

**Appendix B:**  
**Request for a Federal Consistency Determination**

This page intentionally left blank.



**United States Department of the Interior**  
**NATIONAL PARK SERVICE**



**OUTER BANKS GROUP**

Fort Raleigh National Historic Site

Wright Brothers National Memorial

Cape Hatteras National Seashore

1401 National Park Drive

Manteo, North Carolina 27954

IN REPLY REFER TO:

N16 (CAHA)

October 23, 2008

Mr. Stephen Rynas  
Federal Consistency Coordinator  
NC Division of Coastal Management  
400 Commerce Avenue  
Morehead City, NC 28557-3421

Project: Relocation of Bodie Island U.S. Coast Guard Station Complex,  
Cape Hatteras National Seashore  
Via: Federal Express Overnight Service

Dear Mr. Rynas:

Enclosed please find Cape Hatteras National Seashore's above captioned submittal requesting a Consistency Determination for the relocation of the Bodie Island Complex at Cape Hatteras National Seashore under CFR Subpart C 930.30, et seq.

The National Park Service (NPS) preserves and protects a unique collection of U.S. Life Saving Service (USLS) and U.S. Coast Guard (USCG) Stations at Cape Hatteras National Seashore. The collection is unique because it contains at least one representative structure from each of the four USLS construction periods (1874; 1878; 1880-1888; and 1894-1905). Cape Hatteras National Seashore proposes to relocate the Bodie Island U.S. Coast Guard Station Complex (the Complex) from its current location to a nearby site on Bodie Island to protect the structures from encroachment of the Atlantic Ocean and shoreline erosion. A coastal risk assessment modeling of physical processes influencing Cape Hatteras National Seashore identified that the Complex was the Seashore's cultural resource site at the greatest risk of loss due to the combined threats of shoreline retreat, inlet formation, and overwash. Since NPS policy is to allow natural shoreline processes to occur unimpeded on barrier islands and North Carolina law do not allow hardening shorelines, relocation of these historic structures is the only means by which they can be protected from the Atlantic Ocean within the next five years. Relocation of these historically significant structures would facilitate their

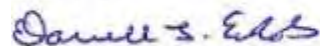
rehabilitation and occupancy to support park operations and protect an important cultural resource.

As more definitively set out below, in accordance with Section 307(c)(1) of the Federal Coastal Zone Management Act of 1972, as amended, Cape Hatteras National Seashore has determined that the proposed action is consistent to the maximum extent practicable with the enforceable policies of North Carolina's approved coastal management program. This determination is based on the review of the proposed project's conformance with the enforceable policies of the States coastal program found in Chapter 7 of Title 15A of the North Carolina Administrative Code.

A review of the Dare County Land Use Plan discloses that the proposed activity is in conformance with Policy Nos. 8 and 14. Relocation of the Complex is consistent with the objectives of the National Park Service's Management Policies (2006), Cape Hatteras National Seashore's General Management Plan / Development Concept Plan / Environmental Assessment (1984), and various other relevant, NPS-generated preservation and restoration documents. Details of the determination are provided through submission of the enclosed supporting narrative and Environmental Assessment (EA). The enclosed EA was prepared in accordance with the National Environmental Policy Act of 1969, as amended, and it is anticipated that the project will receive a Finding of No Significant Impact to the Environment.

We request the Division of Coastal Management to concur with this consistency determination. Again, we appreciate the cooperation and assistance your staff has afforded me and the Seashore. Our project contacts for this filing are Meghan Carfioli (252-473-2111 x135) and Steve Thompson (252-473-2111 x 121).

Sincerely,



Darrell L. Echols  
Deputy Superintendent  
Enclosures

cc:

Dare County Field Representative  
Division of Coastal Management  
Washington District Office  
943 Washington Square Mall  
Washington, NC 27889

Ms. Jami Hammond  
National Park Service  
100 Alabama Street SW  
1924 Building  
Atlanta, GA 30303



**Relocation of the Bodie Island USCG Station Complex  
Federal Consistency Determination  
United States National Park Service  
Outer Banks Group  
Cape Hatteras National Seashore  
Dare County, North Carolina  
October 23, 2008**

**Project Description**

The National Park Service's Outer Banks Group (hereinafter variously referred to as the "Park", the "National Seashore" or the "Cape Hatteras National Seashore") seeks a consistency concurrence from the North Carolina Division of Coastal Management (CAMA) for the relocation of the Complex on Bodie Island within Cape Hatteras National Seashore.

