

LIST OF ATTACHMENTS

1. **Permit 55-67, Newspaper Clipping, 3 1970-71 Aerial Photographs Tubbs Inlet**
2. **Permit 155-70, Conditions, and Drawing**
3. **Letter from Applied Technology & Management re. Addendum, Aerial Photo**
4. **CAMA Permit 133-80, Conditions, and Map Drawing**
5. **Comparison Photos and Drawing of Present Proposal to 114-80, CAMA Permit 114-80, Town of Sunset Beach Newsletter and Newspaper article, Coastal Resources Commission Minutes from March 12-13, 1981, Project Completion Inspection sheet dated 4/9/81, "Finding of Fact, Conclusions of Law and Final Order"**
6. **1966 Aerial Photo of Dredging of Jinks Creek landward of Intracoastal Waterway, 1972 Photo of same area**
7. **DCM Permit Application Review from Ocean Isle Beach with Conditions**
8. **Sept. 23, 00 Wilmington Star article on Proposed project, July 12/00 article, and Brunswick Beacon 9/28/00 article**
9. **Comments on EA from Habitat Conservation Program, Bennett Wynne**
10. **Comments on EA from Marine Fisheries, Fritz Rohde**
11. **Cover sheet from study: Characterization of critical spawning habitats of weakfish, spotted seatrout and red drum in Pamlico Sound using hydrophone surveys**
12. **1999 Aerial Photo – Bird Sanctuary, 1999 Aerial Photo – 2000 Turtle Nests**
13. **CAMA Permit 35-94 which allowed the creation of the 10 lot subdivision at Tubbs Inlet**

ATTACHMENTS 1

Mr. Greer/lg/46
Mr. Turner
Mr. Sanders
Col. Snow/s/ BS
Mail
Opr Div

SAVV
(Permit No. 55-67)

19 September 1967

Mr. L. H. Barramore, Jr., Town Clerk
Town of Sunset Beach
Sunset Beach, North Carolina 28459

79001100702

Dear Mr. Barramore:

In accordance with your written request of 24 July 1967, there is inclosed a permit authorizing dredging and filling to relocate Tubbs Inlet at Sunset Beach in Brunswick County, N. C.

If any material changes in the location or plans of the structure or work are found necessary on account of unforeseen or altered conditions or otherwise, revised plans should be submitted promptly to the District Engineer in order that these revised plans may receive the approval required by law before construction thereon is begun.

Your attention is called to condition (i) of the inclosed permit which requires the permittee to notify this office relative to the commencement and completion dates.

Sincerely yours,

1 Incl
Permit No. 55-67

BEVERLY C. SNOW, JR.
Colonel, Corps of Engineers
District Engineer

10f11

DEPARTMENT OF THE ARMY

NOTE.—It is to be understood that this instrument does not give any property rights either in real estate or material, or any exclusive privileges; and that it does not authorize any injury to private property or invasion of private rights, or any infringement of Federal, State, or local laws or regulations, nor does it obviate the necessity of obtaining State assent to the work authorized. IT MERELY EXPRESSES THE ASSENT OF THE FEDERAL GOVERNMENT AS FAR AS CONCERNS THE PUBLIC RIGHTS OF NAVIGATION. (See *Chambers v. Chicago*, 188 U. S. 410.)

16-12104-8

PERMIT

U. S. Army Engineer District, Wilmington

Corps of Engineers.
Wilmington, North Carolina

19 September, 1967

Town of Sunset Beach

Sunset Beach, North Carolina 28459

79001100703

Gentlemen:

Referring to written request dated 24 July 1967,

I have to inform you that, upon the recommendation of the Chief of Engineers, and under the provisions of Section 10 of the Act of Congress approved March 3, 1899, entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," you are hereby authorized by the Secretary of the Army.

to relocate Tubbs Inlet by first dredging a new inlet and then fill in the old inlet.
(Here describe the proposed structure or work.)

in Jin's River and the Atlantic Ocean
(Here to be named the river, harbor, or waterway concerned.)

at Sunset Beach in Brunswick County, N. C.

(Here to be named the nearest well-known locality—preferably a town or city—and the distance in miles and tenths from some definite point in the same, stating whether above or below or giving direction by points of compass.)

in accordance with the plans shown on the drawing attached hereto marked:
(Or drawings; give file number or other definite identification marks.)

"Proposed Dredging in Tubbs Inlet at Sunset Beach, County of Brunswick, North Carolina, July 15, 1967"

subject to the following conditions:

28/11

(a) That the work shall be subject to the supervision of the District Engineer, Corps of Engineers, in charge of the locality, who may suspend the work at any time, if in his judgment the interests of navigation so require.

(b) That any material dredged in the prosecution of the work herein authorized shall be removed evenly and no large refuse piles, ridges across the bed of the waterway, or other obstructions that may have a tendency to cause injury to navigable channels or to the banks of the waterway shall be permitted. If any pipe, wire, or cable hereby authorized is laid in a trench, the formation of permanent ridges across the bed of the waterway shall be avoided and the back filling shall be so done as not to increase the cost of future dredging for navigation. Any material to be deposited or dumped under this authorization shall be deposited on shore above high-water mark, shall be deposited or dumped at the locality shown on the drawings hereto attached and, if so prescribed thereon, within or behind a good and substantial bulkhead or bulkhead structure, such as to prevent escape of the material in the waterway. If the material is to be deposited in the Harbor of New York, its adjacent or tributary waters, or in Long Island Sound, a permit therefor must be previously obtained from the Supervisor of New York Harbor, New York City.

