Permit Class
AMENDED
(BY CRC VARIANCE)

Permit Number
79-19

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

X Excavation and/or filling pursuant to NCGS 113-229

Issued to **Town of Sunset Beach c/o Hiram Marziano, 700 Sunset Blvd. N, Sunset Beach, NC 28468**

Authorizing development in Brunswick County at S. Jinks Creek, the Bay Area, Feeder Channel and Finger Canals, Sunset Beach, as requested in the permittee's application dated 04/03/19, including attached workplan drawings (25) 1-25 of 25 all dated 01/31/19, and marsh buffer drawings (5) 1-3 of 3 and 1-2 of 2 all dated 03/19/19.

This permit, issued on **March 3, 2020**, 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.

Excavation

1) In order to protect juvenile shrimp and finfish populations, no excavation shall be permitted between April 1 and September 30 of any year without the prior approval of the Division of Coastal Management, in consultation with appropriate resource agencies.

2) In keeping with the Variance (CRC-VR-19-09) granted by the Coastal Resources Commission (CRC) on February 12, 2020, and the Order signed by the CRC Chairman on February 25, 2020, the depth of excavation shall not exceed -6 feet below the mean low water level for South Jinks Creek and the Bay Area and -5 feet below mean low water level for the Finger Canals. In no case shall the depth of excavation exceed the depth of connecting waters.

(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.

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, 2022

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

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

J. Howard
For Braxton C. Davis, Director
Division of Coastal Management

This permit and its conditions are hereby accepted.

Signature of Permittee

ADDITIONAL CONDITIONS

3) The temporary placement or double handling of excavated or fill materials within waters or vegetated wetlands is not authorized.

4) No excavation or filling of Coastal Wetlands is authorized by this permit.

5) In accordance with commitments made by the permittee and to satisfy resource impact concerns, excavation shall not occur within ten (10) feet of any Coastal Wetlands.

6) All excavation shall take place entirely within the areas indicated on the attached workplan drawings.

Oyster Relocation

7) Prior to the initiation of any dredging activities, the permittee shall, in coordination with the Division of Marine Fisheries, develop and implement an oyster relocation plan. Contact the Division of Marine Fisheries at (252) 808-8050 to initiate the required coordination. Notice of satisfactory completion of the relocation efforts shall be provided to the Division of Coastal Management prior to initiation of dredging.

Upland Spoil Disposal

8) No excavated materials shall be deposited, even temporarily within 30' of the normal high water line.

9) All excavated materials shall be confined above normal low water level and landward of regularly or irregularly flooded marsh behind adequate dikes or other retaining structures to prevent spillover of solids into any marsh or surrounding waters.

10) The spoil disposal area shall be inspected and approved by a representative of the Division of Coastal Management prior to the commencement of any excavation activities.

NOTE: An Erosion and Sedimentation Control Plan and Stormwater Management Plan may be required for this project. If required, these plans must be filed at least thirty (30) days prior to the beginning of any land disturbing activity. Submit these plans to the Department of Energy, Mineral, and Land Resources, Land Quality Section, 127 Cardinal Drive Extension, Wilmington, NC 28405.

Beach Fill

11) Prior to the initiation of any beach fill activity on a specific property, easements or similar legal instruments shall be obtained from the impacted property owner(s) and shall be provided to the Division of Coastal Management prior to any construction activities .

12) In order to protect nesting sea turtles and aquatic marine resources, no beach fill or associated activities, including mobilization, demobilization, or remediation or the use of heavy equipment on the beach shall be permitted between April 1 and November 15 of any year without the prior approval of the Division of Coastal Management, in consultation with appropriate resource agencies.

ADDITIONAL CONDITIONS

13) This permit authorizes beach fill activities to be carried out one (1) time along the entire reach of the requested project area. Any request to carry out additional activities within an area where beach fill activities have been completed under this permit shall require a modification of this permit.

14) Prior to initiation of beach fill activity along each section of beach, the existing mean high water line shall be surveyed, and a copy of the survey provided to the Division of Coastal Management.

