basis of Jurisdictional Determination: **See previous action.**

### **Appeals Information (This information applies only to approved jurisdictional determinations.)**

Attached to this verification is an approved jurisdictional determination. If you are not in agreement with that approved jurisdictional determination, you can make an administrative appeal under 33 CFR 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:

District Engineer, Wilmington Regulatory Division  
Attn: William Biddlecome, Project Manager,  
Washington Regulatory Field Office  
P.O. Box 1000  
Washington, North Carolina 27889

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 District 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 **N/A**.

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

Corps Regulatory Official: \_\_\_\_\_

Date **09/08/2011**

Expiration Date \_\_\_\_\_

**SURVEY PLATS, FIELD SKETCH, WETLAND DELINEATION FORMS, PROJECT PLANS, ETC., MUST BE ATTACHED TO THE FILE COPY OF THIS FORM, IF REQUIRED OR AVAILABLE.**

Copy Furnished:

Action ID Number: SAW-2011-01657

County: Dare

Permittee: NCDOT, Greg Thorpe, Ph. D.

Date Verification Issued: 09/08/2011

Project Manager: Biddlecome

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  
WILMINGTON REGULATORY FIELD OFFICE  
POST OFFICE BOX 1890  
WILMINGTON, NORTH CAROLINA 28402-1890

Please note that your permitted activity is subject to a compliance inspection by a U. S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

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.

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Signature of Permittee

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Date



## ADDITIONAL SPECIAL CONDITIONS

Action I.D. # SAW-2011-01657 - NCDOT, NC 12 Repair, Pea Island, Dare County, NC

- a) All work authorized by this permit must be performed in strict compliance with the plans which were submitted with the permit application and are considered part of this permit. Any modification to these plans must be approved by the US Army Corps of Engineers (USACE) prior to implementation. No sand pumping may occur outside the areas identified on the associated permit drawings identified as “source zone for sandbags” dated September 8, 2011.
- b) The permittee shall require its contractors and/or agents to comply with the terms and conditions of this permit in the construction and maintenance of this project, and shall provide each or its contractors and/or agents associated with the construction or maintenance of this project with a copy of this permit, and any authorized modifications. A copy of this permit, and any authorized modifications, including all conditions, shall be available at the project site during construction and maintenance of this project.
- c) All excavated materials will be confined above normal high water and landward of regularly or irregularly flooded wetlands behind adequate dikes or retaining structures to prevent spillover of solids into any wetlands or surrounding waters.
- d) Except as authorized by this permit or any USACE approved modification to this permit, no excavation, fills, or mechanized land-clearing activities shall take place at any time in the construction or maintenance of this project, within waters or wetlands, or any activities that cause the degradation of waters or wetlands, except as authorized by this permit, or any modification to this permit. This permit does not authorize temporary placement or double handling of excavated or fill material within waters or wetlands outside the permitted area. There shall be no excavation from, waste disposal into, or degradation of, jurisdictional waters or wetlands associated with this permit without appropriate modification of this permit, including appropriate compensatory mitigation. This prohibition applies to all borrow and fill activities connected with this project.
- e) All necessary precautions and measures will be implemented so that the activity will not kill, injure, capture, pursue, harass, or otherwise harm any protected federally listed species, most specifically piping plovers. The Permittee will maintain a biologist on site at the work area while sand pumping is occurring to monitor for piping plover presence and will record any observance and associated effects of the action on the piping plovers. If piping plovers are observed and they are flushed or disturbed by the work activity, the Corps will be immediately notified so that required coordination can be initiated with the U.S. Fish and Wildlife Service. No work has to cease but after-the-fact formal Section 7

consultation must occur. If no piping plovers are observed, after-the-fact informal consultation must occur. This condition will remain in effect until the sand pumping is completed or until the Fish and Wildlife Service agrees that monitoring is no longer needed for the remaining sand pumping activities.

- f) The permittee will report any violations of these conditions or violations of section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act in writing to the Wilmington District, U.S. Army Corps of Engineers, within 24 hours of the permittee's discovery of the violation.
- g) Failure to institute and carry out the details of special conditions a. - f, above, may result in a directive to cease all ongoing and permitted work within waters and/or wetlands associated with this project, or such other remedy as the District Engineer or his authorized representatives may seek.

DEPARTMENT OF THE ARMY  
Wilmington District, Corps of Engineers  
Post Office Box 1890  
Wilmington, North Carolina 28402-1890

General Permit No. 198000048  
Name of Permittee: General Public  
Effective Date: March 16, 2005  
Expiration Date: December 31, 2010

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 Engineer  
U.S. Army Engineer District, Wilmington  
Corps of Engineers  
Post Office Box 1890  
Wilmington, North Carolina 28402-1890

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 (NCDQM) 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 NCDRCM 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 NCDRCM 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:

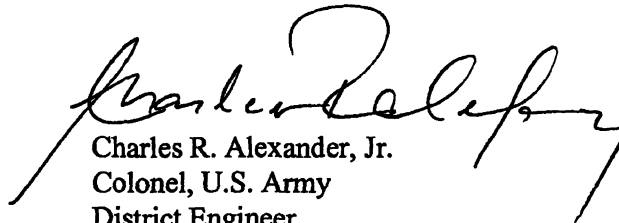
<http://www.ncnhp.org/Pages/heritagedata.html>. or <http://nc-es.fws.gov/es/es.html>. Permittees should notify the Corps if any listed species or designated critical habitat might be affected by the proposed project and may not begin work until notified by the Corps that the requirements of the Endangered 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.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:



Charles R. Alexander, Jr.  
Colonel, U.S. Army  
District Engineer

RECEIVED



SEP 12 2011

North Carolina Department of Environment and Natural Resources  
Division of Water Quality

Beverly Eaves Perdue  
Governor

Coleen H. Sullins  
Director

Dee Freeman  
Secretary

September 8, 2011  
Dare County  
DWQ Project No. 20110820 v.2  
NC 12 Emergency Repair

**MODIFICATION of APPROVAL of 401 WATER QUALITY CERTIFICATION with ADDITIONAL CONDITIONS**

Dr. Gregory Thorpe, Ph.D., Environmental Management Director  
Project Development and Environmental Analysis Branch  
N. C. Department of Transportation  
1598 Mail Service Center  
Raleigh, North Carolina, 27699-1548

Dear Dr. Thorpe:

You have our approval, in accordance with the conditions listed below, for the following impacts for the purpose of the emergency repair of NC 12 in Dare County. This modification approves the dredging of approximately **26,500 cubic yards** of sand from the intertidal zone as necessary to fill sand bags for road fill slope protection at the Pea Island and Rodanthe sites and also for dune reconstruction at the Rodanthe site.

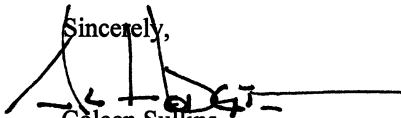
The project shall be constructed in accordance with your application and revised aerial source map for Rodanthe received via e-mail September 8, 2011. All the authorized activities and conditions associated with the original Water Quality Certification dated September 2, 2011 and all subsequent modifications still apply except where superseded by this certification. After reviewing your application, we have decided that these impacts are covered by General Water Quality Certification Number 3703. This certification corresponds to the General Permit 192000048 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 DWQ 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 modification is applicable only to the additional proposed activities. All of the authorized activities and conditions associated with the original Water Quality Certification dated September 2, 2011 and subsequent modifications still apply except where superseded by this certification.
2. If fill sand for the sand bags needs to be obtained from areas other than those depicted on your Pea Island and revised Rodanthe source maps, notification to and approval from the Division of Water Quality is required.



If you do not accept any of the conditions of this certification, you may ask for an adjudicatory hearing. You must act within 60 days of the date that you receive this letter. To ask for a hearing, send a written petition that conforms to Chapter 150B of the North Carolina General Statutes to the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, N.C. 27699. This certification and its conditions are final and binding unless you ask for a hearing. This letter completes the review of the Division of Water Quality under Section 401 of the Clean Water Act. If you have any questions, please contact Garcy Ward at (252) 948-3922.

Sincerely,  
  
for Coleen Sullins

Attachments (General Certification)

cc: Clay Willis, DOT Division 1 Environmental Officer  
Bill Biddlecome, US Army Corps of Engineers, Washington Field Office  
Stephen Lane, DCM, Morehead City  
Cathy Brittingham, DCM, Raleigh  
Sonia Carrillo, NC DWQ, 401/Wetlands Unit  
File Copy

# Water Quality Certification N<sup>o</sup>. 3703

## **GENERAL CERTIFICATION FOR PROJECTS ELIGIBLE FOR U.S. ARMY CORPS OF ENGINEERS REGIONAL GENERAL PERMIT 198000048 INVOLVING DISPOSAL OF DREDGED MATERIAL ON OCEAN BEACHES WITHIN NORTH CAROLINA**

Water Quality Certification Number 3703 is issued in conformity with the requirements of Section 401, Public Laws 92-500 and 95-217 of the United States and subject to the North Carolina Division of Water Quality Regulations in 15 NCAC 2H, Section .0500 and 15 NCAC 2B .0200 for the discharge of fill material to waters and wetland areas which are waters of the United States as described in the Wilmington District's Regional (General) Permit Number 198000048 . The State of North Carolina certifies that the specified category of activity will not violate applicable portions of Sections 301, 302, 303, 306 and 307 of the Public Laws 92-500 and 95-217 if conducted in accordance with the conditions hereinafter set forth.

Any proposed fill, dredging, excavation or other modification of waters or wetlands under this General Certification requires written approval from the Division of Water Quality.

In accordance with North Carolina General Statute Section 143-215.3D(e), any requirement for written approval for a 401 Water Quality Certification must include the appropriate fee. If a project also requires a CAMA Permit, then one payment to both agencies shall be submitted and will be the higher of the two fees.

### Conditions of Certification:

#### 1. No Impacts Beyond those Authorized in the Written Approval

No waste, spoil, solids, or fill of any kind shall occur in wetlands, waters, or riparian areas beyond the footprint of the impacts authorized in the written approval, including incidental impacts. All construction activities, including the design, installation, operation, and maintenance of sediment and erosion control Best Management Practices, shall be performed so that no violations of state water quality standards, statutes, or rules occur.

#### 2. Standard Erosion and Sediment Control Practices

Erosion and sediment control practices must be in full compliance with all specifications governing the proper design, installation and operation and maintenance of such Best Management Practices:

- a. Design, installation, operation, and maintenance of the sediment and erosion control measures must be such that they equal, or exceed, the requirements specified in the most recent version of the *North Carolina Sediment and Erosion Control Manual*. The devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) projects, including contractor-owned or leased borrow pits associated with the project.
- b. For borrow pit sites, the erosion and sediment control measures must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Surface Mining Manual*.
- c. Reclamation measures and implementation must comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act and the Mining Act of 1971.
- d. Sufficient materials required for stabilization and/or repair of erosion control measures and stormwater routing and treatment shall be on site at all times.
- e. If the project occurs in waters or watersheds classified as Primary Nursery Areas (PNA's), Trout (Tr), SA, WS-I, WS-II, High Quality (HQW), or Outstanding Resource (ORW) waters, then the sediment and erosion control requirements contained within *Design Standards in Sensitive Watersheds* (15A NCAC 04B .0124) supercede all other sediment and erosion control requirements.

# Water Quality Certification N°. 3703

## 3. No Sediment and Erosion Control Measures in Wetlands or Waters

Sediment and erosion control measures should not be placed in wetlands or waters without prior approval from the Division. If placement of sediment and erosion control devices in wetlands and waters is unavoidable, then the design and placement of temporary erosion control measures shall not be conducted in a manner that may result in dis-equilibrium of wetlands or stream beds or banks, adjacent to or upstream and down stream of the above structures. All sediment and erosion control devices shall be removed and the natural grade restored within two (2) months of the date that the Division of Land Resources or locally delegated program has released the project.

## 4. Construction Stormwater Permit NCG010000

Upon the approval of an Erosion and Sedimentation Control Plan issued by the Division of Land Resources (DLR) or a DLR delegated local erosion and sedimentation control program, an NPDES General stormwater permit (NCG010000) administered by the Division is automatically issued to the project. This General Permit allows stormwater to be discharged during land disturbing construction activities as stipulated by conditions in the permit. If your project is covered by this permit [applicable to construction projects that disturb one (1) or more acres], full compliance with permit conditions including the sedimentation control plan, self-monitoring, record keeping and reporting requirements are required. A copy of this permit and monitoring report forms may be found at [http://h2o.enr.state.nc.us/su/Forms\\_Documents.htm](http://h2o.enr.state.nc.us/su/Forms_Documents.htm).

## 5. The discharge shall not contain levels of toxic pollutants that would result in a violation of state water quality and wetland standards.

## 6. If concrete is used during the construction, then a dry work area should be maintained to prevent direct contact prevent direct contact between curing concrete and stream water. Water that inadvertently contacts uncured concrete should not be discharged to surface waters due to the potential for elevated pH and possible aquatic life/fish kills.

## 7. Construction Moratoriums and Coordination

The timing of the dredging and discharge shall be coordinated with State and Federal agencies and the applicant in order to lessen impact on aquatic organisms and their reproduction. If activities should take place during periods of high biological activity (i.e. sea turtle or bird nesting), biological monitoring may be required at the request of other state or federal agencies and coordinated with these dredging activities.

All moratoriums on construction activities established by the NC Wildlife Resources Commission (WRC), US Fish and Wildlife Service (USFWS), NC Division of Marine Fisheries (DMF), or National Marine Fisheries Service (NMFS) to lessen impacts on trout, anadromous fish, larval/post-larval fishes and crustaceans, or other aquatic species of concern must be obeyed.

## 8. If an environmental document is required under NEPA or SEPA, then this General Certification is not valid until a Finding of No Significant Impact (FONSI) or Record of Decision (ROD) is issued by the State Clearinghouse.

## 9. The applicant shall use the Certificate of Completion form attached to the cover letter to notify DWQ when all activities authorized by this General Certification have been completed.

## Water Quality Certification N°. 3703

### 10. Certificate of Completion

When written authorization is required for use of this certification, upon completion of all permitted impacts included within the approval and any subsequent modifications, the applicant shall be required to return the certificate of completion attached to the approval. One copy of the certificate shall be sent to the DWQ Central Office in Raleigh at 1650 Mail Service Center, Raleigh, NC, 27699-1650.

11. This General Certification shall expire three (3) years from the date of issuance of the written approval or on the same day as the expiration date of the corresponding Regional Permit 198000048. The conditions in effect on the date of issuance of Certification for a specific project shall remain in effect for the life of the project, regardless of the expiration date of this Certification. If the construction process for approved activities will overlap the expiration and renewal date of the corresponding 404 Permit and the Corps allows for continued use of the 404 Permit, then the General Certification shall also remain in effect without requiring re-application and re-approval to use this Certification for the specific impacts already approved.
12. The applicant/permittee and their authorized agents shall conduct all 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 the Division determines that such standards or laws are not being met, including 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, then the Division may reevaluate and modify this General Water Quality Certification.

Non-compliance with or violation of the conditions herein set forth by a specific fill project shall result in revocation of this General Certification for the project and may result in criminal and/or civil penalties.

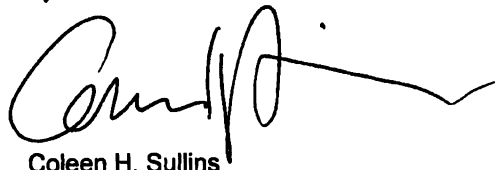
The Director of the North Carolina Division of Water Quality may require submission of a formal application for Individual Certification for any project in this category of activity if it is determined that the project is likely to have a significant adverse effect upon water quality including state or federally listed endangered or threatened aquatic species or degrade the waters so that existing uses of the wetland or downstream waters are precluded.

Public hearings may be held for specific applications or group of applications prior to a Certification decision if deemed in the public's best interest by the Director of the North Carolina Division of Water Quality.

Effective date: November 1, 2007

DIVISION OF WATER QUALITY

By



Coleen H. Sullins

Director

## Water Quality Certification N°. 3703

*History Note: Water Quality Certification Number 3703 replaces Water Quality Certification Number 3372 issued on March 18, 2002, Water Quality Certification Number 3493 issued December 2004 and Water Quality Certification Number 3640 issued March 2007. This General Certification is rescinded when the Regional Permit is re-authorized or when deemed appropriate by the Director of the Division of Water Quality.*

United States Department of the Interior  
U.S. Fish and Wildlife Service  
National Wildlife Refuge System  
General Special Use  
Application and Permit

OMB Control Number 1018-0102  
Expiration Date: 06/30/2014

Name of Refuge Pea Island National Wildlife Refuge  
Address P. O. Box 1969 Manteo, NC 27954  
Attn: (Refuge Official) Mike Bryant, Refuge Manager  
Phone # (252) 473-1131 E-mail mike\_bryant@fws.gov

### Application

(To be filled out by applicant. Note: Not all information is required for each use.  
See instructions at the end of the notice.)

1) ☒ New ☐ Renewal ☐ Modification ☐ Other \_\_\_\_\_

### Applicant Information

2) Full Name: Jerry Jennings 6) Phone #: (252) 482-7787  
3) Organization: N. C. Department of Transportation 7) Fax #: \_\_\_\_\_  
4) Address: 113 Airport Drive 8) E-mail: \_\_\_\_\_  
5) City/State/Zip: Edenton, NC 27932

9) Assistants/Subcontractors/Subpermittees: (List full names, addresses and phone #'s and specifically describe services provided if subcontractors are used.)

Subcontractors will be used but are not known at this time due to the emergency nature of this activity.

### Activity Information

10) Activity type: ☐ Event ☐ Wood Cutting ☐ Group Visit ☐ Cabin/Subsistence Cabin ☐ Educational Activity  
☒ Other Mining sand from the fillet behind the terminal groin at Oregon Inlet for NC 12 repairs

11) Describe Activity: (Specifically identify timing, frequency, and how the event is expected to proceed.)

NCDOT requests a permit for excavation of the approximately 150,000 cubic yards of sand from the fillet area behind the Terminal Groin at Oregon Inlet. The purpose for mining this sand is to repair NC 12 in Dare County. The proposed mining area behind the groin is approximately 20 acres in size and will not go beyond 6-8 feet below the surface. The general area to be mined is shown within the attachments. A detailed mining site will be delineated by the Refuge in consultation and coordination with NCDOT. To facilitate the mining and transport NCDOT is proposing to temporarily move the staging area for the Bonner Bridge repairs to the parking lot adjacent to the bridge as shown on the attached photo. This is being done to accommodate the mining operation behind the Oregon Inlet groin. Additional detail is provided in the attachments.

12) Activity/site occupancy timeline: (Specifically identify beginning and ending dates, site occupation timeline, hours, clean-up and other major events.)

See attachments to this permit for additional detailed information regarding mining details and permit conditions

(Depending on the activity for which you are requesting a permit, we may ask you for the following activity information. Please contact the specific refuge where the activity is being conducted to determine what activity information is required.)

13) Expected number of participants:

Children \_\_\_\_\_ Adults 50 Total 50

14) Grade level of educational group:

Grade \_\_\_\_\_ ☒ N/A

15) Will staff time/assistance be required?

☒ Yes ☐ No ☐ N/A16a) Plan of Operation required? ☐ Yes ☐ No ☒ N/A16b) Plan of Operation attached? ☐ Yes ☐ No

17) Location: (Specifically identify location; GPS location preferred.)

The fillet area bordered to the north and west by the Oregon Inlet Terminal Groin; to the east by the Atlantic Ocean; and to the south by State of North Carolina property and with all properties being wholly within or surrounded by Pea Island NWR

18a) Is map of location(s) required?

☒ Yes ☐ No ☐ N/A

18b) Is map of location(s) attached?

☒ Yes ☐ No

### Insurance Coverage/Certifications/Permits

19a) Is insurance required?

☐ Yes ☒ No ☐ N/A

19b) Insurance: (Provided carrier, type and policy number)

20) Other licenses/certifications/permits required: (Specifically identify licenses, certifications, and permits.)

404 permit  
CAMA permit

### Logistics and Transportation

21) Does activity require personnel to stay overnight onsite? ☐ Yes ☒ No

22) Personnel involved:

23) Specifically describe all equipment/gear and materials used:

24) Transportation description(s) and license number(s) to access refuge(s): (Provide description of and specific auto license/boat/plane registration number(s).)

Official state and federal vehicles.

25) Specifically describe onsite work and/or living accommodations:

26) Specifically describe onsite hazardous material storage or other onsite material storage space:

27) Signature of Applicant

Eugene Sexton for Jerry Jennings

Date of Application:

9/2/2011

Sign, date, and print this form and return it to the refuge for processing.  
Do not fill out information below this page.

PRINT FORM

**For Official Use Only (This section to be filled out by refuge personnel only.)****Special Use Permit**

Permit #: 2011-018

1) Date: September 1, 2011

2) ☒ Permit Approved ☐ Permit Denied

3) Station #: 41630

4) Additional special conditions required: (Special conditions may include activity reports, before and after photographs, and other conditions.)

☒ Yes ☐ No ☐ N/A

Additional sheets attached:

☒ Yes ☐ No

5) Other licenses/permits required:

☒ Yes ☐ No ☐ N/A

Verification of other licenses/permits, type:

USACE - 404 permit  
NCDCM - CAMA permit

6) Insurance/certifications required:

☐ Yes ☐ No ☒ N/A

Verification of insurance/certification, type:

7) Record of Payments: ☒ Exempt ☐ Partial ☐ Full

Amount of payment: 0

Record of partial payment: N/A

8) Bond posted: ☐ Yes ☐ No

This permit is issued by the U.S. Fish and Wildlife Service and accepted by the applicant signed below, subject to the terms, covenants, obligations, and reservations, expressed or implied herein, and to the notice, conditions, and requirements included or attached. A copy of this permit should be kept on hand so that it may be shown at any time to any refuge staff.

Permit approved and issued by (Signature and title):

Wade Bryant Date: 9/2/2011

Permit accepted by (Signature of applicant):

Eugene Sexton For Jerry Jennings Date: 9/2/2011



**Notice**

In accordance with the Privacy Act (5 U.S.C. 552a) and the Paperwork Reduction Act (44 U.S.C. 3501), please note the following information:

1. The issuance of a permit and collection of fees on lands of the National Wildlife Refuge System are authorized by the National Wildlife Refuge System Administration Act (16 U.S.C. 668dd-ee) as amended, and the Refuge Recreation Act (16 U.S.C. 460k-460k-4).

2. The information that you provide is voluntary; however submission of requested information is required to evaluate the qualifications, determine eligibility, and document permit applicants under the above Acts. It is our policy not to use your name for any other purpose. The information is maintained in accordance with the Privacy Act. All information you provide will be considered in reviewing this application. False, fictitious, or fraudulent statements or representations made in the application may be grounds for revocation of the Special Use Permit and may be punishable by fine or imprisonment (18 U.S.C. 1001). Failure to provide all required information is sufficient cause for the U.S. Fish and Wildlife Service to deny a permit.

3. No Members of Congress or Resident Commissioner shall participate in any part of this contract or to any benefit that may arise from it, but this provision shall not pertain to this contract if made with a corporation for its general benefit.

4. The Permittee agrees to be bound by the equal opportunity "nondiscrimination in employment" clause of Executive Order 11246:

5. Routine use disclosures may also be made: (a) to the U.S. Department of Justice when related to litigation or anticipated litigation; (b) of information indicating a violation or potential violation of a statute, rule, order, or license to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulations, order, or license; (c) from the record of the individual in response to an inquiry from a Congressional office made at the request of the individual (42 FR 19083; April 11, 1977); and (d) to provide addresses obtained from the Internal Revenue Service to debt collection agencies for purposes of locating a debtor to collect or compromise a Federal Claim against the debtor, or to consumer reporting agencies to prepare a commercial credit report for use by the Department (48 FR 54716; December 6, 1983).

6. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. This information collection has been approved by OMB and assigned control number 1018-0102. The public reporting burden for this information collection varies based on the specific refuge use being requested. The relevant public reporting burden for the General Use Special Use Permit Application form is estimated to average 30 minutes per response, including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Comments on this form should be mailed to the Information Collection Clearance Officer, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, MS 2042-PDM, Arlington, Virginia, 22203.

**General Conditions and Requirements**

1. **Responsibility of Permittee:** The permittee, by operating on the premises, shall be considered to have accepted these premises with all facilities, fixtures, or improvements in their existing condition as of the date of this permit. At the end of the period specified or upon earlier termination, the permittee shall give up the premises in as good order and condition as when received except for reasonable wear, tear, or damage occurring without fault or negligence. The permittee will fully repay the Service for any and all damage directly or indirectly resulting from negligence or failure on his/her part, and/or the part of anyone of his/her associates, to use reasonable care.

2. **Operating Rules and Laws:** The permittee shall keep the premises in a neat and orderly condition at all times, and shall comply with all municipal, county, and State laws applicable to the operations under the permit as well as all Federal laws, rules, and regulations governing national wildlife refuges and the area described in this permit. The permittee shall comply with all instructions applicable to this permit issued by the refuge official in charge. The permittee shall take all reasonable precautions to prevent the escape of fires and to suppress fires and shall render all reasonable assistance in the suppression of refuge fires.

3. **Use Limitations:** The permittee's use of the described premises is limited to the purposes herein specified and does not, unless provided for in this permit, allow him/her to restrict other authorized entry onto his/her area; and permits the Service to carry on whatever activities are necessary for: (1) protection and maintenance of the premises and adjacent lands administered by the Service; and (2) the management of wildlife and fish using the premises and other Service lands.

4. **Transfer of Privileges:** This permit is not transferable, and no privileges herein mentioned may be sublet or made available to any person or interest not mentioned in this permit. No interest hereunder may accrue through lien or be transferred to a third party without the approval of the Regional Director of the Service and the permit shall not be used for speculative purposes.

5. **Compliance:** The Service's failure to require strict compliance with any of this permit's terms, conditions, and requirements shall not constitute a waiver or be considered as a giving up of the Service's right to thereafter enforce any of the permit's terms or conditions.

6. **Conditions of Permit not Fulfilled:** If the permittee fails to fulfill any of the conditions and requirements set forth herein, all money paid under this permit shall be retained by the Government to be used to satisfy as much of the permittee's obligation as possible.

7. **Payments:** All payment shall be made on or before the due date to the local representative of the Service by a postal money order or check made payable to the U.S. Fish and Wildlife Service.

8. **Termination Policy:** At the termination of this permit the permittee shall immediately give up possession to the Service representative, reserving, however, the rights specified in paragraph 11. If he/she fails to do so, he/she will pay the government, as liquidated damages, an amount double the rate specified in this permit for the entire time possession is withheld. Upon yielding possession, the permittee will still be allowed to reenter as needed to remove his/her property as stated in paragraph 11. The acceptance of any fee for the liquidated damages or any other act of administration relating to the continued tenancy is not to be considered as an affirmation of the permittee's action nor shall it operate as a waiver of the Government's right to terminate or cancel the permit for the breach of any specified condition or requirement.

9. **Revocation Policy:** This permit may be revoked by the Regional Director of the Service without notice for noncompliance with the terms hereof or for violation of general and/or specific laws or regulations governing national wildlife refuges or for nonuse. It is at all times subject to discretionary revocation by the Director of the Service. Upon such revocation the Service, by and through any authorized representative, may take possession of the said premises for its own and sole use, and/or may enter and possess the premises as the agent of the permittee and for his/her account.

10. Damages: The United States shall not be responsible for any loss or damage to property including, but not limited to, growing crops, animals, and machinery or injury to the permittee or his/her relatives, or to the officers, agents, employees, or any other who are on the premises from instructions or by the sufferance of wildlife or employees or representatives of the Government carrying out their official responsibilities. The permittee agrees to save the United States or any of its agencies harmless from any and all claims for damages or losses that may arise to be incident to the flooding of the premises resulting from any associated Government river and harbor, flood control, reclamation, or Tennessee Valley Authority activity.

11. Removal of Permittee's Property: Upon the expiration or termination of this permit, if all rental charges and/or damage claims due to the Government have been paid, the permittee may, within a reasonable period as stated in the permit or as determined by the refuge official in charge, but not to exceed 60 days, remove all structures, machinery, and/or equipment, etc. from the premises for which he/she is responsible. Within this period the permittee must also remove any other of his/her property including his/her acknowledged share of products or crops grown, cut, harvested, stored, or stacked on the premises. Upon failure to remove any of the above items within the aforesaid period, they shall become the property of the United States.

#### Instructions for Completing Application

You may complete the application portion verbally, in person or electronically and submit to the refuge for review. Note: Please read instructions carefully as not all information is required for each activity. Contact the specific refuge headquarters office where the activity is going to be conducted if you have questions regarding the applicability of a particular item.

1. Identify if permit application is for new, renewal or modification of an existing permit. Permit renewals may not need all information requested. Contact the specific refuge headquarters office where the activity is going to be conducted if you have questions regarding the applicability of a particular item.

2-8. Provide full name, organization (if applicable), address, phone, fax, and e-mail.

9. Provide names and addresses of assistants, subcontractors or subpermittees. Names and address are only required if the assistants, subcontractors or subpermittees will be operating on the refuge without the permittee being present. Volunteers, assistants, subcontractors or subpermittees that are accompanied by the permittee need not be identified.

10. Activity type: check one of the following categories:

- a. Event;
- b. Wood cutting;
- c. Group visit;
- d. Cabin/Subsistence cabin;
- e. Educational activity; or
- f. Other--any other activity(s) not mentioned above. Please describe "other" activity.

11. Describe Activity: provide detailed information on the activity, including times, frequency and how the activity is expected to proceed, etc. Permit renewals may not need activity description, if the activity is unchanged from previous permit. Most repetitive activities, such as group visits, do not require an activity description for each visit. Contact the specific refuge headquarters office where the activity is going to be conducted to determine if an activity description is required.

12. Activity/site occupancy timeline: identify beginning and ending dates, site occupation timeline, hours, clean-up and other major events. Permit renewals may not need an activity/site occupancy timeline, if the activity is unchanged from previous permit. Most repetitive activities, such as group visits, do not require an activity/site occupancy timeline for each visit. Contact the specific refuge headquarters office where the activity is going to be conducted to determine if an activity/site occupancy timeline is required.

13-14 Expected number of participants: Provide an estimate of the number of adults, and children and grade level of group, if applicable.

15. Identify if onsite refuge staff will be required for group activities and anticipated time frame, if applicable.

16a-16b. Identify and attach Plan of Operation, if required. Most repetitive activities, such as group visits, do not require Plans of Operations for each visit. In addition, permit renewals may not require Plans of Operations if the activity is essentially unchanged from the previous permit. Contact the specific refuge headquarters office where the activity is going to be conducted to determine if a Plan of Operations is required.

17. Location: identify specific location (GPS coordinates preferred), if not a named facility. Most repetitive activities, such as group visits, do not require a location. In addition, permit renewals may not require a location if the activity is essentially unchanged from the previous permit. Contact the specific refuge headquarters office where the activity is going to be conducted to determine if a location is required.

18a-18b. Attach a map of location, if required and not conducted at a named facility. Most repetitive activities, such as group visits, do not require a map. In addition, permit renewals may not require a map if the activity is essentially unchanged from the previous permit. Contact the specific refuge headquarters office where the activity is going to be conducted to determine if a map is required.

19a-19b. Provide name, type and carrier of insurance, if required. Contact the specific refuge headquarters office where the activity is going to be conducted to determine if insurance and type of insurance are required.

20. Specifically identify types and numbers of other licenses, certifications or permits, if required. Contact the specific refuge headquarters office where the activity is going to be conducted to determine the types of licenses, certifications or permits required, and to coordinate the simultaneous application of several types of licenses, certifications or permits. This Special Use Permit (SUP) may be processed while other certifications are being obtained.

21-22. Provide name(s) of any personnel required to stay overnight, if applicable.

23. Identify all equipment and materials, which will be used, if required. Most repetitive events, such as group visits, do not require a list of equipment. In addition, permit renewals may not require a list of equipment if the event is essentially unchanged from the previous permit. Contact the specific refuge headquarters office where the activity is going to be conducted to determine if a list of equipment is required.

24. Describe and provide vehicle descriptions and license plate or identification numbers of all vehicles, including boats and airplanes, if required. Motor vehicle descriptions are only required for permittee vehicle, and/or if the vehicle will be operated on the refuge without the permittee being present. Motor vehicles that are accompanied by the permittee as part of a group (convoy) activity need not be identified if cleared in advance by refuge supervisor. Specifically describe ship-to-shore, intersite (between islands, camps, or other sites) and onsite transportation mechanisms, and license plate or identification numbers, if required.

25. Specifically describe onsite work and/or living accommodations, if applicable.

26. Specifically describe onsite hazardous material storage, or other onsite material storage space (including on and offsite fuel caches).

27. Sign, date, and print the application. Click on the Print button to print the application (if using the fillable version). The refuge official will review and, if approved, fill out the remaining information, sign, and return a copy to you for signature and acceptance.

**The form is not valid as a permit unless it includes refuge approval, a station number, a refuge-assigned permit number, and is signed by a refuge official.**

Alligator River National Wildlife Refuge  
Pea Island National Wildlife Refuge



**CONDITIONS FOR SPECIAL USE PERMITS & AUTHORIZED ACTIVITIES**  
**SUP 2011-018**

1. The Permittee or authorized person, and all officers, agents, employees, representatives, and clients of the Permittee or authorized person, shall comply with all Refuge, Federal, State, and local regulations and conditions that apply to the special use activity. Failure to comply with any applicable regulation or condition, and all Federal laws, rules, and regulations governing National Wildlife Refuges and the area described in the Special Use Permit (Permit) or authorizing documents may result in revocation of the Permit or authorized activity and/or criminal prosecution.
2. While engaged in a special use activity on the Refuge, the Permittee or authorized person, and his/her officers, agents, employees, or representatives, shall be in possession of a copy of the Permit or authorizing documents (including all attachments that contain conditions) and shall, upon request by an authorized Refuge official or by any authorized local, state, or federal law enforcement officer, display the copy authorizing their presence and activity on the Refuge and shall furnish any other licenses and identification documents as may be requested.
3. Entry on the Refuge during nighttime hours (i.e., ½-hour after sunset to ½-hour before sunrise) is prohibited, unless authorized in writing by the Refuge Manager.
4. It is unlawful to disturb, destroy, injure, collect, or take any wildlife, plant, natural object, mineral, cultural or historical feature, or public property on the Refuge, unless authorized in writing by the Refuge Manager.
5. Wildlife shall not be harmed or harassed and disturbance shall be kept to a minimum, this includes all snakes (poisonous and non-poisonous snakes), unless authorized in writing by the Refuge Manager.
6. The Refuge Manager should be contacted immediately at (252) 473-1131 upon discovery of any wildfire, or any leak, spill, or break in a pipeline, power line, canal, or dike, or any other accident or incident that has the potential to have an adverse impact on the soil, wildlife, or plants in the area. Any unusual wildlife sightings or suspected illegal activities should be reported to the Refuge Manager.
7. Any accident that results in a personal injury (i.e., an accident that requires professional medical treatment) shall be reported to the Refuge Manager within 24 hours of the accident.
8. All locked Refuge gates shall be closed and locked upon entering and leaving Refuge property. Refuge gates should be left the way they are found (i.e., open, closed, either locked or unlocked as the case may be).

9. Vehicle travel shall only be on designated roads or routes of travel, unless authorized in writing by the Refuge Manager. Vehicles, boats, trailers, and other equipment shall be parked in such a manner that roads and trails, including canoe trails and navigable waters, are not to be blocked. Roads and trails shall be accessible to Refuge visitors and to Refuge staff, cooperative farmers, fire trucks, emergency vehicles, maintenance equipment, and law enforcement patrols.
10. Vehicles with catalytic converters shall be restricted to paved roads, recently maintained gravel or dirt roads, or bare soil areas because of the high fire potential. Vehicles with catalytic converters shall not be parked over high vegetation or other fire hazardous materials.
11. Refuge gate or building keys shall not be loaned to other agencies, companies, or persons. If there is a need for access by other persons, please have them contact the Refuge Manager. All Refuge keys shall be returned to the Refuge Manager, or a designated staff member, within 10 calendar days, after expiration or termination of the Permit or authorized activity.
12. All dogs (or any other pet) must be confined or on a leash while on the Refuge, unless authorized in writing by the Refuge Manager. Leashed pets must be under the immediate control of the Permittee or authorized person, or the leash must be secured to a stationary object. The leash shall not be in excess of 10 feet in length.
13. Possession or use of firearms, air guns, bows and arrows, cross bows, spears, or gigs; or illegal knives, weapons, or devices; or explosives of any type is prohibited on the Refuge when engaged in a special use activity, unless authorized in writing by the Refuge Manager.
14. Littering is prohibited. All materials brought into the Refuge shall be removed and properly disposed. Drink cans, bottles, candy wrappers, toilet paper, and other garbage and refuse shall not be left on the Refuge.
15. The Refuge Manager shall be contacted before any surface work is done. This includes mowing, road or trail improvements, digging, clearing or trimming of brush or vegetation, installation of structures, etc.
16. The use of herbicides and pesticides on Refuge property is prohibited, unless authorized in writing by the Refuge Manager. Unrestricted, over-the-counter-type, insect repellents may be used on or near the body and clothing to repel biting or stinging insects.
17. No permanent or semi-permanent markings shall be made on any Refuge building, structure, gate, post, sign, fence, tree, vegetation, or soil by either marking, painting, cutting, scratching, blazing, mowing, digging, or other destructive method, unless authorized in writing by the Refuge Manager. When needed, only temporary, removable markers (e.g., flagging tape, survey stakes, metal/paper/plastic tags, etc.) shall be used to mark site locations, plots, etc. Safety signs, informational signs, and any other signs required by law or regulation for the special use activity being conducted, shall be posted as required, but only with prior authorization by the Refuge Manager.

All markers and signs shall be removed upon conclusion of the special use activity or upon expiration or termination of the Permit.

18. The use or possession of traps, snares, or other passive (i.e., unattended) collection devices, which are used to collect wildlife, is prohibited, **unless authorized in writing by the Refuge Manager.** Each individual trap, snare, or passive collection device shall have a weather-resistant, permanent tag attached with the Permittee's, authorized person's, and/or organization's name legibly marked on the tag **or** shall have the Permittee's, authorized person's, and/or organization's name legibly marked, imprinted, or engraved on the trap, snare, or device.
19. No permanent or semi-permanent fences, buildings, shelters, docks, piers, or other structures or facilities may be erected, built, or placed on the Refuge, **unless authorized in writing by the Refuge Manager.** No machinery, equipment, supplies, or materials may be placed or stored on the refuge, **unless authorized in writing by the Refuge Manager.**
20. All open fires are prohibited, **unless authorized in writing by the Refuge Manager.** Leaving an **authorized** open fire unattended or not completely extinguished is prohibited. Setting on fire or causing to be set on fire any timber, brush, grass, or other inflammable material, including camp or cooking fires, is prohibited, **unless authorized in writing by the Refuge Manager.** The use of cutting torches, arc welders, or any other open flame/sparking devices (which are required to conduct the special use activity) shall be exercised with caution and **only with prior authorization from the Refuge Manager or Refuge Fire Management Officer.** When use of these devices is necessary, the operator(s) shall have **immediate access to appropriate fire control equipment** (e.g., fire extinguishers, shovels, etc.) and **immediate communication access to local emergency services** (e.g., cellular telephone, two-way radio, etc.). Tobacco smokers shall practice caution when smoking; shall completely extinguish all matches, cigars, cigarettes, and pipes; and shall dispose of same in a proper container (e.g., a vehicle ash tray).
21. The effective dates of this permit include the period from September 1, 2011 through December 31, 2011. If it should become necessary to extend the effective period, a request for extension should be submitted no less than 5 days in advance. The Refuge Manager or designee shall be notified no less than 3 days prior to commencement of activities on the Refuge.
22. Activities authorized through this permit include reasonable and prudent sand mining within the fillet associated with the Oregon Inlet Terminal Groin as shown on the attached photograph. Care shall be taken so as to avoid unnecessary harm to wildlife and fisheries resources, including their habitats.
23. Due to the emergency nature of this work, the Refuge in consultation with NCDOT shall determine the actual area to be mined, the maximum allowable depth of mining, and the desired site condition after mining. All work shall be done to the satisfaction of the Refuge Manager.
24. To facilitate access and avoid interruptions to the ongoing Bonner Bridge maintenance project, this permit authorizes relocation of the staging area for this project from the current location to the parking lot adjacent to the existing bridge and NC 12. NCDOT shall notify and consult with the National Park Service – Cape Hatteras National Seashore prior to relocation of the staging area. Upon completion of sand mining within the groin fillet, the need for further use of the parking lot shall be determined through consultation with the Refuge. NCDOT shall repair damages through restoration of the parking lot and grassed area to the pre-storm condition. In the event that NC 12 is reopened to the public prior to completion of the bridge maintenance project, NCDOT shall provide the public access to the parking lot and facilities.

United States Department of the Interior  
U.S. Fish and Wildlife Service  
National Wildlife Refuge System  
General Special Use  
Application and Permit

OMB Control Number 1018-0102  
Expiration Date: 06/30/2014

## Application

(To be filled out by applicant. Note: Not all information is required for each use.  
See instructions at the end of the notice.)

Name of Refuge Pea Island National Wildlife Refuge  
Address P. O. Box 1969 Manteo, NC 27954  
Attn: (Refuge Official) Mike Bryant, Refuge Manager  
Phone # (252) 473-1131 E-mail mike\_bryant@fws.gov

1) ☒ New ☐ Renewal ☐ Modification ☐ Other \_\_\_\_\_

## Applicant Information

2) Full Name: Jerry Jennings 8) Phone #: (252) 482-7767  
3) Organization: N. C. Department of Transportation 7) Fax #: \_\_\_\_\_  
4) Address: 113 Airport Drive 8) E-mail: \_\_\_\_\_  
5) City/State/Zip: Edenton, NC 27932

9) Assistants/Subcontractors/Subpermittees: (List full names, addresses and phone #'s and specifically describe services provided if subcontractors are used.)

Subcontractors will be used but are not known at this time due to the emergency nature of this activity.

## Activity Information

10) Activity type: ☐ Event ☐ Wood Cutting ☐ Group Visit ☐ Cabin/Subsistence Cabin ☐ Educational Activity  
☒ Other Storm damage repair to NC 12 resulting from Hurricane Irene

11) Describe Activity: (Specifically identify timing, frequency, and how the event is expected to proceed.)

NCDOT is requesting a permit for the repair of NC 12 in Dare County. There are two repair sites, one in Pea Island National Wildlife Refuge and another at the northern end of Rodanthe adjacent to and partially on the refuge. At the Rodanthe site all work required in this location will be to reestablish the roadway back to its original location both horizontally and vertically prior to Hurricane Irene. Sand bags will be required to protect the highway. At the Pea Island breach site NCDOT is proposing to place a temporary 650' bridge consisting of a 250' span over the main breach within the existing right of way. A temporary construction bridge, approximately 200 feet long with 20-foot spans may be required. Other channels resulting from the storm will be filled and the road reconstructed. Sandbag shoring will be required. The attached letter provides additional information.

12) Activity/site occupancy timeline: (Specifically identify beginning and ending dates, site occupation timeline, hours, clean-up and other major events.)

See attachments to this permit for additional detailed information regarding project construction and permit conditions.

(Depending on the activity for which you are requesting a permit, we may ask you for the following activity information.

Please contact the specific refuge where the activity is being conducted to determine what activity information is required.)

13) Expected number of participants:

Children \_\_\_\_\_ Adults 50 Total 50

14) Grade level of educational group:

Grade \_\_\_\_\_ ☒ N/A

15) Will staff time/assistance be required?

☒ Yes ☐ No ☐ N/A

16a) Plan of Operation required? ☐ Yes ☐ No ☒ N/A

16b) Plan of Operation attached? ☐ Yes ☐ No

17) Location: (Specifically identify location; GPS location preferred.)

NC Highway 12 within Pea Island NWR

18a) Is map of location(s) required?

☒ Yes ☐ No ☐ N/A

18b) Is map of location(s) attached?

☒ Yes ☐ No

### Insurance Coverage/Certifications/Permits

19a) Is insurance required?

☐ Yes ☒ No ☐ N/A

19b) Insurance: (Provide carrier, type and policy number)

20) Other licenses/certifications/permits required: (Specifically identify licenses, certifications, and permits.)

404  
CAMA

### Logistics and Transportation

21) Does activity require personnel to stay overnight onsite? ☐ Yes ☒ No

22) Personnel involved:

NCDOT employees and contractors as needed

23) Specifically describe all equipment/gear and materials used:

Excavators, bulldozers, front-end loaders, dump trucks, and other heavy equipment as needed.

24) Transportation description(s) and license number(s) to access refuge(s): (Provide description of and specific auto license/boat/plane registration number(s).)

Official state and federal vehicles.

25) Specifically describe onsite work and/or living accommodations:

26) Specifically describe onsite hazardous material storage or other onsite material storage space:

27) Signature of Applicant Eugene Dexter for Jerry Jennings Date of Application: 09-02-2011

Sign, date, and print this form and return it to the refuge for processing.  
Do not fill out information below this page.

PRINT FORM



**For Official Use Only (This section to be filled out by refuge personnel only.)****Special Use Permit**

Permit #: 2011-017

1) Date: September 1, 2011

2) ☒ Permit Approved ☐ Permit Denied

3) Station #: 41630

4) Additional special conditions required: (Special conditions may include activity reports, before and after photographs, and other conditions.)

☒ Yes ☐ No ☐ N/A

Additional sheets attached:

☒ Yes ☐ No

5) Other licenses/permits required:

☒ Yes ☐ No ☐ N/A

Verification of other licenses/permits, type:

USACE - 404 permit  
NCDCCM - CAMA permit

6) Insurance/certifications required:

☐ Yes ☐ No ☒ N/A

Verification of insurance/certification, type:

7) Record of Payments: ☒ Exempt ☐ Partial ☐ Full

Amount of payment: 0

Record of partial payment: N/A

8) Bond posted: ☐ Yes ☐ No

This permit is issued by the U.S. Fish and Wildlife Service and accepted by the applicant signed below, subject to the terms, covenants, obligations, and reservations, expressed or implied herein, and to the notice, conditions, and requirements included or attached. A copy of this permit should be kept on hand so that it may be shown at any time to any refuge staff.

Permit approved and issued by (Signature and title):

Mike Bryant Date: 9/2/2011

Permit accepted by (Signature of applicant):

Eugene Sexton for Jerry Jennings Date: 9/2/2011

**Notice**

In accordance with the Privacy Act (5 U.S.C. 552a) and the Paperwork Reduction Act (44 U.S.C. 3501), please note the following information:

1. The issuance of a permit and collection of fees on lands of the National Wildlife Refuge System are authorized by the National Wildlife Refuge System Administration Act (16 U.S.C. 668dd-ee) as amended, and the Refuge Recreation Act (16 U.S.C. 460k-460k-4).
2. The information that you provide is voluntary; however submission of requested information is required to evaluate the qualifications, determine eligibility, and document permit applicants under the above Acts. It is our policy not to use your name for any other purpose. The information is maintained in accordance with the Privacy Act. All information you provide will be considered in reviewing this application. False, fictitious, or fraudulent statements or representations made in the application may be grounds for revocation of the Special Use Permit and may be punishable by fine or imprisonment (18 U.S.C. 1001). Failure to provide all required information is sufficient cause for the U.S. Fish and Wildlife Service to deny a permit.
3. No Members of Congress or Resident Commissioner shall participate in any part of this contract or to any benefit that may arise from it, but this provision shall not pertain to this contract if made with a corporation for its general benefit.
4. The Permittee agrees to be bound by the equal opportunity "nondiscrimination in employment" clause of Executive Order 11246.
5. Routine use disclosures may also be made: (a) to the U.S. Department of Justice when related to litigation or anticipated litigation; (b) of information indicating a violation or potential violation of a statute, rule, order, or license to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulations, order, or license; (c) from the record of the individual in response to an inquiry from a Congressional office made at the request of the individual (42 FR 19083; April 11, 1977); and (d) to provide addresses obtained from the Internal Revenue Service to debt collection agencies for purposes of locating a debtor to collect or compromise a Federal Claim against the debtor, or to consumer reporting agencies to prepare a commercial credit report for use by the Department (48 FR 54716; December 6, 1983).
6. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. This information collection has been approved by OMB and assigned control number 1018-0102. The public reporting burden for this information collection varies based on the specific refuge use being requested. The relevant public reporting burden for the General Use Special Use Permit Application form is estimated to average 30 minutes per response, including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Comments on this form should be mailed to the Information Collection Clearance Officer, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, MS 2042-PDM, Arlington, Virginia, 22203.

