

North Carolina Department of Natural and Cultural Resources
State Historic Preservation Office

Ramona M. Bartos, Administrator

Governor Roy Cooper
Secretary Susi H. Hamilton

Office of Archives and History
Deputy Secretary Kevin Cherry

September 18, 2020

Daniel Govoni
NCDENR

daniel.govoni@ncdenr.gov

ER 20-1459

Re: General Management Plan Amendment, Wright Brothers National Memorial, Dare County, ~~ER 20-1820~~
ER 20-1820 deleted 10/07/2020/- KBH

Dear Mr. Govoni:

Thank you for your letter of August 17, 2020, concerning the above project.

We have conducted a review of the project and are aware of no historic resources which would be affected by the project. Therefore, we have no comment on the project as proposed.

The above comments are made pursuant to Section 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation's Regulations for Compliance with Section 106 codified at 36 CFR Part 800.

Thank you for your cooperation and consideration. If you have questions concerning the above comment, contact Renee Gledhill-Earley, Environmental Review Coordinator, at 919-814-6579 or environmental.review@ncdcr.gov. In all future communication concerning this project, please cite the above referenced tracking number.

Sincerely,

A handwritten signature in blue ink that reads "Renee Gledhill-Earley".

for Ramona Bartos, Deputy
State Historic Preservation Officer

Coastal Zone Management Act Federal Consistency Determination

for

General Management Plan Amendment

Wright Brothers National Memorial

August 2020

Table of Contents

1	Federal Agency Purpose and Action	1
2	North Carolina Coastal Area Management Act	7
2.1	Areas of Environmental Concern.....	7
2.1.1	15A NCAC 07H .0200 (Estuarine and Ocean System).....	8
2.1.2	15A NCAC 07H .0300 (Ocean Hazard Areas)	9
2.1.3	15A NCAC 07H .0400 (Public Water Supplies)	10
2.1.4	15A NCAC 07H .0500 (Natural and Cultural Resource Areas).....	10
2.2	General Policy Guidelines.....	12
2.2.1	15A NCAC 7M .0200 (Shoreline Erosion Policies)	12
2.2.2	15A NCAC 7M .0300 (Shorefront Access Policies).....	12
2.2.3	15A NCAC 7M .0400 (Coastal Energy Policies)	13
2.2.4	15A NCAC 7M .0500 (Post-Disaster Policies).....	13
2.2.5	15A NCAC 7M .0600 (Floating Structure Policies)	13
2.2.6	15A NCAC 7M .0700 (Mitigation Policy).....	13
2.2.7	15A NCAC 7M .0800 (Coastal Water Quality Policies)	14
2.2.8	15A NCAC 7M .0900 (Policies on use of Coastal Airspace).....	14
2.2.9	15A NCAC 7M .1000 (Policies on Water- and Wetland-Based Target Areas for Military Training Areas).....	14
2.2.10	15A NCAC 7M .1100 (Policies on Beneficial and Availability of Materials Resulting from the Excavation or Maintenance of Navigational Channels).....	14
2.2.11	15A NCAC 7M .1200 (Policies on Ocean Mining)	14
3	North Carolina Dredge and Fill Law	15
4	Dare County Coastal Management Policies	16
4.1	Re-development – Policy LUC#8.....	16
4.2	Archaeological/Historic Resources – Policy LUC #15.....	17
5	Other Anticipated Permits	18
6	Conclusion	19

List of Figures

Figure No.	Description	Page
Figure 1	Project Vicinity	3
Figure 2	Existing Conditions.....	5
Figure 3	Proposed Action.....	6

1

Federal Agency Purpose and Action

Wright Brothers National Memorial commemorates the first successful power-driven airplane flight, which was made by Wilbur and Orville Wright at Kitty Hawk, North Carolina, on December 17, 1903. The 428-acre park, listed in the National Register of Historic Places in 1966, protects historic resources including the site where the Wright brothers conducted their experiments, the Wright Brothers Monument, and several commemorative markers. Wright Brothers National Memorial is in Kill Devil Hills, North Carolina, in the region of barrier islands known today as the Outer Banks (figure 1). As shown in figure 2, the 428-acre park includes the takeoff point of the four powered flights made by the Wrights on December 17, 1903, marked by a boulder (First Flight Marker) that was dedicated in 1928. Four smaller granite markers were installed in November 1992 to identify each of the landing sites. The Wright Brothers Monument, erected in 1932 on Kill Devil Hill, is a 60-foot, triangular-shaped structure constructed of concrete and Mount Airy, North Carolina granite.

The National Park Service (NPS) is preparing a General Management Plan Amendment (GMPA) for the park that will review existing strategies in the park's existing General Management Plan (GMP) (issued in 1997) and develop long-term strategies to provide new visitor and administrative facilities, improve the visitor experience, share the story of the Wright brothers, and maintain the important commemorative landscape. Under this GMPA, the park would improve the visitor experience and provide adequate administrative space for the park and its partners.

