

APPENDIX B: REQUEST FOR A FEDERAL CONSISTENCY  
DETERMINATION



Federal Express

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

Re: PRA-CAHA 10(2) NC 12 Improvements  
Federal Consistency Review

Dear Mr. Rynas:

The Federal Highway Administration (FHWA), in cooperation with the National Park Service (NPS), respectfully requests a Federal Consistency Determination for the proposed roadway improvements to NC 12 at Cape Hatteras National Seashore. The improvements include resurfacing of the existing pavement, replacement of four existing culverts, and widening of the existing two-foot shoulders to create five-foot wide shoulders; from Whalebone Junction south for 5.28 miles. The existing transportation facility has deteriorated and poses a potential safety hazard to motorists. Additional information is provided in the enclosed Environmental Assessment. The draft Environmental Assessment for the proposed improvements to NC 12 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.

In accordance with Section 307(c)(1) of the Federal Coastal Zone Management Act of 1972, as amended, the FHWA, in cooperation with the NPS, 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 State's coastal program found in Chapter 7 of Title 15A of the North Carolina Administrative Code. The proposed action is also consistent with the Dare County Land Use Plan. Improvements to NC 12 are consistent with the objectives of the National Park Service's Management Policies (2006) and Cape Hatteras National Seashore's General Management Plan / Development Concept Plan / Environmental Assessment (1984).

We respectfully request that the Division of Coastal Management concur with this consistency determination. Enclosed for your review you will find the supporting narrative, the draft Environmental Assessment, and the project plans. If you have any questions, or require any additional information, please contact Ms. Lisa Landers, at [Lisa.Landers@dot.gov](mailto:Lisa.Landers@dot.gov) or (571) 434-1592.

Sincerely,

Kevin S. Rose  
Environmental Compliance Specialist

Enclosures

cc:

- Ms. Meghan Carfioli, Natural Resource Manager, National Park Service, Outer Banks Group, Manteo, NC
- Mr. Gregory Robinson, Public Health Service Specialist, National Park Service, Outer Banks Group, Manteo, NC
- Mr. Kent Cochran, Southeast Region FLHP Coordinator, National Park Service, Atlanta, GA
- Mr. Michael Murray, Superintendent, National Park Service, Outer Banks Group, Manteo, NC (hardcopy)

**Federal Consistency Determination  
United States National Park Service – Outer Banks Group  
Federal Highway Administration – Eastern Federal Lands Highway Division**

**NC 12 Improvements  
Cape Hatteras National Seashore  
Dare County, North Carolina**

**February 13, 2010**

The Coastal Zone Management Act (CZMA) of 1972 requires that a Federal agency provide the State of North Carolina with a Consistency Determination when a Federal agency proposes any activity inside or outside of the coastal zone that will have any reasonably foreseeable effect on any coastal resources or uses within the coastal zone.

The National Park Service (NPS), in cooperation with the Federal Highway Administration (FHWA), proposes to make improvements to NC 12 from Whalebone Junction south for a distance of 5.28 miles (Figure 1). The NPS maintains this portion of NC12, and the improvements would be constructed entirely on NPS property within the Cape Hatteras National Seashore on Bodie Island. The proposed improvements to NC 12 would have reasonably foreseeable effects on coastal resources and uses within the project area.

The NPS and FHWA seek concurrence with the determination that the proposed project (as described below) is consistent to the maximum extent practicable with the enforceable policies of North Carolina’s approved coastal management program.

**Project Description**

The proposed project is Alternative C as described in the *NC 12 Improvements Environmental Assessment* (EA). The existing pavement of NC 12 has degraded. This degradation is evident from the visible fatigue cracking, rutting, settling, and potholes, particularly in the southbound lane. The Whalebone Junction parking area and vehicle pullouts are also experiencing similar pavement degradation, such as cracking (USDOT 2009). The Whalebone Junction Information Station serves as a visitor contact station, and welcomes visitors to the Cape Hatteras National Seashore (hereafter referred to as “the Seashore”). Vehicle pullouts are located along NC 12, and serve as trailheads to the hunting blind trails and access to a wildlife viewing scenic overlook. Gravel has previously been placed at the pullouts beyond the paved area to offer additional parking area for motorists and reduce the rutting of the surrounding vegetated areas. Motorists continue to park on the vegetated areas, rather than the paved and graveled surfaces. To better inform the public of parking availability and reduce impacts to surrounding vegetated areas, pull-off areas need to be better delineated.