(c) That there shall be no unreasonable interference with navigation by the work herein authorized.

(d) That if inspections or any other operations by the United States are necessary in the interest of navigation, all expenses connected therewith shall be borne by the permittee.

(e) That no attempt shall be made by the permittee or the owner to forbid the full and free use by the public of all navigable waters at or adjacent to the work hereinafter.

(f) That if future operations by the United States require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army, it shall cause unreasonable obstruction to the free navigation of said water, the owner will be required upon due notice from the Secretary of the Army, to remove or alter the structural work or obstructions caused thereby without expense to the United States, so as to render navigation reasonably free, easy, and unobstructed; and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners shall, without expense to the United States, and to such extent and in such time and manner as the Secretary of the Army may require, remove all or any portion of the completed structure or fill and restore to its former condition the navigable capacity of the watercourse. No claim shall be made against the United States on account of any such removal or alteration.

(g) That the United States shall in no case be liable for damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the Government for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

(h) That if the display of lights and signals on any work hereby authorized is not otherwise provided for by law, such lights and signals as may be prescribed by the U.S. Coast Guard, shall be installed and maintained by and at the expense of the owner.

(i) That the permittee shall notify the said district engineer at what time the work will be commenced, and as far in advance of the time of commencement as the said district engineer may specify, and shall also notify him promptly, in writing, of the commencement of work, suspension of work, if for a period of more than one week, resumption of work, and its completion.

(j) That if the structure or work hereby authorized is not completed on or before 31st day of December, 1970, this permit, if not previously revoked or specifically extended, shall cease and be null and void.

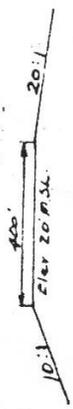
79001100704

By authority of the Secretary of the Army:

Beverly G. Snow, Jr.
BEVERLY G. SNOW, JR.
Colonel, Corps of Engineers
District Engineer

38711

TYPICAL SECTION
FILL AREA
SCALE 1"=400'

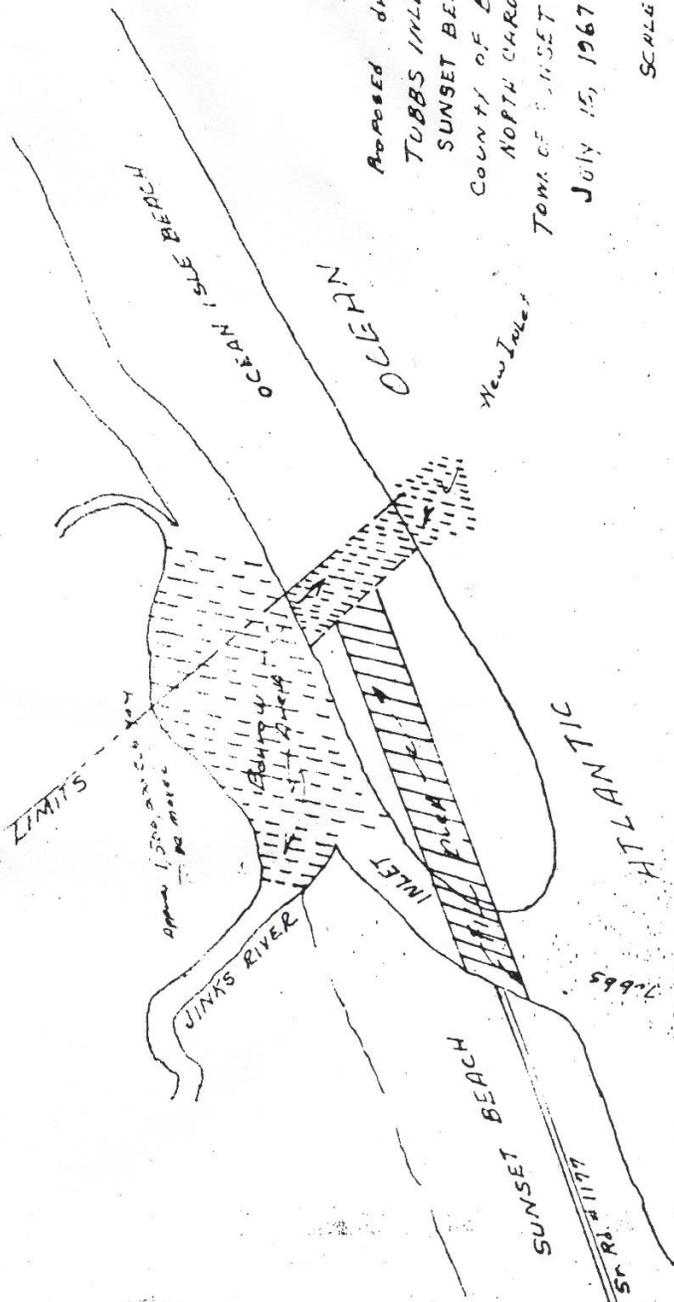


TYPICAL SECTION
NEW INLET
SCALE 1"=400'