The National Park Service (NPS) preserves and protects a unique collection of U.S. Life-Saving (USLS) Service and U.S. Coast Guard (USCG) Stations at Cape Hatteras National Seashore. The collection is unique because it contains at least one representative structure from each of the four USLS Service construction periods (1874; 1878; 1880-1888; and 1894-1905). Cape Hatteras National Seashore proposes to relocate the Bodie Island U.S. Coast Guard Station Complex (the Complex) from its current location to a nearby site on Bodie Island to protect the structures from encroachment of the Atlantic Ocean and shoreline erosion. A coastal risk assessment modeling of physical processes influencing Cape Hatteras National Seashore identified that the Complex was the Seashore's cultural resource site at the greatest risk of loss due to the combined threats of shoreline retreat, inlet formation, and overwash. Since NPS policy is to allow natural shoreline processes to occur unimpeded on barrier islands and North Carolina law do not allow hardening shorelines, relocation of these historic structures is the only means by they can be protected from the Atlantic Ocean within the next five years.

The Complex is comprised of three historic structures which are locally significant as representative of the architecture and operations of the USLS Service and USCG on the Outer Banks of North Carolina: 1879 USLS Station; 1916 Boat House; and 1925 Coast Guard Station. This group of three historic structures is listed on the National Register of Historic Places. The remaining vestiges of the USLS Service and USCG facilities are among the most culturally significant resources at Cape Hatteras National Seashore.

The site currently occupied by the Complex on Bodie Island is centrally located on the island, at approximately 5.2 linear miles south of the Seashore's northern entrance at Whalebone Junction and 4.5 linear miles north of Oregon Inlet. Preparation of the structures for relocation is expected to result in temporary disturbance of soils. All site activities would be limited to a 0.15 acre or less at the USLS Station / Boat House site and 0.9 acre or less at the USCG Station. The total acreage of 100-year floodplain impacted at the formerly occupied site is 0.05 acre.

The concrete foundation of the USCG Station and the wood pilings for the USLS Station and Boat House would remain on-site because these components are considered culturally significant features of the historic structures. The access roads, parking areas, and concrete walkways would remain on-site to be considered for use as potential staging areas for a future action (see Widening and Repaving NC 12, page 49 in the EA, for details) and subsequently removed as mitigation for floodplain impacts resulting from that action. Septic systems would be removed or closed in accordance with applicable state and federal regulations. The site would be revegetated. The 0.3-mile long stretch of the dune located immediately east of the Complex would not be repaired unless dune blow-out results in sand accumulation on NC 12 that impedes vehicular passage. The NPS would work with NCDOT to restore normal traffic passage on

NC 12. Repair and maintenance of dunes within Cape Hatteras National Seashore was previously determined to be consistent with the State's coastal management program (see CD07-015 - Consistency Concurrence for Proposed Maintenance and Repair of Access Ramps and Dunes, on an as Needed Basis, for a Period of Three Years, Dare County, North Carolina (DCM#20070017)," issued on April 13, 2007 by the Division of Coastal Management).

The relocation site is located approximately 0.6 linear miles south of the current site occupied by the Complex. The relocation site is located at the intersection of NC 12 and Lighthouse Bay Drive. Site preparation activities at the relocation site would temporarily impact 0.38 acre north of Lighthouse Bay Drive and 0.38 acre south of Lighthouse Bay Drive. These activities include vegetation clearing and grubbing; installation of pilings to support the buildings; modification of existing underground utilities to provide service to the relocated buildings; establishment of two mound septic systems; installation of the structures and porous pavers as the parking area surface. The long-term impact area associated with relocation of the buildings (e.g., pilings, parking areas, septic systems) is 0.21 acre north of Lighthouse Bay Drive and 0.14 acre south of Lighthouse Bay Drive. Overall, the new impact to floodplain functions and values in the short-term would be minor, adverse and occur on 1.81 acres. The long-term impacts to the floodplain functions and values of relocating the three historic structures and establishment of support facilities would be negligible, adverse, and limited to a total area of 0.35 acre.