In addition to the pavement degradation, there are also four corrugated metal pipe culverts in three locations (one location has two culverts side by side) that have also degraded. These culverts are rusted, and holes through the culvert are visible. One of these culverts is also shorter than the vegetated roadway shoulders and requires plastic delineators to warn motorists and park employees mowing the vegetated areas.

NC 12 is a two-lane roadway with 11-foot paved lanes and 2-foot paved shoulders. The posted speed limit is 55 mph. Bicyclists currently use the roadway, and travel in the 2-foot shoulders alongside vehicles traveling at high speeds. The close proximity of cyclists causes a potential for conflicts with vehicles. Expanded paved roadway shoulders are available along other portions of NC 12 both north and south of the project area. South Old Oregon Inlet Road (also known as SR 1243 and Beach Road), running parallel to NC 12 through the Nags Head residential area, has a paved side multi-use path with numerous intersection and driveway crossings. This paved side path presently better serves children and basic bicyclists but is not considered ideal for experienced riders due to the frequent driveway crossings, many of which have limited sight distance. The NCDOT Division 1 has constructed and plans to construct widened paved shoulders, four feet total on each side of the roadway, to accommodate bicycle use. The widened shoulders are planned to extend for 42 continuous miles, with the exception of this 5.28 mile segment, which is not under the jurisdiction of NCDOT.

The proposed project would include resurfacing of the existing deteriorated roadway pavement. Several options regarding the resurfacing of NC 12 are under consideration, and would be refined during final design of the proposed action. Resurfacing would most likely include milling of the existing pavement and recycling this material into a new asphalt wearing surface and/or overlaying asphalt over the existing roadway surface. The resurfacing strategy chosen would be based on factors such as cost, life-expectancy, and durability.

The paved shoulders would be expanded. At the edge of the existing pavement the vegetation and soils would be removed to create an area to place approximately five inches of aggregate base. The five-foot-wide shoulders would be in accordance with the Guide for the Development of Bicycle Facilities, published by the American Association of State Highway and Transportation Officials, which recommends that paved shoulders be at least four feet wide to accommodate bicycle travel.

Five parking areas located along the project area would be milled and/or paved. The Whalebone Information Station parking area would be repaved within the existing pavement limits. A small gravel and grass section within the parking area would be paved. Four existing paved pull-offs along the road would be repaved to match their existing dimensions. Three of the pull-offs include an additional gravel area extending beyond the paved area. The gravel was placed due to vehicles parking in the grass beyond the paved pull-off. In order to discourage vehicles from parking beyond the paved area, the gravel will be removed, and bollards would be placed adjacent to the pullout. Gravel will be left in place where needed to create a trail to the wildlife overlook and hunting blind trails.

Wooden bollards would be replaced where necessary, and regulatory and warning signs would be replaced to ensure that there is adequate retroreflectivity. Retroreflectivity is the reflection of light, typically in the form of vehicle headlights, at night-time.

Along NC 12, three culvert locations contain culverts that have deteriorated and are beyond their useful life. These locations are at approximately mile 1.86, 2.67, and 3.13 (measuring south from Whalebone Junction – mile 0.0). At mile 1.86 there are two

culverts placed parallel to each other. Both of these culverts would be replaced with the same size and length culverts. Mile 2.67 has a single culvert. This culvert would be replaced with the same size and length culvert. The culvert at mile 3.13 is currently too short. The ends of the culvert are within the vegetated shoulder and recovery zone, and are indicated as a potential hazard to motorists with plastic delineators. This culvert would be replaced with the same diameter culvert, though it would be longer. In order to replace the culverts, an area surround the culverts would be contained and the water would be pumped out.

Coordination with the NC Department of Environment and Natural Resources would continue through the finalization of the project design to determine whether permanent BMPs are necessary to treat stormwater created from the widened shoulders.