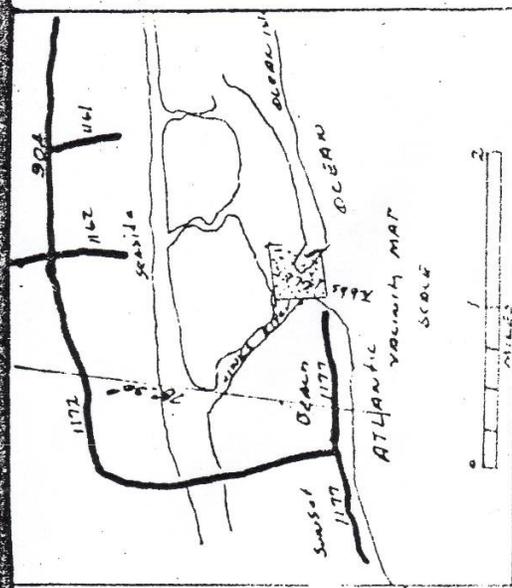
The new inlet will be stabilized with steel sheet piling. Tubbs Inlet, as it now exists, will be left open until after the new inlet is completed.

TOWN LIMITS



Proposed dredging in
TUBBS INLET AT
SUNSET BEACH
COUNTY OF BRUNSWICK
NORTH CAROLINA
TOWN OF SUNSET BEACH
JULY 15, 1967

SCALE



11/67

Ocean Isle woman files \$1.4 million suit against Brunswick developing firm

79001100566

An Ocean Isle woman has filed a \$1.4 million lawsuit against a Brunswick County developing and dredging firm claiming real and punitive damages when the corporation relocated Tubb's Inlet and caused the plaintiff's property to wash away into the ocean. The suit was filed in U. S. District Court in Wilmington under jurisdiction of the Ad-

miralty Jurisdiction Act on the basis the damage was done by a vessel, to wit, a dredge. Mrs. Willa Raye Sloane is asking \$700,000 real damages and \$700,000 punitive damages from defendants Edward Gores, M. C. Gore and wife Mina Gore, Sunset Beach and Twin Lakes, Inc., and Edward Gore, Mannon C. Gore and wife Mina Gore doing business as

Gore Dredging Co. The plaintiff alleges that on or about April 6, 1970, she and her husband, now deceased, owned a tract of land on the western end of Ocean Isle Beach. Prior to that date, the town of Sunset Beach had applied to the U. S. Army Corps of Engineers for a permit to close Tubb's Inlet and relocate it near the western line of the plaintiff's property on

Ocean Isle Beach. The inlet would be protected by a system of bulkheads. The suit further alleges that on or about May 14, a resolution was adopted by the Town of Sunset Beach giving permission for the dredging work on receipt of a permit from the Army Corps of Engineers.

At that time, Tubb's Inlet was located about 3,000 feet west of the plaintiff's property. The defendants began dredging in the navigable waters of the eastern channel, and the spoil of the dredging project was deposited on the land owned by the defendants Mannon C. Gore and wife Mina Gore.

At the site of the new location of Tubb's Inlet, the defendant dredged a channel into the beach leaving only a narrow barrier between the ocean and the eastern channel. This channel was dredged prior to the closing of the old Tubb's Inlet.

The suit alleges that as a result of this dredging by the defendants, an inlet broke through at the site of the proposed new inlet creating and relocating new Tubb's Inlet. This was at the point of the property owned by defendants Mannon C. Gore and wife Mina Gore, and immediately adjacent to the property owned by the plaintiff.

In this action, the suit alleges, the defendants were negligent in that the new inlet was not stabilized by steel pilings as required by the permit of the U. S. Army Corps of Engineers. The old inlet was not left open until after the new inlet was opened as required by the permit. The dredging operation on the property owned by the defendants to make this property higher and stronger and the defendants should have known that such an unstabilized inlet would move in the direction of least resistance eastward to form a channel wide enough to accommodate the natural flow of water through the inlet. 5/4/11

As a result of these allegedly negligent actions, the plaintiff claims, the plaintiff's property was in the line of least resistance.

The plaintiff alleges in the suit that the inlet expanded to the east, "totally washing away" the property owned by the plaintiff on Ocean Isle Beach.

As a result, the plaintiff prays compensatory damages to the amount of \$700,000 and punitive damages to the amount of \$700,000.

