

Permit Class
NEW

Permit Number
20-26

STATE OF NORTH CAROLINA
Department of Environmental Quality
and
Coastal Resources Commission

Permit

for

X Major Development in an Area of Environmental Concern
pursuant to NCGS 113A-118

X Excavation and/or filling pursuant to NCGS 113-229

Issued to **Dare County, 954 Marshall Collins Drive, PO Box 1000, Manteo, NC 27954**

Authorizing development in Dare County at the Atlantic Ocean along NC Hwy 12, from the
"Haulover" at Canadian Hole to 15,500' south, as requested in the permittee's application dated 9/24/25 (PA-2436),
and including the attached workplan drawings (14), as referenced in Condition No. 1 below.

This permit, issued on **February 10, 2026**, is subject to compliance with the application (where consistent with the permit), all applicable regulations, special conditions and notes set forth below. Any violation of these terms may be subject to fines, imprisonment or civil action; or may cause the permit to be null and void.

Excavation

- 1) Unless specifically altered herein, all development shall be carried out in accordance with the workplan drawings (14), labeled Sheets 1-11, and 14 dated 7/31/25, Sheet 12 dated Revised 9/24/25, and Sheet 13 dated 09/8/25 and the project narrative. [07J .0202(c)]
- 2) In no case shall excavation of material in the borrow area exceed 8' below existing grade (-46' to -58' NAVD 88 in Borrow Area B1 and -53' to -58' NAVD 88) in Borrow Area B2), as indicated on the approved plans. [07J .0202(c)]

(See attached sheets for Additional Notes and Conditions)

This permit action may be appealed by the permittee or other qualified persons within twenty (20) days of the issuing date.

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

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

All work must cease when the permit expires on

February 10, 2031

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

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



For Tancred Miller, Director
Division of Coastal Management

This permit and its conditions are hereby accepted.

Signature of Permittee

ADDITIONAL NOTES AND CONDITIONS

Beach Nourishment

- 3) Prior to initiation of beach nourishment activity along each section of beach, the existing mean high water line shall be surveyed, and a copy of the survey provided to the Division of Coastal Management. [G.S. 146-6(f)]

NOTE: The permittee is advised that the State of North Carolina claims title to all currently submerged lands and any future lands that are raised above the mean high water level as a result of this project, notwithstanding any property ownership rights held by the federal government in this area. [G.S. 146-6]

- 4) Prior to the initiation of beach nourishment activity on a specific property, easements or similar legal instruments shall be obtained from the impacted property owner(s). [G.S. 113-229(c)]
- 5) The seaward nourishment limit (toe of fill) shall be constructed in accordance with the approved work plans. [07J .0202(c)]
- 6) The Shellfish Sanitation and Recreational Water Quality Section of the Division of Marine Fisheries collects weekly water quality samples along the beach throughout the proposed project area during the summer months. Prior to commencement of the project, notification providing an appropriate point of contact should be provided to the Recreational Water Quality Program Manager, Erin Bryan-Millush at either erin.bryan-millush@deq.nc.gov or (252) 515-5613 to ensure continued sampling access throughout the project period. [G.S. 113A-120(b), G.S. 113-229(e); 07H .0208(a)(2)(G); 07J .0208(a)]
- 7) The applicant shall continually monitor and inspect the material while active pumping is taking place. Should dredging operations encounter sand deemed non-compatible with 15A NCAC 07H .0312(3) & (4)(c), [Technical Standards for Beach Fill Projects], the dredge operator shall immediately cease operation and contact the NCDCM. Dredge operations shall resume only after resolution of the issue of sand compatibility, including any remediation determined necessary by the Division.
- 8) All fill material shall be clean and free of any pollutants except in trace quantities. [G.S. 113A-120(b), G.S. 113-229(e); 07H .0208(a)(2)(G); 07J .0208(a)]
- 9) All debris associated with this development must be contained within the authorized project area. The permittee shall be responsible for the immediate removal of any displaced debris, trash, or litter associated with the project site. [G.S. 113A-120(b), G.S. 113-229(e); 07H .0208(a)(2)(A)]
- 10) In order to prevent leakage, dredge pipes shall be routinely inspected. If leakage is found and repairs cannot be made immediately, pumping of material shall stop until such leaks are fixed. [7J .0208(a)]
- 11) Once a section is complete, piping and heavy equipment shall be removed or shifted to a new section and the area graded and dressed to final approved slopes. [7J .0208(a); 07H .0306(a)(7)]
- 12) Land-based equipment necessary for beach nourishment work shall be brought to the site through existing accesses. Should the work result in any damage to existing accesses, the accesses shall be restored to pre-project conditions immediately upon project completion in that specific area. [G.S. 113A-120(6)&(9), 15A 07H .0308(b)(1)&(8)]