Management actions would include:

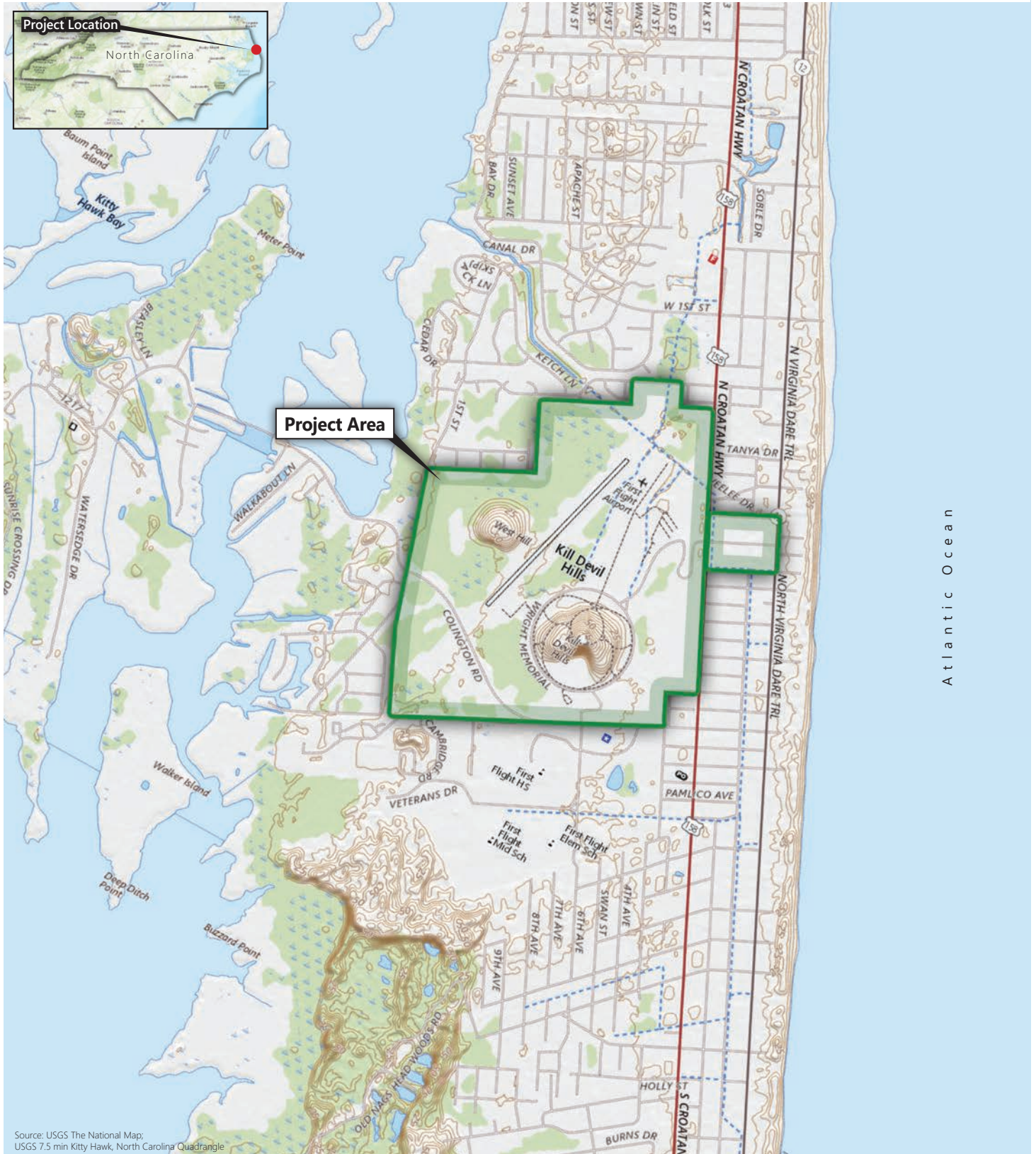
- › removing remaining Centennial Pavilion area structures;
- › repurposing the administrative building near the maintenance facilities and relocating an existing administrative trailer;
- › constructing a new open-air interpretive/educational pavilion with enclosed restrooms;
- › installing RV sites for park housing and administrative use;
- › coordinating with the Town of Kill Devil Hills to potentially develop the 15-acre parcel across from the park to include beach parking and picnic areas;
- › adding vegetation screening and selectively thinning vegetation to improve views throughout the park;
- › redesigning the visitor center parking lot within the existing footprint for improved circulation and drop-off;
- › adding a multiuse path to improve access to park resources; and
- › adding new benches, shade structures, and waysides for visitor comfort and interpretation.

