

**DARE COUNTY
NORTH CAROLINA**

**THE DARE COUNTY BOARD OF COMMISSIONERS MINUTES
August 12, 2003**

The Dare County Board of Commissioners met in a workshop session with the US Fish & Wildlife Services and the Department of Transportation at 2:00 p.m. on August 12, 2003, in the Dare County Administrative Annex in Manteo. Commissioners present were: Warren Judge, John Robert Hooper, Renée Cahoon, Richard Johnson, Cheryl Byrd, Virginia Tillett, and Stan White. Also present were Manager Terry Wheeler and Attorney Norma Mills. Chairman Judge opened the meeting.

ITEM 1 – INTRODUCTION OF DOT MEMBERS AND USFWS MEMBERS

The following were present:

Jon Andrew, USFWS-Atlanta; Mike Bryant, USFWS-Dare County; Gary Jordan, USFWS - Raleigh; Garland Pardue, USFWS - Raleigh; Lyndo Tippett, NCDOT Secretary, Roger Sheats, NCDOT-Secretary's Office; Jennifer Harris, NCDOT-POEA; Don Conner, NCDOT-Edenton; Susan Coward, NCDOT-Raleigh; Dan DeVane, NCDOT-Raleigh; Paul Sutherland, Mayor of Southern Shores, Sherry Rollason, Mayor of Kill Devil Hills, Bill Culpepper, NC House District 2, and Rolf Blizzard, Senator Marc Basnight's Office.

ITEM 2 – DISCUSSION ON REPLACEMENT OF OREGON INLET BRIDGE

Chairman Judge presented Dare County Board of Commissioners Position on Oregon Inlet Bridge as follows.

The Dare County Board of Commissioners expresses the following concerns regarding the proposed preferred alternative for the replacement bridge at Oregon Inlet:

- 1. Access: Access to the Pea Island National Wildlife Refuge must be maintained in a manner that permits the same use and enjoyment of the refuge that exists today, including:**
 - a. complete access twenty four hours per day, seven days per week;**
 - b. vehicular access on a paved, two-lane road (Highway 12);**
 - c. preservation of the State's right to maintain and repair Highway 12, even in the event of a full breach of the road.**

- 2. South Terminal Groin: The south terminal groin that currently gives some stability to Oregon Inlet, and that protects the beaches and habitat on the north end of Pea Island, the historic Coast Guard Station, and prime recreational fishing areas must be preserved and maintained.**

- 3. Time Frame: The replacement bridge must be designed so as to be fully funded and constructed on a time frame that guarantees completion by 2010.**

We, the Dare County Board of Commissioners, request that these concerns be fully considered and addressed in any alternatives studied by the Department of Transportation and the U.S. Fish & Wildlife Service.

Chairman Judge expressed the great concern of the citizens as well as visitors who do not want to lose the 12 miles plus of beach and recreational opportunity. He opened the floor for discussion.

Jon Andrew, USFWS in Atlanta, expressed appreciation for the concise statement of what Dare County wants on the project. He outlined two major issues:

- 1. ROAD- (Highway 12) He noted the USFWS was looking at Alternative 4. Their view is the road (Hwy 12) has been there 45 years. Some of their regulations have changed with regard to maintenance and right of ways, but their records are clear that they have cooperated in that respect. As far as the road staying, the issue of who would maintain it and how would it be maintained if Alternative 4 occurred, which would bypass that stretch of the island. USFWS' budget does not have the capability to take care of the road should it stay in place. They would not be opposed to the road staying in place but the issue is who will pay for it, which could get expensive to keep it opened. A part of their mission is to facilitate and provide access. Their budget would not be sufficient enough to keep the road opened.**
- 2. GROIN - In regard to the groin, the permit states that once that purpose is no longer being met then two years following that time, the groin needs to be removed. If the bridge is bypassed and the road goes around to the south end of Pea Island the purpose for which the groin was built in the permit is no longer there. A new permit request for a different purpose other than maintaining the stability of the bridge could be entertained. It would be up to the applicant, whomever would apply. The current permit is not written in such a way that it would allow USFWS to keep the groin indefinitely without going through another permit process.**

Chairman Judge felt the Board would rather get a permit sooner than later. USFWS concurred with the sooner the better.

Rolf Blizzard, representing Senator Basnight, noted that USFWS mentioned bird habitat quite a bit and wondered if they had evaluated the fishing habitat in the area of the groin. If the groin were removed, they would lose valuable fish habitat in that area. USFWS has not evaluated the fish issue since their responsibility ends at the high tide area.

Commissioner Cahoon stressed that the issue of access and the bridge are intertwined and if the Board endorsed the 17-mile bridge, they would lose any access.

Commissioner Johnson felt the most critical issue is stabilizing the inlet and keeping the groin.

Commissioner Tillett questioned if the USFWS was interested in helping Dare County to maintain the groin. USFWS responded that they were not contrary to Dare County's interest, but they could not ignore the mandate issued by Congress in terms of managing the refuge. USFWS has had a record of managing the road and working with Dare County. They will work with the county to whatever extent they can.

Vice Chairman Hooper noted a general concern of Hatteras Island residents was their electrical lines. He also could not support the 17-mile bridge.

Mayor Rollason of Kill Devil Hills went on record to express the concerns of the KDH Board, which are similar to those outlined. The bridge will affect all of Dare County.

Mayor Sutherland of Southern Shores, noted that the 17-mile bridge makes no sense. They need more people who can say "yes" rather than "no".

Commissioner Johnson asked DOT if they had prepared any studies regarding the navigational traffic with the removal of the groin and the new bridge and if DOT has done anything to keep the groin in place in regard to permits.