1

JAN. 5, 1970

T9665

18,000

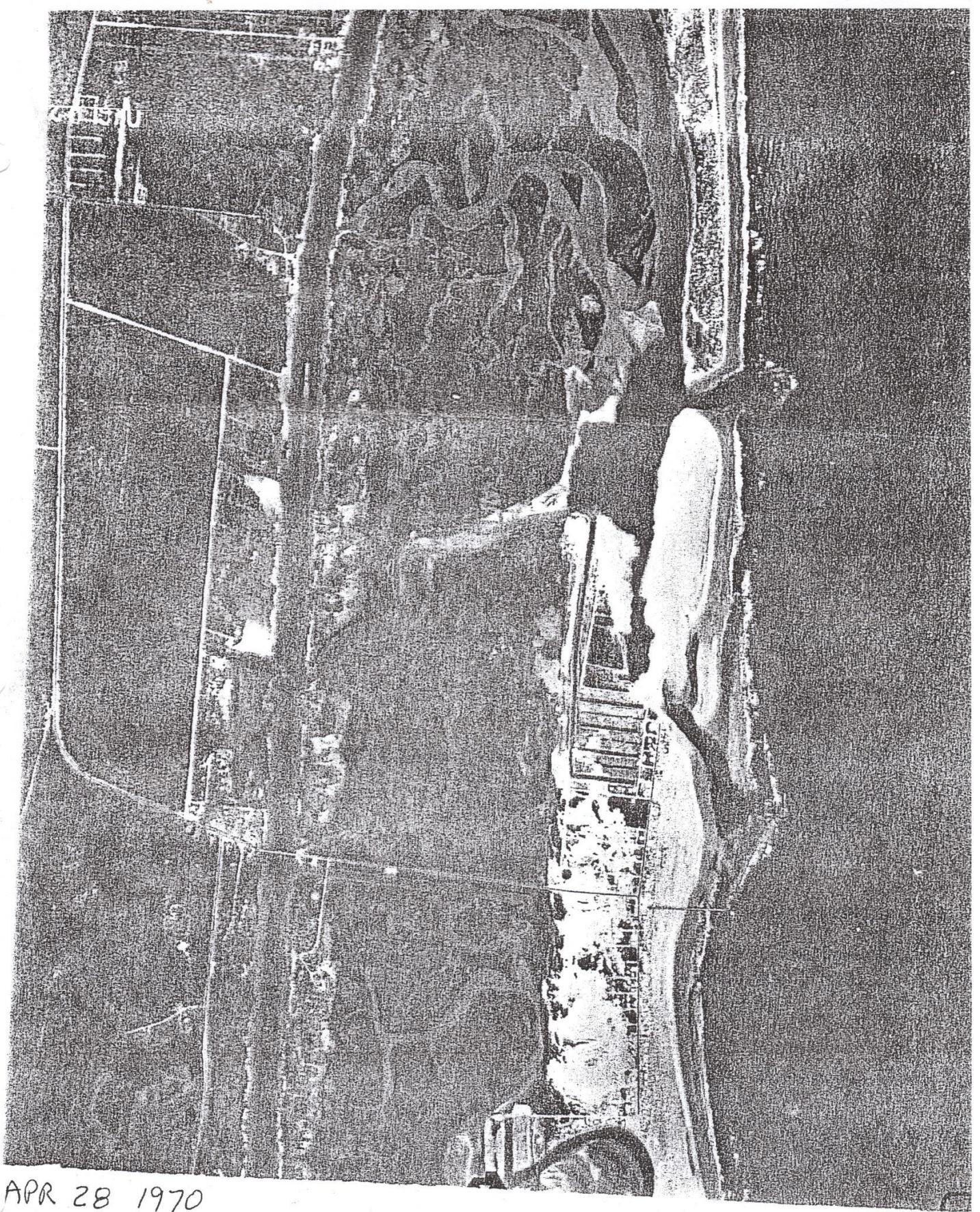
2 JAN 70

JAN 70

D1B

11 of 60





APR 28 1970

ATTACHMENT 1

7 of 11

T-888