These improvements are needed because the existing GMP is over 20 years old and conditions at the park have changed. Additionally, the current arrangement of park facilities providing interpretation, administration, and partner services has resulted in some issues, including the following:

- › The remaining Centennial Pavilion structures were intended to be temporary, are located directly in the historic viewshed, and detract from the memorial landscape and setting.
- › There is no sheltered programming or educational space for large groups.
- › There is limited office and storage space for NPS and partners.

There are also opportunities to improve visitor comfort and circulation throughout the site. For example, there are opportunities to provide shaded seating for visitors to rest, particularly during the heat of the summer. There are also opportunities for additional pedestrian walkways and paths to discourage pedestrian use of the roadways throughout the site.

For these reasons, there is a need to improve wayfinding, circulation, interpretation, NPS staff and partner facilities, and vegetation within the project area, while at the same time maintaining the memorial character of the park.



General Management Plan Amendment

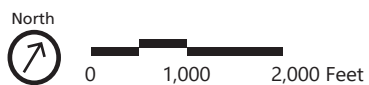


FIGURE 1
Project Vicinity



Aerial photograph showing spatial relationship of park features



Temporary Centennial Pavilion and structures to be removed



LEGEND

- A** Visitor Center
- B** Visitor Center Parking Lot
- C** Overflow Parking Area
- D** Fee Booth and Entrance Road
- E** Centennial Pavilion Area
- F** Mall
- G** First Flight Marker
- H** Flight Line
- I** Wooded Areas
- J** Wright Brothers Monument
- K** Pilot's Facility
- L** Maintenance Complex
- M** Administrative Offices
- N** December 17, 1903 Sculpture
- O** Former Park Housing Area
- P** Undeveloped Parcel
- Project Boundary

General Management Plan Amendment

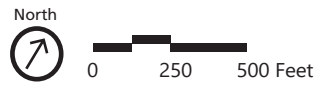
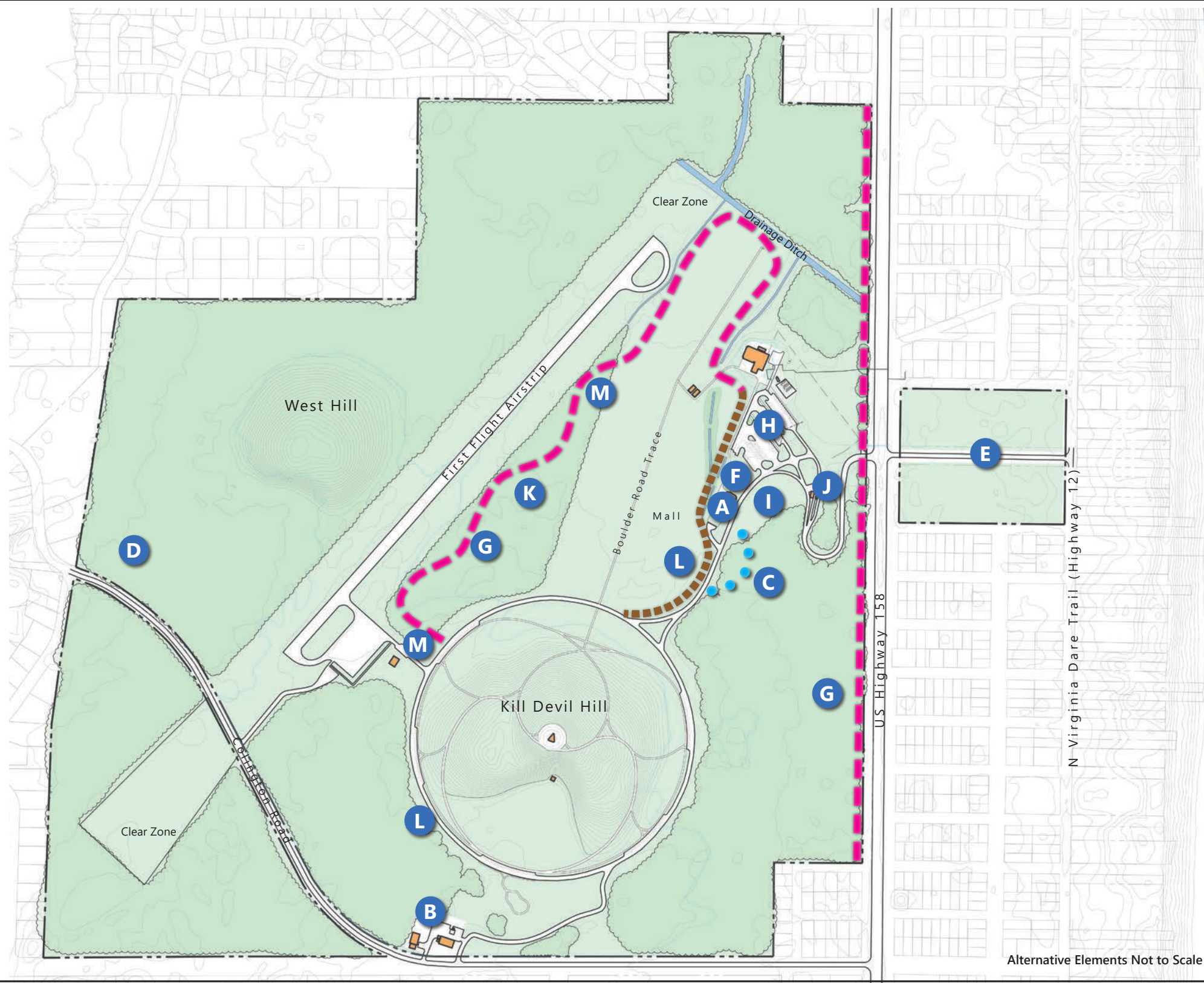


