



Shoreline Management & Pre-Dredging Project Frequently Asked Questions [FAQ]

To Our Citizens, Visitors and General Public

September 15, 2020

Presented here are some of the frequently asked questions we received regarding the Shoreline Management and Pre-Dredging Project. This FAQ is intended to provide simple and immediate answers to the most common questions we receive. This document does not serve as a complete description of the project, nor does it represent all facets of the project. Further information may be found on the Shoreline Management and Pre-Dredging Project page of the Town's website.

What is the Shoreline Management and Pre-Dredging Project?

The Town of Sunset Beach [Town] intends to conduct navigational dredging in the water bodies known as Mary's Creek, Turtle Creek, South Jinks Creek, the Bay Area, the Feeder Channel and Finger Canals. Sunset Beach lies in Brunswick County, along the southern coastal border of North Carolina, adjacent to Ocean Isle Beach. The proposed project will occur along the eastern border of Sunset Beach, within the interior waters of Tubbs Inlet.

What is the Project Purpose?

In recent years, southern Jinks Creek has incurred significant shoaling perceivably from tidal flows entering Tubbs Inlet. Mary's Creek, Turtle Creek, The Bay Area, Feeder Channel and Finger Canals, which were developed for recreational boating access, have been subject to infilling from adjacent upland run-off and erosion as well as wind and wave action. The shoaling and material infilling experienced by each waterbody has constricted navigable access in regard to the available width and depth.

The current governing width of South Jinks Creek for navigation equals approximately 10 feet and the governing depth is above Mean Low Water [MLW]. The Bay Area, Feeder Channel and Finger Canals are generally not constricted by width, but both maintain a governing depth between -2-ft and -3-ft MLW.

The current shoaling patterns appear likely to continue and could potentially sever access in each of the referenced work areas.

The dredging project will restore navigation access in Mary's Creek, Turtle Creek, South Jinks Creek, the Bay Area, Feeder Channel and Finger Canals. Restoring the navigation depths will provide sustainable recreational boating opportunities to visitors and residents of Sunset Beach while also helping to safeguard the small rental businesses and property values at risk within the project area. The maintenance dredging project will also provide a management tool for future land development through the establishment of a pier head alignment.

What areas are proposed to be dredged?

There are multiple areas proposed for dredging. These areas include:

- Mary's Creek
- Turtles Creek
- South Jinks Creek

- The Bay Area
- The Feeder Channel (from South Jinks Creek to the Finger Canals)
- The Finger Canals (the canals along 6th St., Marlin St., Dolphin St., Sailfish St. and Cobia St.)

See the following images for general reference of the proposed project areas.



Why is Jinks Creek included in the project?

Jinks Creek was originally included to provide a navigable connection from the Bay Area and Feeder Canal to the Atlantic Intercoastal Waterway [AIWW]. The design assumed the Tubbs Inlet complex does not provide a reliable or safe passage for connecting with the Atlantic Ocean or the AIWW.

However, the Town Council decided to remove the northern portion of Jinks Creek from the project area. This portion would be from roughly the end of Riverside Drive to the AIWW. Even though Jinks Creek is not a Primary Nursery Area [PNA], it does lie next to one. In an effort to support the surrounding PNA, North Jinks Creek was removed with the knowledge then that a variance would need to be sought to move forward with the project. This was discussed at a scoping meeting with the attending agencies from both the Federal and State governments prior to moving forward.

In addition, the Town conducted a shellfish survey in 2017 that identified oyster, clam, and mussel species throughout north Jinks Creek. Due to the density of the shellfish habitat, most notably at the AIWW confluence with Jinks Creek, any dredging connecting the AIWW with south Jinks Creek would require mitigation efforts due to unavoidable impacts. The Town coordinated extensively with resource agencies, including three (3) in-person meetings and one (1) on-site meeting, to work through the permitting process. The prevailing consensus from the coordination efforts suggested removing north Jinks Creek from the dredging plan would result in a more acceptable project from the resource agencies in terms of potential environmental impacts.

Where is the dredge material being placed?

The dredge beach incompatible material (spoils) will be trucked to an upland fill site. The site is located off Old Georgetown Road.

The dredge beach compatible material will be located elsewhere within the area as required by State law.

What is beach compatible material?

This is material that is clean, beach quality material dredged from navigation channels within the active nearshore, beach or inlet shoal systems. The determination is done through taking core samples over a wide area and conducting an analysis comparison of grain size, shell content, and composition.