The average beach erosion rate, as of 2004, in the project area ranges from 8.7 to 10.2 feet per year, with increasing erosion rates in the southern portion of the project area. The setback factor is 8.5 at for the site currently occupied by the structures and 10 at Coquina Beach, east of the relocation site. Since the total area of new impact at the relocation site is estimated at 15,088 sq. ft. (0.35 acre), which has a setback factor is 65, and the average beach erosion rate is 10, so the relocation site should be at least 650 feet from the first line of natural stable vegetation. The relocation site is located approximately 750 feet from the first line of natural stable vegetation, well-beyond the required setback distance, and therefore meets this requirement.

Relocation of the Complex is consistent with the objectives of Cape Hatteras National Seashore's *General Management Plan / Development Concept Plan / Environmental Assessment* (NPS 1984); *Statement for Management* (NPS 1985); *Resources Management Plan* (NPS 1996); *Bodie Island Life-Saving Station and Boat House Historic Structure Report* (Opperman 2005a); *Bodie Island Coast Guard Station Historic Structure Report* (2005b); *Bodie Island Life-Saving Station: Relocation and Preservation Treatment* (NPS 2006b); *Bodie Island Coast Guard Station: Relocation and Stabilization* (NPS 2006c).

#### Construction Requirements

The NPS proposes to implement the relocation beginning in the winter of 2008. Construction would be limited to the fall and winter to minimize the potential for adverse impact on the public and wildlife on Bodie Island.

All building preparation and vehicle activities would be limited to a 0.5 acre surrounding the USLS Station / Boat House site and the USCG Station site, for a total area of potential vegetation disturbance upto a 1 acre. Construction vehicles would use existing paved surfaces to the maximum extent possible. However, building preparation and transportation activities would occur on undeveloped soils within each of these sites. Site soils are fine sands that can migrate easily, and the depth of soil impact is expected to be limited to the top 12 inches. Migration of soils would be controlled by limiting the area of potential disturbance in concert with the maintenance of silt fencing. Construction zones would be identified and fenced with construction tape, snow fencing, or some similar material prior to any construction activity. Other E & S controls would be placed where need to protect wetlands and dunes. Potential staging areas are available as needed for the temporary staging of materials and parking of construction vehicles. The existing paved parking area at the US Coast Guard Station (23,760 sq. ft.) would be used as the staging

area. If necessary, additional staging areas to be considered are at Coquina Beach parking area, the “bone yard” located near the Bodie Island Lighthouse, and the Bodie Island Maintenance Area.

The relocation site would be prepared for the installation of the structures and associated support facilities. A construction access entrance would be established where the parking would be established following building relocation. Construction vehicles would be restricted to the uplands, and silt-fencing and other site-appropriate materials would be installed to minimize the potential for impacts to the nearby wetlands. The clearing and grubbing of vegetation at the relocation site would include the clearing of 0.76 acre. This cleared area would facilitate the relocation of the structures and serve as a fire break in the long-term. Vegetation would be cleared from the site and chipped.

All of the following ground disturbing activities would occur within the cleared of vegetation area (0.76 acre). Pilings to support the structures would be installed to support the relocated structures. Upon completion of the site preparation activities, the structures would be relocated and set upon their pilings. Utility services would be connected. Ground disturbing activities would include installation of hook-ups to the existing utilities at the relocation site. An underground water line, electrical, cable, and phone lines exists on-site and would be tapped into to provide for services to the USCG Station and the USLS Station. The site does not currently have septic drain field or sewer system service. A mound septic system would be established for each of the buildings and sized accordingly. A 3,750 sq. ft. mound septic system would be installed for the USLS Station, and a 5,000 sq. ft. mound septic system would be installed for the USCG Station. In total, the mound systems would occupy 0.26 acre. Rock used in soil absorption systems shall be clean, washed gravel or crushed stone and graded or sized in accordance with size numbers 3, 4, 5, 57, or 6 of ASTM D-448 (standard sizes of coarse aggregate). Soil used in soil absorption systems shall have a soil texture of sand or loamy sand. The top 6 inches of the mound system shall have a finer texture for the establishment of a vegetative cover. The slope of the site shall not exceed 2 percent.

Parking and driving surfaces would be established using porous pavers (e.g., TurfStone®) to serve the USLS Station / Boat House site and the USCG Station. In total 0.21 acres would be prepared with porous pavers to establish parking and driving surfaces at the relocation site.