FIGURE 2
 Existing Conditions



LEGEND

- A** Remove Centennial Pavilion Area Structures
 - B** Modify/Expand Administrative Offices to Include NPS Office Space
 - C** Add New Interpretive/Educational Pavillion
 - D** Install 8 RV Pads at Site of Previous Seasonal Housing
 - E** Develop Half of Parcel to Provide Beach Parking, Bus Overflow Parking, and Picnic Tables
 - F** Add New Vegetation Screening to Reduce View of Parking Lots from Monument
 - G** Selectively Clear Vegetation Adjacent to Airstrip and Highway 158
 - H** Improve VC Parking Lot Design including Drop-off Area
 - I** Create Formal Entrance to Overflow Parking Area
 - J** Provide Automated Fee Collection and Potentially Remove Fee Booths
 - K** Add Overlooks along New Pathway for Viewing Airstrip
 - L** Strategically Place Benches, Shade Structures, and Interpretive Media along Pedestrian Sidewalk
 - M** Strategically Place Benches and Interpretive Media Along Multiuse Pathway
- Multi-Use Paved Pathway
 - Paved Sidewalk
 - Hardened Trail to Interpretive/Educational Pavillion
 - Project Boundary

Alternative Elements Not to Scale

General Management Plan Amendment

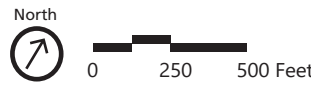


FIGURE 3
 Proposed Action

2

North Carolina Coastal Area Management Act

In 1972, Congress passed the Coastal Zone Management Act (CZMA), which encouraged states to keep the coasts healthy by establishing programs to manage, protect, and promote the country's fragile coastal resources. Two years later, the North Carolina General Assembly passed the landmark Coastal Area Management Act (CAMA). CAMA required local land use planning in 20 coastal counties and provided for a program for regulating development. The North Carolina Coastal Management Program was federally approved in 1978 by the National Oceanic and Atmospheric Administration (NOAA).

2.1 Areas of Environmental Concern

North Carolina's coastal zone includes the 20 counties that are adjacent to, adjoining, intersected by, or bounded by the Atlantic Ocean or any coastal sound, including Dare County where the Proposed Action would occur. There are two tiers of regulatory review for projects within the coastal zone. The first tier includes Areas of Environmental Concern (AECs) as designated by the state. AECs have more thorough regulatory controls in place than other areas and include coastal wetlands, coastal estuarine waters, public trust areas, coastal estuarine shorelines, ocean beaches, frontal dunes, ocean erosion areas, inlet lands, small surface water supply watersheds, public water supply well fields, and fragile natural resource areas. The second tier includes areas with land uses that have the potential to affect coastal waters, even though they are not defined as AECs. The coastal zone extends seaward to the three-nautical-mile territorial sea.

An AEC is an area of natural importance and its classification protects the area from uncontrolled development. AECs include almost all coastal waters and about three percent of the land in the 20 coastal counties. The four AECs are as follows:

1. The Estuarine and Ocean System, which includes public trust areas, estuarine coastal waters, coastal shorelines, and coastal wetlands.
2. The Ocean Hazard System, which includes components of barrier island systems.
3. Public Water Supplies, which include certain small surface water supply watersheds and public water supply well fields.
4. Natural and Cultural Resource Areas, which include coastal complex natural areas; areas providing habitat for federal or state designated rare, threatened, or endangered species; unique coastal geologic formations; or significant coastal archaeological or historic resources.

The following is an analysis of the applicability of policies designed to protect AECs to the proposed plan and the NPS determination of no impact to North Carolina's coastal zone.