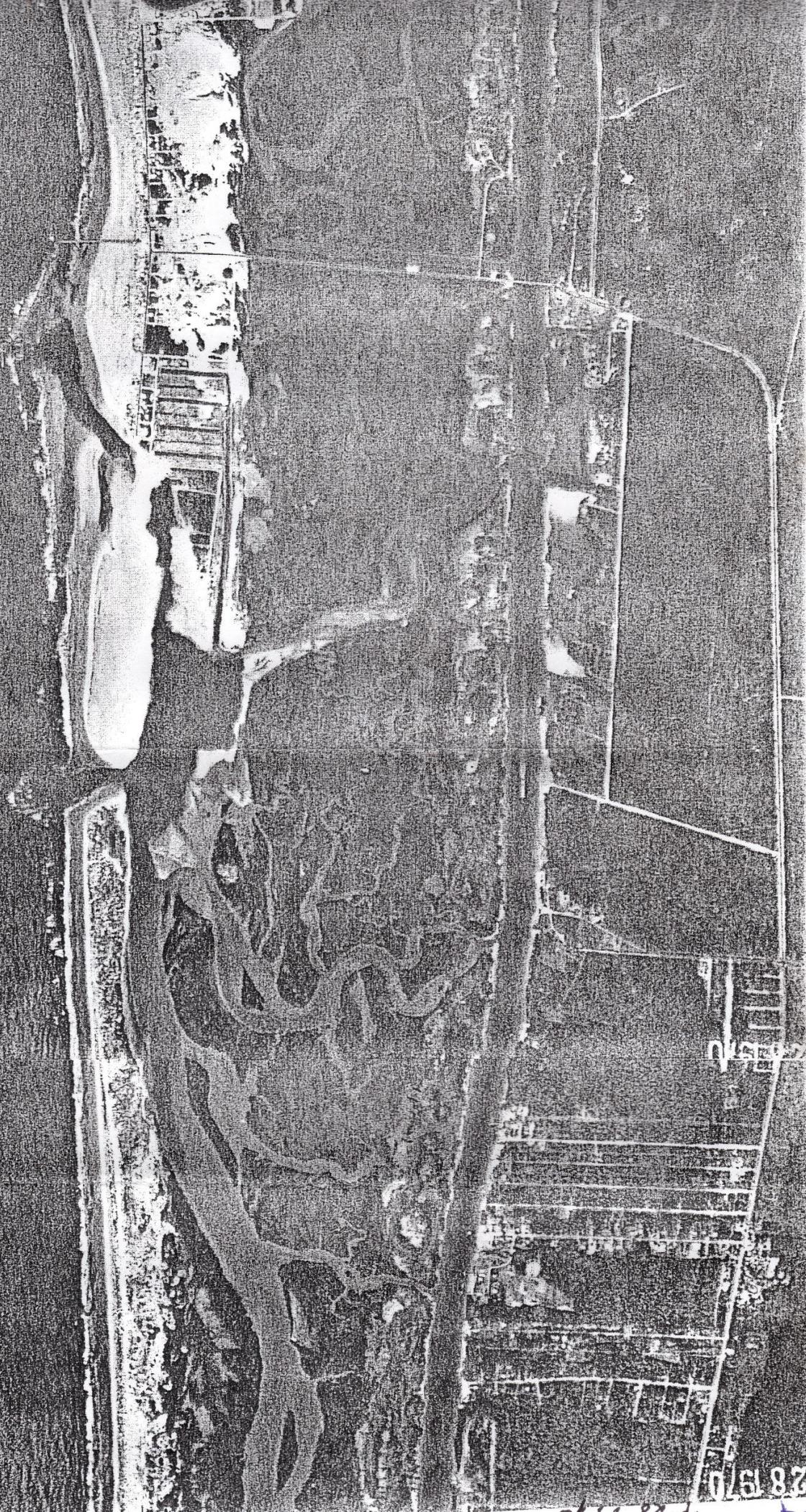
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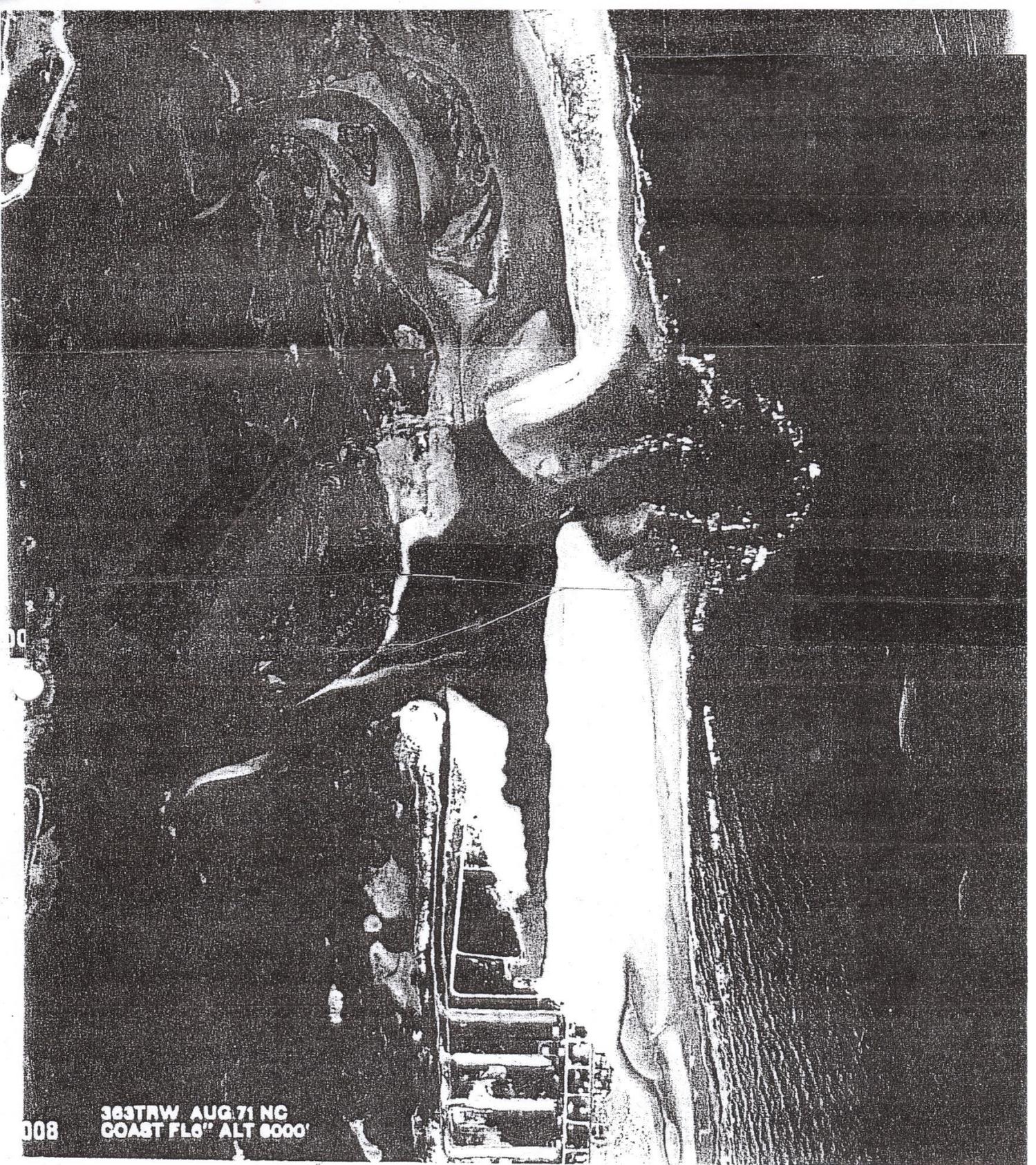
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1950

