

Permit Class
NEW

Permit Number
70-16

STATE OF NORTH CAROLINA
Department of Environmental Quality
and
Coastal Resources Commission

Permit

for

X Major Development in an Area of Environmental Concern
pursuant to NCGS 113A-118

 Excavation and/or filling pursuant to NCGS 113-229

Issued to **Sunset Beach West, LLC, 1574 Monster Buck Estates, Supply, NC 28462**

Authorizing development in Brunswick County at the Atlantic Ocean, terminal end of W. Main Street, Sunset Beach, as requested in the permittee's application dated 6/24/15 (MP-1, MP-2, MP-3, & MP-5), and Revised 1/25/16 (MP-4), incl. attached workplan drawings (7), as referenced in Condition No. 1 below.

This permit, issued on June 20, 2016, is subject to compliance with the application (where consistent with the permit), all applicable regulations, special conditions and notes set forth below. Any violation of these terms may be subject to fines, imprisonment or civil action; or may cause the permit to be null and void.

- 1) Unless specifically altered herein, all development shall be carried out in accordance with the attached workplan drawings (7); C-1 & C-4 dated revised 6/15/16; D-3 dated revised 1/25/15; C-5 & D-1, dated revised 7/9/15; DOT-1 & D-2, both dated revised 8/7/15; and AEC Hazard Notice dated Received DCM 7/10/15.

Ocean Hazard Development

- 2) Unless specifically altered herein, this permit authorizes the land disturbing activities associated with the development of 21 single family residential lots, associated grading and fill, bridge, bulkhead replacement, roadway, wooden boardwalks and accesses, gazebo, and kayak dock, all as expressly and specifically set forth in the attached permit application and workplan drawings. Any additional land disturbing activities and/or construction may require a modification of this permit. Contact a Division of Coastal Management representative at (910)796-7215 for this determination.

(See attached sheets for Additional Conditions)

This permit action may be appealed by the permittee or other qualified persons within twenty (20) days of the issuing date.

Signed by the authority of the Secretary of DEQ and the Chairman of the Coastal Resources Commission.

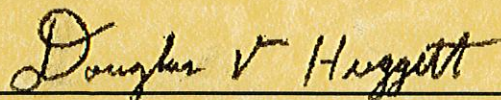
This permit must be accessible on-site to Department personnel when the project is inspected for compliance.

Any maintenance work or project modification not covered hereunder requires further Division approval.

All work must cease when the permit expires on

December 31, 2019

In issuing this permit, the State of North Carolina agrees that your project is consistent with the North Carolina Coastal Management Program.



For Braxton C. Davis, Director
Division of Coastal Management

This permit and its conditions are hereby accepted.

Signature of Permittee

ADDITIONAL CONDITIONS

- 3) Prior to the initiation of construction within the Ocean Hazard AEC, the permittee shall stake, and a Division representative shall approve, the first line of stable, natural vegetation and the corresponding structure setbacks. All authorized development shall be located landward of the appropriate setback lines. Construction shall begin within sixty days of this determination or the determinations shall be considered void, and new setback lines shall be re-established. In the case of a major shoreline change within that period, a new setback determination may be required before construction begins.
- 4) All construction within the Ocean Hazard AEC shall comply with all applicable requirements of the N.C. Building Code and the local flood damage prevention ordinance as required by the National Flood Insurance Program. If any provisions of the building code or the flood damage prevention ordinance are inconsistent with any of the following AEC standards, the more restrictive standard shall apply.
- 5) Dune disturbances shall be allowed only to the extent necessary for development. The dune's protective value shall not be weakened or reduced. Disturbed dune areas shall be immediately stabilized.
- 6) NCAC 15A NCAC 07H .0308(a)(1)(B) prohibits permanent erosion control structures within the Ocean Hazard Area of Environmental Concern (AEC). Therefore, in order to ensure compliance with this rule, the design of all retaining walls within the AEC shall be the absolute minimum necessary to retain the backfill material. In order to ensure compliance with this condition, the permittee shall coordinate final retaining wall design with Division of Coastal Management staff.
- 7) Any structure authorized by this permit shall be relocated or dismantled when it becomes imminently threatened by changes in shoreline configuration. The structure(s) shall be relocated or dismantled within two (2) years of the time when it becomes imminently threatened, and in any case, upon its collapse or subsidence. However, if natural shoreline recovery or beach re-nourishment takes place within two (2) years of the time the structure becomes imminently threatened, so that the structure is no longer imminently threatened, then it need not be relocated or dismantled at that time. This condition shall not affect the permit holder's right to seek authorization of temporary protective measures allowed under CRC Rules.