2.1.1 15A NCAC 07H .0200 (Estuarine and Ocean System)

15A NCAC 07H .0205 defines and establishes management objectives for coastal wetlands in order "to conserve and manage coastal wetlands so as to safeguard and perpetuate their biological, social, economic and aesthetic values, and to coordinate and establish a management system capable of conserving and utilizing coastal wetlands as a natural resource necessary to the functioning of the entire estuarine system." The proposed project would be located entirely within uplands and would not impact coastal wetlands; therefore, the project is consistent within these management objectives and policies.

15A NCAC 07H .0206 defines and establishes management objectives for estuarine waters in order "to conserve and manage the important features of estuarine waters so as to safeguard and perpetuate their biological, social, aesthetic, and economic values; to coordinate and establish a management system capable of conserving and utilizing estuarine waters so as to maximize their benefits to man and the estuarine and ocean system." The proposed project would not impact estuarine or ocean systems; therefore, implementation of the Wright Brothers National Memorial GMPA project would be consistent with these management objectives and policies.

15A NCAC 07H .0207 defines and establishes management objectives for public trust areas in order "to protect public rights for navigation and recreation, and to conserve and manage the public trust areas so as to safeguard and perpetuate their biological, economic and aesthetic values." The proposed development would be located entirely within upland areas and will not extend into a navigable waterway or public trust area; therefore, the project is consistent with these management objectives and policies.

15A NCAC 07H .0209 defines and establishes management objectives for estuarine shorelines and public trust shorelines in order to ensure that shoreline development is "compatible with the dynamic nature of coastal shorelines as well as the values and the

management objectives of the estuarine and ocean system." The following key development standards were reviewed and considered during project development, as relevant:

- › preserving natural erosion barriers (peat marshland, resistant clay shorelines, and cypress-gum fringe areas)
- › minimizing the construction of impervious surfaces
- › observing mandatory standards of the NC Sedimentation Pollution Control Act of 1973
- › minimizing impacts to estuarine resources, including coastal wetlands, submerged aquatic vegetation (SAV), and shellfish beds

Canal and ditch systems drain water from the memorial landscape to a canal system that flows to the Albemarle Sound. Construction activities within the park have the potential to affect the quality and quantity of water draining to the sound via these ditches. The proposed action would require a total of approximately 5.3 acres of land disturbance. This includes land disturbance for removal of the Centennial Pavilion structures, construction of the new interpretive/educational facility, reconfiguration of the visitor center parking lot within the existing footprint, addition of a formal entrance to the overflow parking lot, construction of RV sites and associated road widening, construction of a paved multiuse path, and installation of wayside exhibits, shade structures, and overlooks.

Some new features would increase the impervious surfaces throughout the park, including the new multiuse pathways (approx. 2.7 acres), wayside exhibits (approx. 0.01 acre), new interpretive/educational facility with access pathway (approx. 0.09 acre), and new RV sites and associated facilities (approx. 0.4 acre); other actions would reduce the impervious surfaces, including removal of the Centennial Pavilion structures (approx. 0.7 acre). Overall, this project would increase the impervious surfaces throughout the park by approximately 2.5 acres. The net increase in impervious surfaces throughout the park under the proposed action may increase stormwater runoff; however, site improvements would be designed to take stormwater runoff into account and would include appropriate drainage facilities, to be determined during future design phases of the project. Site design would also consider the park's existing ditch system and measures that would be in place for erosion and sediment control; therefore, impacts to water quality and water quantity would be minimized. The Wright Brothers National Memorial GMPA would be consistent with these management objectives and policies.

2.1.2 15A NCAC 07H .0300 (Ocean Hazard Areas)

15A NCAC 07H .0303 defines and establishes management objectives for ocean hazard areas in order "to eliminate unreasonable danger to life and property and achieve a balance between the financial, safety, and social factors that are involved in hazard area development." The proposed Wright Brothers National Memorial GMPA would not impact any Ocean Hazard Areas. It is consistent with these management objectives and policies.

2.1.3 15A NCAC 07H .0400 (Public Water Supplies)

15A NCAC 07H .0403 defines and establishes management objectives for public water supplies. The objective in regulating development within critical water supply areas is the "protection and preservation of public water supply well fields and A-II streams and to coordinate and establish a management system capable of maintaining public water supplies so as to perpetuate their values to the public health, safety, and welfare." The proposed GMPA would not have any impact on public water supplies; therefore, these management objectives and policies are not applicable.

2.1.4 15A NCAC 07H .0500 (Natural and Cultural Resource Areas)

15A NCAC 07H .0501 defines fragile coastal natural and cultural resource areas as "areas containing environmental, natural or cultural resources of more than local significance in which uncontrolled or incompatible development could result in major or irreversible damage to natural systems or cultural resources, scientific, educational, or associative values, or aesthetic qualities." The AECs within this category are coastal complex natural areas, coastal areas that sustain remnant species, unique coastal geologic formations, significant coastal archaeological resources, and significant coastal historic architectural resources.