**General Conditions and Requirements**

1. **Responsibility of Permittee:** The permittee, by operating on the premises, shall be considered to have accepted these premises with all facilities, fixtures, or improvements in their existing condition as of the date of this permit. At the end of the period specified or upon earlier termination, the permittee shall give up the premises in as good order and condition as when received except for reasonable wear, tear, or damage occurring without fault or negligence. The permittee will fully repay the Service for any and all damage directly or indirectly resulting from negligence or failure on his/her part, and/or the part of anyone of his/her associates, to use reasonable care.
2. **Operating Rules and Laws:** The permittee shall keep the premises in a neat and orderly condition at all times, and shall comply with all municipal, county, and State laws applicable to the operations under the permit as well as all Federal laws, rules, and regulations governing national wildlife refuges and the area described in this permit. The permittee shall comply with all instructions applicable to this permit issued by the refuge official in charge. The permittee shall take all reasonable precautions to prevent the escape of fires and to suppress fires and shall render all reasonable assistance in the suppression of refuge fires.
3. **Use Limitations:** The permittee's use of the described premises is limited to the purposes herein specified and does not, unless provided for in this permit, allow him/her to restrict other authorized entry onto his/her area; and permits the Service to carry on whatever activities are necessary for: (1) protection and maintenance of the premises and adjacent lands administered by the Service; and (2) the management of wildlife and fish using the premises and other Service lands.
4. **Transfer of Privileges:** This permit is not transferable, and no privileges herein mentioned may be sublet or made available to any person or interest not mentioned in this permit. No interest hereunder may accrue through lien or be transferred to a third party without the approval of the Regional Director of the Service and the permit shall not be used for speculative purposes.
5. **Compliance:** The Service's failure to require strict compliance with any of this permit's terms, conditions, and requirements shall not constitute a waiver or be considered as a giving up of the Service's right to thereafter enforce any of the permit's terms or conditions.
6. **Conditions of Permit not Fulfilled:** If the permittee fails to fulfill any of the conditions and requirements set forth herein, all money paid under this permit shall be retained by the Government to be used to satisfy as much of the permittee's obligation as possible.
7. **Payments:** All payment shall be made on or before the due date to the local representative of the Service by a postal money order or check made payable to the U.S. Fish and Wildlife Service.
8. **Termination Policy:** At the termination of this permit the permittee shall immediately give up possession to the Service representative, reserving, however, the rights specified in paragraph 11. If he/she fails to do so, he/she will pay the government, as liquidated damages, an amount double the rate specified in this permit for the entire time possession is withheld. Upon yielding possession, the permittee will still be allowed to reenter as needed to remove his/her property as stated in paragraph 11. The acceptance of any fee for the liquidated damages or any other act of administration relating to the continued tenancy is not to be considered as an affirmation of the permittee's action nor shall it operate as a waiver of the Government's right to terminate or cancel the permit for the breach of any specified condition or requirement.
9. **Revocation Policy:** This permit may be revoked by the Regional Director of the Service without notice for noncompliance with the terms hereof or for violation of general and/or specific laws or regulations governing national wildlife refuges or for nonuse. It is at all times subject to discretionary revocation by the Director of the Service. Upon such revocation the Service, by and through any authorized representative, may take possession of the said premises for its own and sole use, and/or may enter and possess the premises as the agent of the permittee and for his/her account.

10. Damages: The United States shall not be responsible for any loss or damage to property including, but not limited to, growing crops, animals, and machinery or injury to the permittee or his/her relatives, or to the officers, agents, employees, or any other who are on the premises from instructions or by the sufferance of wildlife or employees or representatives of the Government carrying out their official responsibilities. The permittee agrees to save the United States or any of its agencies harmless from any and all claims for damages or losses that may arise to be incident to the flooding of the premises resulting from any associated Government river and harbor, flood control, reclamation, or Tennessee Valley Authority activity.

11. Removal of Permittee's Property: Upon the expiration or termination of this permit, if all rental charges and/or damage claims due to the Government have been paid, the permittee may, within a reasonable period as stated in the permit or as determined by the refuge official in charge, but not to exceed 60 days, remove all structures, machinery, and/or equipment, etc. from the premises for which he/she is responsible. Within this period the permittee must also remove any other of his/her property including his/her acknowledged share of products or crops grown, cut, harvested, stored, or stacked on the premises. Upon failure to remove any of the above items within the aforesaid period, they shall become the property of the United States.

#### Instructions for Completing Application

You may complete the application portion verbally, in person or electronically and submit to the refuge for review. Note: Please read instructions carefully as not all information is required for each activity. Contact the specific refuge headquarters office where the activity is going to be conducted if you have questions regarding the applicability of a particular item.

1. Identify if permit application is for new, renewal or modification of an existing permit. Permit renewals may not need all information requested. Contact the specific refuge headquarters office where the activity is going to be conducted if you have questions regarding the applicability of a particular item.

2-8. Provide full name, organization (if applicable), address, phone, fax, and e-mail.

9. Provide names and addresses of assistants, subcontractors or subpermittees. Names and address are only required if the assistants, subcontractors or subpermittees will be operating on the refuge without the permittee being present. Volunteers, assistants, subcontractors or subpermittees that are accompanied by the permittee need not be identified.

10. Activity type: check one of the following categories:

- a. Event;
- b. Wood cutting;
- c. Group visit;
- d. Cabin/Subsistence cabin;
- e. Educational activity; or
- f. Other—any other activity(s) not mentioned above. Please describe "other" activity.

11. Describe Activity: provide detailed information on the activity, including times, frequency and how the activity is expected to proceed, etc. Permit renewals may not need activity description, if the activity is unchanged from previous permit. Most repetitive activities, such as group visits, do not require an activity description for each visit. Contact the specific refuge headquarters office where the activity is going to be conducted to determine if an activity description is required.

12. Activity/site occupancy timeline: Identify beginning and ending dates, site occupation timeline, hours, clean-up and other major events. Permit renewals may not need an activity/site occupancy timeline, if the activity is unchanged from previous permit. Most repetitive activities, such as group visits, do not require an activity/site occupancy timeline for each visit. Contact the specific refuge headquarters office where the activity is going to be conducted to determine if an activity/site occupancy timeline is required.

13-14 Expected number of participants: Provide an estimate of the number of adults, and children and grade level of group, if applicable.

15. Identify if onsite refuge staff will be required for group activities and anticipated time frame, if applicable.

16a-16b. Identify and attach Plan of Operation, if required. Most repetitive activities, such as group visits, do not require Plans of Operations for each visit. In addition, permit renewals may not require Plans of Operations if the activity is essentially unchanged from the previous permit. Contact the specific refuge headquarters office where the activity is going to be conducted to determine if a Plan of Operations is required.

17. Location: Identify specific location (GPS coordinates preferred), if not a named facility. Most repetitive activities, such as group visits, do not require a location. In addition, permit renewals may not require a location if the activity is essentially unchanged from the previous permit. Contact the specific refuge headquarters office where the activity is going to be conducted to determine if a location is required.

18a-18b. Attach a map of location, if required and not conducted at a named facility. Most repetitive activities, such as group visits, do not require a map. In addition, permit renewals may not require a map if the activity is essentially unchanged from the previous permit. Contact the specific refuge headquarters office where the activity is going to be conducted to determine if a map is required.

19a-19b. Provide name, type and carrier of insurance, if required. Contact the specific refuge headquarters office where the activity is going to be conducted to determine if insurance and type of insurance are required.

20. Specifically identify types and numbers of other licenses, certifications or permits, if required. Contact the specific refuge headquarters office where the activity is going to be conducted to determine the types of licenses, certifications or permits required, and to coordinate the simultaneous application of several types of licenses, certifications or permits. This Special Use Permit (SUP) may be processed while other certifications are being obtained.

21-22. Provide name(s) of any personnel required to stay overnight, if applicable.

23. Identify all equipment and materials, which will be used, if required. Most repetitive events, such as group visits, do not require a list of equipment. In addition, permit renewals may not require a list of equipment if the event is essentially unchanged from the previous permit. Contact the specific refuge headquarters office where the activity is going to be conducted to determine if a list of equipment is required.

24. Describe and provide vehicle descriptions and license plate or identification numbers of all vehicles, including boats and airplanes, if required. Motor vehicle descriptions are only required for permittee vehicle, and/or if the vehicle will be operated on the refuge without the permittee being present. Motor vehicles that are accompanied by the permittee as part of a group (convoy) activity need not be identified if cleared in advance by refuge supervisor. Specifically describe ship-to-shore, intersite (between islands, camps, or other sites) and onsite transportation mechanisms, and license plate or identification numbers, if required.

25. Specifically describe onsite work and/or living accommodations, if applicable.

26. Specifically describe onsite hazardous material storage, or other onsite material storage space (including on and offsite fuel caches).

27. Sign, date, and print the application. Click on the Print button to print the application (if using the fillable version). The refuge official will review and, if approved, fill out the remaining information, sign, and return a copy to you for signature and acceptance.

**The form is not valid as a permit unless it includes refuge approval, a station number, a refuge-assigned permit number, and is signed by a refuge official.**

**Alligator River National Wildlife Refuge  
Pea Island National Wildlife Refuge**



**CONDITIONS FOR SPECIAL USE PERMITS & AUTHORIZED ACTIVITIES  
SUP 2011-017**

1. The Permittee or authorized person, and all officers, agents, employees, representatives, and clients of the Permittee or authorized person, shall comply with all Refuge, Federal, State, and local regulations and conditions that apply to the special use activity. Failure to comply with any applicable regulation or condition, and all Federal laws, rules, and regulations governing National Wildlife Refuges and the area described in the Special Use Permit (Permit) or authorizing documents may result in revocation of the Permit or authorized activity and/or criminal prosecution.
2. While engaged in a special use activity on the Refuge, the Permittee or authorized person, and his/her officers, agents, employees, or representatives, shall be in possession of a copy of the Permit or authorizing documents (including all attachments that contain conditions) and shall, upon request by an authorized Refuge official or by any authorized local, state, or federal law enforcement officer, display the copy authorizing their presence and activity on the Refuge and shall furnish any other licenses and identification documents as may be requested.
3. Entry on the Refuge during nighttime hours (i.e., ½-hour after sunset to ¼-hour before sunrise) is prohibited, unless authorized in writing by the Refuge Manager.
4. It is unlawful to disturb, destroy, injure, collect, or take any wildlife, plant, natural object, mineral, cultural or historical feature, or public property on the Refuge, unless authorized in writing by the Refuge Manager.
5. Wildlife shall not be harmed or harassed and disturbance shall be kept to a minimum, this includes all snakes (poisonous and non-poisonous snakes), unless authorized in writing by the Refuge Manager.
6. The Refuge Manager should be contacted immediately at (252) 473-1131 upon discovery of any wildfire, or any leak, spill, or break in a pipeline, power line, canal, or dike, or any other accident or incident that has the potential to have an adverse impact on the soil, wildlife, or plants in the area. Any unusual wildlife sightings or suspected illegal activities should be reported to the Refuge Manager.
7. Any accident that results in a personal injury (i.e., an accident that requires professional medical treatment) shall be reported to the Refuge Manager within 24 hours of the accident.
8. All locked Refuge gates shall be closed and locked upon entering and leaving Refuge property. Refuge gates should be left the way they are found (i.e., open, closed, either locked or unlocked as the case may be).

9. Vehicle travel shall only be on designated roads or routes of travel, unless authorized in writing by the Refuge Manager. Vehicles, boats, trailers, and other equipment shall be parked in such a manner that roads and trails, including canoe trails and navigable waters, are not to be blocked. Roads and trails need to be accessible to other Refuge visitors and to Refuge staff, cooperative farmers, fire trucks, emergency vehicles, maintenance equipment, and law enforcement patrols.
10. Vehicles with catalytic converters shall be restricted to paved roads, recently maintained gravel or dirt roads, or bare soil areas because of the high fire potential. Vehicles with catalytic converters shall not be parked over high vegetation or other fire hazardous materials.
11. Refuge gate or building keys shall not be loaned to other agencies, companies, or persons. If there is a need for access by other persons, please have them contact the Refuge Manager. All Refuge keys shall be returned to the Refuge Manager, or a designated staff member, within 10 calendar days, after expiration or termination of the Permit or authorized activity.
12. All dogs (or any other pet) must be confined or on a leash while on the Refuge, unless authorized in writing by the Refuge Manager. Leashed pets must be under the immediate control of the Permittee or authorized person, or the leash must be secured to a stationary object. The leash shall not be in excess of 10 feet in length.
13. Possession or use of firearms, air guns, bows and arrows, cross bows, spears, or gigs; or illegal knives, weapons, or devices; or explosives of any type is prohibited on the Refuge when engaged in a special use activity, unless authorized in writing by the Refuge Manager.
14. Littering is prohibited. All materials brought into the Refuge shall be removed and properly disposed. Drink cans, bottles, candy wrappers, toilet paper, and other garbage and refuse shall not be left on the Refuge.
15. The Refuge Manager shall be contacted before any surface work is done. This includes mowing, road or trail improvements, digging, clearing or trimming of brush or vegetation, installation of structures, etc.
16. The use of herbicides and pesticides on Refuge property is prohibited, unless authorized in writing by the Refuge Manager. Unrestricted, over-the-counter-type, insect repellents may be used on or near the body and clothing to repel biting or stinging insects.
17. No permanent or semi-permanent markings shall be made on any Refuge building, structure, gate, post, sign, fence, tree, vegetation, or soil by either marking, painting, cutting, scratching, blazing, mowing, digging, or other destructive method, unless authorized in writing by the Refuge Manager. When needed, only temporary, removable markers (e.g., flagging tape, survey stakes, metal/paper/plastic tags, etc.) shall be used to mark site locations, plots, etc. Safety signs, informational signs, and any other signs required by law or regulation for the special use activity being

conducted, shall be posted as required, **but only with prior authorization by the Refuge Manager.** All markers and signs shall be removed upon conclusion of the special use activity or upon expiration or termination of the Permit.

18. The use or possession of traps, snares, or other passive (i.e., unattended) collection devices, which are used to collect wildlife, is prohibited, **unless authorized in writing by the Refuge Manager.** Each individual trap, snare, or passive collection device shall have a weather-resistant, permanent tag attached with the Permittee's, authorized person's, and/or organization's name legibly marked on the tag **or** shall have the Permittee's, authorized person's, and/or organization's name legibly marked, imprinted, or engraved on the trap, snare, or device.
19. No permanent or semi-permanent fences, buildings, shelters, docks, piers, or other structures or facilities may be erected, built, or placed on the Refuge, **unless authorized in writing by the Refuge Manager.** No machinery, equipment, supplies, or materials may be placed or stored on the refuge, **unless authorized in writing by the Refuge Manager.**
20. All open fires are prohibited, **unless authorized in writing by the Refuge Manager.** Leaving an **authorized** open fire unattended or not completely extinguished is prohibited. Setting on fire or causing to be set on fire any timber, brush, grass, or other inflammable material, including camp or cooking fires, is prohibited, **unless authorized in writing by the Refuge Manager.** The use of cutting torches, arc welders, or any other open flame/sparking devices (which are required to conduct the special use activity) shall be exercised with caution and **only with prior authorization from the Refuge Manager or Refuge Fire Management Officer.** When use of these devices is necessary, the operator(s) shall have **immediate access to appropriate fire control equipment** (e.g., fire extinguishers, shovels, etc.) and **immediate communication access to local emergency services** (e.g., cellular telephone, two-way radio, etc.). Tobacco smokers shall practice caution when smoking; shall completely extinguish all matches, cigars, cigarettes, and pipes; and shall dispose of same in a proper container (e.g., a vehicle ash tray).
21. The effective dates of this permit include the period from September 1, 2011 through December 31, 2011. If it should become necessary to extend the effective period, a request for extension should be submitted no less than 5 days in advance. The Refuge Manager or designee shall be notified no less than 3 days prior to commencement of activities on the Refuge.
22. Activities authorized through this permit include reasonable and prudent work within the existing North Carolina Department of Transportation (NCDOT) right-of-way (ROW) for the existing NC Highway 12 for the purpose of re-establishing traffic flow. Care shall be taken so as to avoid harm to wildlife and fisheries resources, including their habitats.
23. Temporary work outside of the existing NC 12 ROW is authorized to the extent necessary to complete restoration of NC 12 in a safe and effective manner provided that full restoration of affected areas is completed to the satisfaction of the Refuge Manager or designee. Prior consultation with the Refuge Manager or designee is required for temporary work outside of the existing ROW.
24. Permanent modifications to the existing ROW may be allowable provided they are minor in nature and are necessary for the purpose of safety. Consultation with the Refuge Manager or designee shall occur prior to any permanent modification of the existing ROW.

United States Department of the Interior  
U.S. Fish and Wildlife Service  
National Wildlife Refuge System  
General Special Use  
Application and Permit

OMB Control Number 1018-0102  
Expiration Date: 06/30/2014

Name of Refuge Pea Island National Wildlife Refuge  
Address P. O. Box 1969 Manteo, NC 27954  
Attn: (Refuge Official) Mike Bryant, Refuge Manager  
Phone # (252) 473-1131 E-mail mike\_bryant@fws.gov

## Application

(To be filled out by applicant. Note: Not all information is required for each use.  
See instructions at the end of the notice.)

1) ☒ New ☐ Renewal ☐ Modification ☐ Other \_\_\_\_\_

## Applicant Information

2) Full Name: Jerry Jennings 6) Phone #: (252) 482-7787  
3) Organization: N. C. Department of Transportation 7) Fax #: \_\_\_\_\_  
4) Address: 113 Airport Drive 8) E-mail: \_\_\_\_\_  
5) City/State/Zip: Edenton, NC 27932

9) Assistants/Subcontractors/Subpermittees: (List full names, addresses and phone #'s and specifically describe services provided if subcontractors are used.)

Waff Brothers Contracting  
Paul Waff

## Activity Information

10) Activity type: ☐ Event ☐ Wood Cutting ☐ Group Visit ☐ Cabin/Subsistence Cabin ☐ Educational Activity  
☒ Other Filling sandbags by pumping from swash zone into sandbags within NC-12 right-of-way

11) Describe Activity: (Specifically identify timing, frequency, and how the event is expected to proceed.)

NCDOT is requesting authorization to pump sand from the Refuge beach swash zone into sandbags within NC-12 right-of-way for the purpose of protecting NC-12 from ocean overwash and undercutting. Sandbags will be placed in two locations with the first at the southern Refuge boundary and the second at the new inlet formed at the abandoned Refuge headquarters area. Sandbags will be covered with sand that will be sloped into the natural beach grade on the ocean side.

12) Activity/site occupancy timeline: (Specifically identify beginning and ending dates, site occupation timeline, hours, clean-up and other major events.)

Sand pumping is expected to occur from September 12 until September 30 but may take longer. All equipment, materials, supplies, trash, and any other material related to the project will be removed from the Refuge upon project completion.



(Depending on the activity for which you are requesting a permit, we may ask you for the following activity information.  
Please contact the specific refuge where the activity is being conducted to determine what activity information is required.)

13) Expected number of participants:

Children \_\_\_\_\_ Adults 10 Total 10

14) Grade level of educational group:

Grade \_\_\_\_\_ ☒ N/A

15) Will staff time/assistance be required?

☒ Yes ☐ No ☐ N/A

16a) Plan of Operation required? ☐ Yes ☐ No ☒ N/A

16b) Plan of Operation attached? ☐ Yes ☐ No

17) Location: (Specifically identify location; GPS location preferred.)

The location where sand will be pumped is shown on the attached aerial photos.

18a) Is map of location(s) required?

☒ Yes ☐ No ☐ N/A

18b) Is map of location(s) attached?

☒ Yes ☐ No

## Insurance Coverage/Certifications/Permits

19a) Is insurance required?

☐ Yes ☐ No ☒ N/A

19b) Insurance: (Provided carrier, type and policy number)

20) Other licenses/certifications/permits required: (Specifically identify licenses, certifications, and permits.)

## Logistics and Transportation

21) Does activity require personnel to stay overnight onsite? ☐ Yes ☒ No

22) Personnel involved:

23) Specifically describe all equipment/gear and materials used:

Excavators with hydraulic pumpheads, bulldozer, dump truck, front end loader

24) Transportation description(s) and license number(s) to access refuge(s): [Provide description of and specific auto license/boat/plane registration number(s).]

Various State and Federal vehicles along with POV's of contractors. All POV's will be identified or drivers will have appropriate identification.

25) Specifically describe onsite work and/or living accommodations:

26) Specifically describe onsite hazardous material storage or other onsite material storage space:

Diesel fuel, hydraulic fluid in equipment. Other will be transported to and from the site as needed.

27) Signature of Applicant

*Sam Jennings (CW)*

Date of Application:

9/5/11

Sign, date, and print this form and return it to the refuge for processing.  
Do not fill out information below this page.

PRINT FORM

**For Official Use Only** (This section to be filled out by refuge personnel only.)

**Special Use Permit**

Permit #: 2011-019

1) Date: September 13, 2011

2) ☒ Permit Approved ☐ Permit Denied

3) Station #: 41630

4) Additional special conditions required: (Special conditions may include activity reports, before and after photographs, and other conditions.)

☒ Yes ☐ No ☐ N/A

Additional sheets attached:

☒ Yes ☐ No

5) Other licenses/permits required:

☒ Yes ☐ No ☐ N/A

Verification of other licenses/permits, type:

CWA Section 404  
NCDCM - CAMA Major

6) Insurance/certifications required:

☐ Yes ☐ No ☒ N/A

Verification of insurance/certification, type:

7) Record of Payments: ☒ Exempt ☐ Partial ☐ Full

Amount of payment: 0

Record of partial payment: N/A

8) Bond posted: ☐ Yes ☒ No

This permit is issued by the U.S. Fish and Wildlife Service and accepted by the applicant signed below, subject to the terms, covenants, obligations, and reservations, expressed or implied herein, and to the notice, conditions, and requirements included or attached. A copy of this permit should be kept on hand so that it may be shown at any time to any refuge staff.