Bulkhead

- 8) The alignment of the authorized bulkhead shall not extend waterward of the alignment of the existing deteriorated bulkhead.
- 9) The bulkhead shall be constructed prior to any backfilling activities.
- 10) The bulkhead shall be structurally tight so as to prevent seepage of backfill materials through the structure.
- 11) The bulkhead shall be solid and constructed of treated wood, concrete slabs, metal sheet piles or other suitable materials approved by department personnel. No excavation is permitted except for that which may be required for the construction of the bulkhead wall, riprap, deadmen cables, etc. This permit does not authorize any excavation waterward of the approved alignment.
- 12) All backfill material shall be obtained from a high ground source and confined behind the permitted bulkhead.

ADDITIONAL CONDITIONS

Bridge

- 13) The elevation of the authorized bridge shall be no lower than the elevations shown on the attached workplan drawing (D-2).
- 14) The bridge shall be constructed using top down construction. Any other construction method may require additional authorization from the N.C. Division of Coastal Management (DCM).
- 15) The permittee shall exercise all available precautions during construction of the authorized facilities to prevent pollutants or other waste materials from entering the adjacent waters and wetlands.
- 16) The permittee shall install and maintain at his expense any signal lights or signals prescribed by the U.S. Coast Guard, through regulation or otherwise, on the authorized bridge. At a minimum, permanent reflectors shall be attached to the bridge in order to make it more visible during hours of darkness or inclement weather.

Kayak Docking Facility

- 17) This permit authorizes only the kayak dock, piers, and other structures and uses located in or over the water that are expressly and specifically set forth in the permit application. No other structure, whether floating or stationary, shall become a permanent part of this kayak docking facility without permit modification. No non-water dependent uses of structures shall be conducted on, in or over Public Trust waters without permit modification.
- 18) No sewage, whether treated or untreated, shall be discharged at any time from any boats using the kayak docking facility. Any sewage discharge at the docking facility shall be considered a violation of this permit for which the permittee is responsible. This prohibition shall be applied and enforced throughout the entire existence of the permitted structure.
- 19) Any portion of the permitted access pier and docking facilities built over Coastal Wetlands shall not exceed six feet in width and shall be elevated a minimum of three feet over the wetland substrate as measured from the bottom of the decking.
- 20) No portion of the authorized docking facility shall extend more than one quarter of the width of the water body. Measurements to determine the width of the water body shall be made from the waterward edge of any coastal wetland vegetation which borders the water body.
- 21) In order to ensure compliance with Conditions 19 and 20 of this permit, the location of the kayak dock shall be staked by the applicant and approved onsite by a representative of the Division prior to the initiation of construction of the structure.
- 22) The permittee shall install and maintain at his expense any signal lights or signals prescribed by the U.S. Coast Guard, through regulation or otherwise, on the authorized facilities. At a minimum, permanent reflectors shall be attached to the structure in order to make it more visible during hours of darkness or inclement weather.

ADDITIONAL CONDITIONS

- 23) The permittee shall maintain the authorized work in good condition and in conformance with the terms and conditions of this permit. The permittee is not relieved of this requirement if he abandons the permitted activity without having it transferred to a third party.
- 24) This permit does not authorize any formalized boat slips.
- 25) The authorized project is located within a primary nursery area (PNA). Therefore, in accordance with T15A:07H.0208 of the Rules of the Coastal Resources Commission, no new dredging or excavation within the PNA shall be permitted. Dredging in any manner, including "kicking" with boat propellers, is not authorized. This prohibition shall be applied and enforced throughout the entire existence of the permitted structure.

Boardwalk/Gazebo

- 26) Any portion of the permitted boardwalk built over Coastal Wetlands shall not exceed six feet in width and shall be elevated a minimum of three feet over the wetland substrate as measured from the bottom of the decking.
- 27) Any portion of the permitted boardwalk built within 30' of normal high water (the Coastal Shoreline buffer) shall not exceed a width of six feet. The boardwalk within the buffer shall be elevated and slatted.

