

**Meeting Minutes  
Interagency Meeting  
NC 12 "Hot Spots"  
June 1, 1999 at 1:30 PM  
Board Room (Room 150), Transportation Building, Raleigh, NC**

Janet D'Ignazio, Chief Officer of Planning and Environment for the North Carolina Department of Transportation, began the meeting by welcoming the resource agencies and explaining the purpose of the meeting. She stated that the conditions along portions of NC 12 are serious and potentially life threatening for people and protected species. NCDOT recognizes that there are strong, valid positions on both sides, and Department wants to try to find workable solution at the technical and staff level. She and her staff are concerned that if there are no workable solutions found the issues will escalate to the political level (Executive Committee of the Outer Banks Task Force or beyond).

Ms. D'Ignazio then explained that the purpose of the meeting was to understand the agencies' positions and proposals regarding NC 12. NCDOT has attempted to determine the best engineering solutions, but are receptive to other alternatives that meet the needs to protect the road. She invited discussion on the following question: Do we at the technical level have recommended solutions that will allow us to protect both transportation access and protected species? If so, then general concepts of the agreements should be outlined. If no solutions can be found, then NCDOT and the resource agencies should discuss the best way to elevate the issues without damaging trust-building with the agencies.

- **Opening Comments from Agencies**

- **US Fish and Wildlife Service (USFWS)**

- **Raleigh Field Office**

- John Hefner stated that he would like to see a change from emergency response to an organized, holistic approach, especially in the Ocracoke region. Kevin Moody commented that there are two tiers of resources: the ecosystem and endangered species. Nesting season of the sea turtles runs from May 1 through November 15, and he feels that the other 5 ½ months of the year is enough time in which to address problem areas. He stated that these areas are chronic problems rather than emergencies, and there is no reason to disturb areas suitable for sea turtle nesting. Mr. Moody believes there are

other alternatives. Winter and spring work damages the ecosystem, but he feels the USFWS has already met NCDOT halfway in allowing beach construction activities during winter and spring months.

- **Pea Island National Wildlife Refuge (NWR)**

John Wallace began by stating the purpose of Wildlife Refuge, as set forth in the National Wildlife Refuge Improvement Act of 1997, is to preserve a network of lands to conserve wildlife habitats for the future. He said that this act, as well as people, would be taken into consideration for any decisions regarding the areas under their agency's purview. He feels that there are no real emergency "hot spots" along NC 12, only chronic maintenance problems, which are not currently life threatening.

- **NC Wildlife Resources Commission (NCWRC)**

Randy Wilson stated that the Commission also sees the NC 12 situation as chronic, and that all involved groups should become proactive in dealing with the area rather than reacting to each storm. Ruth Boettcher commented that a poor precedent would be set if one agency is allowed to work during a sea turtle nesting moratorium, and others are not. Private land owners and agencies have responsibility in realizing that the Outer Banks is a dynamic area and they will likely lose land over time.

- **National Parks Service (NPS)**

Bob Reynolds stated that the mission of the NPS is to preserve natural and cultural resources and provide for their use. The park maintains and preserves flora and fauna processes, as well as unique features of the Cape Hatteras National Seashore. No activities may take place that negatively affect park values. Mr. Reynolds said that the conditions of NC 12 are not life threatening today, but may be in the future. NPS wants to find a plan that is proactive and takes all ramifications into consideration.

- **Dare County**

Terry Wheeler expressed concerns that the State of North Carolina may not be committed to a long-term plan and requested that the county be notified if North Carolina is not willing to spend money on a long-term solution. He stated that 5000 - 6000 people live on Hatteras Island and their livelihoods depend on NC 12. Band-aids should stop being put on it. Sandy Sanderson informed the group that USA Today included NC 12 as one of the most scenic routes in the United States and that portions of the Outer Banks were among

the top 20 scenic beaches in the U.S. At the same time, NC 12 is one of the most dangerous roads in the U.S. He also stated that 40,000 people currently live on the Outer Banks, with an additional 10,000 – 20,000 visitors per day in the summer. Mr. Sanderson's major concern was the loss of NC 12 during an evacuation. He commented that the "medium" nor'easter in early May closed the road; therefore, a major storm could be devastating.

- **Division of Coastal Management (DCM)**

Charles Jones stated that the stopgap measures that have been utilized are consistent with state regulations and CRC rules, but DCM would like to find long-term solutions.

- **NC Department of Transportation (NCDOT)**

In addition to the opening comments provided by Ms. D'Ignazio, Randy Turner stated that a storm could occur at any time that could become life threatening. He requested that protocol be discussed in the event of an emergency situation during the sea turtle moratorium.

Additional discussion is summarized as follows:

- **USFWS**

Mr. Moody commented that there should be more management of the human environment through existing DOT processes and practices, including advocacy and advisory activities in the local Transportation Improvement Program process. Examples of alternative strategies include installation of signs warning of evacuation problems and/or implementation of mass transit.