Coordination to date has indicated that vegetated swales would work best in a linear transportation system to improve infiltration of stormwater. Infiltration allows the pollutants in stormwater to be filtered. The 5.28 mile-corridor was analyzed to determine where placement of stormwater features is feasible. The measured available roadside recovery (clear zone) width of NC 12 varies between 15 and 20 feet along the 5.28-mile length of roadway. First, the mowed, maintained vegetated shoulder and side slope area was analyzed to determine where the swales would fit without impacting wetlands. A vegetated swale would require approximately 12 feet from the edge of pavement. Then, the roadway was analyzed to determine the super-elevation. Super elevation is the tilting of the roadway to offset centripetal forces developed as a vehicle goes around a curve. A flat roadway section will have a crown, where the center of the roadway is higher. The crown makes rainfall drain to both edges of the road. A super elevation makes rainfall drain to only one side of the road. The analysis of the super elevation was done to ensure that if required to treat stormwater, the swales would only be placed on sides of the road collecting rainfall drainage.

Alternative C was identified as the Preferred Alternative because it best meets the objectives for the project. Alternative C would maintain NC 12 as safe public access by repairing and/or replacing components of the road that have deteriorated, including the pavement, bollards, signs, and culverts. Potential conflicts between vehicles, pedestrians, and bicyclists using NC 12 would be reduced by the construction of widened paved shoulders. Visitor access along Bodie Island would be improved by the repaired road and widening shoulders which support multi-modal use of the transportation facility. Impacts to natural, cultural, and scenic and aesthetic resources would be minimized by constructing the shoulders adjacent to the existing roadway, limiting the addition of fill material and recycling materials such as topsoil and fill material as possible. Additional detail regarding the identification of the Preferred Alternative is available in the EA, Chapter 2, Preferred Alternative.

#### *Traffic Control during Construction*

Portions of NC 12 would be closed to traffic in order to resurface the roadway and replace the culverts. During lane closures, one lane of traffic would be closed, and traffic in the north and south bound directions would alternate use of the open traffic lane. Signs and flaggers would be in place to direct traffic.

### *Staging*

Staging would take place in previously disturbed, paved areas. Locations that may be used for staging include the paved area which previously served as an access road and parking for the U.S. Coast Guard Station or the Bodie Island Maintenance Facility, located just south of the southern end of South Old Oregon Inlet Road. Construction vehicles would be parking at the staging location when not in use, and materials (such as aggregate and topsoil) would be stockpiled there.

### *Construction Timing and Duration*

Construction would most likely take place in the spring or fall. Asphalt plants are in operation from March 15<sup>th</sup> through December 15<sup>th</sup>; therefore, the proposed project must be constructed during this time frame. Construction would also be timed to avoid the peak visitor season for the Seashore during the summer months. It is estimated that Alternative C would be constructed in 14 weeks. Construction would not take place during any moratorium periods identified by resource or permitting agencies.

### *NEPA Compliance*

An Environmental Assessment for the proposed project has been prepared in accordance with the National Environmental Policy Act of 1969, as amended; regulations of the Council on Environmental Quality (40 CFR 1508.9); and NPS Director's Order #12: Conservation Planning, Environmental Impact Analysis, and Decision-Making. This EA also complies with Section 106 of the National Historic Preservation Act of 1966, as amended. The EA presents alternatives for the proposed roadway improvements, and analyzes the potential impacts that these alternatives would have on the natural, cultural, and human environment.

The EA will soon be published on the NPS's website, Planning, Environment and Public Comment (<http://parkplanning.nps.gov/caha>) for a 30-day public review and comment period.

### *Conformity*

This application is submitted to ensure conformity with 15 CFR Park 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". The FHWA and NPS believe that the proposed project 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 Environment Concerns, (15A NCAC 07H.0101, et seq.); The Estuarine and Ocean Systems (15A NCAV 07H 0201, et seq.), Ocean Hazard Areas (15A NCAC 07H.0301 et seq.) and Natural and Cultural Resource Areas (15A NCAC 07H.5301, et seq.).

## Other Alternatives Considered

Additional alternatives were considered in order to meet the purpose and need, as described in the EA in Chapter 1: Purpose and Need. These alternatives include: Alternative A – No Action Alternative, Alternative B – Road Improvements, Alternative D – Multi-use Trail Separate from NC 12 – Both Sides and Alternative E – Multi-Use Trail Separate from NC 12 – One Side. A detailed discussion of these alternatives can be found in the EA in Chapter 2.