Jennifer Harris, DOT, responded no.

Roger Sheats, NCDOT Secretary's Office, stated that the best move is to place the bridge in a place where it can be maintained for transportation for 75 years. DOT can finish the bridge by 2010 and it is financially feasible. DOT is not intending to deal with the rest of the issues. Timing of these issues would necessitate separating the issues so they can deal with the practical matter such as the transportation matter. To keep them tied together would cause both issues to collapse.

Commissioner White reminded that Alternative 1 is the better solution but is not compatible to the 1997 legislation, meaning that it cannot be done.

Don Conner, DOT, noted that in order to maintain NC Highway 12, as they do now would be difficult. Their objective now is to get the road opened as soon as possible. He supposed that the road could be maintained as long as there was no great rush to remove the sand as they do now and spend millions of dollars trying to do that. The maintenance of the three hot spots could become quite expensive.

Jennifer Harris, DOT, noted that a big part of what the Merger Team considered was the reality of the hot spots. There is more evidence that the 1st hot spot is creeping southward. The long bridge would be reliable transportation and DOT is trying to move the bridge forward. That is why the access and groin issue need to be separated.

Chairman Judge asked if DOT could commit today to maintaining the current Highway 12 road if they built the 17-mile bridge.

Lyndo Tippett, DOT Secretary, noted that it was one of the issues that continued to be a public comment, which he could not answer.

Chairman Judge noted that on 12/6/01 the Board of Commissioners left Raleigh with the knowledge that they were 10 months away from the beginning construction of a replacement bridge west of the current location but basically in the same location. The Refuge Adjustment Management Act of 1997 was already on the books. He did not think that from 2001 until when the Merger Team came out with this latest proposal that the dynamics of Highway 12 would change significantly. The fact that the road would last only 25 years should have already been on the table. He questioned why that bridge was canceled, which was only two years ago.

Jennifer Harris responded that in the fall of 2001 the final Environmental Impact Statement was sent out, which evaluated the original preferred alternative, which was west of the existing bridge. The reason it was canceled is DOT began learning more about the hot spot locations because there had been some modeling done by Dr. Fisher. Agencies began saying that they would have to get permits. In July of 2002, the first meeting of the Merger Team began discussing the purpose and needs, which was the replacement of the bridge. Following that, in July of 2002 they began drawing the map and February they first looked at the alternative, considering the location of the hot spots.

Rolf Blizzard noted that the problem with Alternative 4 right now is three concerns (1) money (2) maintaining the access to the northern end of Pea Island and (3) maintaining the groin. Before the county could commit to any bridge plans they would like to see better comfort with the funding and especially the access and groin.

Lyndo Tippet, DOT Secretary, noted that the funding has been resolved one way or another and they should focus only on the issues remaining.

Chairman Judge asked if DOT would make a permit application as soon as possible to retain the groin.

Roger Sheats recommended that the Board encourage the Corps of Engineers to request a permit. DOT does not have the basis to apply for the permit application.

Chairman Judge questioned about the US Coast Guard Station and its future.

Rolf Blizzard questioned if the fish habitat could stop the removal of the groin?

Commissioner Johnson asked if DOT had addressed an accident on the 17-mile bridge.

Jennifer Harris responded that there would be a meeting to take into account of the needs to be incorporated on a bridge that long.

Commissioner Cahoon noted that part CEQ's commitment was to maintain the Oregon Inlet Waterways as a right of passage, which means the Corps of Engineers must have a plan for that sand on a continual basis. If DOT would consider that the hot spots get nourishment on a regular basis from that mandate as a decision to build a 17-mile bridge instead of a shorter bridge, then they may have a ready supply of beach nourishment money for sand available to protect Highway 12.

Jon Andrew noted that their record in the past is that they get picky about what kind of sand they would accept but have accepted beach nourishment over the

years. They would encourage COE to move the sand to a place where it would have naturally been had it not been removed.

Rolf Blizzard asked if the existing bridge were repaired would USWFS require the removal of the groin. DOT is not considering the rehab of the existing bridge.

There are piling issues that must be dealt with.

Roger Sheats recommended the Board invite Dr. Fisher to come in order for them to better understand that part of DOT's decision making process.

COMMISSIONER TILLET LEFT AT 4:15 P.M.

Rolf Blizzard noted that the Board of Commissioners had raised a lot of concerns and these concerns were shared by Senator Basnight. He hoped there would be some type of progress report since this is a phase approach?

Bob Peele with Wanchese Seafood Industrial Park urged the Board to partner either with the state or county to be a co-applicant to any permit application that goes in regard to keeping the groin in place.

Chairman Judge noted that Dare County did not want to come to the ribbon cutting in the future and not have access resolved.

COMMISSIONER JOHNSON LEFT AT 4:20 P.M.

Roger Sheats noted that DOT wanted to have this resolved by 2005 and in 2 years have their mission resolved regarding the bridge.

Chairman Judge expressed appreciation to DOT and USFWS for coming and making a presentation and hoped they could meet on a quarterly basis and possibly in October.

AT 4:25 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS
RECESSED UNTIL 6:00 P.M. ON AUGUST 12, 2003 TO HOLD A WORKSHOP
WITH THE DARE COUNTY PLANNING BOARD AT THE DARE COUNTY
JUSTICE CENTER – COURTROOM B.

THE NEXT REGULAR MEETING WILL BE AT 9:00 A.M. ON SEPTEMBER 2,
2003.

Respectfully submitted,

By: Francis W. Harris
Fran Harris, Clerk



APPROVED:

By: Warren Judge
Warren Judge, Chairman
Dare County Board of Commissioners