



Michael F. Easley, Governor
William G. Ross Jr., Secretary
North Carolina Department of Environment and Natural Resources

Alan W. Klimek, P. E. Director
Division of Water Quality
Coleen H. Sullins, Deputy Director
Division of Water Quality

September 16, 2004

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Jim Ebert
National Resource Manager
National Park Service, Cape Hatteras Group
Manteo, North Carolina 27954

Subject: **Notice of Violation**
Notice of Intent to Enforce
Wetland Draining
Dare County

Dear Mr. Ebert,

On April 28, 2004, Tom Steffens from this office met with you, John Wescott of the National Park Service (NPS) and William Wescott of the U.S. Army Corps of Engineers to discuss the presence of a drainage feature located adjacent to the Cape Hatteras National Seashore Campground. This feature drains through the maritime forest and associated wetlands towards the Atlantic Ocean, under the secondary dune system via a steel culvert, daylight behind the primary dune system and drains directly into the ocean.

Subsequent investigation of this system indicates that the drainage way was opened up by the NPS to allow the waters of the drainage canal to discharge directly into the ocean. Draining of wetlands and subsequent altering of natural hydrology of wetlands is considered a violation of North Carolina Administrative Code 15A NCAC 02B .0231 (b)(5); Wetland Standards; which says:

- (5) Hydrological conditions necessary to support the biological and physical characteristics naturally present in wetlands shall be protected to prevent adverse impacts on:
- (A) Water currents, erosion or sedimentation patterns;
 - (B) Natural water temperature variations;
 - (C) The chemical, nutrient and dissolved oxygen regime of the wetland;
 - (D) The movement of aquatic fauna;
 - (E) The pH of the wetland; and
 - (F) Water levels or elevations.**

It has been determined by the Division of Water Quality (DWQ) staff that the opening of this drainage way to the ocean and resulting draining of wetlands constitutes a violation of the wetland standard noted above.



This office requires that you submit a plan within 30 days of receipt of this Notice of Violation to resolve the violation noted on this site. The plan should include the full restoration of all lost uses including, but not limited to, filtration, and nutrient uptake. The restoration plan should include the following:

Answer

Add Compliance

- Please explain how the National Park Service plans to plug the opening of the drainage way in such a manner as to prevent any further draining of the wetlands and restore the wetland functional hydrology.
- The restoration plan should include a draft management plan that addresses maintaining the appropriate water levels in the wetlands by modifying the drainage culvert.
- The plan should include a water level monitoring plan utilizing the existing staff gauge located at the upstream opening of the culvert.
- Please include a timeline indicating when all restoration efforts will be completed.
- The timeline should include dates of any Public Notices, predicted dates of completed EA's and any other documentation concerning the wetlands associated with the Cape Hatteras National Campgrounds and beach accesses.

Staff from this office would like to offer the opportunity to meet with you and your staff to help develop your monitoring plan and possibly suggest some simple solutions that will facilitate restoration of the wetlands, achieve compliance and address potential storm water issues.

The Washington Regional Office of the Division of Water Quality will determine if an enforcement action is to be recommended based on your response to this office. If you have an explanation for this violation that you wish to present to the Division, please respond in writing to the Washington Regional Office within 10 days of receipt of this Notice. Your explanation will be forwarded to the Director with the enforcement package for his consideration.

If you have any questions or comment, please call this office at 252-946-6481 Ext. 239

Sincerely,

Robert Tankard

Robert Tankard, Acting Water Quality Supervisor

Cc: Bob Zarzecki, Buffers- 401/WetlandsUnit
Danny Smith, Compliance and Enforcement, 401/Wetlands Unit
WaRO Files
Central Files, Water Quality

