



RESOLUTION REQUESTING IMMEDIATE ACTION TO RECTIFY THE DISCHARGE OF OIL INTO THE ATLANTIC OCEAN AND ADJOINING SHORELINE, REMOVE DERELICT INFRASTRUCTURE AND RESTORE THE BUXTON BEACH ACCESS SITE TO ITS PRE-MILITARY CONDITION TO PROTECT THE ENVIRONMENT AND PUBLIC HEALTH AND SAFETY

WHEREAS, from 1956 to 1982, the U.S. Navy operated Naval Facility (NAVFAC) Cape Hatteras on approximately 50 acres just north of the former location of the Cape Hatteras Lighthouse in Buxton, North Carolina, and;

WHEREAS, the U.S. Navy concluded operations at NAVFAC Cape Hatteras in June 1982; however, all buildings and infrastructure remained at the site, and;

WHEREAS, from 1984 to 2010, the U.S. Coast Guard operated Group Cape Hatteras at the site, and;

WHEREAS, in 1998, the U.S. Army Corps of Engineers approved the site as a Formerly Used Defense Site (FUDS) and began acting in response to petroleum contamination in several areas at the site, making the federal government the responsible party under numerous federal and state environmental laws and;

WHEREAS, in 1999, the U.S. Army Corps of Engineers began soil and groundwater investigations and performed work under the FUDS program seemingly targeted towards petroleum contamination associated with known storage areas and spills, and;

WHEREAS, in 2004, over 4,000 tons of petroleum-contaminated soils were excavated and removed from the site, but groundwater monitoring and bioremediation continued due to detections of petroleum hydrocarbon contamination that exceeded North Carolina Department of Environmental Quality standards, and;

WHEREAS, specific areas of the site are monitored annually for contaminated groundwater under the FUDS program, and;

WHEREAS, from 2004 to the present day, extensive groundwater monitoring by the North Carolina Department of Environmental Quality has consistently detected

petroleum hydrocarbon contaminants that exceed the department's standards in addition to the discovery of previously unknown petroleum contamination discovered after the U.S. Army Corps of Engineers' FUDS project, and;

WHEREAS, in 2019 the National Park Service began operating the Buxton Beach Access site—which offers a 50-car parking area, portable restrooms and an accessible pathway to the beach—for public use, and the site has since consistently been ranked as one of the best beaches in the United States, and;

WHEREAS, Cape Hatteras National Seashore beaches are a significant contributor to Dare County's \$1.2 billion tourism economy, and the Buxton Beach Access, which is located under the shadow of the iconic Cape Hatteras Lighthouse, is one of the Cape Hatteras National Seashore's crown jewels, and;

WHEREAS, due to decades-long military usage and apparently incomplete restoration of the area, samples taken from the Buxton Beach Access beach tested positive in early September 2023 for petroleum-contaminated soils, and;

WHEREAS, on September 1, 2023, as a precautionary measure, the beach adjacent to the former military site was temporarily closed after experiencing beach erosion from Tropical Storm Idalia and Hurricane Franklin, which uncovered potentially hazardous infrastructure associated with the U.S. Navy and U.S. Coast Guard bases, and;

WHEREAS, in addition to encountering this dangerous infrastructure, visitors had also reported a strong smell of petroleum at the site, prompting the Cape Hatteras National Seashore to file two reports with the Environmental Protection Agency's National Spill Response Center, and;

WHEREAS, sediment samples taken in early September 2023 by the U.S. Coast Guard's Spill Response staff came back positive for petroleum hydrocarbons with characteristics of light fuel oil and lubricating oil, and since early September 2023, petroleum-contaminated soils have intermittently been observed on the beach, and;

WHEREAS, this re-emergence of petroleum-contaminated soils and derelict infrastructure at the site pose a public safety hazard to such extent that on September 25, 2023 the Dare County Department of Health and Human Services—in conjunction with the North Carolina Department of Health and Human Services Division of Public Health, the Cape Hatteras National Seashore and the U.S. Army Corps of Engineers—issued a necessary precautionary public health advisory due to impacts from petroleum-contaminated soils, and;

WHEREAS, this precautionary public health advisory stated that environmental and public health officials recommend that people should “avoid swimming, wading or fishing in this area in Buxton at Cape Hatteras National Seashore, from approximately 46285 Old Lighthouse Road, to and including, the first jetty until further notice,” and the beach remains closed as a precautionary measure, and;

WHEREAS, on February 9, 2024, Cape Hatteras National Seashore staff noticed a very strong smell of petroleum products, and multiple surfers reported that their wetsuits and hair smelled like fuel and noticed a sheen on the water near the Buxton Beach Access, which resulted in a number of reports being submitted to the National Response Center, and;

WHEREAS, under Title 40 of the United States Code, the U.S. Coast Guard, as the designated Federal On-scene Coordinator for the coastal zone in North Carolina, has a duty to evaluate the magnitude, severity, and threat to the public and the environment, as well as the duty and ability to take action to prevent, minimize and mitigate threats when a responsible party fails to do so, and;

WHEREAS, in addition to the potential public health risks, as well as the potential impacts to fish and wildlife habitats that include threatened and endangered species, due to the ongoing discharge of oil into the Atlantic Ocean and onto the adjoining shoreline, there are a number of remnants of previous U.S. Coast Guard and U.S. Navy installations—including concrete bunkers and steel infrastructure—that may pose hazards to swimmers, surfers and beachgoers, and;

THEREFORE, BE IT RESOLVED, that the Dare County Board of Commissioners respectfully requests that immediate actions be taken to address the dangers posed to public health and safety—as well as the environment—to remediate the site and restore the Buxton Beach Access to its public recreational status as one of the best beaches in the United States.

This the 4th day of March 2024.

Robert Woodard, Sr., Chairman

Attest:

Skyler Foley, Clerk to the Board