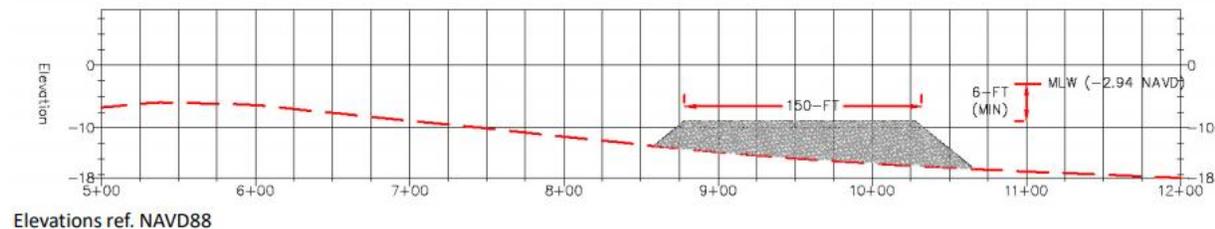
Where is the beach compatible material being placed?

The current option for placement of the compatible material is nearshore placement. This would be a small berm under the water off our shoreline. See the below image for the proposed placement area.



What is nearshore placement?

Nearshore placement is a method by which compatible material is placed offshore as a small berm. The berm is underwater and not visible from the beach. Over time, the berm shifts seamlessly becoming part of the area. Below is an example of such a berm:



Why consider nearshore placement as an option?

The Town has conducted several searches to identify suitable material placement sites for the beach compatible material identified in south Jinks Creek. These include discussions with OIB, the navigation branch of the USACE – Wilmington District, the Town of Oak Island, the Division of Coastal Management, and residents of Sunset Beach. However, in accordance with North Carolina General Statutes (NCGS) 113-229 (h1) and 113-229 (h2), the *beach-quality sand may be placed on the affected downdrift ocean beaches or, if placed elsewhere, an equivalent quality and quantity of sand from another location shall be placed on the downdrift ocean beaches. Clean, beach quality material dredged from navigational channels within the active nearshore, beach or inlet shoal systems shall not be removed permanently from the active nearshore, beach or inlet shoal system. This dredged material shall be disposed of on the ocean beach or shallow active nearshore area where it is environmentally acceptable and compatible with other uses of the beach*”.

Direct beach placement was ruled out as an option because property owners on Sunset Beach and OIB were unwilling to risk how the state may enforce NCGS 146-6 (d), which states “...the title to land in or immediately along the Atlantic Ocean raised above the mean high water mark by publicly financed projects which involve hydraulic dredging or other deposition of spoil materials or sand vests in the State.” Since state grants would help finance this project, upland property owners felt they would lose the designation of “beach front” ownership if they allowed material placement on their property. As a result, the property

owners refused to provide temporary construction easements allowing equipment and personnel on their property to complete the work.

The Town also considered transporting the beach sand from south Jinks Creek to an adjacent beach, such as the eastern end of Ocean Isle Beach, or Oak Island. However, DCM considered this alternative to violate NCGS 113-229 and therefore could not be allowed. As referenced above, NCGS 113-229 states “*Clean, beach quality material dredged from navigational channels within the active nearshore, beach or inlet shoal systems shall not be removed permanently from the active nearshore, beach or inlet shoal system*”.

Therefore, the Town abandoned the alternative for beach placement because (1) it could not be constructed based on the unwillingness for beach front owners within the Tubbs Inlet littoral zone to grant construction access to their property, and (2) the option to place the beach clean sand material outside of the Tubbs Inlet littoral zone is not permissible.

Although nearshore placement is not a widely used option for non-federal stakeholders, the alternative provides a beneficial reuse option for placement of the beach material from south Jinks Creek. Nearshore placement also provides an environmentally acceptable and least cost alternative that meets the purpose and need of the project. The Town evaluated nearshore placement as a last resort for balancing the property owner concerns with beach placement and maintaining consistency with NCGS 113-229.

Nearshore berm placement is an approach that has the potential to provide an immediate benefit to the littoral system. As sediment is removed out of a littoral system through dredging, placement in the nearshore reintroduces the sediments to an adjacent littoral region which preserves valuable sediment resources that would have otherwise been lost to the nearshore system. The physical benefits of this practice to the adjacent beaches include wave attenuation and adding material to the nearshore beach profile which may be reworked by processes to enhance the beach system.

When in place, nearshore berms pose minimal impact to the environment if placed in what is typically an active littoral zone. In general, material dredged from coastal navigation channels often performs optimally when placed in adjacent littoral cells with compatible materials.

Why can you not just dispose of the beach compatible material?