Permit approved and issued by (Signature and title):

Mike Bryant

Date:

9/15/2011

Permit accepted by (Signature of applicant):

Jerry Jennings (CW)

Date:

9/15/11

### Notice

In accordance with the Privacy Act (5 U.S.C. 552a) and the Paperwork Reduction Act (44 U.S.C. 3501), please note the following information:

1. The issuance of a permit and collection of fees on lands of the National Wildlife Refuge System are authorized by the National Wildlife Refuge System Administration Act (16 U.S.C. 668dd-ee) as amended, and the Refuge Recreation Act (16 U.S.C. 460k-460k-4).
2. The information that you provide is voluntary; however submission of requested information is required to evaluate the qualifications, determine eligibility, and document permit applicants under the above Acts. It is our policy not to use your name for any other purpose. The information is maintained in accordance with the Privacy Act. All information you provide will be considered in reviewing this application. False, fictitious, or fraudulent statements or representations made in the application may be grounds for revocation of the Special Use Permit and may be punishable by fine or imprisonment (18 U.S.C. 1001). Failure to provide all required information is sufficient cause for the U.S. Fish and Wildlife Service to deny a permit.
3. No Members of Congress or Resident Commissioner shall participate in any part of this contract or to any benefit that may arise from it, but this provision shall not pertain to this contract if made with a corporation for its general benefit.
4. The Permittee agrees to be bound by the equal opportunity "nondiscrimination in employment" clause of Executive Order 11246.
5. Routine use disclosures may also be made: (a) to the U.S. Department of Justice when related to litigation or anticipated litigation; (b) of information indicating a violation or potential violation of a statute, rule, order, or license to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulations, order, or license; (c) from the record of the individual in response to an inquiry from a Congressional office made at the request of the individual (42 FR 19083; April 11, 1977); and (d) to provide addresses obtained from the Internal Revenue Service to debt collection agencies for purposes of locating a debtor to collect or compromise a Federal Claim against the debtor, or to consumer reporting agencies to prepare a commercial credit report for use by the Department (48 FR 54716; December 6, 1983).
6. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. This information collection has been approved by OMB and assigned control number 1018-0102. The public reporting burden for this information collection varies based on the specific refuge use being requested. The relevant public reporting burden for the General Use Special Use Permit Application form is estimated to average 30 minutes per response, including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Comments on this form should be mailed to the Information Collection Clearance Officer, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, MS 2042-PDM, Arlington, Virginia, 22203.

### General Conditions and Requirements

1. **Responsibility of Permittee:** The permittee, by operating on the premises, shall be considered to have accepted these premises with all facilities, fixtures, or improvements in their existing condition as of the date of this permit. At the end of the period specified or upon earlier termination, the permittee shall give up the premises in as good order and condition as when received except for reasonable wear, tear, or damage occurring without fault or negligence. The permittee will fully repay the Service for any and all damage directly or indirectly resulting from negligence or failure on his/her part, and/or the part of anyone of his/her associates, to use reasonable care.
2. **Operating Rules and Laws:** The permittee shall keep the premises in a neat and orderly condition at all times, and shall comply with all municipal, county, and State laws applicable to the operations under the permit as well as all Federal laws, rules, and regulations governing national wildlife refuges and the area described in this permit. The permittee shall comply with all instructions applicable to this permit issued by the refuge official in charge. The permittee shall take all reasonable precautions to prevent the escape of fires and to suppress fires and shall render all reasonable assistance in the suppression of refuge fires.
3. **Use Limitations:** The permittee's use of the described premises is limited to the purposes herein specified and does not, unless provided for in this permit, allow him/her to restrict other authorized entry onto his/her area; and permits the Service to carry on whatever activities are necessary for: (1) protection and maintenance of the premises and adjacent lands administered by the Service; and (2) the management of wildlife and fish using the premises and other Service lands.
4. **Transfer of Privileges:** This permit is not transferable, and no privileges herein mentioned may be sublet or made available to any person or interest not mentioned in this permit. No interest hereunder may accrue through lien or be transferred to a third party without the approval of the Regional Director of the Service and the permit shall not be used for speculative purposes.
5. **Compliance:** The Service's failure to require strict compliance with any of this permit's terms, conditions, and requirements shall not constitute a waiver or be considered as a giving up of the Service's right to thereafter enforce any of the permit's terms or conditions.
6. **Conditions of Permit not Fulfilled:** If the permittee fails to fulfill any of the conditions and requirements set forth herein, all money paid under this permit shall be retained by the Government to be used to satisfy as much of the permittee's obligation as possible.
7. **Payments:** All payment shall be made on or before the due date to the local representative of the Service by a postal money order or check made payable to the U.S. Fish and Wildlife Service.
8. **Termination Policy:** At the termination of this permit the permittee shall immediately give up possession to the Service representative, reserving, however, the rights specified in paragraph 11. If he/she fails to do so, he/she will pay the government, as liquidated damages, an amount double the rate specified in this permit for the entire time possession is withheld. Upon yielding possession, the permittee will still be allowed to reenter as needed to remove his/her property as stated in paragraph 11. The acceptance of any fee for the liquidated damages or any other act of administration relating to the continued tenancy is not to be considered as an affirmation of the permittee's action nor shall it operate as a waiver of the Government's right to terminate or cancel the permit for the breach of any specified condition or requirement.
9. **Revocation Policy:** This permit may be revoked by the Regional Director of the Service without notice for noncompliance with the terms hereof or for violation of general and/or specific laws or regulations governing national wildlife refuges or for nonuse. It is at all times subject to discretionary revocation by the Director of the Service. Upon such revocation the Service, by and through any authorized representative, may take possession of the said premises for its own and sole use, and/or may enter and possess the premises as the agent of the permittee and for his/her account.

10. Damages: The United States shall not be responsible for any loss or damage to property including, but not limited to, growing crops, animals, and machinery or injury to the permittee or his/her relatives, or to the officers, agents, employees, or any other who are on the premises from instructions or by the sufferance of wildlife or employees or representatives of the Government carrying out their official responsibilities. The permittee agrees to save the United States or any of its agencies harmless from any and all claims for damages or losses that may arise to be incident to the flooding of the premises resulting from any associated Government river and harbor, flood control, reclamation, or Tennessee Valley Authority activity.

11. Removal of Permittee's Property: Upon the expiration or termination of this permit, if all rental charges and/or damage claims due to the Government have been paid, the permittee may, within a reasonable period as stated in the permit or as determined by the refuge official in charge, but not to exceed 60 days, remove all structures, machinery, and/or equipment, etc. from the premises for which he/she is responsible. Within this period the permittee must also remove any other of his/her property including his/her acknowledged share of products or crops grown, cut, harvested, stored, or stacked on the premises. Upon failure to remove any of the above items within the aforesaid period, they shall become the property of the United States.

### Instructions for Completing Application

You may complete the application portion verbally, in person or electronically and submit to the refuge for review. Note: Please read instructions carefully as not all information is required for each activity. Contact the specific refuge headquarters office where the activity is going to be conducted if you have questions regarding the applicability of a particular item.

1. Identify if permit application is for new, renewal or modification of an existing permit. Permit renewals may not need all information requested. Contact the specific refuge headquarters office where the activity is going to be conducted if you have questions regarding the applicability of a particular item.

2-8. Provide full name, organization (if applicable), address, phone, fax, and e-mail.

9. Provide names and addresses of assistants, subcontractors or subpermittees. Names and address are only required if the assistants, subcontractors or subpermittees will be operating on the refuge without the permittee being present. Volunteers, assistants, subcontractors or subpermittees that are accompanied by the permittee need not be identified.

10. Activity type: check one of the following categories:

- a. Event;
- b. Wood cutting;
- c. Group visit;
- d. Cabin/Subsistence cabin;
- e. Educational activity; or
- f. Other—any other activity(s) not mentioned above. Please describe "other" activity.

11. Describe Activity: provide detailed information on the activity, including times, frequency and how the activity is expected to proceed, etc. Permit renewals may not need activity description, if the activity is unchanged from previous permit. Most repetitive activities, such as group visits, do not require an activity description for each visit. Contact the specific refuge headquarters office where the activity is going to be conducted to determine if an activity description is required.

12. Activity/site occupancy timeline: Identify beginning and ending dates, site occupation timeline, hours, clean-up and other major events. Permit renewals may not need an activity/site occupancy timeline, if the activity is unchanged from previous permit. Most repetitive activities, such as group visits, do not require an activity/site occupancy timeline for each visit. Contact the specific refuge headquarters office where the activity is going to be conducted to determine if an activity/site occupancy timeline is required.

13-14 Expected number of participants: Provide an estimate of the number of adults, and children and grade level of group, if applicable.

15. Identify if onsite refuge staff will be required for group activities and anticipated time frame, if applicable.

16a-16b. Identify and attach Plan of Operation, if required. Most repetitive activities, such as group visits, do not require Plans of Operations for each visit. In addition, permit renewals may not require Plans of Operations if the activity is essentially unchanged from the previous permit. Contact the specific refuge headquarters office where the activity is going to be conducted to determine if a Plan of Operations is required.

17. Location: identify specific location (GPS coordinates preferred), if not a named facility. Most repetitive activities, such as group visits, do not require a location. In addition, permit renewals may not require a location if the activity is essentially unchanged from the previous permit. Contact the specific refuge headquarters office where the activity is going to be conducted to determine if a location is required.

18a-18b. Attach a map of location, if required and not conducted at a named facility. Most repetitive activities, such as group visits, do not require a map. In addition, permit renewals may not require a map if the activity is essentially unchanged from the previous permit. Contact the specific refuge headquarters office where the activity is going to be conducted to determine if a map is required.

19a-19b. Provide name, type and carrier of insurance, if required. Contact the specific refuge headquarters office where the activity is going to be conducted to determine if insurance and type of insurance are required.

20. Specifically identify types and numbers of other licenses, certifications or permits, if required. Contact the specific refuge headquarters office where the activity is going to be conducted to determine the types of licenses, certifications or permits required, and to coordinate the simultaneous application of several types of licenses, certifications or permits. This Special Use Permit (SUP) may be processed while other certifications are being obtained.

21-22. Provide name(s) of any personnel required to stay overnight, if applicable.

23. Identify all equipment and materials, which will be used, if required. Most repetitive events, such as group visits, do not require a list of equipment. In addition, permit renewals may not require a list of equipment if the event is essentially unchanged from the previous permit. Contact the specific refuge headquarters office where the activity is going to be conducted to determine if a list of equipment is required.
24. Describe and provide vehicle descriptions and license plate or identification numbers of all vehicles, including boats and airplanes, if required. Motor vehicle descriptions are only required for permittee vehicle, and/or if the vehicle will be operated on the refuge without the permittee being present. Motor vehicles that are accompanied by the permittee as part of a group (convoy) activity need not be identified if cleared in advance by refuge supervisor. Specifically describe ship-to-shore, intersite (between islands, camps, or other sites) and onsite transportation mechanisms, and license plate or identification numbers, if required.
25. Specifically describe onsite work and/or living accommodations, if applicable.
26. Specifically describe onsite hazardous material storage, or other onsite material storage space (including on and offsite fuel caches).
27. Sign, date, and print the application. Click on the Print button to print the application (if using the fillable version). The refuge official will review and, if approved, fill out the remaining information, sign, and return a copy to you for signature and acceptance.

**The form is not valid as a permit unless it includes refuge approval, a station number, a refuge-assigned permit number, and is signed by a refuge official.**



**CONDITIONS FOR SPECIAL USE PERMITS & AUTHORIZED ACTIVITIES**

**SUP 2011-019**

1. The Permittee or authorized person, and all officers, agents, employees, representatives, and clients of the Permittee or authorized person, shall comply with all Refuge, Federal, State, and local regulations and conditions that apply to the special use activity. Failure to comply with any applicable regulation or condition, and all Federal laws, rules, and regulations governing National Wildlife Refuges and the area described in the Special Use Permit (Permit) or authorizing documents may result in revocation of the Permit or authorized activity and/or criminal prosecution.
2. While engaged in a special use activity on the Refuge, the Permittee or authorized person, and his/her officers, agents, employees, or representatives, shall be in possession of a copy of the Permit or authorizing documents (including all attachments that contain conditions) and shall, upon request by an authorized Refuge official or by any authorized local, state, or federal law enforcement officer, display the copy authorizing their presence and activity on the Refuge and shall furnish any other licenses and identification documents as may be requested.
3. Entry on the Refuge during nighttime hours (i.e., ½-hour after sunset to ½-hour before sunrise) is prohibited, unless authorized in writing by the Refuge Manager.
4. It is unlawful to disturb, destroy, injure, collect, or take any wildlife, plant, natural object, mineral, cultural or historical feature, or public property on the Refuge, unless authorized in writing by the Refuge Manager.
5. Wildlife shall not be harmed or harassed and disturbance shall be kept to a minimum, this includes all snakes (poisonous and non-poisonous snakes), unless authorized in writing by the Refuge Manager.
6. The Refuge Manager should be contacted immediately at (252) 473-1131 upon discovery of any wildfire, or any leak, spill, or break in a pipeline, power line, canal, or dike, or any other accident or incident that has the potential to have an adverse impact on the soil, wildlife, or plants in the area. Any unusual wildlife sightings or suspected illegal activities should be reported to the Refuge Manager.
7. Any accident that results in a personal injury (i.e., an accident that requires professional medical treatment) shall be reported to the Refuge Manager within 24 hours of the accident.
8. All locked Refuge gates shall be closed and locked upon entering and leaving Refuge property. Refuge gates should be left the way they are found (i.e., open, closed, either locked or unlocked as the case may be).

9. Vehicle travel shall only be on designated roads or routes of travel, unless authorized in writing by the Refuge Manager. Vehicles, boats, trailers, and other equipment shall be parked in such a manner that roads and trails, including canoe trails and navigable waters, are not to be blocked. Roads and trails need to be accessible to other Refuge visitors and to Refuge staff, cooperative farmers, fire trucks, emergency vehicles, maintenance equipment, and law enforcement patrols.
10. Vehicles with catalytic converters shall be restricted to paved roads, recently maintained gravel or dirt roads, or bare soil areas because of the high fire potential. Vehicles with catalytic converters shall not be parked over high vegetation or other fire hazardous materials.
11. Refuge gate or building keys shall not be loaned to other agencies, companies, or persons. If there is a need for access by other persons, please have them contact the Refuge Manager. All Refuge keys shall be returned to the Refuge Manager, or a designated staff member, within 10 calendar days, after expiration or termination of the Permit or authorized activity.
12. All dogs (or any other pet) must be confined or on a leash while on the Refuge, unless authorized in writing by the Refuge Manager. Leashed pets must be under the immediate control of the Permittee or authorized person, or the leash must be secured to a stationary object. The leash shall not be in excess of 10 feet in length.
13. Possession or use of firearms, air guns, bows and arrows, cross bows, spears, or gigs; or illegal knives, weapons, or devices; or explosives of any type is prohibited on the Refuge when engaged in a special use activity, unless authorized in writing by the Refuge Manager.
14. Littering is prohibited. All materials brought into the Refuge shall be removed and properly disposed. Drink cans, bottles, candy wrappers, toilet paper, and other garbage and refuse shall not be left on the Refuge.
15. The Refuge Manager shall be contacted before any surface work is done. This includes mowing, road or trail improvements, digging, clearing or trimming of brush or vegetation, installation of structures, etc.
16. The use of herbicides and pesticides on Refuge property is prohibited, unless authorized in writing by the Refuge Manager. Unrestricted, over-the-counter-type, insect repellents may be used on or near the body and clothing to repel biting or stinging insects.
17. No permanent or semi-permanent markings shall be made on any Refuge building, structure, gate, post, sign, fence, tree, vegetation, or soil by either marking, painting, cutting, scratching, blazing, mowing, digging, or other destructive method, unless authorized in writing by the Refuge Manager. When needed, only temporary, removable markers (e.g., flagging tape, survey stakes, metal/paper/plastic tags, etc.) shall be used to mark site locations, plots, etc. Safety signs, informational signs, and any other signs required by law or regulation for the special use activity being



conducted, shall be posted as required, **but only with prior authorization by the Refuge Manager.** All markers and signs shall be removed upon conclusion of the special use activity or upon expiration or termination of the Permit.

18. The use or possession of traps, snares, or other passive (i.e., unattended) collection devices, which are used to collect wildlife, is prohibited, **unless authorized in writing by the Refuge Manager.** Each individual trap, snare, or passive collection device shall have a weather-resistant, permanent tag attached with the Permittee's, authorized person's, and/or organization's name legibly marked on the tag **or** shall have the Permittee's, authorized person's, and/or organization's name legibly marked, imprinted, or engraved on the trap, snare, or device.
19. No permanent or semi-permanent fences, buildings, shelters, docks, piers, or other structures or facilities may be erected, built, or placed on the Refuge, **unless authorized in writing by the Refuge Manager.** No machinery, equipment, supplies, or materials may be placed or stored on the refuge, **unless authorized in writing by the Refuge Manager.**
20. All open fires are prohibited, **unless authorized in writing by the Refuge Manager.** Leaving an **authorized** open fire unattended or not completely extinguished is prohibited. Setting on fire or causing to be set on fire any timber, brush, grass, or other inflammable material, including camp or cooking fires, is prohibited, **unless authorized in writing by the Refuge Manager.** The use of cutting torches, arc welders, or any other open flame/sparking devices (which are required to conduct the special use activity) shall be exercised with caution and **only with prior authorization from the Refuge Manager or Refuge Fire Management Officer.** When use of these devices is necessary, the operator(s) shall have **immediate access to appropriate fire control equipment** (e.g., fire extinguishers, shovels, etc.) and **immediate communication access to local emergency services** (e.g., cellular telephone, two-way radio, etc.). Tobacco smokers shall practice caution when smoking; shall completely extinguish all matches, cigars, cigarettes, and pipes; and shall dispose of same in a proper container (e.g., a vehicle ash tray).
21. The effective dates of this permit include the period from September 14, 2011 through September 13, 2016. If it should become necessary to extend the effective period, a request for extension should be submitted no less than 5 days in advance. The Refuge Manager or designee shall be notified no less than 3 days prior to commencement of activities on the Refuge.
22. Permit # 2011-019 shall be subject to annual review for compliance with all permit conditions.
23. Activities authorized through this permit include pumping sand from the Refuge beach swash zone, across Refuge land, and into sand bags within the NC Highway 12 right-of-way for the purpose of protecting the highway from ocean overwash and undercutting. Care shall be taken so as to avoid harm to wildlife and fisheries resources, including their habitats.
24. As mitigation for the loss of beach habitat, the volume of sand pumped from the beach swash zone and into sandbags shall be replaced by a volume equal to or greater than the volume removed by transporting replacement sand to each borrow site and grading it into the existing beach profile. Replacement sand must be compatible with native beach sand as approved by the Refuge Manager or designee.



**SPECIAL CONDITIONS FOR SANDBAG INSTALLATION FOR THE PROTECTION  
OF N. C. HIGHWAY 12**  
Pea Island National Wildlife Refuge  
Attachment to Special Use Permit 2011-019

1. Special Use Permit # 2011-019 is issued for the expressed and sole purpose of installing sandbags within the N. C. Highway 12 (NC 12) right-of-way as a temporary measure to protect the highway pavement from the impacts of ocean over-wash during minor storm events and spring tide events in areas identified as the "Rodanthe Breach Area" and the "Pea Island Breach Area".
2. This permit does not authorize any activity other than the use of refuge lands for the expressed purposes stated in SUP# 2011-019. It is the permittee's responsibility to obtain any and all other necessary local, state, or federal approvals prior to commencing work activities. All other permits, approvals, or agreements, written or verbal, whether from individuals or local, state, or government agencies or other entities shall be coordinated by NCDOT so as to not in any way interfere with implementation of the terms and provisions of SUP # 2011-019.
3. Sandbags shall be removed without delay or challenge within 60 days of completing a satisfactory alternative for the highway or when they are no longer serving the purpose for which they were established as a result of natural forces or due to human actions.
4. Sandbags shall be filled and installed prior to May 1. In the event of bird or turtle nesting activity within or adjacent to the project area prior to May 1, construction and associated activities shall be either suspended or moved a sufficient distance from the biological activity so as to avoid direct and indirect impacts. If the project is not completed by or before May 1, work may resume after September 1. Any type of encroachment into this time period wherein work activities would be required on the dune or on the ocean side of the dune shall be done with full coordination and at the discretion of the Refuge Manager.
5. The permittee agrees to prepare a beach/dune restoration plan. Beach/dune restoration is needed to augment the installed sandbags that are protecting the highway pavement from the effects of ocean over-wash during minor storm events and spring tide events. The beach/dune restoration plan will encompass but is not limited to the following goals:
  - a. Through appropriate beach/dune restoration techniques, the upper beach/dune shall be restored to a mutually agreed upon extent as is necessary to cover the sandbags and slope the cover material into the natural beach. Any subsequent beach/dune restoration actions necessary to maintain the integrity of the sandbag structure shall be fully coordinated with the Refuge Manager prior to any construction/restoration activity.
  - b. Through prudent sand placement, sandbags shall be covered by suitable sand, as determined by the Refuge Manager, in accordance with NCDOT

specifications as stated in the application for this permit. This measure shall be repeated in the event of removal of the sand cover over the sandbags through the action of wind or water. The intent is to provide the most productive barrier dune habitat possible through covering the sandbags with suitable sand and through incorporation of suitable dune stabilization measures.

- c. The beach/dune restoration plan shall include a monitoring program of sufficient detail so as to document baseline (pre-sandbag and pre-beach/dune restoration) physical and biological parameters of the beach face community in and adjacent to the affected area, impacts to that community as determined immediately after construction, and seasonal (4 times per year) monitoring for as long as the sandbags are in place plus for a minimum of one full year after removal of the sandbags. For comparative purposes, a control area, as agreed upon by the Refuge Manager and NCDOT, will be monitored in the vicinity of the project area.
- d. The NCDOT or their designee shall provide the refuge with copies of raw data after each sampling session in an EXCEL data format.

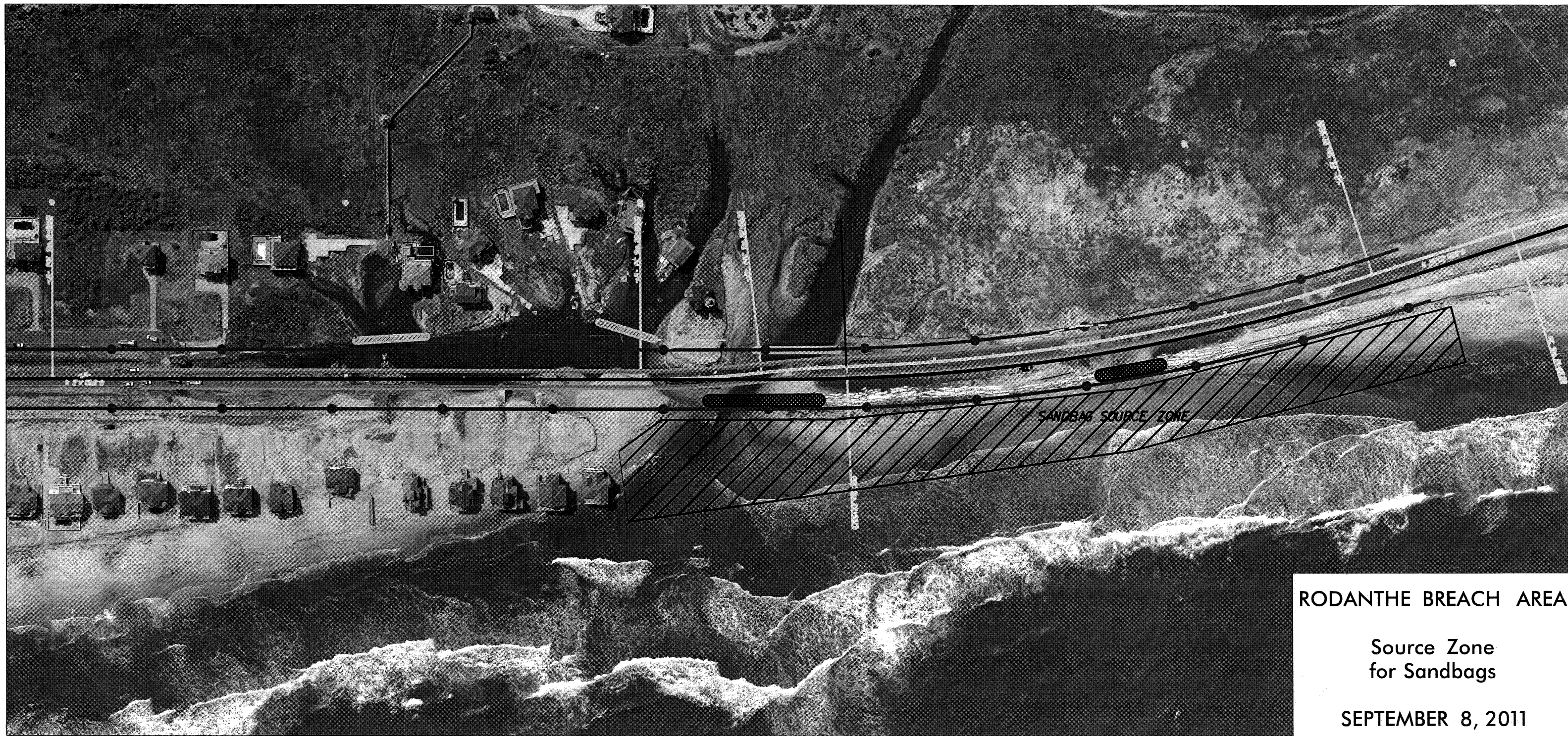
The beach/dune restoration plan and monitoring protocols shall be developed through coordination with the Refuge Biologist and must be acceptable to the Refuge Manager. Funding for the monitoring component of the restoration plan shall be provided by NCDOT. Progress reports shall be provided to the Refuge Manager at no cost to the refuge on a semi-annual basis. A final report shall be submitted to the Refuge Manager within 90 days of satisfactory completion of monitoring as stated in Special Use Permit Condition # 5.c.