#### NEPA Compliance

Internal NPS, interagency, and public scoping have been held for this project over the last four years. Scoping was initiated in 2004 by the staff of Cape Hatteras National Seashore and resource professionals of the NPS’s Southeast Regional Office. This interdisciplinary process defined the purpose and need, identified potential actions to address the need, determined what the likely issues and impact topics would be, and identified the relationship, if any, of the proposed action to other planning efforts at the Seashore. Since 2004, the NPS has identified numerous potential relocation sites and associated impacts to park resources, visitor use and enjoyment of the Seashore, and other impacts associated with relocation of these structures. The NPS has consulted with numerous other Federal, state and local agencies and stakeholders about this proposed action.

An Environmental Assessment (EA) for the proposed relocation has been prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, as amended; regulations of the Council on Environmental Quality (CEQ) (40 CFR 1508.9); and NPS Director’s Order (DO) #12: *Conservation Planning, Environmental Impact Analysis, and Decision-Making* (2001a). This EA also complies with Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended. The EA presents alternatives for the proposed relocation of the three historic structures comprising the Complex on Bodie Island. The EA analyzes the potential impacts these alternatives would have on the natural, cultural, and human environment.

The EA was recently made available for internal review by the NPS and the North Carolina Division of Coastal Management (September 29, 2008). The EA will soon be ready for a 30-day public comment period. It will be published on the NPS' website, Planning, Environment and Public Comment (<http://parkplanning.nps.gov/caba>).

**Site Inspection.** Numerous site inspections have been made by Park staff, County and community leaders, Army Corps of Engineers staff, the local CAMA representative to identify the preferred building configuration which minimizes the potential for adverse impacts on the environment, while maintaining the historic relationships of the structures to each other and the Atlantic Ocean.

**Timing.** To minimize adverse impacts on people and wildlife, construction activities would occur in the off-season months (fall-winter).

**Maintenance.** Restoration of the structures to their historic condition would commence following relocation. The long-term maintenance of the structures would be minimal.

**Conformity.** This application is submitted to ensure conformity with 15 CFR Part 930 which fully maintains the authority and ability of North Carolina to review proposed federal actions that would have a "reasonably foreseeable effect" on any land or water use or natural resource of North Carolina's coastal zone, as provided for and in the CZMA and NOAA's regulations, as revised in 2000, "to the maximum extent practicable". Cape Hatteras National Seashore believes that the relocation of these historic structures and establishment of associated support facilities (e.g., parking, septic mound systems) is fully in conformity and fully consistent to the maximum extent practicable with the standards and management objectives of North Carolina's State Guidelines for: Areas of Environmental Concerns, 15A NCAC 07H.0101, et seq.; The Estuarine and Ocean Systems, 15A NCAC 07H.0201, et seq.; and Ocean Hazard Areas, 15A NCAC 07H.0301, et seq.

### **Design Alternatives**

The project is environmentally compatible with the use of the area as public recreation beaches and wilderness.

An alternate to the proposed relocation of the three historic structures was the no-action alternative. Under this alternative, the three structures would remain at their current locations and in their current conditions. The three structures would be maintained in good condition to the maximum extent possible because of their uniqueness as representative architectural styles in a complete set of historically significant structures. In accordance with the Seashore's GMP and NPS-28, all feasible measures would be implemented to avoid impairment and minimize adverse effects on their integrity. The 0.3-mile long stretch of the dune located immediately east of the Complex would continue to be repaired by the NPS, as needed to be protective of the historic structures and not adversely impact species of special concern. Repair and maintenance of dunes within Cape Hatteras National Seashore was previously determined to be consistent with the State's coastal management program under a federal consistency concurrence, "CD07-015 - Consistency Concurrence for Proposed Maintenance and Repair of Access Ramps and Dunes, on an as Needed Basis, for a Period of Three Years, Dare County, North Carolina (DCM#20070017)," issued on April 13, 2007 by the Division of Coastal Management.