Under Alternative A, no substantial improvements other than routine maintenance operations would be performed. Routine road maintenance operations include pavement repairs such as crack sealing and pothole patching. The culverts would be maintained, but not replaced. There would be no change in the width of the paved shoulder. Additional gravel may be placed at the pull-offs to repair the rutting and vegetation loss caused by motorists driving beyond the paved areas of the pull-off. Emergency repairs and replacements of the road surface or culverts may be necessary. Alternative A would not meet any of the objectives of the project. Therefore Alternative A was not identified as the Preferred Alternative (see EA Chapter 2, Preferred Alternative).

Under Alternative B, improvements to NC 12 would be performed. The deteriorated road pavement would be resurfaced, but the road shoulders would not be widened. Five parking areas in the project area would also be resurfaced. The Whalebone Junction Information Station parking area would be repaved within the existing pavement limits, and a small gravel and grass section would also be paved. Four existing paved pull-offs would be repaved to match their existing dimensions. Excess gravel would be removed at three of the pull-offs. Wooden bollards and signs would be replaced. Four deteriorated culverts located at three locations would also be replaced. Traffic control, staging, and mitigation measures would be similar to Alternative C; however, the duration would be shorter, and mitigation measures would not include removal of pavement or the construction of permanent BMPs. Although Alternative B would meet most of the objectives for the project, Alternative B would not meet the objective to reduce potential conflicts between vehicles, pedestrians, and bicyclists using NC 12. Therefore, Alternative B was not identified as the Preferred Alternative (see EA Chapter 2, Preferred Alternative).

Under Alternative D, a six-foot wide multiple-use paved trail would be constructed parallel to NC 12 on each side of the road, at a distance of five feet from the edge of the existing road. The construction of a paved trail five feet from the existing road would increase the footprint of the transportation corridor and would require the placement of fill material. Wetlands are located along most of NC 12 at the edge of the vegetated clear zone. Alternative D would permanently fill approximately two acres of wetlands. This would result in an unacceptable amount of wetland impacts. Therefore, Alternative D was dismissed from further consideration.

Under Alternative E, a ten-foot wide multiple use trail would be constructed parallel to NC 12 on one side of the road. The trail would be located five feet from the edge of the existing road, and would also increase the footprint of the transportation corridor. Alternative E would permanently fill approximately three acres of wetlands. This

Alternative would also be difficult to tie into the existing widened paved shoulders north and south of the project area. Users would also have to cross two lanes of NC 12 in order to access the trail, causing a potential conflict with vehicles traveling at high speeds along NC 12. Alternative E would result in an unacceptable amount of wetland impacts, unacceptable design challenges, and an unacceptable potential for conflicts between users of NC 12 and the trail. Therefore, Alternative E was dismissed from further consideration.

### **Consistency with North Carolina's Coastal Management Program**

The proposed improvements to NC 12 on Bodie Island within Cape Hatteras National Seashore are consistent to the maximum extent possible with the enforceable policies of North Carolina's Administrative Code, Title 15A, Chapter 7, Coastal Management.

### **15A NCAC 07H: State Guidelines for Area of Environmental Concern**

North Carolina's Coastal Area Management Act (CAMA) establishes a state management plan that is capable of rational and coordinated management of coastal resources and recognizes that the key to more effective protection and use of the land and water resources of the coast is the development of a coordinated approach to resource management. The two mechanisms to accomplish the objective of coordinated resource management are development of local land use plans (developed in accordance with 15A NCAC 07B) and designation of areas of environmental concern (AECs) for the protection of areas of statewide concern within the coastal area.

#### *Dare County Land Use Plan*

Bodie Island is located within Dare County, North Carolina, and the Dare County Land Use Plan (2003) details the approved policies for coordinated resource management within the county. Of these policies, the following are applicable to the proposed improvements to NC 12:

Policy #8 - Dare County supports the preservation and protection of the public's right to access and use of the public trust areas and waters.

Policy #14 - Dare County supports North Carolina's shoreline access policies as stated in 15A NCAC 7M, Section .0303. Dare County recognizes shoreline access to both ocean and estuarine shorelines as a key component in the local tourist economy.

Policy #18 - Development projects shall be designed and constructed to minimize detrimental impacts on surface water quality, groundwater quality and air quality. Structures should be designed to fit the natural topographic conditions and vegetation versus modifications to natural conditions to accommodate structures.