- 6. Compatible sand is defined as sand consisting of a grain size and mineral content similar to native refuge beach sand as determined by the Refuge Manager or designee. All sand to be used for beach/dune habitat restoration shall be sampled and analyzed for the presence of hazardous or toxic materials, debris, or other pollutants. Sand containing any unsuitable material cannot be placed on the refuge beach or into a dune system.
- 7. If sand sources for compliance with the terms and conditions of SUP # 2011-019 are located on the refuge, relocation of the sand by whatever means will be covered by a separate Special Use Permit. For sand sources off the refuge, data regarding grain size, heavy mineral content, and contaminant levels shall be provided to the Refuge Manager at no cost to the Refuge.
- 8. Any and all work areas on the refuge shall be sloped and contoured to pre-work conditions or to the satisfaction of the Refuge Manager.
- 9. Permittee is responsible for removing any and all construction debris, materials, and equipment from the refuge. If, during the period when the sandbags or other related materials are in place on the refuge, there is damage resulting in debris

from the project, it shall be NCDOT's responsibility to clean up and remove the debris from the refuge.

10. Monitoring and maintaining the structural stability of the sandbag structure, including the sand covering the sandbags with associated vegetative community shall be the responsibility of NCDOT.
11. At the discretion of the Refuge Manager, a determination of failure to comply with all terms and provisions of SUP # 2011-019 shall result in revocation of the permit and removal of the sandbags within 60 days of the refuge notifying NCDOT of permit condition violation(s). Upon revocation or expiration of SUP # 2011-019, all sandbags along with associated appurtenances deemed by the Refuge Manager to be an un-natural addition to the refuge shall be removed within 60 days from receipt of notice of revocation of the permit.
12. Upon discovery of new ecological or biological information regarding fish, wildlife, or their habitats that could be affected by this project, the Refuge Manager retains the authority to amend this permit to protect natural resources in the interests of achieving the refuge system mission or the purpose for establishing the refuge.
13. Upon restoration of NC-12 traffic flow, provided this occurs within 30 days from the emergency declaration, NCDOT shall provide the Refuge with adequate NEPA documentation for all actions taken to restore the transportation system through the Refuge. Full compliance with NEPA is essential for the Refuge to complete a Compatibility Determination which can be suspended during declared emergencies for a period of up to 30 days.
14. By reference, this permit incorporates all terms and conditions of SUP # 2006-014 and all subsequent renewals of that permit.





RODANTHE BREACH AREA

Source Zone  
for Sandbags

SEPTEMBER 8, 2011



19-SEP-2011 10:44 R:\Roadway\Projects\2011Hurricane Irene\Pea Island Breach\N3116\_Rdy\_tsh.dgn \$\$\$\$USERNAME\$\$\$\$

TIP PROJECT: PEA ISLAND

CONTRACT:

STATE OF NORTH CAROLINA  
DIVISION OF HIGHWAYS

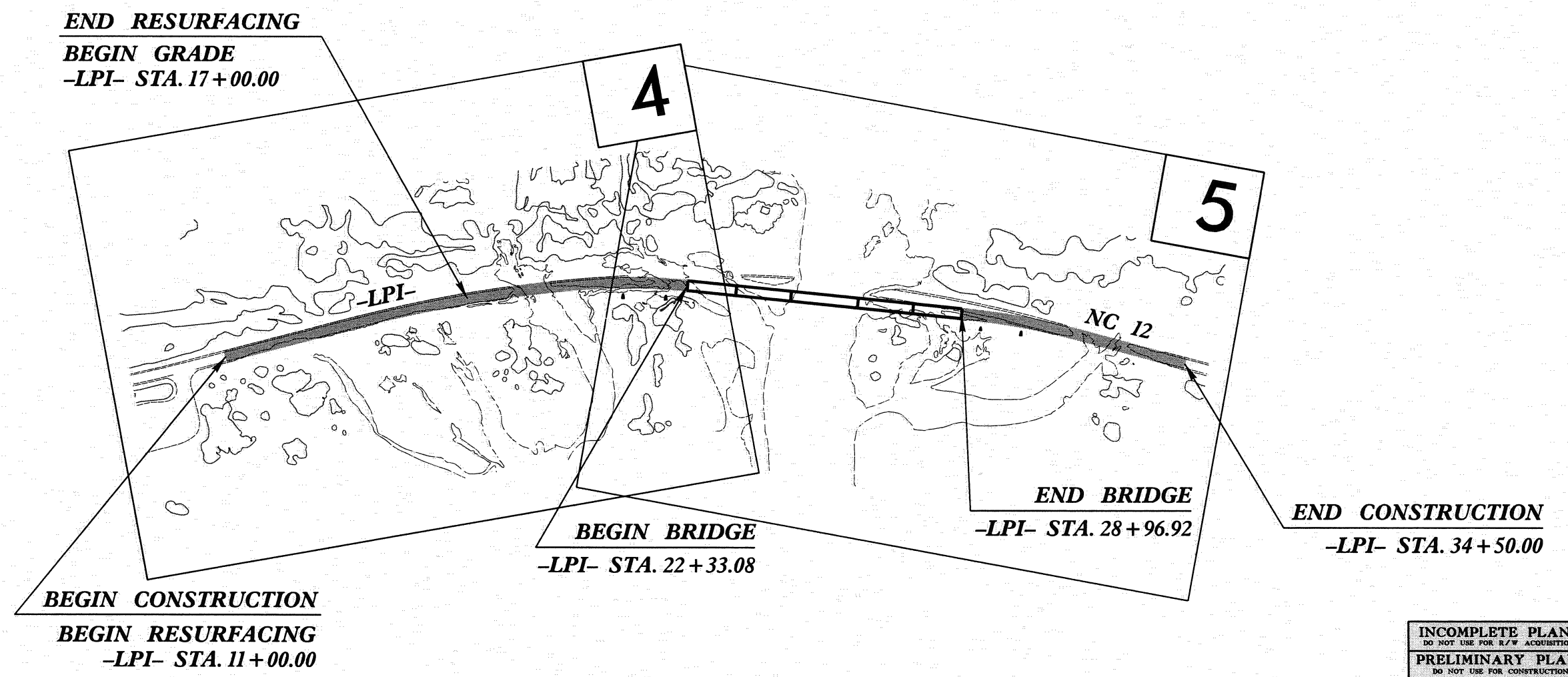
DARE COUNTY

LOCATION: PEA ISLAND BREACH ON NC 12

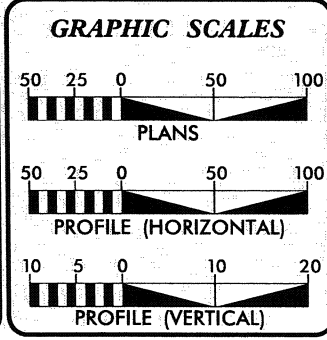
TYPE OF WORK: GRADING, PAVING & STRUCTURE

STATE	STATE PROJECT REFERENCE NO.	SHEET NO.	TOTAL SHEETS
N.C.	PEA ISLAND	1	
STATE PROJ. NO.	F.A. PROJ. NO.	DESCRIPTION	

PLANS REVISED AS OF:  
SEPTEMBER 19, 2011



INCOMPLETE PLANS  
DO NOT USE FOR R/W ACQUISITION  
PRELIMINARY PLANS  
DO NOT USE FOR CONSTRUCTION



DESIGN DATA

STATEWIDE TIER

PROJECT LENGTH

LENGTH ROADWAY = 0.319 MILES  
LENGTH STRUCTURE = 0.126 MILES  
TOTAL LENGTH = 0.445 MILES

Prepared In the Office of:  
**DIVISION OF HIGHWAYS**  
1000 Birch Ridge Dr., Raleigh NC, 27610

2006 STANDARD SPECIFICATIONS

RIGHT OF WAY DATE: \_\_\_\_\_  
LETTING DATE: \_\_\_\_\_

GARY LOVERING, PE  
PROJECT ENGINEER

RICK DECOLA, PE  
PROJECT DESIGN ENGINEER

HYDRAULICS ENGINEER

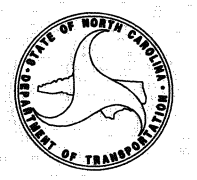
SIGNATURE: \_\_\_\_\_ P.E.

ROADWAY DESIGN ENGINEER

SIGNATURE: \_\_\_\_\_ P.E.

DIVISION OF HIGHWAYS  
STATE OF NORTH CAROLINA

STATE HIGHWAY DESIGN ENGINEER



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



**\*PLACE SANDBAGS AS DIRECTED BY ENGINEER**

USE TYPICAL SECTION NO.1

-LPI- STA. 11+00.00 TO -LPI- STA. 17+00.00

USE TYPICAL SECTION NO. 2

-LPI- STA. 17+00.00 TO -LPI- STA. 22+33.08 (BEGIN BRIDGE)  
-LPI- STA. 28+96.92 (END BRIDGE) TO -LPI- STA. 34+50.00

USE TYPICAL STRUCTURE SECTION

—LPI— STA. 22+33.08 TO —LPI— STA. 28+96.92

**USE SHORING TYPICAL SECTION**

-LPI- STA. 20+75.00 TO -LPI- STA. 22+33.08 LT & RT  
-LPI- STA. 28+96.92 TO -LPI- STA. 30+50.00 LT & RT

USE SANDBAG TYPICAL SECTION

\*-LPI- STA. 11+00.00 TO -LPI- STA. 20+75.00 RT

\*-LPI- STA. 17+80.00 TO -LPI- STA. 19+15.00 LT

\*-LPI- STA. 31+15.00 TO -LPI- STA. 33+75.00 RT  
\* LPI STA. 31+15.00 TO LPI STA. 34+30.00 LT

\*—LPI— STA. 31 + 15.00 TO —LPI— STA. 34 + 30.00 LT









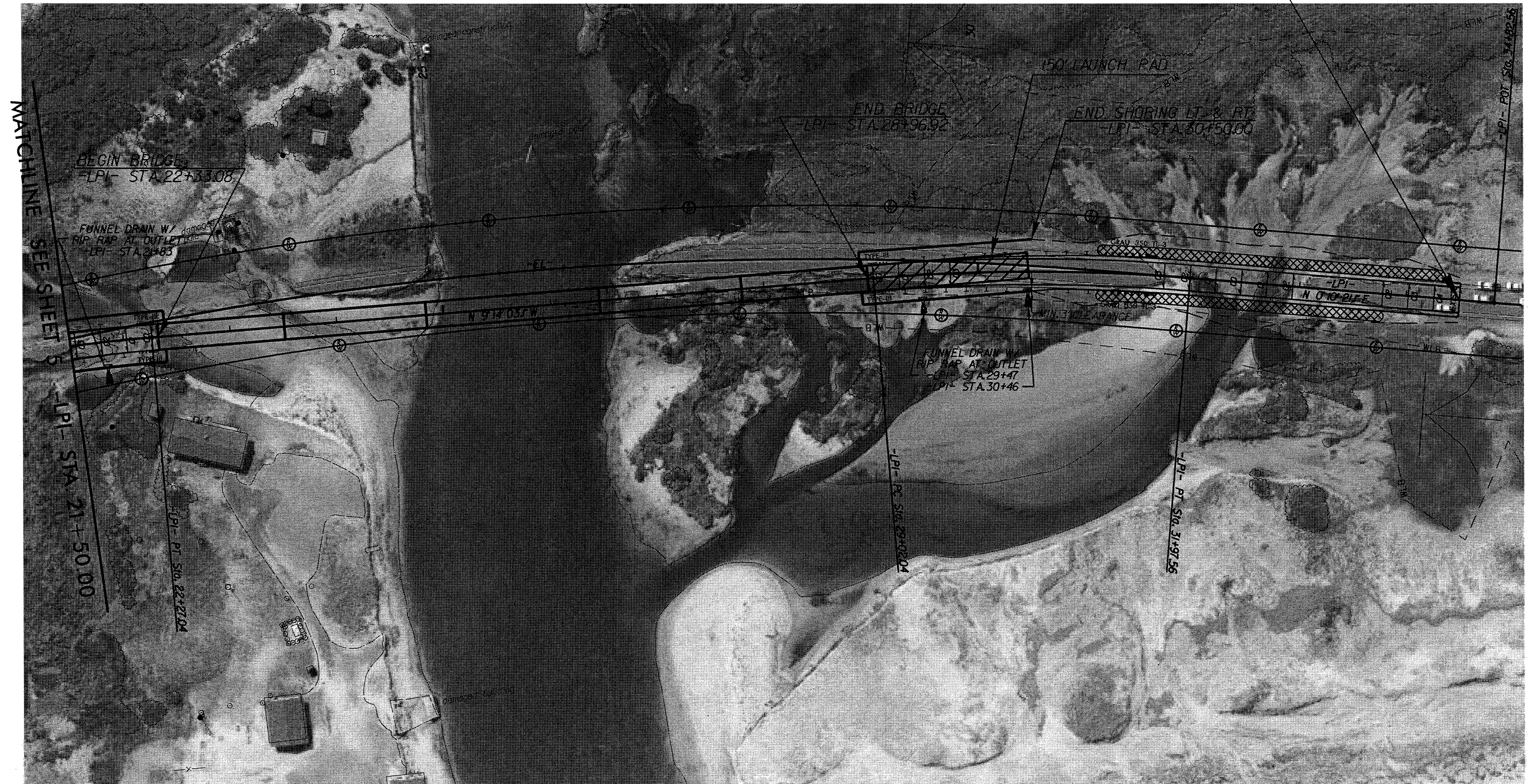
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RW SHEET NO.		HYDRAULICS ENGINEER	
ROADWAY DESIGN ENGINEER		HYDRAULICS ENGINEER	
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**-LPI- CURVE DATA**

PI Sta 20+94.03	PI Sta 30+50.13
$\Delta = 10^{\circ} 55' 11.3" (RT)$	$\Delta = 9^{\circ} 24' 24.2" (RT)$
$D = 4^{\circ} 05' 33.2"$	$D = 3^{\circ} 10' 59.2"$
$L = 266.82'$	$L = 295.52'$
$T = 133.82'$	$T = 148.09'$
$R = 1,400.00'$	$R = 1,800.00'$
$INC = 24^{\circ}$	$INC = 24^{\circ}$



**END CONSTRUCTION**  
**-LPI- STA. 34+50.00**



FOR -LPI- PROFILE, SEE SHEET NO. 6

LAUNCH PAD / BUILD AREA

SANDBAG SHORING UNDER FILL

REVISIONS

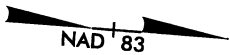
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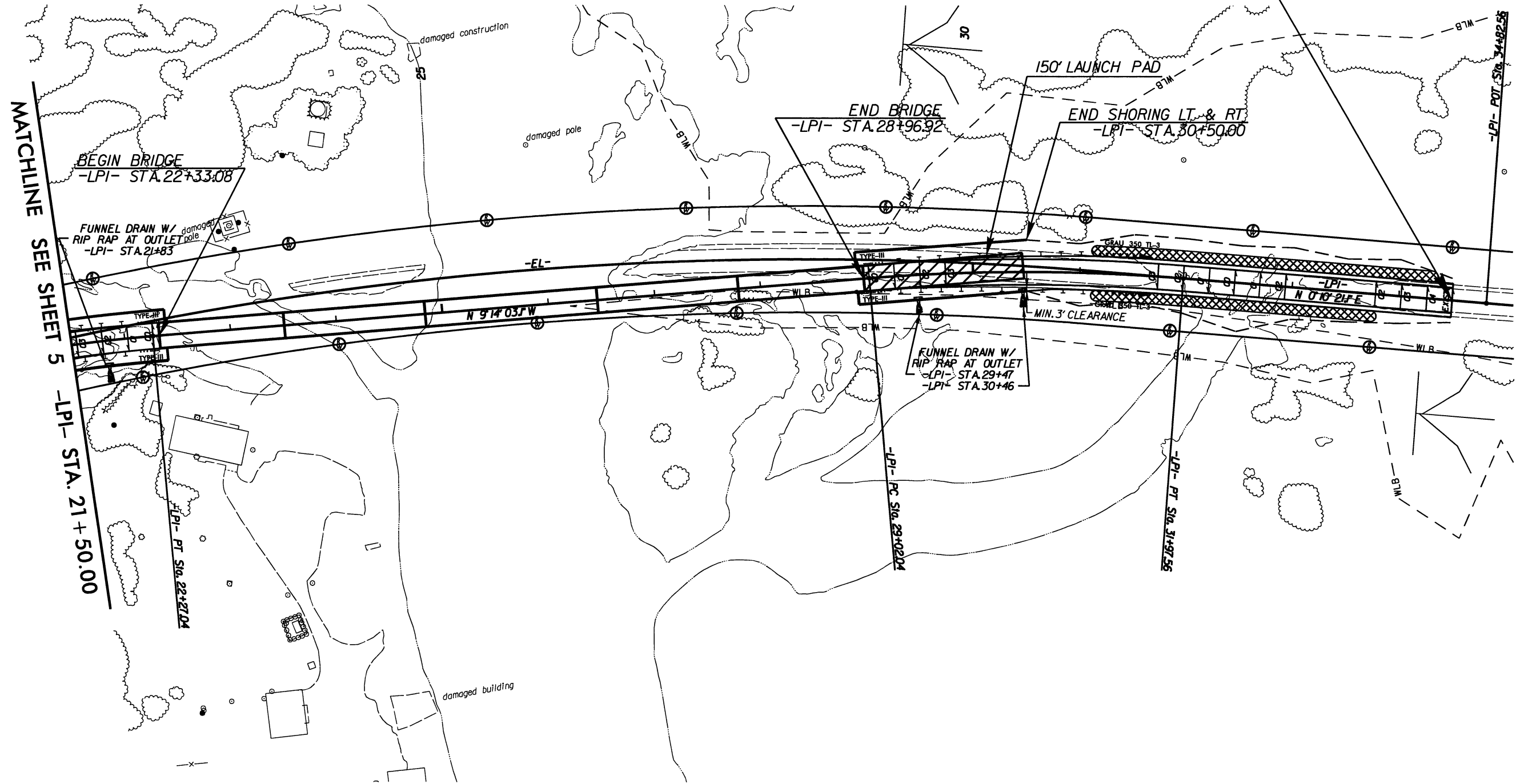
REVISIONS

PROJECT REFERENCE NO. <b>PEA ISLAND</b>	SHEET NO. <b>5-A</b>
RW SHEET NO.	
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER
<b>INCOMPLETE PLANS</b> DO NOT USE FOR ACQUISITION	
<b>PRELIMINARY PLANS</b> DO NOT USE FOR CONSTRUCTION	

-LPI- CURVE DATA	
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$L = 266.82'$	$L = 295.52'$
$T = 133.82'$	$T = 148.09'$
$R = 1,400.00'$	$R = 1,800.00'$
$INC = 24'$	$INC = 24'$



