



February 11, 2026

Dare County
c/o Bobby Outten
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(sent via email at outten@darenc.gov)

On November 14, 2025, Dare County submitted a final request to repair an existing oceanfront groin, known as Groin #3, located near the Village of Buxton, in proximity to the original location of the Cape Hatteras lighthouse. The request consisted of the following documents:

1. Attachment 1 – Workplans 1-7 of 7 all dated November 2025;
2. Attachment 2 – Moffat and Nichol 2006 assessment dated 7/5/06;
3. Attachment 3 – Moffat and Nichol 2006 drawings stamped “Received 11/14/25 DCM MHD City”;
4. Attachment 4 – Original USN and USACE drawings stamped “Received 11/14/25 DCM MHD City”;
5. Attachment 5 – 15A NCAC 07J .0210 Readopted Eff 1/1/23;
6. Buxton Groin Repair Narrative stamped “Received 11/14/25 DCM MHD City”.

A groin field consisting of three parallel structures was originally built in 1969-1970 at a total of 1,670 linear feet (lf). The three groins were built, prior to the adoption of the N.C. Coastal Area Management Act, by the U.S. Navy to protect state and federal property¹. The southernmost structure, Groin #3, has been repaired (1975 and 1994) and expanded (1980-1982), with the addition of armor stone in 1994 along a portion of the alignment. The combined length of the groin field after expansion was 1,970 lf. The County states that currently, Groin #3 consists of 5 intact sections (16 lf, 266 lf, 51 lf, 86 lf, and 8 lf), originating landward of the high-water line and extending offshore (Attachment 1 of the 6/16/25 request). The County’s request states that the total length of Groin #3 prior to its deterioration was 640 lf.

Dare County has requested to repair Groin #3 to its former length of 640 lf and armor the waterward 340 lf with stone in a generally perpendicular alignment to the existing oceanfront. The sheetpile groin starts approximately 290 lf above mean low water (MLW) line and extends another 167 lf in a general sloping orientation offshore and below MLW. Armoring stones will be placed approximately 24ft wide on each side of the sheetpile starting at the MLW line and extending past the sheetpile for 183 lf. These distances relative to MLW are subject to change due to erosion or nourishment activities. No repairs to the two remaining groins are proposed.



The Division has reviewed state statute (N.C.G.S. § 113A-103(5) b.5) and Coastal Resources Commission (CRC) rules (15A NCAC 07J .0210) related to repair and maintenance. The Division has determined that the proposed work to Groin #3, a water-dependent structure, due to damage or deterioration is considered “repair” at less than 50% of the original linear footage of the groin field and is therefore **EXEMPT** under state statute and CRC rule.

The Division recommends the following be implemented during construction:

1. For the safety of the use of the public trust beach, all existing debris or failed sections of the original groin should be removed prior to repair to minimize potential for hazardous conditions.
2. To protect threatened and endangered species and to minimize adverse impacts to offshore, nearshore, intertidal and beach resources, excavation or fill activities, including mobilization and demobilization, should be coordinated with the appropriate state and federal resource agencies, from April 1 to November 15 of any year.
3. Repair must be completed in compliance with workplans 1-7 of 7 submitted to the Division, all dated November 2025.
4. If the design or project is modified after coordination with other regulatory agencies, the County should contact the Division to determine if additional review is required.
5. The Division requests any reports produced by monitoring efforts associated with any federal consultation or authorization.

Please note that the determination does not constitute authorization from the U.S. Army Corps of Engineers or the Division of Water Resources. The U.S. Army Corps of Engineers has indicated that the request is being reviewed under an Individual Permit. In addition, there may be special use permits or other requirements associated with the National Park Service. Authorization should be received from the U.S. Army Corps of Engineers, the Division of Water Resources and/or the National Park Service.

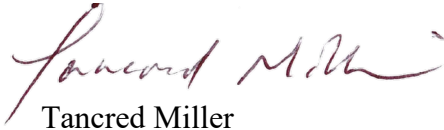
If you object to the determination, you may request a contested case hearing pursuant to NC G.S. 113A-121.1 or 113-229. Your petition for a hearing must be filed in accordance with NC G.S. 150B with the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, NC 27611-6714, (919) 733-2698 within twenty (20) days of this decision on your permit. Information about this process can be found at: <https://www.oah.nc.gov/hearings-division>.

You should also be aware that an interested party may submit an objection to the issuance of this determination within twenty (20) days pursuant to N.C.G.S. 113A-121.1(b). Any work undertaken prior to the expiration of this 20-day objection period is at your own risk.



Department personnel may visit the project site to ensure compliance with this determination. If questions arise concerning this determination, environmental safeguards, or problem areas, you may contact Department personnel at any time for assistance.

Sincerely,



Tancred Miller
Director
N.C. Division of Coastal Management

CC: Patrick Barrineau, Coastal Science & Engineering
James Lastinger, USACE Washington
Josh Peletier, USACE Washington
Dave Hallac, National Park Service
Meaghan Johnson, National Park Service
Stephanie Goss, NC DWR
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¹ Dolan, R., Hayden, B., Riddel, P., & Ponton, J. (1974). *1973 Buxton Beach Nourishment Project: An Annotated Photographic Atlas, Cape Hatteras National Seashore, North Carolina*. Coastal Research Associates, Charlottesville, Virginia. National Park Service Contract No. CX5000031059.



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