Policy #30 - Dare County supports the maintenance of preserve areas for wildlife habitat and access to the public to these areas for managed wildlife harvesting and observation.

Policy #33 - Stormwater runoff should be managed to the greatest degree possible to protect the water quality of the public trust waters surrounding Dare County, particularly Class SA waters.

Policy #34 - Dare County recognizes the public health issues associated with mosquitoes and standing areas of water and the public safety issue for motorists presented by stormwater ponding on roadways.

Policy #46 - Dare County recognizes the vital importance of NC 12 to Hatteras Island and the need to protect this transportation route, including Bonner Bridge.

Policy #64 - Dare County recognizes the vital importance of tourism to our local economy and supports efforts to maintain our status as a desirable place to visit and vacation. Dare County also recognizes the need to address the infrastructure and service demands of our seasonal populations.

Policy #67 - Dare County supports the development and construction of sidewalks, bike paths, greenways, and other walking/jogging trails to provide a safe setting for these types of outdoor recreation and as alternative transportation routes.

The proposed improvements to NC 12 would enhance the public's ability to access shoreline areas and public waters within Cape Hatteras National Seashore on Bodie Island by improving this vital transportation facility on the Outer Banks; maintaining all of the existing access pull-offs and improving these facilities which serve as trailheads to hunting blind trails and wildlife viewing scenic overlook; and widening the road shoulder to provide a safer facility for all of its users. The proposed improvements have been designed to avoid or minimize the potential for adverse impacts on natural and cultural resources, while improving opportunities for recreational use within this coastal area. Potential adverse impacts on natural and cultural resources were avoided or minimized to the maximum extent possible through scoping sessions with other Federal and state agencies; reinvesting in the existing facility; minimizing the area of ground and wetland disturbance; and evaluating the direct, indirect, and cumulative impacts of the proposed action in an Environmental Assessment. Best Management Practices will be used to mitigate anticipated adverse impacts on natural resources. Recreational use within this coastal area will be maintained during the construction period by maintaining one lane open to vehicular traffic and improved after the highway facility improvements aimed at reducing safety hazards for motorists, bicyclists, and pedestrians.

#### *Areas of Environmental Concern*

15A NCAC 07H .0200 – The Estuarine and Ocean Systems. Included within the Estuarine and Ocean Systems are the following AEC categories: Estuarine Waters, Coastal Wetlands, Public Trust Areas, and Estuarine and Public Trust Shorelines. Best Management Practices (BMPs) would be implemented during construction to minimize the impacts of erosion and sedimentation on estuarine waters and public trust areas. Permanent BMPs, such as grasses swales may be constructed, if necessary, to treat stormwater from the new impervious area or existing impervious areas may be removed to offset impacts. Coastal wetlands were identified and mapped during a site visit with a CAMA representative. Coastal wetlands and shorelines would not be impacted by the

proposed improvements to NC 12.

15A NCAC 07H .0300 – Ocean Hazard Areas. Included within the Ocean Hazard Areas are the following AEC categories: Ocean Erodible Area, High Hazard Flood Area, Inlet Hazard Area, and Unvegetated Beach. The proposed project is not located within these AEC categories; therefore, the proposed improvements to NC 12 would not impact Ocean Erodible Area, High Hazard Flood Area, Inlet Hazard Area, and Unvegetated Beach AECs. The Setback distance of 360 feet (Federal projects) was used for the southernmost portion of the project area. The NPS has determined that the proposed NC 12 improvements project area (road plus 30 feet construction corridor on either side) is not within the Setback area (Figure 2). The distance from the centerline of NC 12 to the outer edge of the 360-foot Setback is 132 feet.

15 NCAC 07H .0400 – Public Water Supplies. Included within the Public Water Supplies AECs are the valuable small surface water supply watersheds and public water supply well fields. Small surface water supply watersheds and public water supply well fields are not located within the project area. Therefore, the proposed improvements to NC 12 would not impact these AECs.