END CONSTRUCTION  
-LPI- STA. 34+50.00

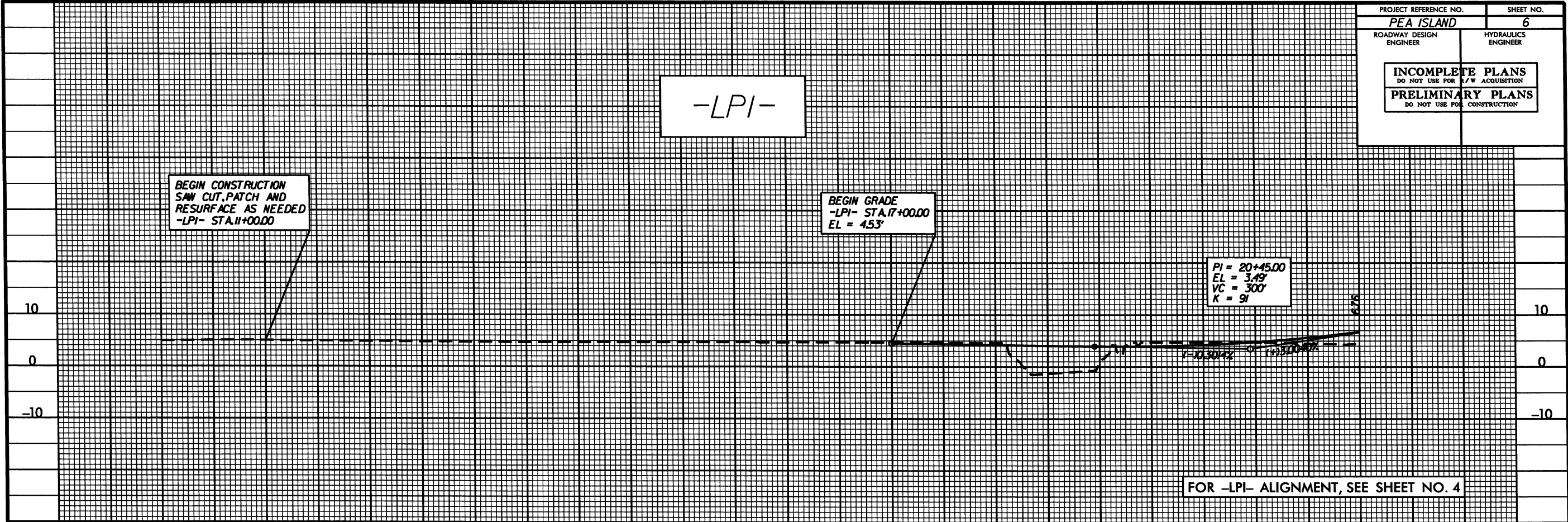


FOR -LPI- PROFILE, SEE SHEET NO. 6
LAUNCH PAD / BUILD AREA
SANDBAG SHORING UNDER FILL

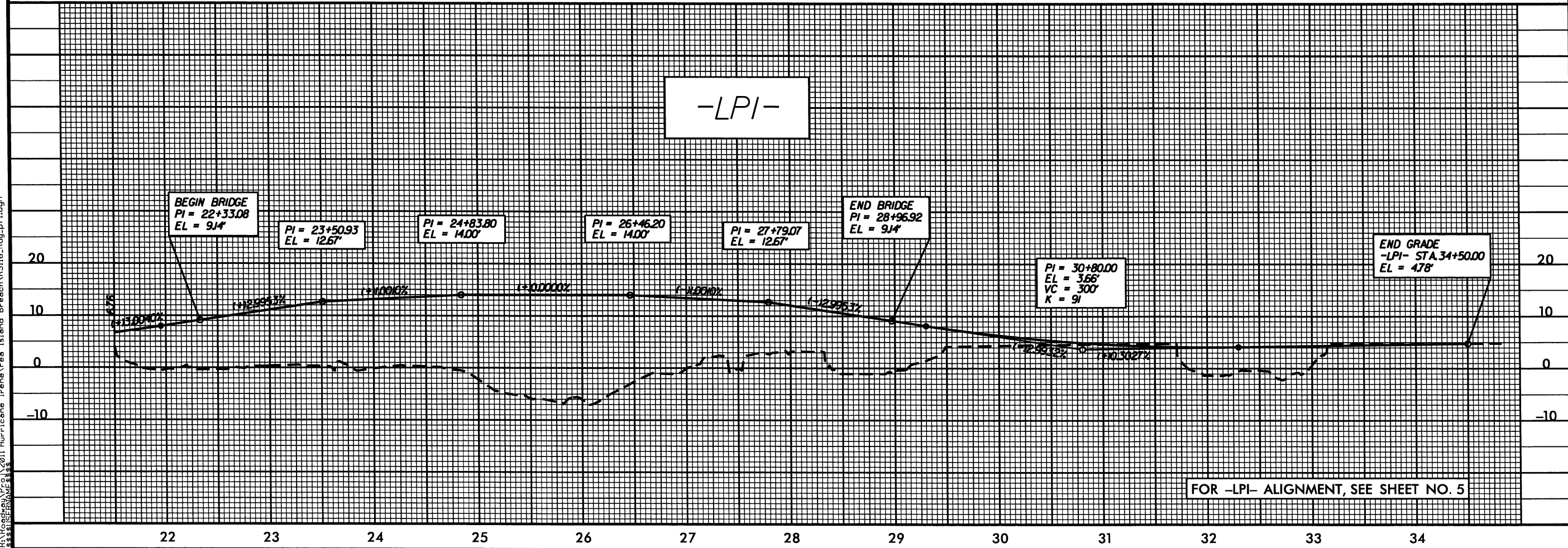


5/28/99

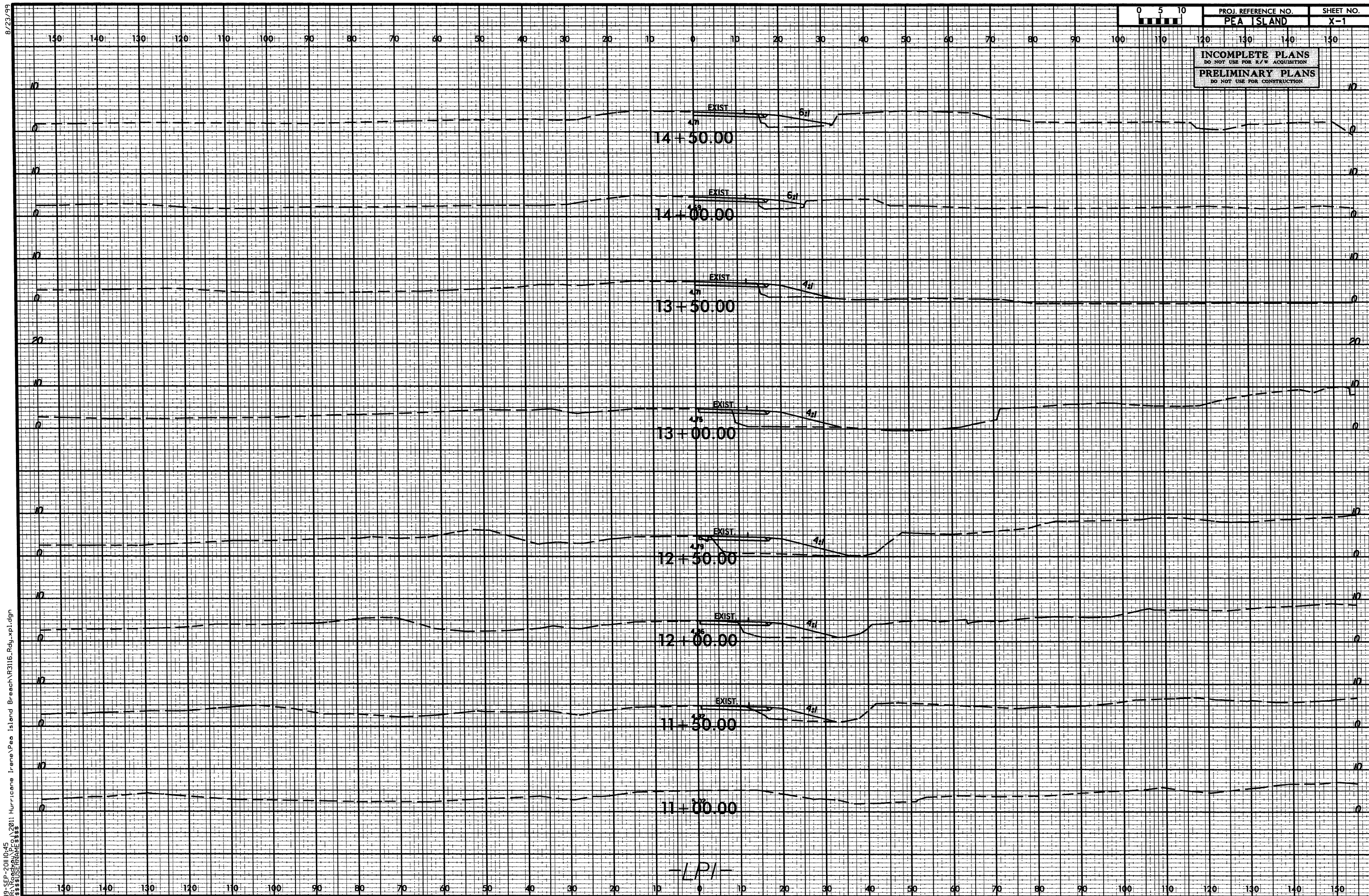
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PEA ISLAND		6	
ROADWAY DESIGN ENGINEER		HYDRAULICS ENGINEER	
INCOMPLETE PLANS DO NOT USE FOR A/W ACQUISITION		PRELIMINARY PLANS DO NOT USE FOR CONSTRUCTION	



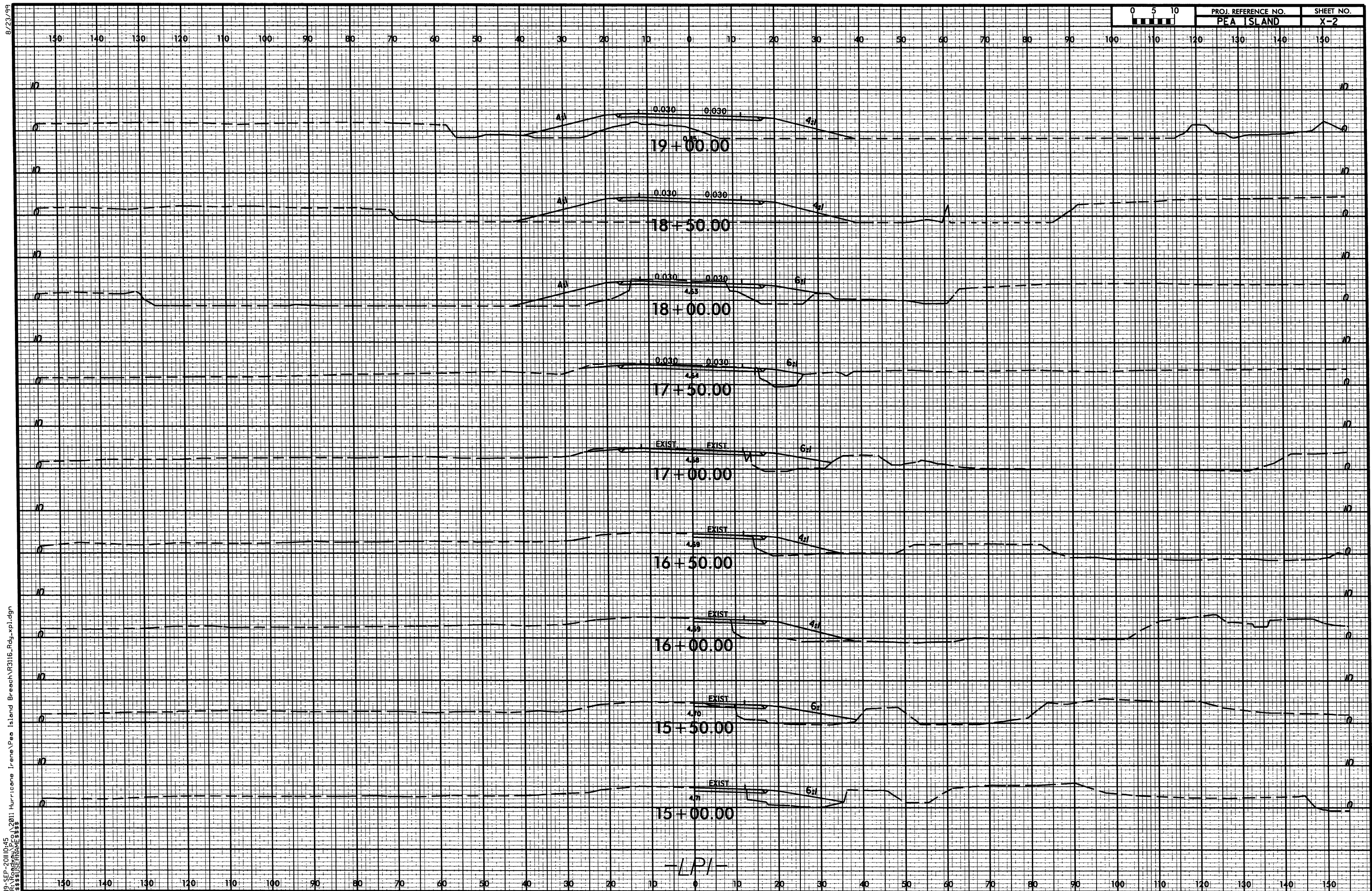
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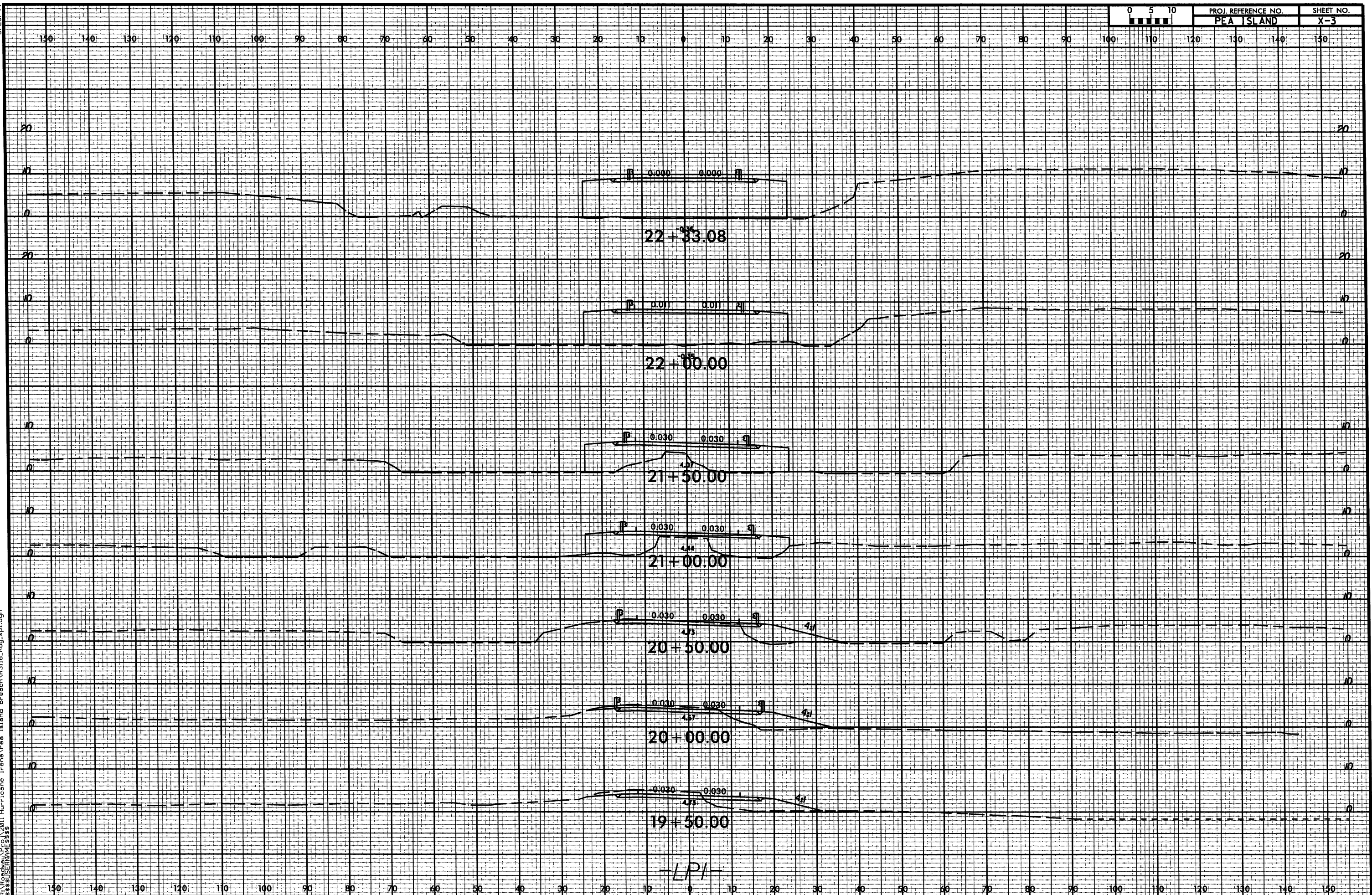