### **Public Access to the Coasts**

Public access is specifically identified as one of the key priorities of the Coastal Zone Management Act (CZMA) of 1972. In its Declaration of Policy, it states:

"The Congress finds and declares that it is the national policy...to encourage and assist the states to exercise effectively their responsibilities in the coastal zone through the development and implementation



of management programs to achieve wise use of the land and water resources of the coastal zone, giving full consideration to ecological, cultural, historic, and esthetic values as well as the needs for compatible economic development, which programs should at least provide for – public access to the coasts for recreation purposes” [§1452. Section 303(2) (E)].

The proposed relocation of the Bodie Island USCG Station has no impact on the foregoing Congressionally declared national policy to provide public access to costal areas for recreational purposes.

### **Dare County Land Use Plan**

Dare County's Land Use Plan Policy No. 8 supports the preservation and protection of the public's right to access and use of the public trust areas and waters. The County's Policy No. 14 supports the shoreline access. The County's Policy No. 29 advocates the protection of historically significant structures. The establishment of the proposed relocation of the three historic structures directly furthers these policies.

### **Areas of Environmental Concern (AEC)**

The proposed project is in compliance with the Coastal Management Act and is consistent with the Coastal Management Program of North Carolina.

**15A NCAC 07H .0302 Significance of the Ocean Hazard Category** recognizes public as well as private ownership within the ocean hazard area and the vast number of visitors to the coast and the intensity of interest in the coastal area which portrays the area which is the subject of this submittal.

**15A NCAC 07H .0303 Management Objectives of Ocean Hazard Areas** while stating the need to protect primary and frontal dunes, it is the CRC's objective to provide policies and standards to eliminate unreasonable danger to life and property while balancing financial, safety and social factors in hazard area development. The purpose of CRC Rules includes the objective to protect present common-law and statutory public rights of access to and the use of lands and waters of the coastal area. The project which is the subject of the consistency determination strikes that balance by avoiding the dune area.

**15A NCAC 07H .304 AECS Within Ocean Hazard Areas** defines the areas within the ocean hazard system which includes among others the Ocean Erodible Areas and Unvegetated Beach Areas. The first line of stable natural vegetation in the proposed area is well established and setbacks are all meet well beyond the stated standards as calculated under the applicable erosion rate.

**15A NCAC 07H .0306 General Use Standards for Ocean Hazard Areas** establishes the standards for planned development to protect life and property while allowing public development “consistent with to general management objectives for ocean hazard areas set forth in Rule 0303 of this Section.” The Main Section also sets out in considerable detail the limitations on development in the Ocean Hazard Areas depending upon the location of the existing dune fields, setbacks from the vegetation lines and structure limitations based upon interior square footage and proposed uses. This project furthers the common-law and statutory public right of access to public trust lands and waters in the ocean hazard areas and furthers the management objectives set out in Section 15A NCAC 07H .0303.

**15A NCAC 7H .0510 Significant Coastal Historic Architectural Resources** establishes management objectives for the protection of significant coastal historic architectural resources. The project meets the management objectives of 07H .0510.

### **North Carolina Coastal Program Policies**

**15A NCAC 07M .0300 Shorefront Access Policies** establishes management objectives to ensure public access to public beaches and waters. The proposed relocation of the Complex and removal of associated support facilities (e.g., impervious parking areas) does not alter the availability of authorized, existing public beach access routes.

**15A NCAC 07M .0800 Coastal Water Quality Policies** establishes management objectives for waters of the State within the coastal area that has a potential for uses which require optimal water quality. The proposed action would not degrade or deteriorate the water quality of the Pamlico Sound or Atlantic Ocean.

### **Required State, Federal, and Local Permits**

No permit from the U.S. Army Corps of Engineers (USACE) Regulatory Office is required for the performance of the work and no public notice coordination for the permit is required.

This project complies with conditions of the North Carolina Division of Water Quality's (NCDWQ) General Water Quality Certification (GC) and would not cause a substantial modification to waters or wetlands.

### **Supporting Documentation**

Enclosure:

*Relocation of the Bodie Island USCG Complex Environmental Assessment, NPS Internal Draft*  
(October 2008)

### **Conclusion**

This proposed project would not have "significant impacts" to coastal resources. The project would have no effect on the public's access to a variety of recreational and natural areas in the coastal zone, their understanding and experiences in the natural environment. The proposed project is consistent, to the maximum extent practicable, with the enforceable policies of North Carolina's federally approved coastal management program.

October 23, 2008