Easement

- 28) An **Easement** from the Department of Administration's State Property Office may be required under N.C.G.S. 146-12(e). The permittee shall contact the State Property Office prior to the initiation of construction of development authorized by this permit to determine if such an easement will be required. Any required easements shall be obtained, and a copy provided to the Division of Coastal Management.

Dune Walkovers

- 29) The accessway over the dunes shall not exceed four feet in width and shall provide only pedestrian access to the ocean beach. The accessway shall be constructed so as to make negligible alterations to the frontal dunes. That portion of the accessway crossing the frontal dune shall be constructed on raised posts or pilings of five feet or less in depth, so that wherever possible only the posts or pilings touch the frontal dunes without any alteration to the dunes. In no case shall the dune be altered so as to significantly diminish its capacity as a protective barrier against flooding and erosion.

Erosion & Sedimentation Control

NOTE:

An Erosion and Sedimentation Control Plan will be required for this project. This plan must be filed at least thirty (30) days prior to the beginning of any land disturbing activity. Submit this plan to the Department of Environmental Quality, Land Quality Section, 127 Cardinal Drive Extension, Wilmington, NC 28405.

ADDITIONAL CONDITIONS

- 30) In order to protect water quality, runoff from construction shall not visibly increase the amount of suspended sediments in adjacent waters.
- 31) Appropriate sedimentation and erosion control devices, measures or structures shall be implemented to ensure that eroded materials do not enter adjacent wetlands, watercourses and property (e.g. silt fence, diversion swales or berms, etc.).
- 32) A ground cover sufficient to restrain erosion shall be provided within 30 calendar days of completion of any phase of grading on cut or filled slopes.

Water Quality & Stormwater

- 33) The Division of Energy, Mineral, and Land Resources approval of this project under stormwater management rules of the Environmental Management Commission is covered by way of Stormwater Permit No. SW8 141208. Any violation of the permit approved by the DEMLR shall be considered a violation of this CAMA permit.

General

- 34) Any development or land disturbing activity that is considered non-water dependent is not authorized within 30 feet of the normal high water level unless specifically exempted by Coastal Resource Commission (CRC) regulations in place at the time of such development.
- 35) No vegetated wetlands or open water areas shall be excavated or filled, even temporarily.
- 36) No attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the authorized work.
- 37) The permittee and/or his or her contractor shall meet with a representative of the Division prior to project initiation.
- 38) This permit shall not be assigned, transferred, sold, or otherwise disposed of to a third party without the written approval of the Division of Coastal Management.
- 39) If a court of competent jurisdiction determines that a party other than the permittee has legal rights to any part of the area approved under this permit, this permit shall be null and void as to the area the court determines is not owned by the permittee. This condition shall take effect on the date such court judgment becomes final. In such event, the permittee shall consult DCM prior to initiating or continuing any further development under this permit.

NOTE: Any additional land disturbing activities and/or construction on individual lots adjacent to the private road, including construction of residential structures, will require additional authorization, either through modification of this permit or by way of individual CAMA Minor Permits.

NOTE: This permit does not eliminate the need to obtain any additional state, federal or local permits, approvals or authorizations that may be required.

ADDITIONAL CONDITIONS

- NOTE:** To minimize impacts to sea turtles, the N.C. Wildlife Resources Commission recommends the development will be cognizant of lighting. Proactive conservation measures, such as no or minimal outside lighting (especially on the Oceanside boardwalk), closing of window shades, turning lights off at 10:00pm, and directing any lights away from the ocean minimize light pollution. The applicant is encouraged to call the N.C. WRC with regard to lighting recommendations that can minimize impacts to sea turtles.
- NOTE:** The permittee is also encouraged to consult with the Division of Coastal Management's Fisheries Resource Specialist when designing the dry hydrant system to minimize impacts to fisheries resources during use and maintenance of the system.
- NOTE:** The U.S. Army Corps of Engineers authorized the proposed project by way of General Permit 197800056 and Nationwide Permit 14 (Action ID No. SAW-2014-00960), which was issued on 6/15/16.
- NOTE:** The N.C. Division of Water Resources has authorized the proposed project under DWR Project No. 15-0898.
- NOTE:** An application processing fee of \$400 was received by DCM for this project.