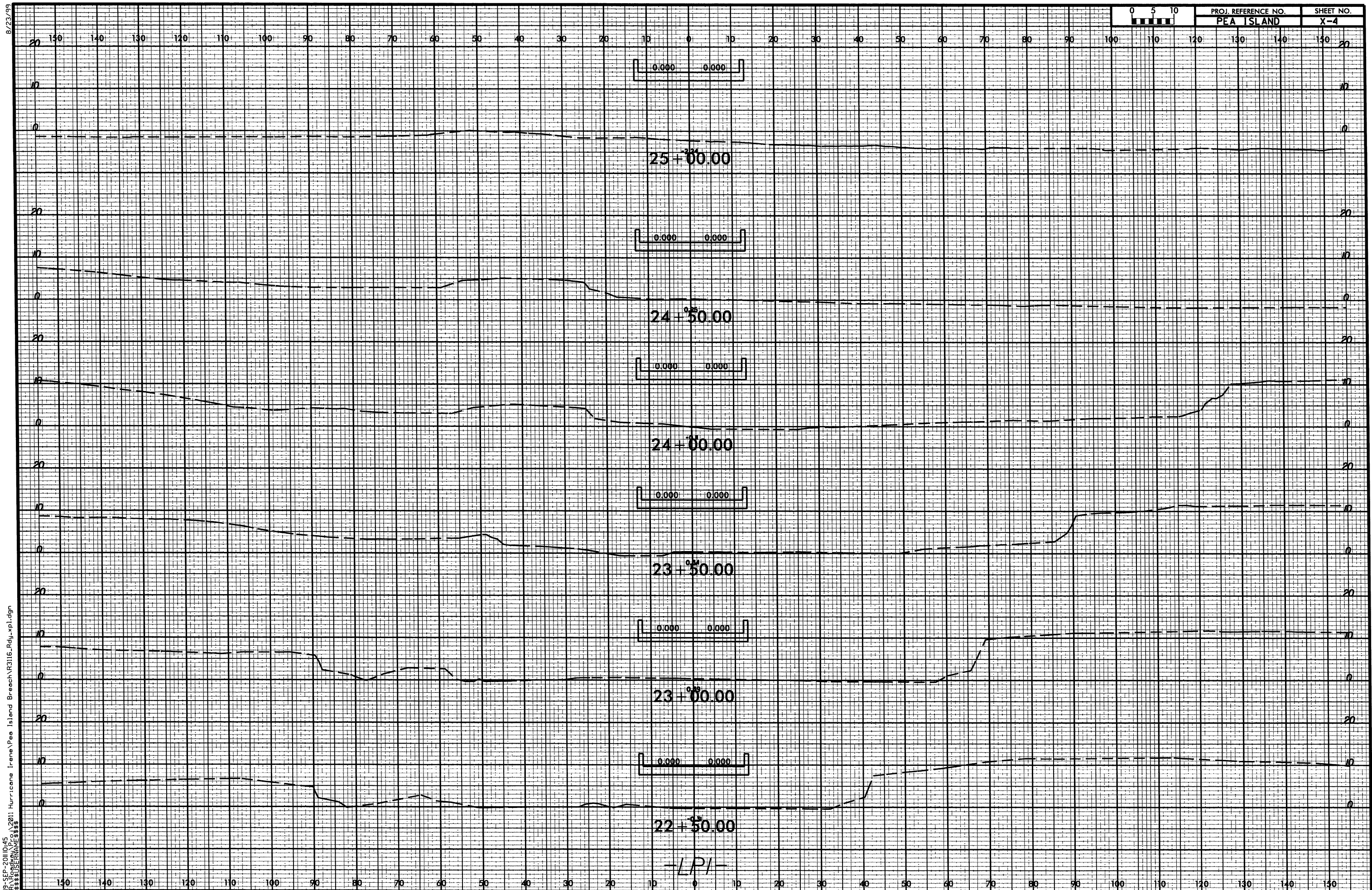








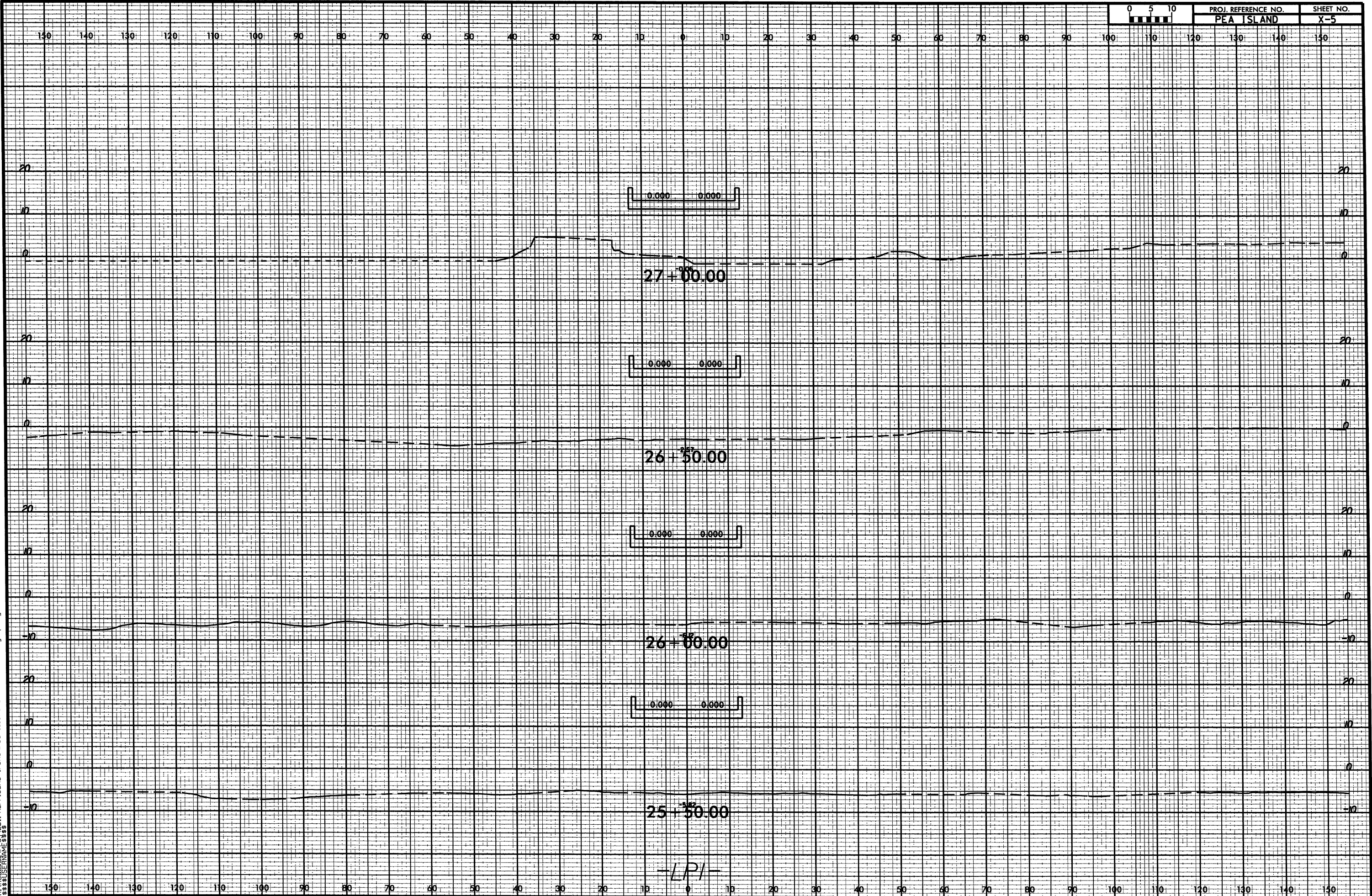




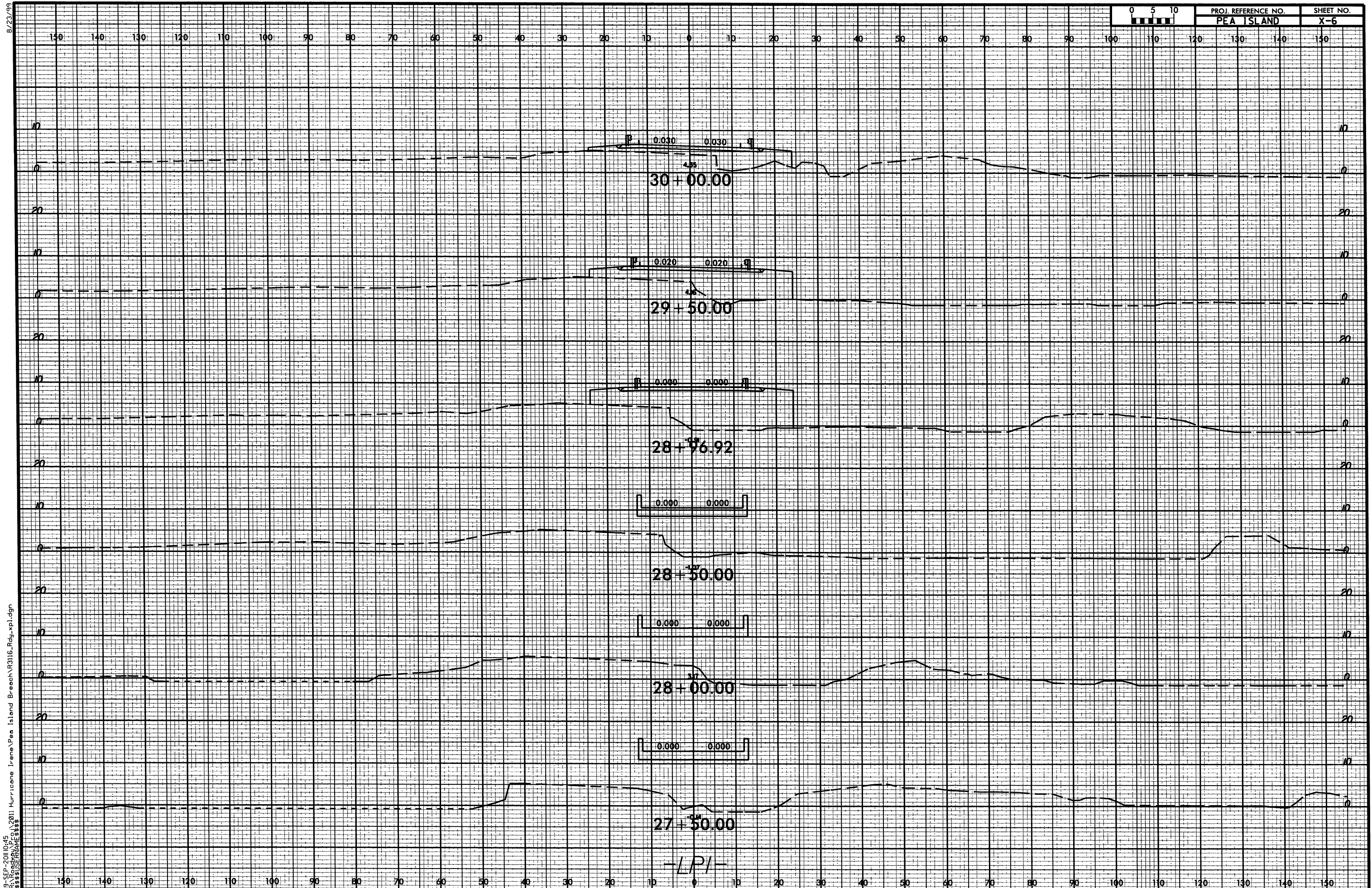


B/23/99

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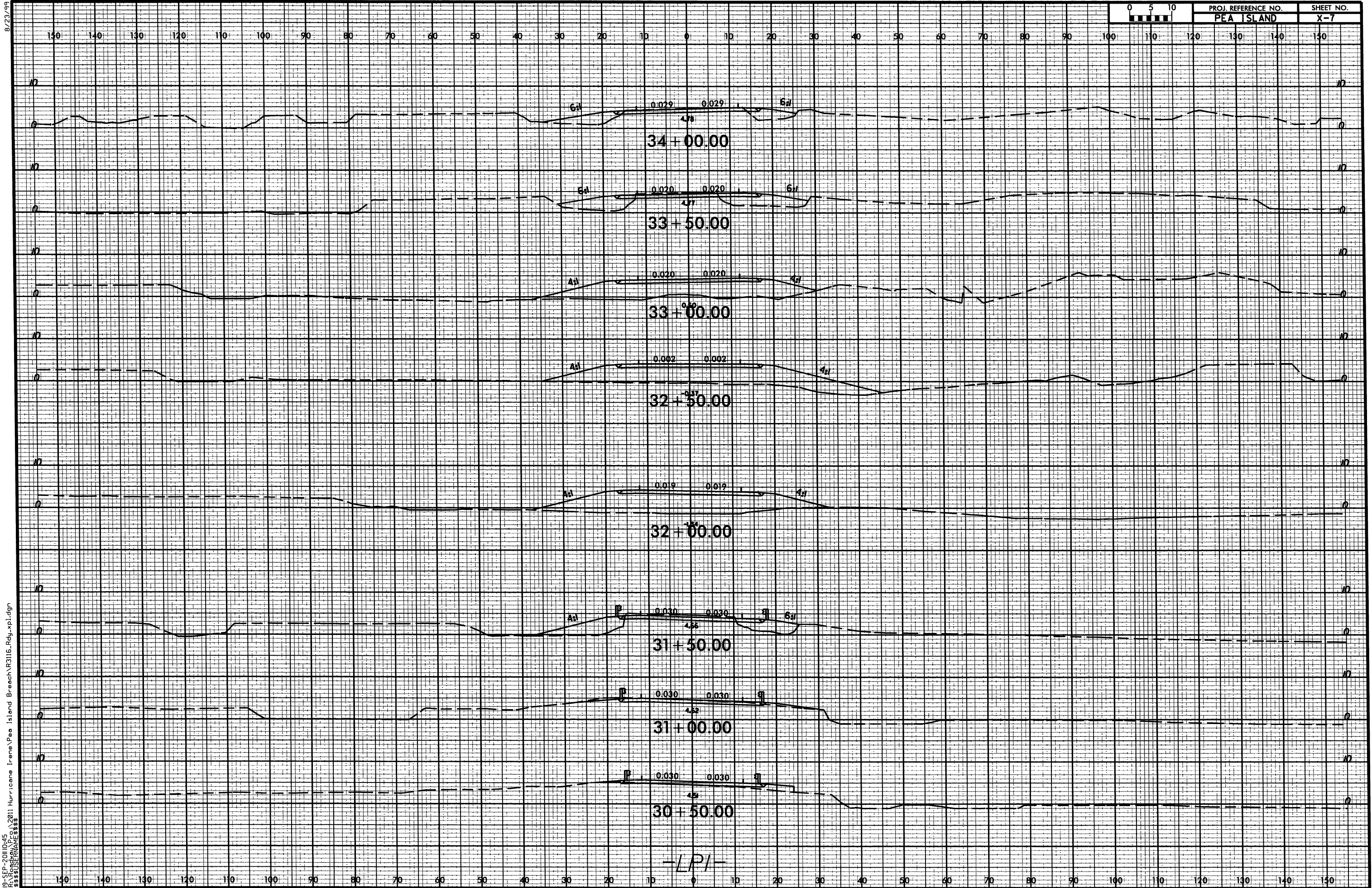






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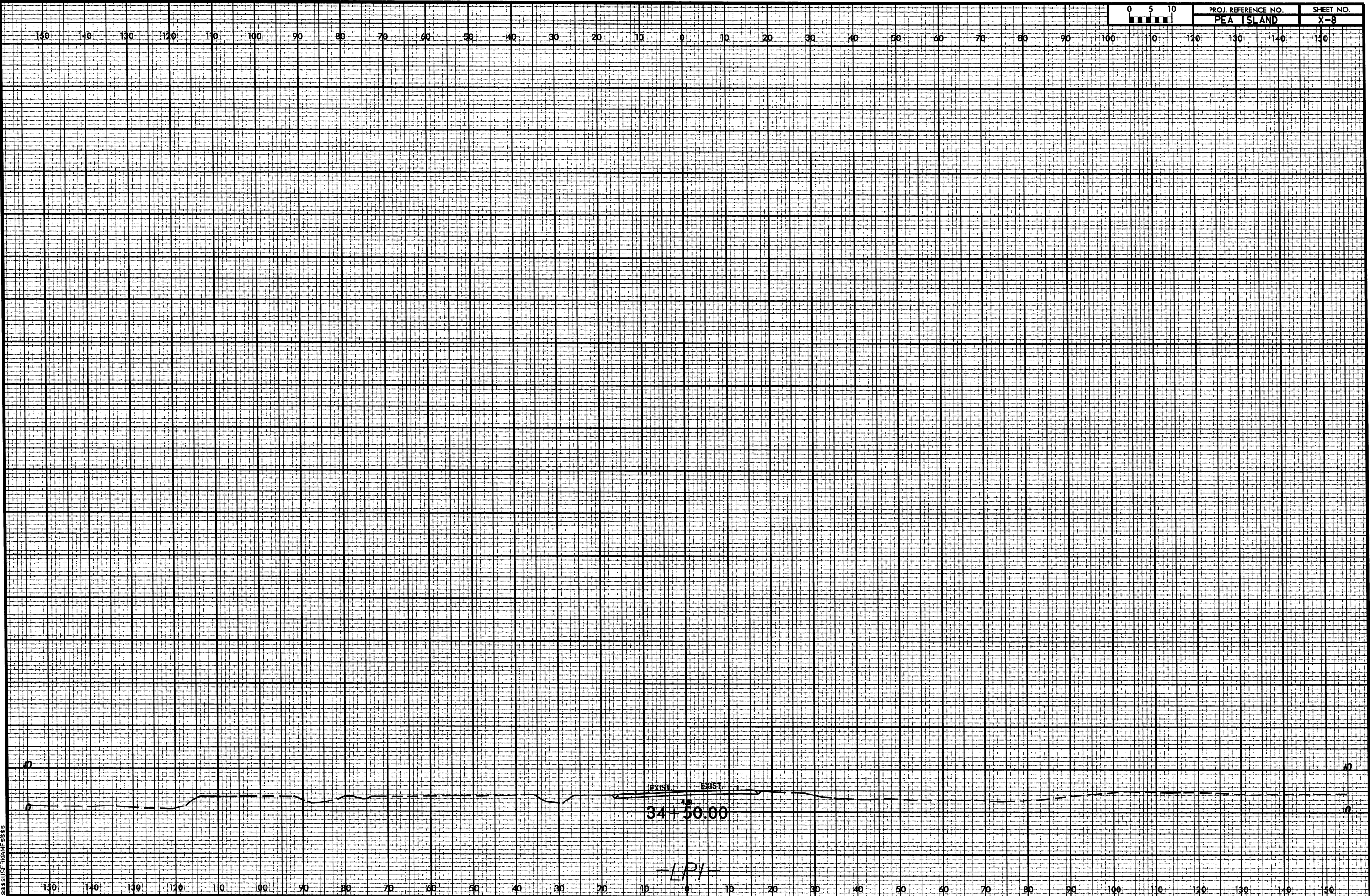
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8/22/99

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09/08/99  
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TIP PROJECT: RODANTHE

CONTRACT:

STATE OF NORTH CAROLINA  
DIVISION OF HIGHWAYS

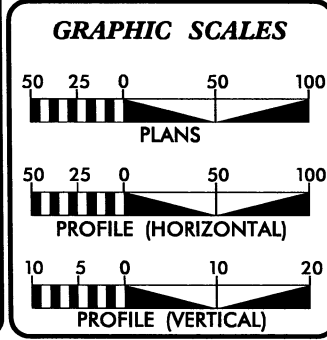
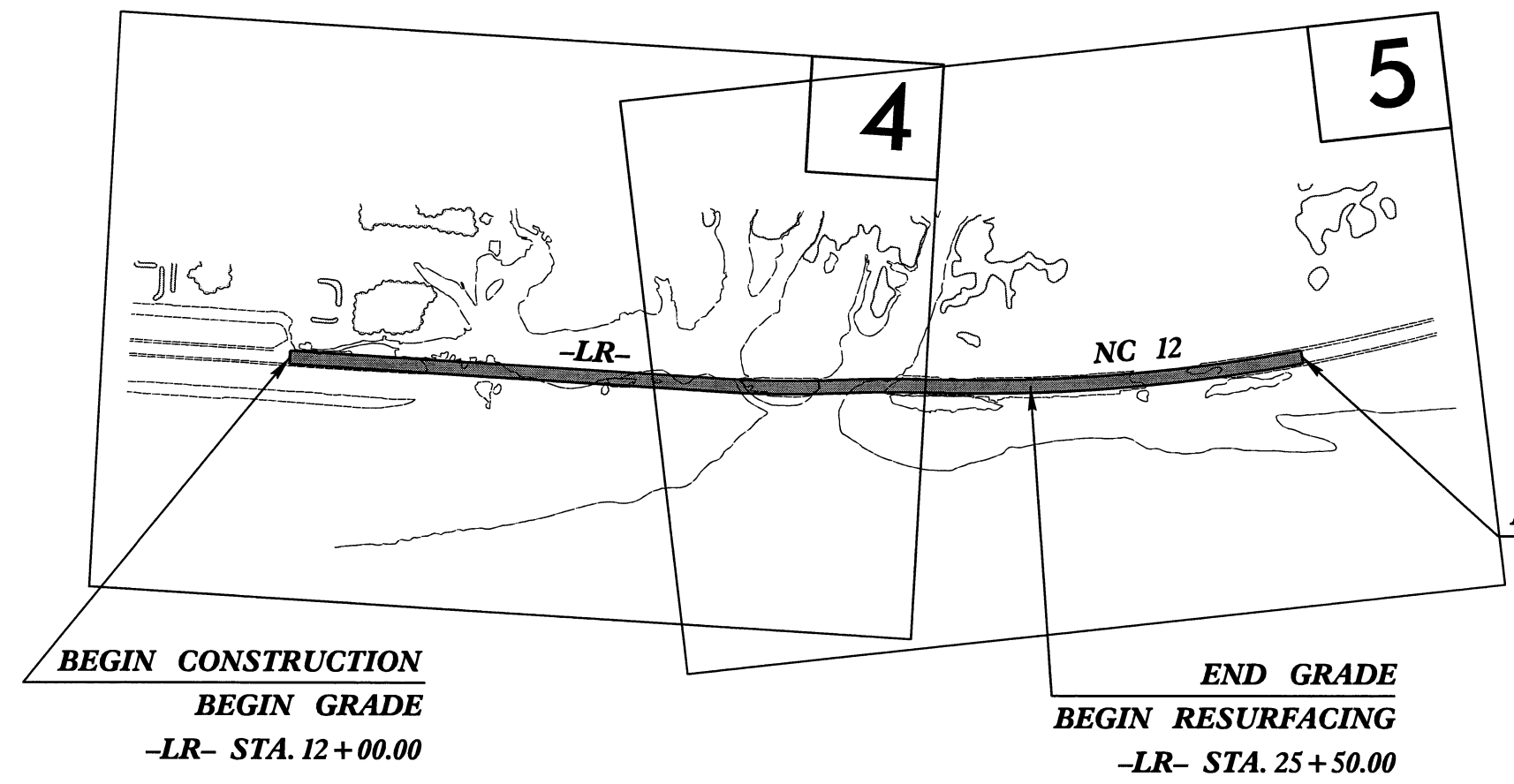
DARE COUNTY

LOCATION: RODANTHE BREACH ON NC 12

TYPE OF WORK: GRADING & PAVING

STATE	STATE PROJECT REFERENCE NO.	SHEET NO.	TOTAL SHEETS
N.C.	RODANTHE	1	
STATE PROJ. NO.	P.A. PROJ. NO.	DESCRIPTION	

PLANS REVISED AS OF:  
SEPTEMBER 19, 2011



DESIGN DATA

STATEWIDE TIER

PROJECT LENGTH

LENGTH ROADWAY = 0.369 MILES

Prepared In the Office of:  
**DIVISION OF HIGHWAYS**  
1000 Birch Ridge Dr., Raleigh NC, 27610

2006 STANDARD SPECIFICATIONS

RIGHT OF WAY DATE: GARY LOVERING, PE  
PROJECT ENGINEER

LETTING DATE: RICK DECOLA, PE  
PROJECT DESIGN ENGINEER

HYDRAULICS ENGINEER

SIGNATURE: P.E.

ROADWAY DESIGN ENGINEER

SIGNATURE: P.E.

DIVISION OF HIGHWAYS  
STATE OF NORTH CAROLINA

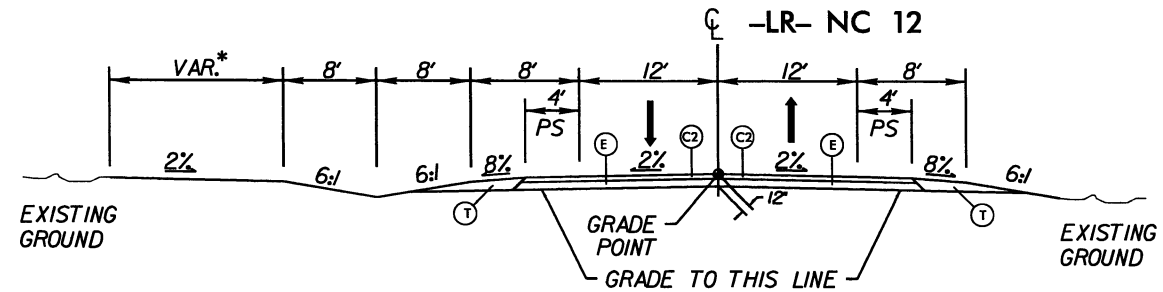
STATE HIGHWAY DESIGN ENGINEER

INCOMPLETE PLANS  
DO NOT USE FOR R/W ACQUISITION  
PRELIMINARY PLANS  
DO NOT USE FOR CONSTRUCTION

6/2/99

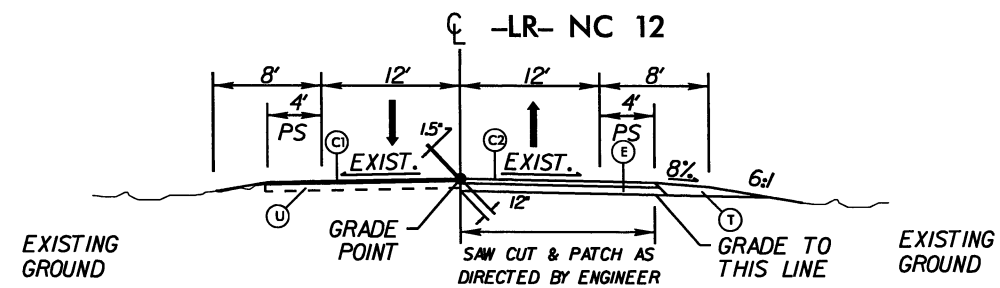
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C1	PROP. APPROX. 1½" ASPHALT CONCRETE SURFACE COURSE, TYPE S9.5B, AT AN AVERAGE RATE OF 168 LBS. PER SQ. YD.
C2	PROP. APPROX. 3" ASPHALT CONCRETE SURFACE COURSE, TYPE S9.5B, AT AN AVERAGE RATE OF 168 LBS. PER SQ. YD. IN EACH OF TWO LAYERS.
E	PROP. APPROX. 9" ASPHALT CONCRETE BASE COURSE, TYPE B25.0B, AT AN AVERAGE RATE OF 513 LBS. PER SQ. YD. IN EACH OF TWO LAYERS.
T	EARTH MATERIAL.
U	EXISTING PAVEMENT.

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



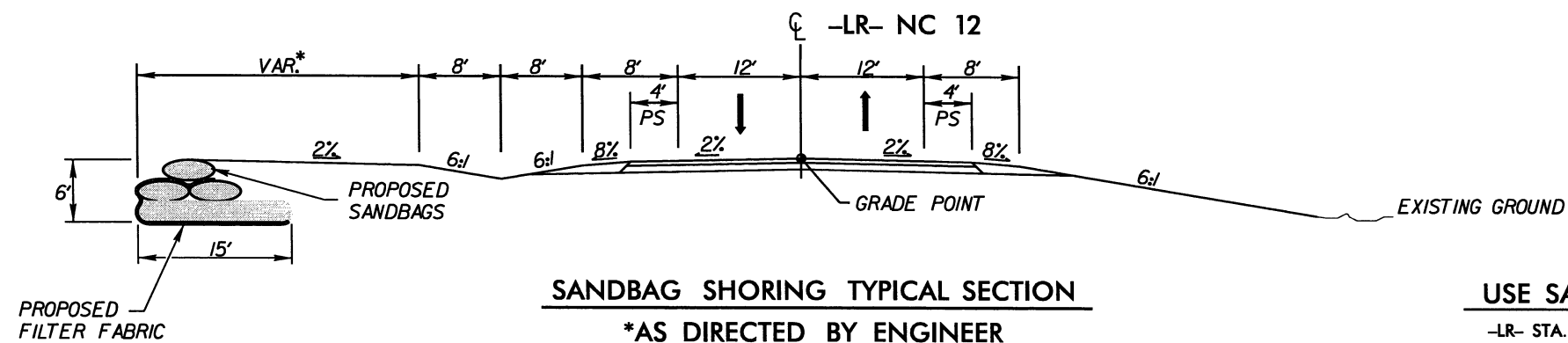
TYPICAL SECTION NO. 1

USE TYPICAL SECTION NO. 1  
-LR- STA. 12+00.00 TO -LR- STA. 25+50.00



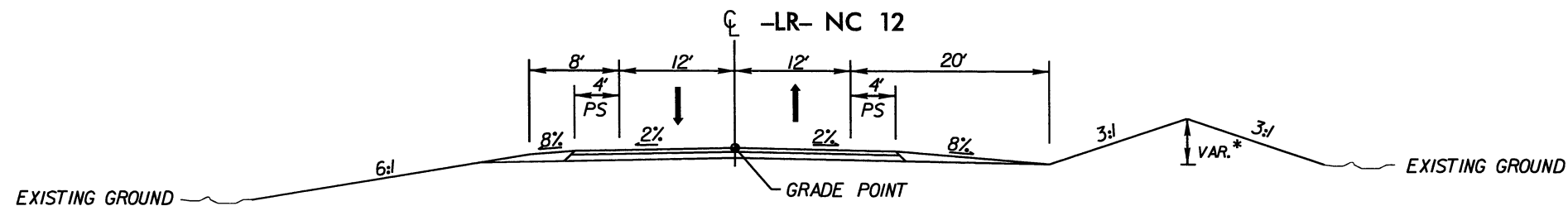
TYPICAL SECTION NO. 2

USE TYPICAL SECTION NO. 2  
-LR- STA. 25+50.00 TO -LR- STA. 30+50.00



SANDBAG SHORING TYPICAL SECTION  
\*AS DIRECTED BY ENGINEER

USE SANDBAG SHORING TYPICAL SECTION  
-LR- STA. 15+10.00 TO -LR- STA. 16+30.00  
-LR- STA. 19+20.00 TO -LR- STA. 20+30.00  
-LR- STA. 21+90.00 TO -LR- STA. 23+45.00



DUNE RESTORATION TYPICAL SECTION  
\*AS DIRECTED BY ENGINEER

USE DUNE RESTORATION TYPICAL SECTION  
-LR- STA. 19+55.00 TO -LR- STA. 23+00.00  
-LR- STA. 27+75.00 TO -LR- STA. 28+75.00

PROJECT REFERENCE NO.	SHEET NO.
RODANTHE	2
ROADWAY DESIGN ENGINEER	PAVEMENT DESIGN ENGINEER
INCOMPLETE PLANS DO NOT USE FOR ACQUISITION PRELIMINARY PLANS DO NOT USE FOR CONSTRUCTION	

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8/17/99

Breach\VR3116.Rdy.ph.04A.dgn

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REVISIONS

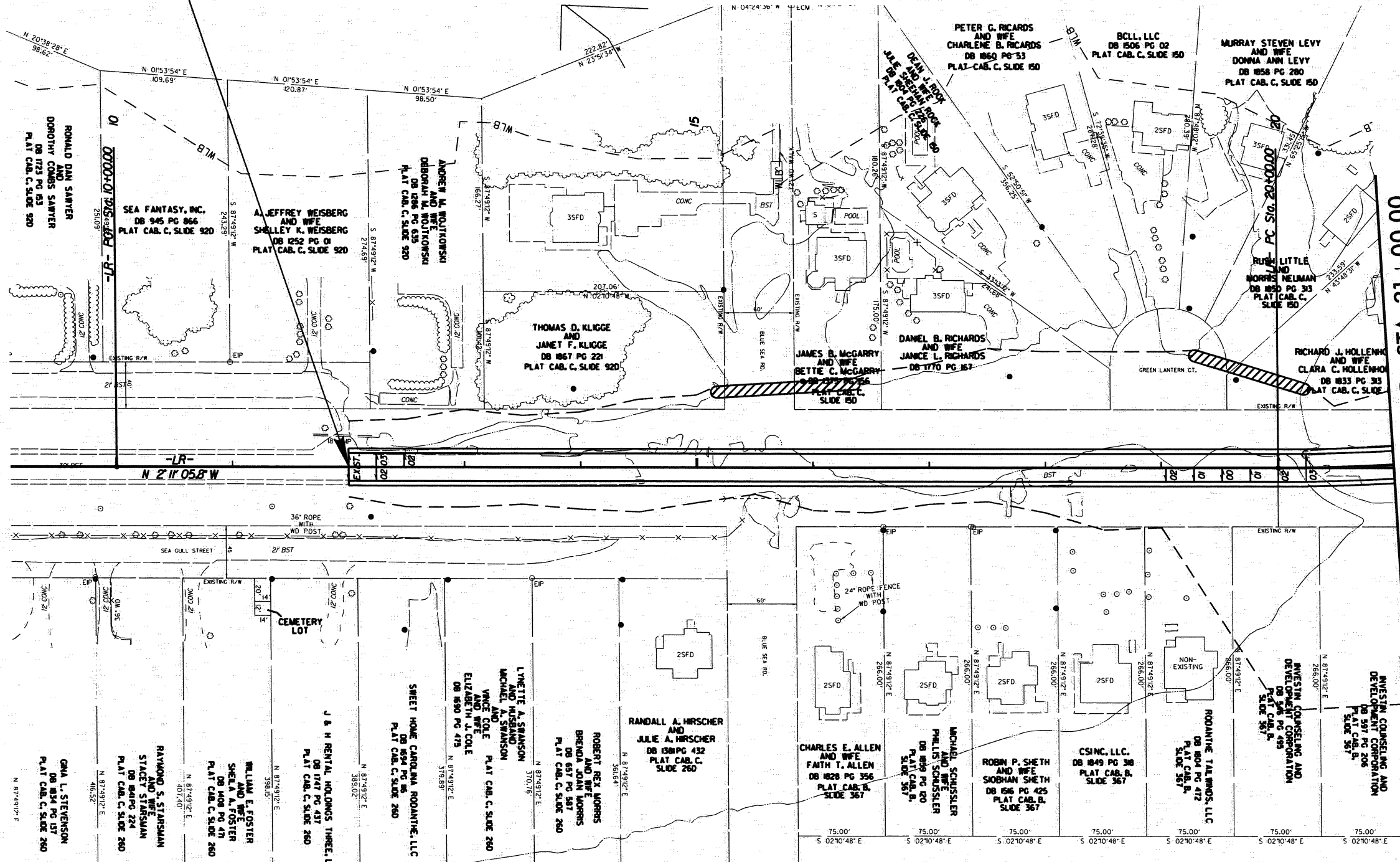
PROJECT REFERENCE NO.	SHEET NO.
RODANTHE	4-A
RAW SHEET NO.	
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER
INCOMPLETE PLANS DO NOT USE FOR R/W ACQUISITION	
PRELIMINARY PLANS DO NOT USE FOR CONSTRUCTION	