ADDITIONAL NOTES AND CONDITIONS

NOTE: The permittee is advised that any new access site would require a modification of this permit.

- 13) Any dune construction shall be aligned to the greatest extent possible with existing adjacent dune ridges, shall be of the same configuration as the adjacent frontal dune and shall adhere to a 1V:3H slope along the oceanward face. Dune disturbance shall be kept to a minimum and dune construction shall take place entirely within (or landward of) the areas indicated in the drawings, unless a significant change in shoreline occurs that necessitates further review to ensure compliance with this condition. [G.S. 113A-120(b); 7J .0208(a); 07H .0308(b)]
- 14) Where feasible, fill shall tie into existing profile elevations and shall not create any troughs or backslopes. [7J .0208(a); 07H .0306(a)(7)]
- 15) In order to further ensure compliance with Condition No. 13 & 14, an updated survey showing current beach conditions shall be performed within 3 months of project initiation for the entire project area and plans with updated survey conditions shall be submitted to DCM and the USACE. These plans shall be coordinated with the appropriate resources agencies and approved by DCM and the USACE prior to initiation of work and scheduling of the pre-construction conference referenced in Condition No. 25 below. An additional survey and approval may be required in the case of a significant change in shoreline conditions. [7J .0209(c) & G.S. 113- 229(e), G.S. 113A-120]
- 16) In accordance with commitments made by the permittee, all sand fencing to be installed shall comply with the conditions stated on Sheet 14 dated 7/31/25 and shall be placed as far landward as is feasible. Any additional proposal to install sand fencing exceeding these specifications shall require further agency coordination and may require modification of the permit. [07J .0202(c); G.S. 113A-120]

NOTE: In order to protect threatened and endangered species and to minimize adverse impacts to beach resources, efforts should also be made to install sand fencing outside of sea turtle season (May 1 through 15).

Mitigation and Monitoring

- 17) Unless specifically altered herein, the permittee shall implement all mitigation and monitoring commitments made in the permit application and subsequent correspondence, regardless of whether or not such commitments are addressed by individual conditions of this permit. [07H .0208(a)(2), 07J .0202(c)]
- 18) During the sea turtle season (May 1 through November 15), nighttime lighting associated with nourishment activities shall be minimized. Lighting shall be limited to the immediate construction area and shall be minimized through reduction, shielding, lowering, and appropriate placement to avoid excess illumination of the water surface and nesting beach. [G.S. 113- 229(e); G.S. 113A-120(b); 07J .0208(a)]

ADDITIONAL NOTES AND CONDITIONS

- 19) Visual surveys for escarpments along the project area shall be made immediately after completion of sand placement, and within 30 days prior to May 1 for two subsequent years after any construction or sand placement event. Escarpments that are determined by NCWRC to interfere with sea turtle nesting or that exceed 18 inches in height for a distance of 100 feet shall be leveled and the beach profile reconfigured to minimize scarp formation by May 1. Escarpment removal shall be reported by location and the NCWRC and the USFWS shall be contacted immediately if subsequent reformation of escarpments that interfere with sea turtle nesting or exceed 18 inches in height for a distance of 100 feet occur during the nesting and hatching season to determine the appropriate action to be taken. [G.S. 113-229(a); G.S. 113-229(e); G.S. 113A-120; 07H .0306(d)]

Cultural Resource Protection

- 20) The project site is located in an area potentially containing cultural resources, such as shipwreck remains. The permittee shall exercise all precautions to avoid damage to any potential historic structures or shipwrecks. If such materials are encountered, the permittee shall immediately stop work and notify the N.C. Division of Coastal Management at (910) 796-7302 and the Underwater Archaeology Branch at (910) 251-7327. [07H .0306(b)]