28 1970



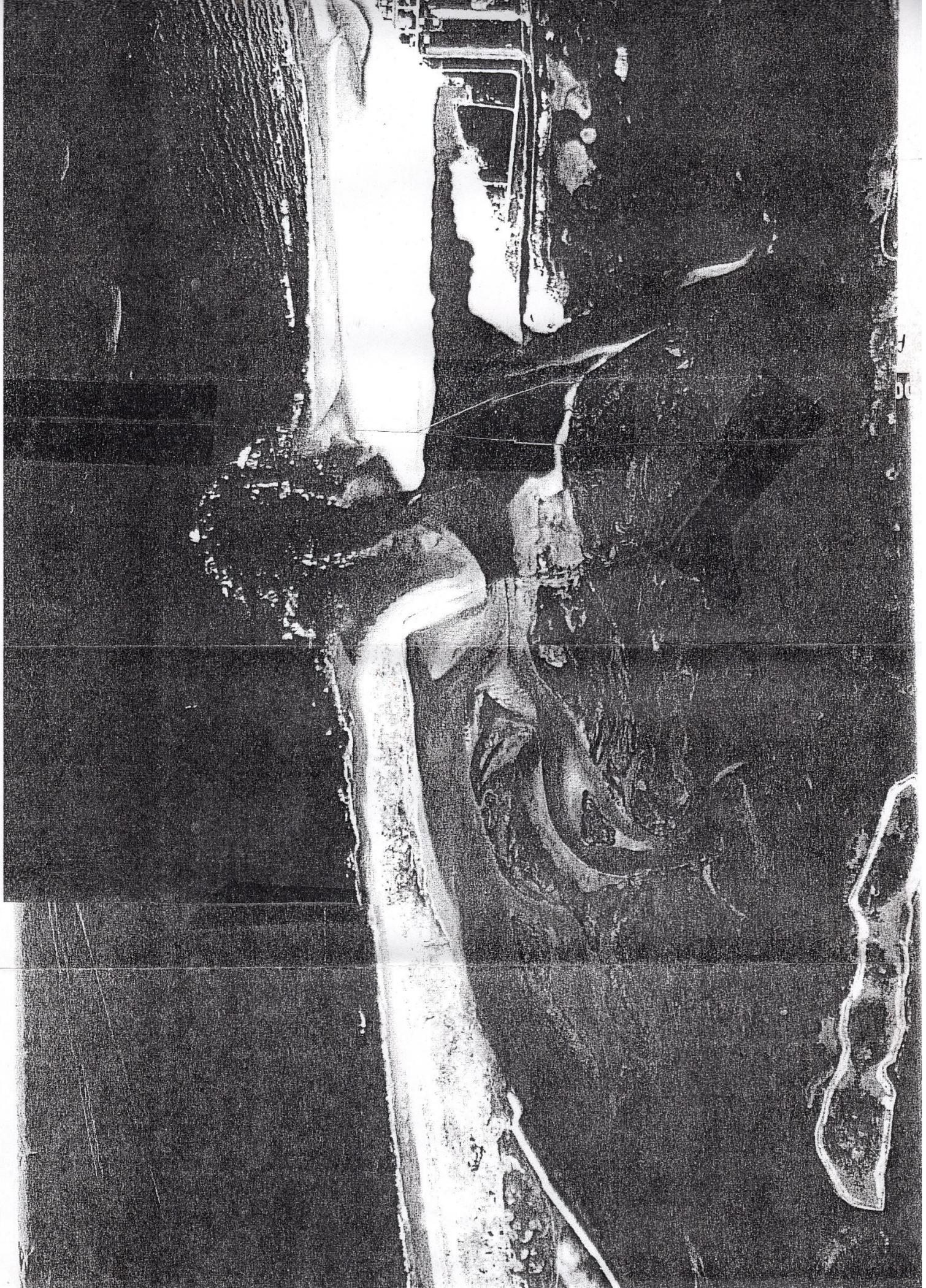


008 363TRW AUG 71 NC
COAST FLG" ALT 8000'

AUG 1971

109/11

ATTACHMENT 1



ATTACHMENTS 2

PERMIT TO DREDGE OR FILL

STATE OF NORTH CAROLINA

DEPARTMENT OF CONSERVATION AND DEVELOPMENT

Area 2

*See Permit 129 - Revised 5-12-70
Permit 10-14-*

*REPLACED #129
WAS LATER
RENEWED OCT. 14, 1971*

1971 Odell Williamson
name

Ocean Isle Realty Company
street address

Shallotte
town-city

Brunswick North Carolina 28459
county state

This permit authorizes you to dredge and/or fill in the location and manner requested by you in your permit application, subject to the following conditions:

(see attached)

This permit is void if the above conditions are not adhered to and followed.

Notification of the completed project must be given this office upon its completion.