It is the policy of the State of North Carolina that material resulting from the excavation or maintenance of navigation channels be used in a beneficial way wherever practical.

The language in the NC Dredge and Fill Law at 113-229(h2) is very clear that: “Clean, beach quality material dredged from navigational channels within the active nearshore, beach or inlet shoal systems shall not be removed permanently from the active nearshore, beach or inlet shoal system. This dredged material shall be disposed of on the ocean beach or shallow active nearshore area where it is environmentally acceptable and compatible with other uses of the beach.”

How much will it cost?

The actual cost of the project at this time is not known. Cost will be determined on the full scope of work and the bid by the winning contractor once the Town bids the project out. This will occur after a public hearing is held to establish the project resolution for adoption by the Town Council.

Once a bid is awarded, the estimated cost for the project will be determined. Final cost will be established after the project is complete. That cost will then be used in the assessment calculation for the affected property owners to pay.

Who is paying for the project?

The project is initially funded through the combined efforts of the Town of Sunset Beach and a grant from the State of North Carolina. The grant is a two-thirds matching reimbursable grant. This means that the Town spends money on the project and then is reimbursed for two-thirds of those approved costs. The Town seeks reimbursement periodically through the year. The other third of the costs is supported by a fund the Town Council established in 2016.

After the project is completed, the one-third cost that the Town paid will be assessed to the affected property owners to pay the Town back. Other than paying for the Town's share of the assessment because the Town Park abuts the project, no other Town taxpayer money is being spent on the project.

But aren't my tax dollars paying for the State grant?

No. The grant from the State is not funded through collected tax dollars. The Shallow Draft Navigation Channel Dredging and Aquatic Weed Fund is established as a special revenue fund. The Fund consists of fees credited to it under G.S. 75A-3 and G.S. 75A-38, taxes credited to it under G.S. 105-449.126, and funds contributed by non-State entities. What these revenues include are monies collected by the NC Wildlife Resources Commission related to boating activities, title transfers and also some possible monies from the Highway Fund from the excise tax on motor fuel.

Will the cost be assessed to affected property owners?

The current plan and intent of the Town Council is to assess the final project cost to the property owners affected by the project. This includes all parceled land abutting the dredged areas.

The Town of Sunset Beach does own one parcel of land abutting the dredge project at Mary's Creek. This is the Town Park. As such, the Town will be assessed for one parcel as well.

How much is the assessment?

The assessment cost will be determined only after the project is completed and the final costs are tallied. There will be an estimate of the assessment available once the project contract is awarded to a contractor.

How long do the affected property owners have to pay back the assessment?

This has not been decided completely and will not be officially decided until the Town Council adopts the assessment roll. However, conversations over the past few years has shown that the Town Council is interested in a allowing a payment plan over the course of three years. No discussion has been had regarding the possibility of a discount for early payment.

How does the assessment process work?

In simple terms, the Town Council passes a resolution to approve the project with the intent to assess benefited properties and how they intend for the assessment to be carried out. After the project is completed, the assessment roll is developed and presented to the Town Council. The Town Council will approve the assessment roll through resolution. Benefitted properties are billed as laid out in the approved resolution.

For a more detailed answer please see the document titled *Procedure and Process for Assessment of Navigation Project Costs* on the Shoreline Management & Pre-Dredging Project page on the Town's website under the Town Projects tab.

When can the dredging activities take place?

Dredging activities may only occur between Mid-November and the end of March in a given year. The Town is hopeful that the project can begin the winter of 2020/2021 and conclude by the end of March 2022.

If approved, how long will the project take?

It is estimated that once begun, the project would take two years to complete due to the limited timeframe of when dredging operations may occur.

If the project is not approved or does not occur, will the affected property owners have to pay back the assessment?

No. The Town cannot assess for a project that does not take place.

If the project does not occur, who will pay back the Town for the money spent up to that point?

No one will. The Town set up a dredging fund to conduct work related to a dredging project. The money spent can only be recouped through assessment and if the project does not take place, there is nothing to assess.

If the project does not occur, will the Town have to pay back the grant money to the State?

No. All activities up through this point have been approved activities and fall under our agreement with the State for the grant monies. Even if the project does not occur, the Town may still be reimbursed for two-thirds the applicable expenses.

What are the next steps?

At the time of this writing, the follow is a list of the next steps to move this project forward:

- Submit application to US Army Corps of Engineers
- Modify the State CAMA permit to Allow for Nearshore Material Placement
- Adoption of Preliminary Assessment Resolution and Public Hearing
- Advertise Request for Proposals for Dredging Contract Services
- Open Bid Proposals and Award Contract