General

- 21) This permit authorizes excavation and beach nourishment activities to be carried out one (1) time along the requested project area. Any request to carry out additional activities within an area where excavation or nourishment activities have been completed under this permit shall require a modification of this permit. [07J .0202(c); 07H .0208(8)(F)]
- 22) No sand shall be placed on any sand bags that have been determined by the Division of Coastal Management to be subject to removal under 15A NCAC .0308(b)(2). In order to ensure compliance with this condition, the Division of Coastal Management shall be contacted at (910) 796-7302 prior to project initiation so that Division staff may meet on site with the permittee and/or contractor.
- 23) In order to protect public trust rights and natural and biological resources, prior to sand placement, all derelict material or other debris must be removed from the beach and disposed of in an appropriate upland location. [G.S.113A-120(b), G.S. 113-229(e)]
- 24) This permit shall not be assigned, transferred, sold or otherwise disposed of to a third party without the written approval of the Division of Coastal Management. [07J .0406(b)]
- 25) The permittee and his contractor shall schedule a pre-construction conference with the Division of Coastal Management, the US Army Corps of Engineers and the Wildlife Resources Commission prior to the initiation of any dredging or mobilization activities. [G.S. 113-229(e)]
- 26) The permittee shall obtain any necessary authorizations or approvals from the US Army Corps of Engineers prior to initiation of any permitted activity. All conditions of the Federal approval shall be adhered to. [07H .0208(a)(2)(b); G.S. 113-229(a)]
- 27) Any sediment sample monitoring, dredging or as-built surveys required by the USACE shall also be provided to DCM. [G.S. 113A-120(b); G.S. 113-229(e)]

ADDITIONAL NOTES AND CONDITIONS

- 28) This permit does not authorize any permanent or long-term interference with the public's right of access and/or usage of all State lands and waters. [07H .0306(a)(7)]
- 29) The permittee shall make every effort possible to minimize any negative impacts of trucks and construction equipment on roadway and pedestrian traffic. The permittee should also ensure that the ability of individuals to access and enjoy the beach is not impeded outside of the construction limits. [07H .0306(a)(7)]

NOTE: This permit does not eliminate the need to obtain any additional state, federal or local permits, approvals or authorizations that may be required.

NOTE: Future nourishment activities may require a modification of this permit. The permittee shall contact the Division at (910) 796-7302 prior to the commencement of any such activity for the determination.

NOTE: This permit action may be appealed by the permittee or other qualified persons within twenty (20) days of the issuing date. Any development authorized under this permit that occurs prior to the expiration of the twenty (20) day appeal period or completion of an appeal process, shall be done at the permittee's risk.

NOTE: A CAMA/Dredge and Fill Permit is a determination that the proposed development meets the CAMA/Dredge and Fill laws and CRC's rules for coastal development. It is not a determination of private property ownership or an authorization to trespass onto property owned by someone other than the Permittee.

NOTE: The N.C. Division of Water Resources has authorized the project under Water Quality Certification WQC008464 (DWR Project No. 20151087 v5). The water quality certification shall expire on the same day as the expiration date of the corresponding federal permit that is current at the time the certification was issued.

NOTE: The U.S. Army Corps of Engineers has assigned the proposed project SAW Action Id. No. SAW-2025-01509. The U.S. Army Corps of Engineers is reviewing this under an Individual Permit.

NOTE: This permit does not constitute authorization from the U.S. Army Corps of Engineers. Authorization should be received from the U.S. Army Corps of Engineers prior to the commencement of any operations authorized under this permit.

NOTE: The permittee is strongly advised to review and understand all additional permits, approvals or authorizations that may be required, including but not limited to any permits, approvals or authorizations provided by the N.C Division of Water Resources, U.S. Army Corps of Engineers, a National Parks Service Special Use Permit and other state and local regulatory agencies.

NOTE: A permit application processing fee of \$563 was received by DCM for this project. This fee also satisfied the Section 401 application processing fee requirements of the Division of Water Resources.