- **NCDOT**

The Department responded that local governments are responsible for mass transit.

- **NCWRC**

The Commission added that they are not only concerned with the impact of a section of highway, but also development that could negatively impact the environment.

- **NC 12 “Hot Spots”**

Julie Hunkins of NCDOT presented for the agencies’ concerns and/or approval the immediate and interim measures that the Department is proposing for each of the six “hot spots” along NC 12. A copy of the presentation is attached. The individual sites were discussed by the agencies as follows:

- **Site 1 (“Canal Area” - Northern Pea Island)**

DOT’s Proposal:

Immediate: Restore dune line and re-vegetate dune from 0.5 mile south of Oregon Inlet to 2.0 miles south of Oregon Inlet in Dare County (1.5 mile).

Interim: Relocate roadway from 0.5 mile south of Bonner Bridge at Oregon Inlet to 2.0 miles south of bridge and reconstruct dune line in Dare County (1.5 mile).

USFWS commented that restoring and re-vegetating the dune line would fail. Relocating the road is a possible solution if there is enough room on the island to create the correct beach slope.

NWR stated that permits for sand fencing and re-vegetation have been issued.

USFWS asked if the issue with regard to vehicles getting stranded in sand on the roadway is one of public health and safety or driver education. Dare County responded that the issue was public safety since over the years many vehicles have driven into the drifting sand and gotten stuck.

***USFWS and NCWRC agreed that sand fencing may be installed during the sea turtle nesting moratorium, but the sea turtles must be provided with full access to the dunes. This action should be coordinated with NWR.***

- **Site 2 (“Old Sandbag Area”)**

DOT’s Proposal:

Immediate: Reconstruct dune line and stabilize with vegetation from 3.5 miles south of Oregon Inlet extending 3.0 miles southward (between Refuge Visitor Center and Ranger Station) in Dare County (3.0 miles).

Interim: None

This area is not considered to be as critical as other sites at this time. It was agreed that re-stabilization of the dune using vegetation could begin as early as November or December.

***NCDOT will begin the permitting process in order to start work as soon as the sea turtle moratorium is lifted.***

- **Site 3 (“Rodanthe ‘S’ Curves”)**

DOT’s proposal:

Immediate: Construct a new dune line west of existing deteriorated dune and stabilize with vegetation from southern boundary of Pea Island National Wildlife Refuge at Rodanthe extending 1.0 mile northward (immediately north of village of Rodanthe) in Dare County (1.0 mile).

Interim: None

NCDOT explained that approximately 4000 feet of dune would be constructed, but locating a suitable sand source has been problematic to date.

NWR questioned the possibility of securing property rights of privately owned land if homes are destroyed in a storm and there is no dune line and reconstruction of the home is questionable.

The USFWS asked the Department why the proposals are limited to construction on public lands when the “hot spot,” including shoreline with erosion rates in excess of 12 feet per year, clearly included private property. The NCDOT indicated their agency is only permitted to acquire property that is needed for the construction and maintenance of the transportation system and that use of FHWA or NCDOT funding to acquire property for a use other than transportation is highly unlikely due to current regulations.

The USFWS suggested that this is an area where road relocation is still possible, but that rapid development of the Mirlo Beach subdivision might soon make such an alternative prohibitively costly. If beach construction and relocation are viable options, the USFWS believes these alternatives should be considered in every case, whether the lands are public or private. After some discussion about the means of securing different right of way, the USFWS said it could not support the condemnation of private land in this case because the USFWS does not consider the NC 12 "hot spots" to be a life threatening issue. As the USFWS is concerned about adequate planning, they indicated that if willing sellers are found, now is the most opportune time to purchase land for future public benefit. Mr. Moody stated that sources of funding might be found among foundations with which we all work. NCDOT requested a list from the USFWS of the sources most likely to provide funding for land acquisition.

***USFWS and NCWRC consented to immediate installation of sand fencing, which should not impact the sea turtles during the sea turtle moratorium. Permits have already been received for dune reconstruction and stabilization in this area. Both agreed to creation of a secondary dune behind the deteriorated primary dune during the sea turtle nesting season if a suitable sand source can be located; however, this action may be delayed due to the challenges associated with locating a suitable sand source.***

- **Site 4 (Buxton/Canadian Hole)**

DOT's proposal:

Immediate: Construct a sacrificial dune line to protect roadway and follow with installation of sandbags from 0.5 mile north of SR 1231 in Buxton extending 1.0 mile northward (immediately north of Buxton Village) in Dare County (1.0 mile).

Interim: Relocate roadway, re-establish primary dune and re-vegetate from 0.5 mile north of SR 1231 in Buxton extending 1.0 mile northward (immediately north of Buxton Village) in Dare County (1.0 mile).

USFWS requested that group of recognized coastal scientists analyze effectiveness and the possible negative coastal process impacts of the new proposals at this and other locations.