This permit must be displayed with a copy of the application in the cab or pilot-house of the vehicle working on the project, whichever is applicable, and be easily accessible to Department of Conservation and Development personnel.

This permit is terminated on December 31 of the next year subsequent to the year of issuance.

Any additional work or maintenance work on the project subsequent to the termination of this permit requires a new permit.

The permit, as approved with conditions, may be objected to by the applicant or by interested State agencies within twenty days of the date of issuance by giving written notice to the Department of Conservation and Development.

Applicant is advised of the requirement under General Statute §146-6.1 that power-operated earth moving equipment operating or to be operated in or on publicly owned tidelands, publicly owned beaches, publicly owned marshlands, or navigable waters within the State must be registered by the owner of the equipment with the Department of Water and Air Resources.

May 12, 1970

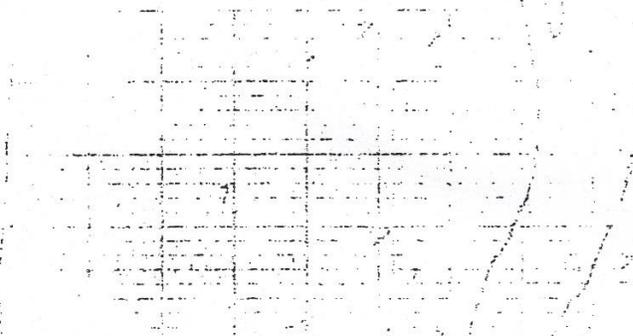
Thomas L. Linton
Thomas L. Linton, Commissioner
Division of Commercial and Sports Fisheries
10/85

DIVISION OF COMMERCIAL AND SPORTS FISHERIES

May 12, 1970

CONDITIONS OF PERMIT - Mr. Odell Williamson - Permit No. 155

1. That the proposed channel to be cut parallel to Eastern Channel, on the southern side of Eastern Channel, be 50-65 feet wide.
2. That the northern side of the proposed channel be cut approximately 75-100 feet from the southern bank of Eastern Channel.
3. That the entrance channel from Eastern Channel on the western limit of the project be cut as close to the approximate property line as possible.
4. That the entrance channel from Eastern Channel in the eastern limit of the project be cut approximately 150 feet from the existing road as shown on the attached map.
5. That approximately 18" of the sand pan areas north of the proposed channel be scooped off with a dragline. The purpose of such excavation to be the creation of approximately 10 acres of new salt marsh area.
6. That a representative of the Division of Commercial and Sports Fisheries be present during the initial stages of excavation to assure that elevations of the sand pan areas obtained are conducive to the growth of new salt marsh.