-LR- CURVE DATA

PI Sta 21+03.02  
 $\Delta = 6^\circ 24' 33''$  (LT)  
 $D = 3^\circ 06' 50.0''$   
 $L = 205.83'$   
 $T = 103.02'$   
 $R = 1840.00'$   
 $INC = 24'$

NAD 83

BEGIN CONSTRUCTION  
-LR- STA. 12+00.00



 **SANDBAG SHORING**  
FOR -LR- PROFILE, SEE SHEET NO. 6







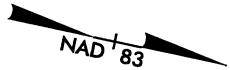
8/17/99

REVISIONS

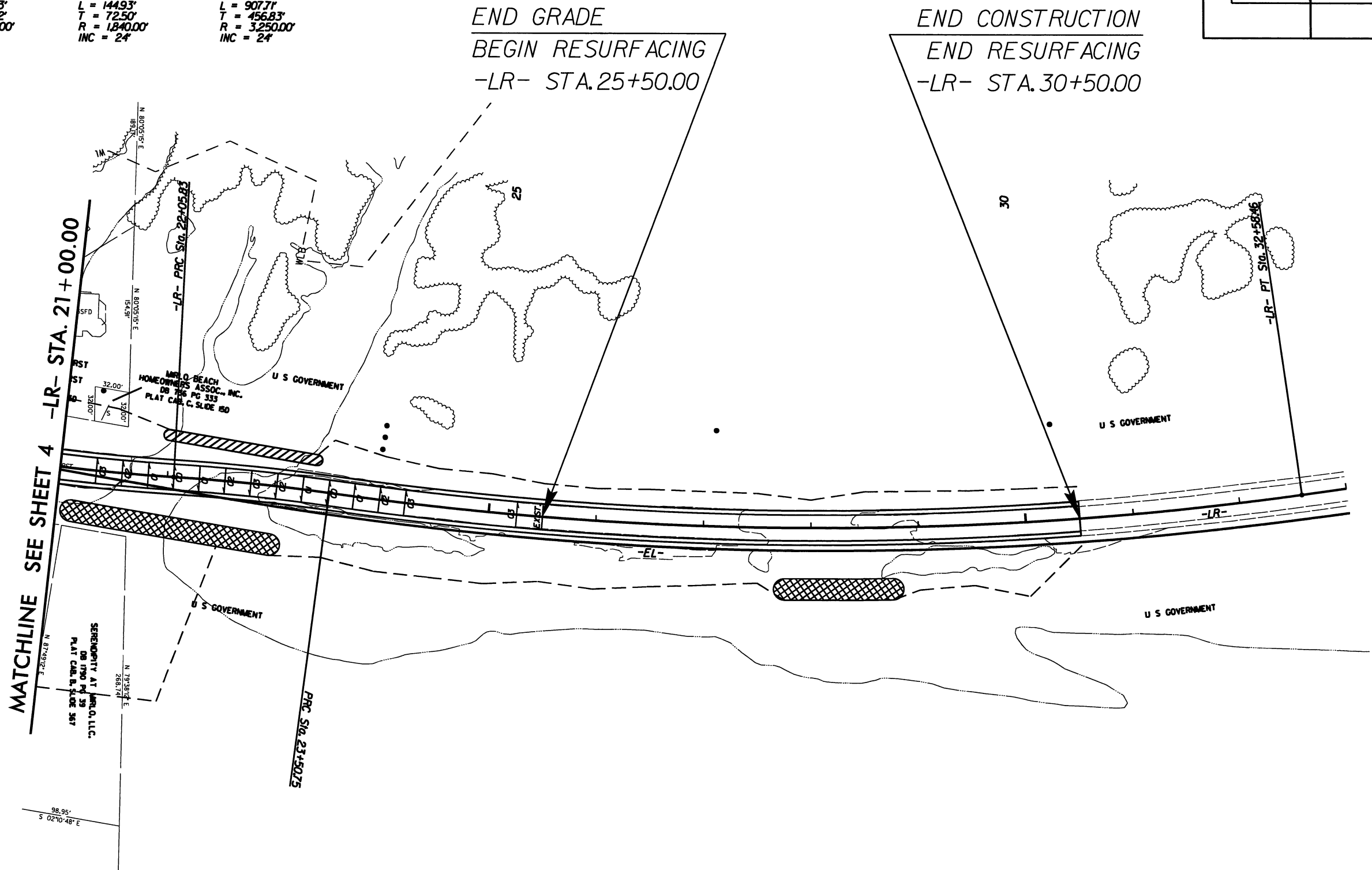
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R3116.dwg

-LR- CURVE DATA		
PI Sta 21+03.02	PI Sta 22+78.33	PI Sta 28+07.58
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L = 205.83'	L = 144.93'	L = 907.71'
T = 103.02'	T = 72.50'	T = 456.83'
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INC = 24'	INC = 24'	INC = 24'



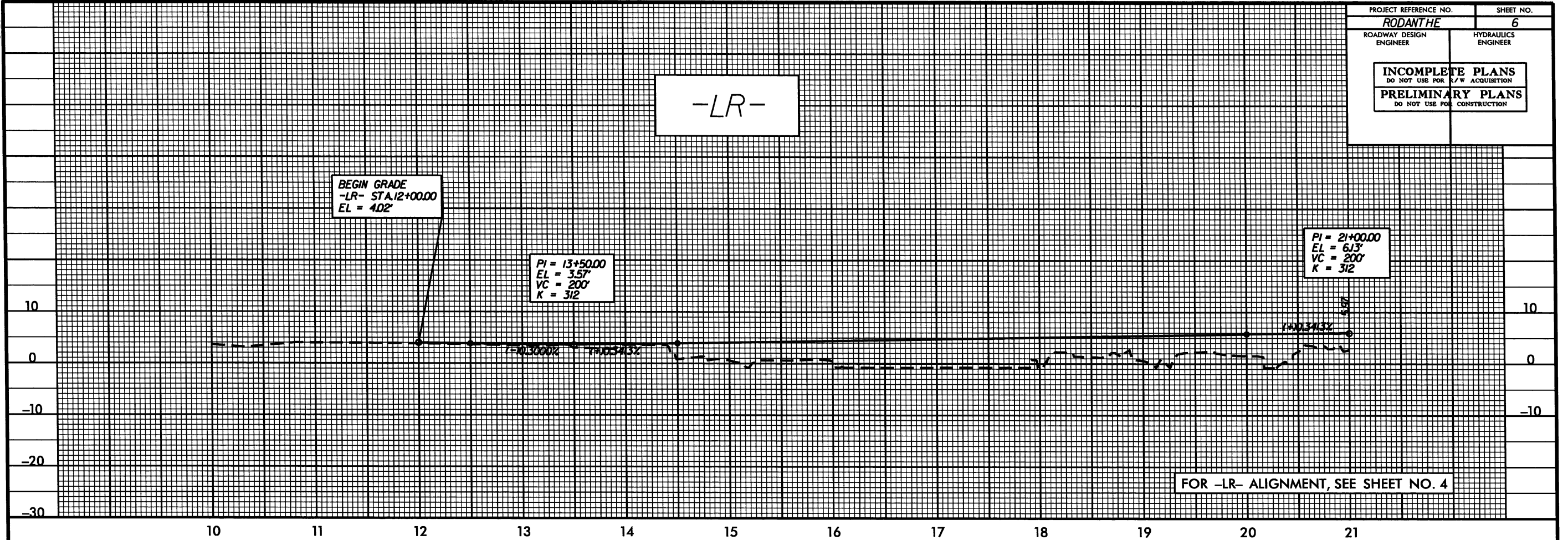
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RODANTE	5-A
R/W SHEET NO.	
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER
INCOMPLETE PLANS DO NOT USE FOR ACQUISITION	
PRELIMINARY PLANS DO NOT USE FOR CONSTRUCTION	



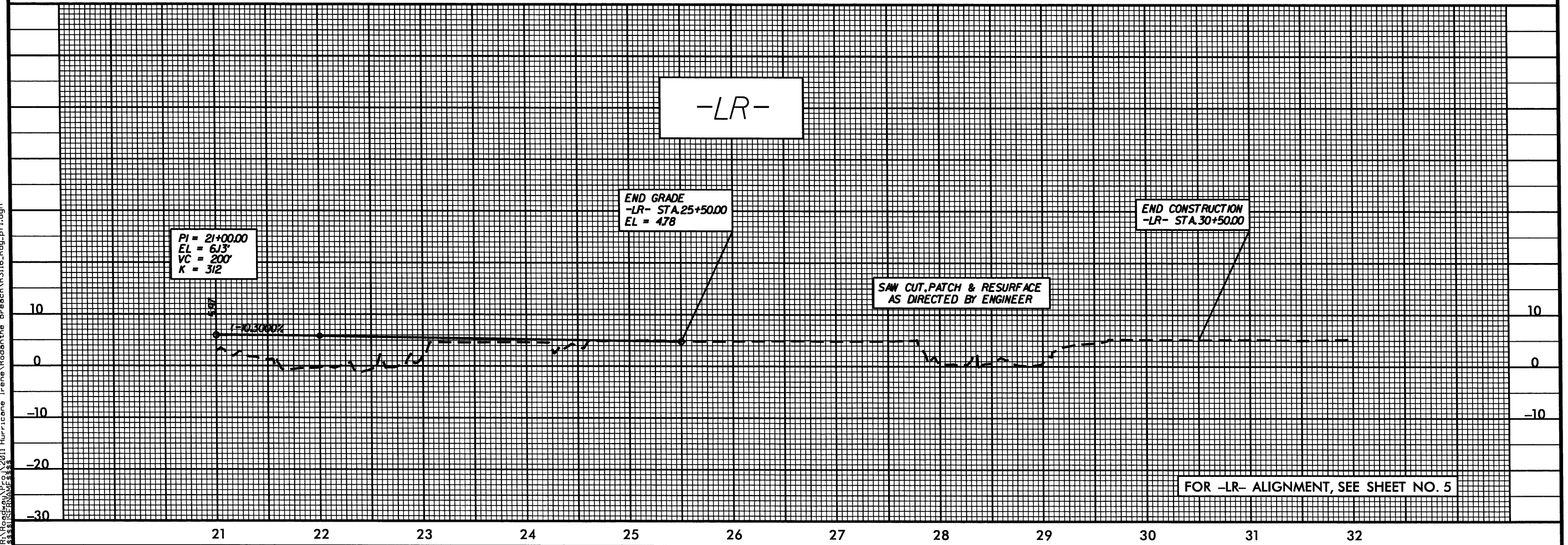
	SANDBAG SHORING
	DUNE RESTORATION
FOR -LR- PROFILE, SEE SHEET NO. 6	

5/28/99

PROJECT REFERENCE NO.	SHEET NO.
RODANTHE	6
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER
INCOMPLETE PLANS DO NOT USE FOR ACQUISITION	
PRELIMINARY PLANS DO NOT USE FOR CONSTRUCTION	



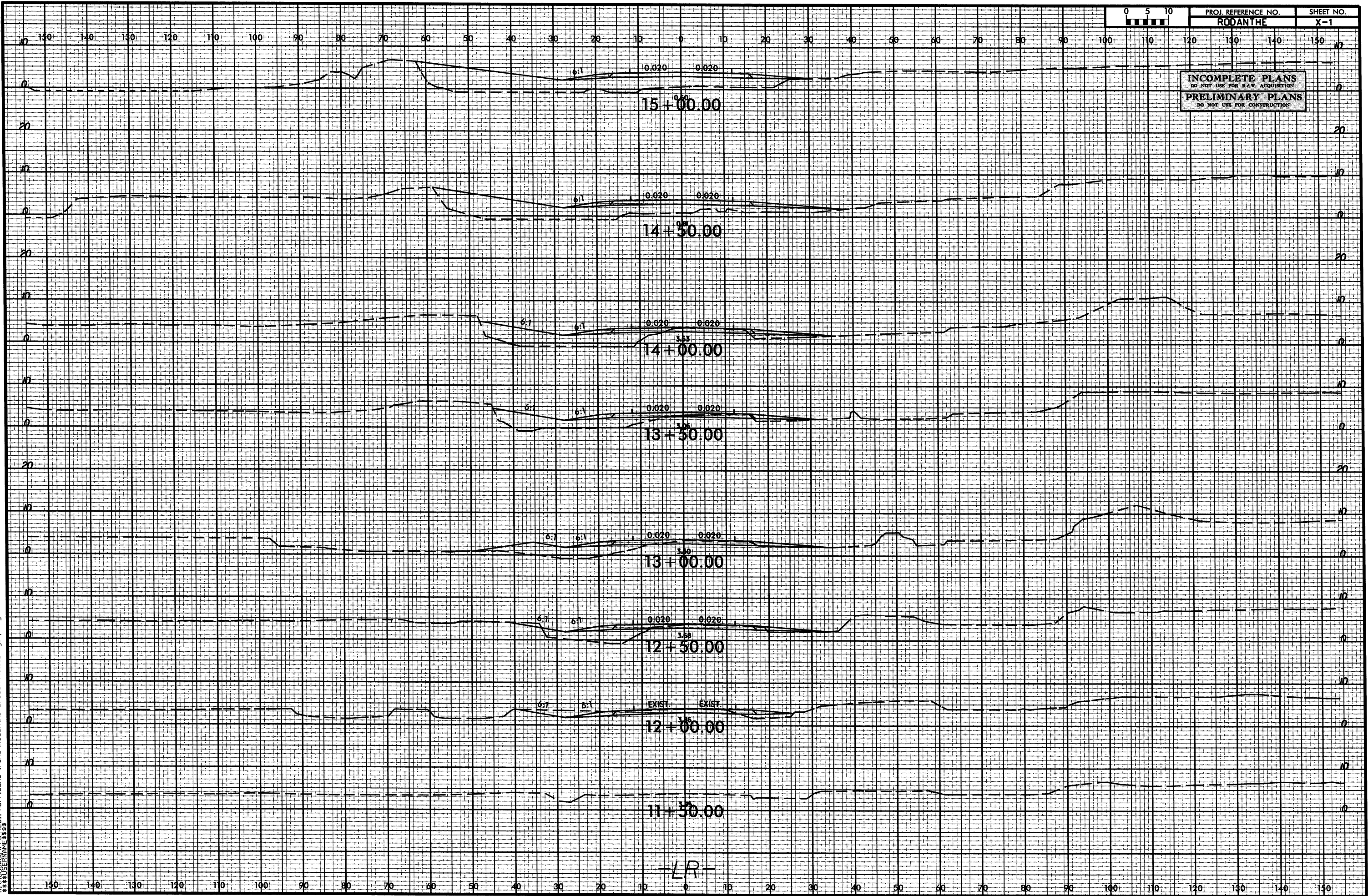
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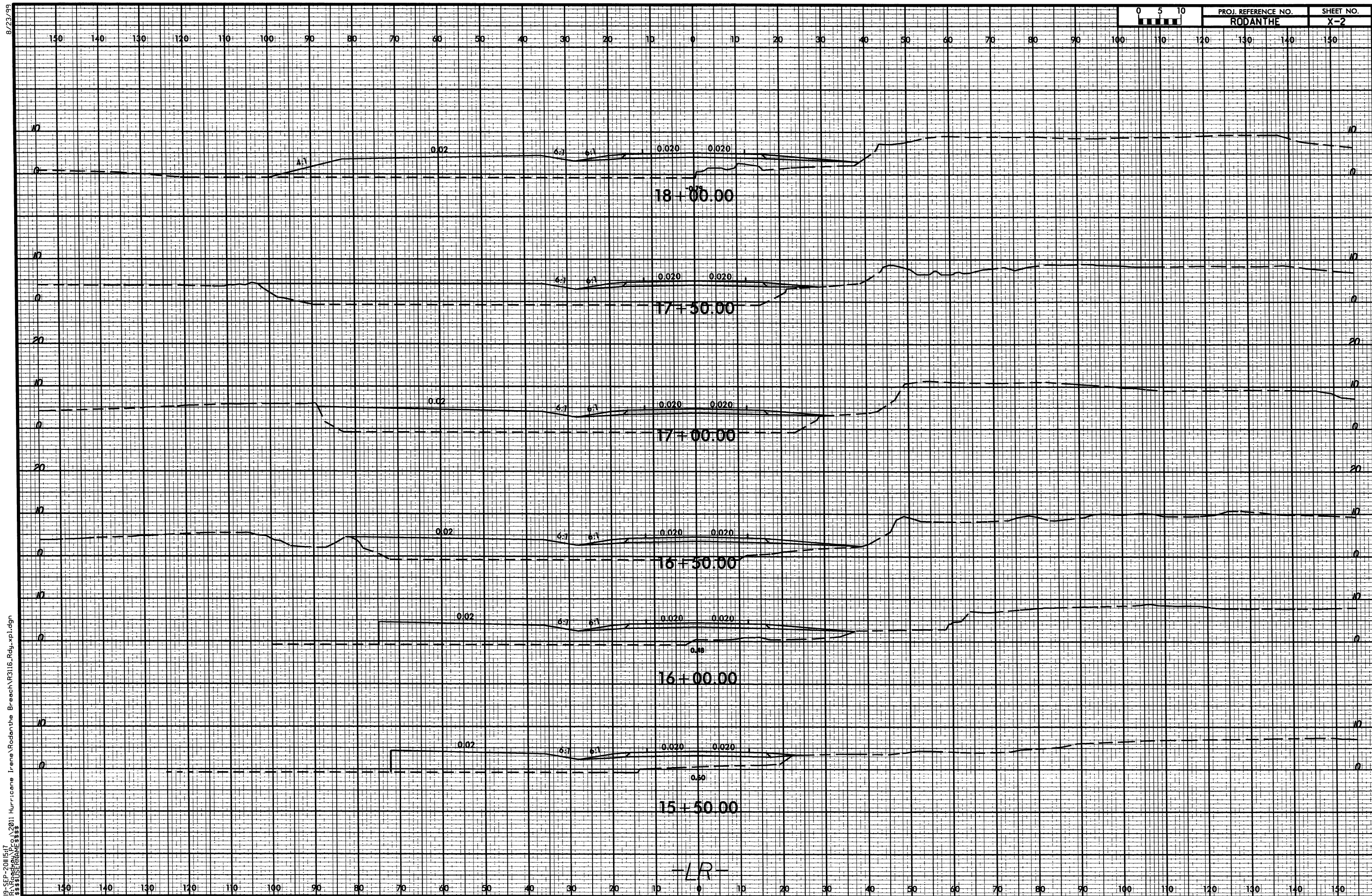


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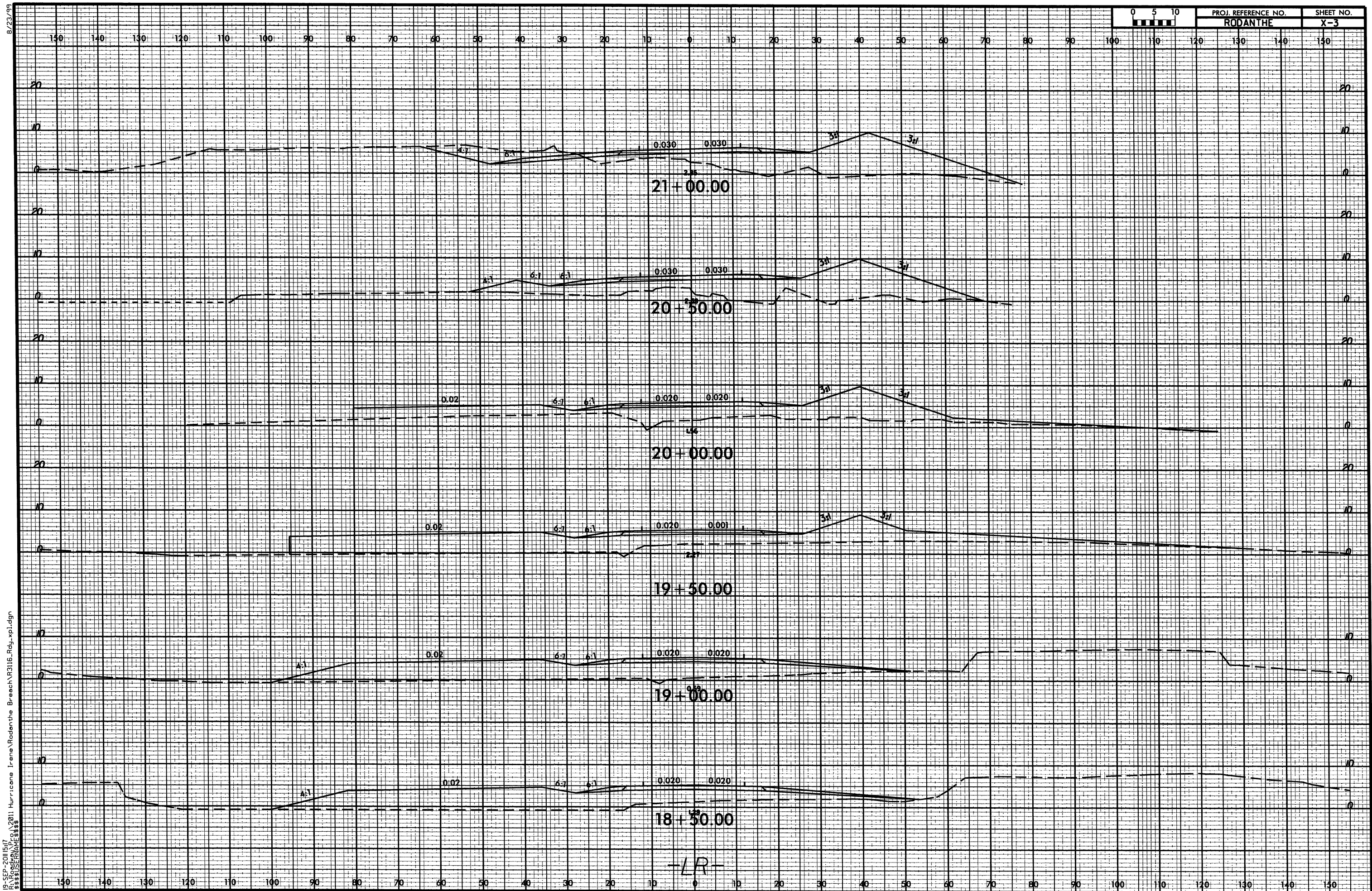
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8/23/99

19-SEP-2011 15:17  
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\$\$\$\$\$SERVIAN\$\$\$\$\$