Wright Brothers National Memorial is considered a cultural landscape for its important commemoration of the Wright Brothers and the site of the first ever powered, controlled, heavier-than-air flights made on December 17, 1903. The landscape is commemorative in nature and character-defining features include the spatial organization of the monument and markers, circulation patterns for both vehicles and pedestrians, vegetation, views, structures, and small-scale features. The proposed action has the potential to result in changes to these resources, including the addition of new circulation patterns, structures, and small-scale features into the cultural landscape. Proposed improvements have the potential to enhance the way visitors experience the park by improving viewsheds and providing an improved interpretive/education area. The improvements would not result in major or irreversible damage to natural systems or cultural resources; therefore, the project is consistent with these management objectives and policies.

15A NCAC 07H .0505 defines and establishes management objectives "to protect unique habitat conditions that are necessary to the continued survival of threatened and endangered native plants and animals and to minimize land use impacts that might jeopardize these conditions." The National Park Service has identified state listed plant species, maritime pinweed (*Lechea maritima*) (state-listed endangered) and beach heather (*Hudsonia tomentosa*) (state-listed threatened), in the natural areas within the park boundaries. Prior to design of any element of the proposed action, surveys for threatened or endangered plant species would occur, and new structures would be sited to avoid impacting listed plant species. Vegetation planting and thinning would also occur so as to avoid impacting threatened or endangered plant species. Therefore, the project is consistent with these management objectives and this policy.

15A NCAC 07H .0506 defines and establishes management objectives "to protect the features of a designated coastal complex natural area in order to safeguard its biological

relationships, educational and scientific values, and aesthetic qualities." The project will require the use of existing sand knolls and scrub/forested depressions. The area is not considered to be a part of the fragile frontal dune system or contain coastal cultural resources because of the distance from the ocean. No designated coastal complex natural areas are present within the boundaries of Wright Brothers National Memorial. Installation of vegetation would occur at the southwest boundary. Plantings would consist of native, habitat appropriate species following NPS policies and guidance. Thinning of vegetation, which would occur in wooded areas along Highway 158 and the First Flight Airport runway, would selectively remove vegetation from wooded upland areas without compromising the quality or character of the habitat; therefore, these policies do not apply to the proposed project.

15A NCAC 07H .0507 establishes management objectives to protect unique coastal geologic formations for the purpose of preserving formations' physical components that serve as important scientific and educational sites, or as valuable scenic resources. Currently, the only designated unique coastal geologic formation in North Carolina is Jockey's Ridge [15A NCAC 07H.0507(c)(3)], located in the Town of Nags Head in Dare County. Therefore, the proposed project would have no effect on this unique geologic formation and is consistent with this policy.

15A NCAC 07H .0508 defines and establishes use standards for development in designated fragile coastal natural or cultural areas. The development of the Wright Brothers National Memorial shall be consistent with the aesthetic values and historic character of the designated cultural landscape. Measures are in place to minimize or avoid impacts on the cultural landscape due to introduction of new circulation patterns and small-scale features. All new features would be designed and sited in a manner that is compatible with the historic character in terms of materials, color, and scale. The NPS would continue to consult with the NC State Historic Preservation Officer during design of these features and prior to implementation. Therefore, the proposed project is consistent with this policy.

15A NCAC 07H .0509 establishes management objectives to conserve significant coastal archeological resources for the purpose of preserving their value as scientific, educational, and aesthetic resources. Currently, the only designated significant coastal archeological resource in North Carolina is Permuda Island [15A NCAC 07H .0509(e)], which is a former barrier island located within Stump Sound in Southwestern Onslow County, over 200 miles south of the project area. There are no known significant coastal archeological resources that would be affected by the proposed project. Additionally, archeological survey may be required to fully determine if any archeological resources occur within the project area. The NPS would continue to consult with the NC State Historic Preservation Officer and any associated Native American Tribes to determine if any archeological testing is needed prior to ground disturbance for project implementation. Therefore, the proposed project is consistent with this policy.

15A NCAC 07H .0510 defines and establishes management objectives "to conserve coastal historic architectural resources of more than local significance which are valuable educational, scientific, associative or aesthetic resources." The Wright Brothers National Memorial Visitor Center is a National Historic Landmark and is a contributing resource to the park's National Register historic district as well as a contributing resource to the cultural

landscape. It is significant as an excellent example of NPS Mission 66 architecture as well as an important example of the Philadelphia School of modern architecture. Although the historic setting of the visitor center may be altered slightly through the introduction of non-historic pathways, benches, and shade structures, the building itself will remain unchanged from its current condition. Although the parking lot would be reconfigured, it would remain within the existing footprint and would be compatible with the character of the original Mission 66 parking lot. Measures are in place to minimize or avoid impacts on the historic setting, and all new features would be designed and sited to be compatible with the historic character. Therefore, these management objectives and policies will be met.