NWR suggested that another short-term solution in this area might be earlier evacuations in the event of a major storm.

***NCDOT will coordinate with USFWS and NPS in putting together a scientific panel of experts to look at the proposed immediate and interim measures, as well as other possible alternatives. The panel will assess their potential effectiveness, possible negative impacts, and make additional suggestions for other immediate and interim measures, as appropriate. NCDOT will also check with the Division of Emergency Management about the possibility of earlier evacuations.***

- **Site 5 (Hatteras Village)**

DOT's proposal:

Immediate: None

Interim: Reconstruct primary dune line from north of SR 1272 in Hatteras Village extending 1000 feet northward (to northern end of Hatteras Village) and relocate National Seashore parking lot in Dare County (0.2 mile).

***The agencies agreed that this site is not as critical, and that no measures will be taken at this time.***

- **Site 6 (Ocracoke Island)**

DOT's proposal:

Immediate: Construct a sacrificial dune line to protect roadway and follow with installation of sandbags from 1.0 mile south of Hatteras ferry terminal extending 3.0 miles southward in Hyde County (3.0 miles).

Interim: Relocate roadway and re-establish primary dune and re-vegetate dunes from 1.0 mile south of Hatteras ferry terminal extending 3.0 miles southward in Hyde County (3.0 miles).

NCDOT explained that sand is available for dune construction in this area, but due to agency concern and comments regarding the sea turtle moratorium, no immediate action is being taken at this time.

USFWS and NCWRC said that work during the moratorium cannot be allowed, but they would be willing to listen to suggestions from a

scientific panel of experts, and consider this information in the context of their agency's missions and the current disposition of NC 12.

Dare County stated that long-term residents in this area are not as concerned about storms and sand in the road. The current situation is no different than it has been in the past few years.

NPS suggested that the Roads and Ferry Divisions work more closely to make better use of time in the event of an emergency.

NCDOT expressed concerns that the roadbed could be undercut if there is no dune protection or dissipation of wave energy, and that the Department would like to work toward threatened and endangered species protocols or a programmatic-type agreement for post-storm activities associated with dune reconstruction.

The USFWS suggested that in the last few years, a number of flood events have led some agencies to conclude that no viable sea turtle nest remain in specific areas, although turtles quickly emerge and lay new nests after storm events have passed. This might provide a 48-hour window of opportunity for NCDOT to construct berms adjacent to the roadway under certain circumstances as a means of providing some amount of protection to the roadway. The USFWS expressed interest in working out the specifics for such activities. While NCDOT acknowledged that this window of opportunity would be beneficial for some post-storm maintenance activities, it is unlikely that construction activities that could prove even moderately beneficial at the hot spot sites could be constructed in such a short timeframe.

***NCDOT will have the scientific panel to look for immediate and interim solutions.***



- **Meeting Summary, Commitments, and Next Steps**

- Summary:

- NCDOT and the resource agencies will meet again after the scientific panel makes their recommendations for immediate and interim measures at the "hot spot" sites.
- NCDOT will work on planning, design, and permits in advance in order to move forward with actions, as appropriate, when funding is available and as permits and Section 7 issues allow. The Department will plan to be ready to start certain work in November 1999 and will plan to circumvent similar conflicts with construction and sea turtle moratoriums.
- All agencies support long-range planning in order to prevent emergency situations.

- Commitments:

- (Site 1 ): USFWS and NCWRC agreed that sand fencing may be installed during the sea turtle nesting moratorium, but the sea turtles must be provided with full access to the dunes. This action should be coordinated with NWR.
- (Site 2): NCDOT will begin the permitting process in order to start work as soon as the sea turtle moratorium is lifted.
- (Site 3): USFWS and NCWRC consented to immediate installation of sand fencing, which should not impact the sea turtles during the sea turtle moratorium. Permits have already been received for dune reconstruction and stabilization in this area. Both agreed to creation of a secondary dune, although this action will probably be delayed due to the challenges associated with locating a suitable sand source.
- (Site 4): NCDOT will coordinate with USFWS and NPS in putting together a scientific panel of experts to look at the proposed immediate and interim measures, as well as other possible alternatives. The panel will assess their potential effectiveness, possible negative impacts, and make additional suggestions for other immediate and interim measures, as appropriate. NCDOT will also check with the Division of Emergency Management about the possibility of earlier evacuations.
- (Site 5): The agencies agreed that this site is not as critical, and that no measures will be taken at this time.
- (Site 6): NCDOT will have the scientific panel to look for immediate and interim solutions.

- Next Steps
  - NCDOT will set up a panel of scientific experts to analyze all sites.
  - NCDOT and USFWS will discuss Section 7 protocols (reasonable and prudent measures) necessary to fix the road immediately after a storm.
  - All agencies will review meeting minutes and respond with revisions, corrections, clarifications, and/or acceptance of the meeting minutes.