NOTE: The permittee is advised that, per N.C. General Statute §146-6, the State of North Carolina claims title to all currently submerged lands and any future lands that are raised above the mean high water level as a result of this project.

15) The seaward beach fill limit shall be conducted in accordance with the attached work plats (2) labeled "Dredge Plan Work Area – Sheet 12 of 13" and "Dredge Plan Work Area – Sheet 13 of 13" figures 20 and 21 both dated 01/31/19.

16) Temporary dikes shall be used to retain and direct flow of material parallel to the shoreline to minimize surf zone turbidities. The temporary dikes shall be removed and the beach graded in accordance with approved profiles upon completion of pumping activities in that particular section of beach.

17) Should dredging operations encounter sand deemed non-compatible with 15A NCAC 07H .0312 (Technical Standards for Beach Fill Projects), the dredge operator shall immediately cease operation and contact the NCDCM. Dredge operations shall resume after resolution of the issue of sand compatibility.

18) In order to prevent leakage, dredge pipes shall be routinely inspected. If leakage is found and repairs cannot be made immediately, pumping of material shall stop until such leaks are fixed.

19) Once a section is complete, piping and heavy equipment shall be removed or shifted to a new section and the area graded and dressed to final approved slopes.

20) Land-based equipment necessary for beach fill work shall be brought to the site through existing accesses. Should the work result in any damage to existing accesses, the accesses shall be restored to pre-project conditions immediately upon project completion in that specific area

NOTE: The permittee is advised that any new access site would require a modification of this permit.

21) Where oceanfront development exists at elevations nearly equal to that of the native beach, a low protective dune shall be pushed up along the backbeach to prevent slurry from draining towards the development.

22) Dune disturbance shall be kept to a minimum. Any alteration of existing dunes shall be coordinated with the Division of Coastal Management as well as the appropriate property owner(s). All disturbed areas shall be restored to original contours and configuration with reference to the surveyed normal high water line and shall be revegetated immediately following project completion in that specific area.

ADDITIONAL CONDITIONS

Maintenance Clause

23) The Division of Coastal Management shall be notified in writing at least two (2) weeks in advance of any maintenance excavation authorized by this permit, and such notification shall include:
   A. The number of the original permit.
   B. A statement that no dimensional changes are proposed.
   C. A copy of the original permit plans with cross-hatching indicating the area to be excavated, the area to be used for spoil disposal, and the estimated amount of material to be removed. The location, design and holding capacity of the spoil disposal site shall be approved by a representative of the Division prior to the initiation of any maintenance dredging activities.
   D. The date of map revision and the permittee's signature shown anew on the original plan.

General

24) The permittee and/or his or her contractor shall meet with a representative of the Division prior to initiation of any phase of this project.

25) 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.

26) 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.

27) This permit does not authorize the interference with any existing or proposed Federal project, and the permittee shall not be entitled to compensation for damage to the authorized structure or work, or injury which may be caused from existing or future operations undertaken by the United States in the public interest.

28) The permittee shall obtain any necessary authorizations or approvals from the US Army Corps of Engineers prior to initiation of any permitted activity. Unless specifically altered herein, the permittee shall adhere to all conditions of the Federal approval.

29) The permittee and/or his contractor shall provide for proper storage and handling of all oils, chemicals hydraulic fluids, etc., necessary to carry out the project.

30) This permit does not authorize any permanent or long-term interference with the public's right of access and/or usage of all State lands and waters.

31) The permittee shall make every effort possible to minimize any negative impacts of trucks and construction equipment on roadway and pedestrian traffic. The permittee should also ensure that the ability of individuals to access and enjoy the beach is not impeded outside of the construction limits.

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: Future development of the permittee's property may require a modification of this permit. Contact a representative of the Division at (910) 796-7215 prior to the commencement of any such activity for this determination.

NOTE: The N.C. Division of Water Resources assigned the project DWR Project No. 2002-0158v2.

NOTE: The U.S. Army Corps of Engineers assigned the project Action ID SAW-2019-01155.

NOTE: An application processing fee of $475 was received by DCM for this project. This fee also satisfied the Section 401 application processing fee requirements of the Division of Water Resources.