2.2 General Policy Guidelines

The North Carolina CAMA sets forth eleven General Policy Guidelines, addressing:

- › Shoreline erosion policies
- › Shorefront access policies
- › Coastal energy policies
- › Post-disaster policies
- › Floating structure policies
- › Mitigation policies
- › Coastal water quality policies
- › Policies on use of coastal airspace
- › Policies on water- and wetland-based target areas for military training areas
- › Policies on beneficial use and availability of materials resulting from the excavation or maintenance of navigational channels
- › Policies on ocean mining

The purpose of these rules is to establish generally applicable objectives and policies to be followed in the public and private use of land and water areas within the coastal area of North Carolina. The following is an analysis of the applicability of these policies to the proposed action.

2.2.1 15A NCAC 7M .0200 (Shoreline Erosion Policies)

The project is not within estuarine waters, coastal wetlands, public trust areas, and estuarine and public trust shorelines and will not significantly affect the estuarine and ocean system. Therefore, these policies are not applicable.

2.2.2 15A NCAC 7M .0300 (Shorefront Access Policies)

The proposed project is located on NPS land. The Wright Brothers National Memorial does not contain shorefront access. Therefore, these policies are not applicable.

2.2.3 15A NCAC 7M .0400 (Coastal Energy Policies)

The proposed project does not involve the development of any major energy facilities. Therefore, these policies are not applicable.

2.2.4 15A NCAC 7M .0500 (Post-Disaster Policies)

These policies require that all state agencies prepare for disasters and to coordinate their activities in the event of a coastal disaster. The NPS Outer Banks Group, under which the park is administered, has a long history of working with state and local agencies for disaster preparation and recovery. Current technology offers plenty of advanced warning of major storms (i.e., tropical storms and nor'easters), and the park has developed a Hurricane Response Plan to minimize risks to human health and safety and to minimize potential property damage during storm events. To help protect life, access to the site is closed when storm systems are approaching. The proposed new features that would be added to the site would be designed in such a way as to withstand flood events resulting from these storms systems. Structures and facilities would be designed to be consistent with the intent of the standards and criteria of the National Flood Insurance Program (44 CFR Part 60). Mitigation to minimize storm damage would include utilization of sustainable design principles and using best management practices during and after construction. Therefore, the project is consistent with these policies.

2.2.5 15A NCAC 7M .0600 (Floating Structure Policies)

The Wright Brothers National Memorial GMPA does not contain or plan for implementation of any floating structures. Therefore, these policies are not applicable.

2.2.6 15A NCAC 7M .0700 (Mitigation Policy)

North Carolina's mitigation policy states that "Coastal ecosystems shall be protected and maintained as complete and functional systems by mitigating the adverse impacts of development as much as feasible, by enhancing, creating, or restoring areas with the goal of improving or maintaining ecosystem function and areal proportion."

The Wright Brothers National Memorial GMPA would avoid impacts to coastal ecosystems. To minimize environmental impacts related to the proposed project, the NPS would implement mitigation measures wherever feasible. All installations of project elements would occur within uplands outside of AECs. Best management practices would be used to avoid and minimize the release of sediments into stormwater.

Vegetation would be added along the southwest boundary of the visitor center parking lot to provide visual screening. Installed vegetation would consist of native species and species selection would follow NPS policies and guidance. No non-native, invasive vegetation would be used in any temporary or permanent seeding. Vegetation thinning would also occur in wooded areas along US 158 and the First Flight Air Strip to improve views of the memorial. Thinning would selectively remove vegetation without substantially changing the character or quality of the natural habitats.

With the above best management practices in place, the proposed action would be consistent with these policies.

2.2.7 15A NCAC 7M .0800 (Coastal Water Quality Policies)

The proposed construction activities would not result in permanent adverse impacts to coastal water quality. There would be an increase of up to 2.5 acres of impervious surfaces throughout the site under the proposed project. The increase in stormwater runoff would be negligible due to the construction of drainage facilities, design plan, and consideration of the existing ditch system. The NPS would acquire any required stormwater permits prior to implementation. Therefore, impacts to water quality and quantity would be minimized.

Best management practices would be used to avoid contamination of stormwater and mitigate for short-term (construction phase) impacts. Therefore, the project is considered consistent with policies protecting coastal water quality.

2.2.8 15A NCAC 7M .0900 (Policies on use of Coastal Airspace)

No use of coastal airspace would be part of the proposed action; therefore, these policies are not applicable.