15A NCAC 07H .0500 – Natural and Cultural Resource Areas. Included within the Natural and Cultural Resource Areas are the following AEC categories: Coastal Areas That Sustain Remnant Species, Coastal Complex Natural Areas, Unique Geological Formations, Significant Coastal Archeological Resources, Significant Coastal Historic Architectural Resources. Geologic and cultural resource related AECs would not be impacted by the proposed improvements to NC 12 because these AECs do not occur within the project area. The Bodie Island Roadside Ponds and Marshes Significant Natural Heritage Area is located adjacent to the project area. The Area is significant because within this area are some of the most heterogeneous marshes in North Carolina. They are also an important feeding area for snow geese, and are used by large numbers of marsh birds and water birds. Increased noise from construction activities would disrupt the birds utilizing the Area. These birds would likely relocate within the Area further away from NC 12 and would return when construction is completed.

*15A NCAC 07M: General Policy Guidelines for the Coastal Area*

15A NCAC 07M .300 – Shorefront Access Policies. It is the policy of the State to “foster, improve, enhance and ensure optimum access to the public beaches and waters of the 20 county coastal region,” while avoiding infringement on the rights of affected property owners and protecting important coastal natural resources. Maintenance and improvement of public access to shoreline areas on Bodie Island is consistent with this guideline. Public access is specifically identified as one of the key priorities of the CZMA. The proposed improvements to NC 12 would support the congressionally declared national policy to provide public access to coastal areas for recreational purposes. The improvements to NC 12 would improve public access to public beaches and waters by repairing existing vehicular access and enhancing pedestrian and bicyclist access along the widened road shoulders.

15A NCAC 07M .0700 – Mitigation Policies. It is the policy of the State of North Carolina to “require that adverse impacts to coastal lands and waters be mitigated or

minimized through proper planning, site selection, compliance with standards for development, and creation or restoration of coastal resources.” The widening of the shoulders associated with the existing NC 12 rather than constructing a stand-alone multiple-use trail minimizes impacts to coastal lands. Widening the shoulders of the existing road would increase pavement width by a total of six feet. Construction of a stand-alone multiple-use trail would require 10-12 feet of pavement width. Widening of the shoulders in the mowed grass clear zone would impact a previously disturbed upland area constructed on fill material. Construction of a stand-alone trail would impact two to three acres of wetlands. The amount of riprap to be placed to protect the new culverts would be minimized to the extent possible. BMPs would be implemented during construction to minimize the impacts of erosion and sedimentation to coastal lands and waters. Topsoil, fill material, asphalt, and other construction materials would be recycled to the extent possible. The proposed improvements would have localized and negligible to minor impacts to natural resources.

15A NCAC .0800 – Coastal Water Quality Policies. The State of North Carolina declared that “no land or water use shall cause the degradation of water quality so as to impair traditional uses of the coastal waters... [and] that the general welfare and public interest require that all state, federal and local agencies coordinate their activities to ensure optimal water quality.” The proposed improvements to NC 12 have been planned to avoid and minimize adverse impacts on coastal resources and uses, in accordance with all applicable standards. BMPs would be implemented during construction to minimize the impacts of erosion and sedimentation to water quality. Permanent BMPs, such as grassed swales, may be implemented if necessary to treat stormwater from the new impervious area. Existing impervious area may be removed in order to offset the impacts of creating new impervious area. The proposed improvements would have localized, short-term, minor impacts to water quality while construction activities are occurring. Traditional uses of the coastal waters would not be impaired.

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

Permits are anticipated to be required from the U.S. Army Corps of Engineers (Clean Water Act Section 404 Permit – Nationwide), North Carolina Division of Water Quality (National Pollutant Discharge Elimination System, Clean Water Act Section 401 Water Quality Certification, CAMA Major Permit, and Coastal Stormwater Permit), and North Carolina Division of Land Resources (Erosion and Sediment Control Certificate of Approval).

### **Conclusion**

The proposed improvements to NC 12 would have reasonably foreseeable impacts on coastal resources and uses within the project area. The proposed project will have a localized, minor adverse impact on coastal resources within the existing previously disturbed project area. The proposed project will have a localized, beneficial impact on coastal uses by improving the public’s access to public beaches and waters within the coastal zone. In accordance with Section 307(c)(1) of the Federal Coastal Zone Management Act of 1972, as amended, the FHWA, in cooperation with the NPS, 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 State's coastal program found in Chapter 7 of Title 15A of the North Carolina Administrative Code.



Figure 1. Project area (NC OneMap 2009)



## NC 12 Improvements - CAMA Setbacks (DRAFT)



Figure 2. Setback area (NPS 2010)