2.2.9 15A NCAC 7M .1000 (Policies on Water- and Wetland-Based Target Areas for Military Training Areas)

No water-based or wetland-based target areas or military training areas would be part of the proposed action; therefore, these policies are not applicable.

2.2.10 15A NCAC 7M .1100 (Policies on Beneficial and Availability of Materials Resulting from the Excavation or Maintenance of Navigational Channels)

No channel excavation or maintenance of navigational channels would occur as part of this project; therefore, these policies are not applicable.

2.2.11 15A NCAC 7M .1200 (Policies on Ocean Mining)

No ocean mining would be part of the proposed action; therefore, these policies are not applicable.

3

North Carolina Dredge and Fill Law

The North Carolina Dredge and Fill Law (§ 113-229. Permits to dredge or fill in or about estuarine waters or State-owned lakes) states that, "...before any excavation or filling project is begun in any estuarine waters, tidelands, marshlands, or State-owned lakes, the party or parties desiring to do such shall first obtain a permit from the Department." The proposed Wright Brothers National Memorial GMPA would not involve any dredge or fill activity within estuarine waters, ocean system, or State-owned lakes. Work would occur exclusively within upland areas. As such, this action would be considered a permissible activity by the North Carolina Department of Environmental Quality.

4

Dare County Coastal Management Policies

CAMA required local governments in each of the 20 coastal counties in North Carolina to prepare and implement a land use plan and ordinances for its enforcement consistent with established federal and state policies. Specifically, policy statements are required for resource protection, resource production and management, economic and community development, continuing public participation, storm hazard mitigation, post-disaster recovery, and evacuation plans. Upon approval by the North Carolina Coastal Resources Commission, the plan becomes part of the North Carolina Coastal Management Plan.

The Dare County Land Use Plan (LUP) was certified by the North Carolina Coastal Resources Commission in 2011 and addresses land use planning in relation to CAMA. Of these policies, the following are applicable to the proposed Wright Brothers National Memorial GMPA.

4.1 Re-development – Policy LUC#8

According to the LUC #8, “the redevelopment of under-utilized land or outdated structures will be become more of an issue of the next few years. Redevelopment of older structures shall be accomplished in a manner that is compatible with current NC building codes and federal flood insurance regulations and conforms with the Dare County Zoning Regulations. Energy efficient construction standards are encouraged.”

Under the proposed action, the NPS would repurpose the existing administrative building near the maintenance facilities to expand NPS office and storage space. To accommodate these changes within the footprint of the existing administrative building, the NPS may

remodel the existing conference room, convert the existing garage bay into workstations, and/or convert the covered tractor area into a storage space. Design and construction would follow all federal, state, and local codes and regulations.

4.2 Archaeological/Historic Resources – Policy LUC #15

“The Dare County Board of Commissioners supports the protection of structures, lands, and artifacts that have been identified by the NC Department of Cultural Resources, Division of Archives and History, as archaeologically or historically significant. On a case-by-case basis individual protection/management strategies should be implemented to ensure archaeological and/or historical resources are not destroyed. ”

The development of the Wright Brothers National Memorial shall be consistent with the aesthetic values and historic character of the designated cultural landscape. Measures are in place to minimize or avoid impacts on the cultural landscape due to introduction of new features. All new features would be designed and sited in a manner that is compatible with the historic character in terms of materials, color, and scale. The Wright Brothers National Memorial Visitor Center is designated as a National Historic Landmark. Although non-historic pathways, benches, and shade structures would be introduced into the historic setting, the building itself will remain unchanged from its current condition. Although the parking lot would be reconfigured, it would remain within the existing footprint and would be compatible with the character of the original Mission 66 parking lot. Measures are in place to minimize or avoid impacts on the historic setting and all new features would be designed and sited to be compatible with the historic character. Additionally, the NPS would continue to consult with the NC State Historic Preservation Officer and any associated Native American Tribes to provide a process for potential archeological testing and design review of features prior to any ground disturbance for project implementation.

5

Other Anticipated Permits

An environmental assessment (EA) 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*. An assessment of effect is included within this EA to comply with Section 106 of the National Historic Preservation Act of 1966, as amended.

Prior to the implementation of the proposed action, the NPS would need to obtain appropriate local, state, and federal approval for some of the proposed activities. Specific permits, approvals, and regulatory requirements would be determined during future design phases of the project. The NPS would coordinate with relevant federal, state, and local agencies as required as design for the project continues.

6

Conclusion

In conclusion, after careful consideration of the aforementioned, the NPS has determined that implementation of the proposed action would be fully consistent with the relevant enforceable policies of protecting North Carolina's coastal zone. This was based on the review of the proposed project against the relevant National Oceanographic Atmospheric Administration-approved enforceable policies of North Carolina's Coastal Management Program and Dare County's comprehensive plan policies.