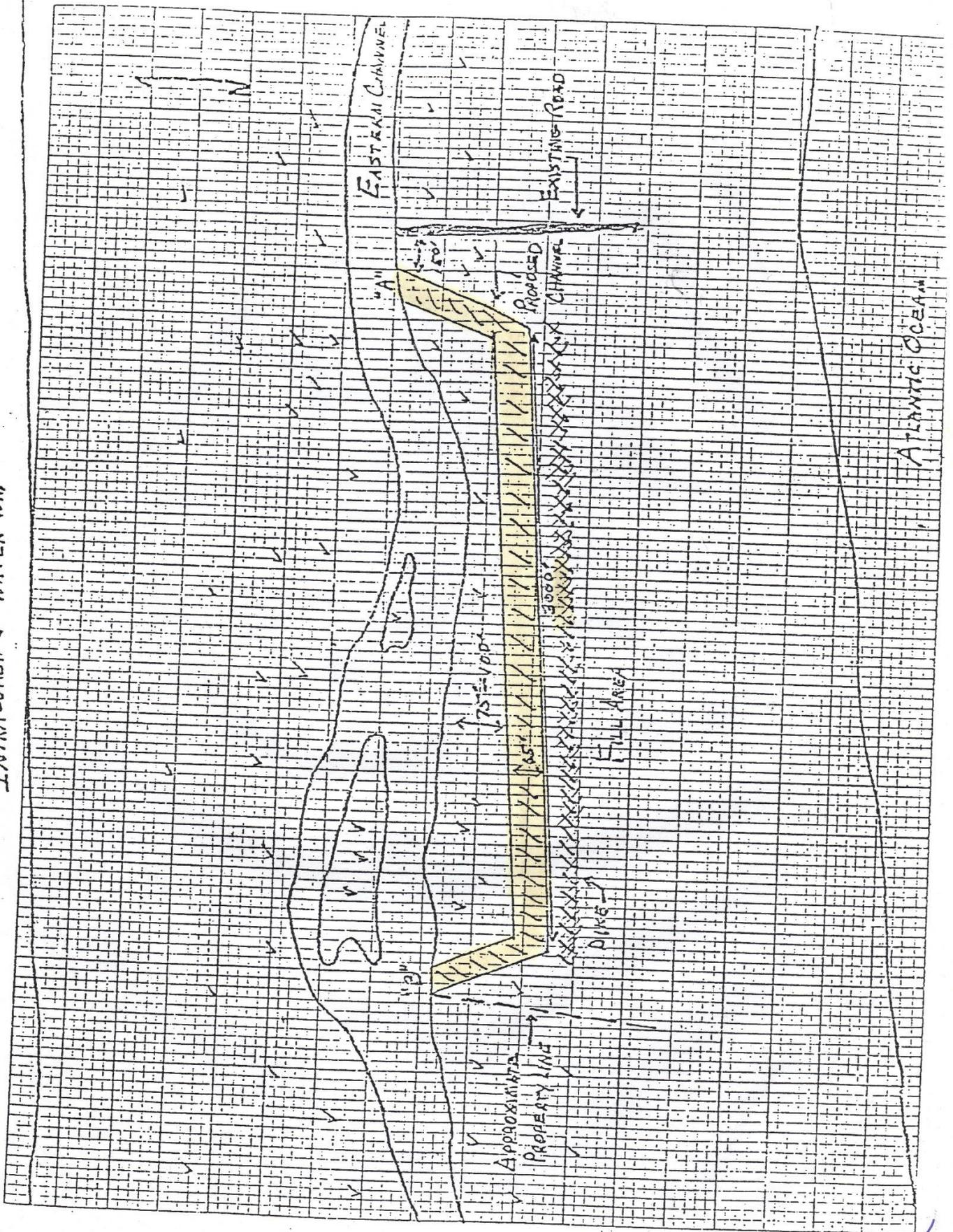


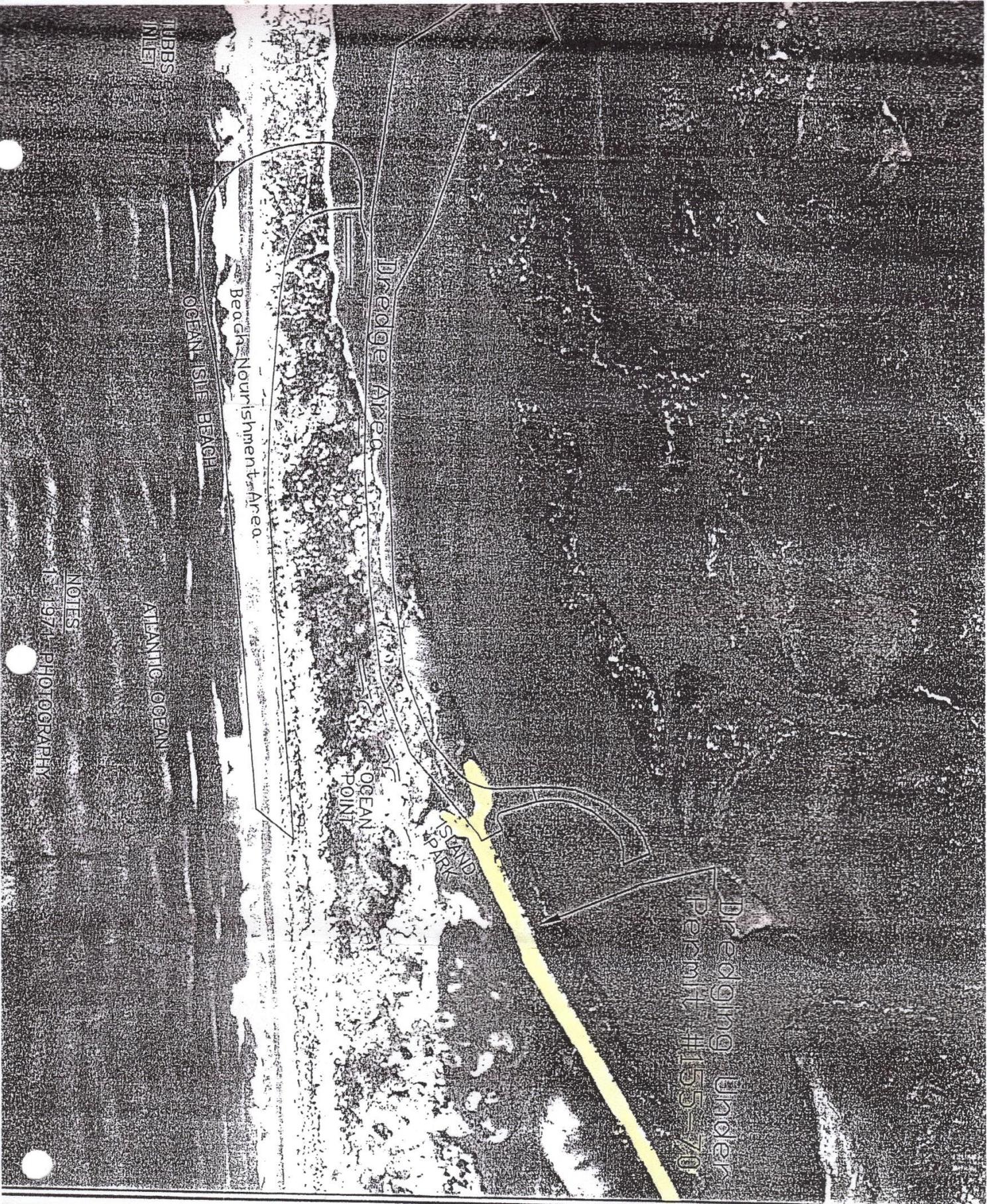
Thomas L. Linton

Thomas L. Linton, Commissioner

2 of 5

INTRACOASTAL WATER WAY

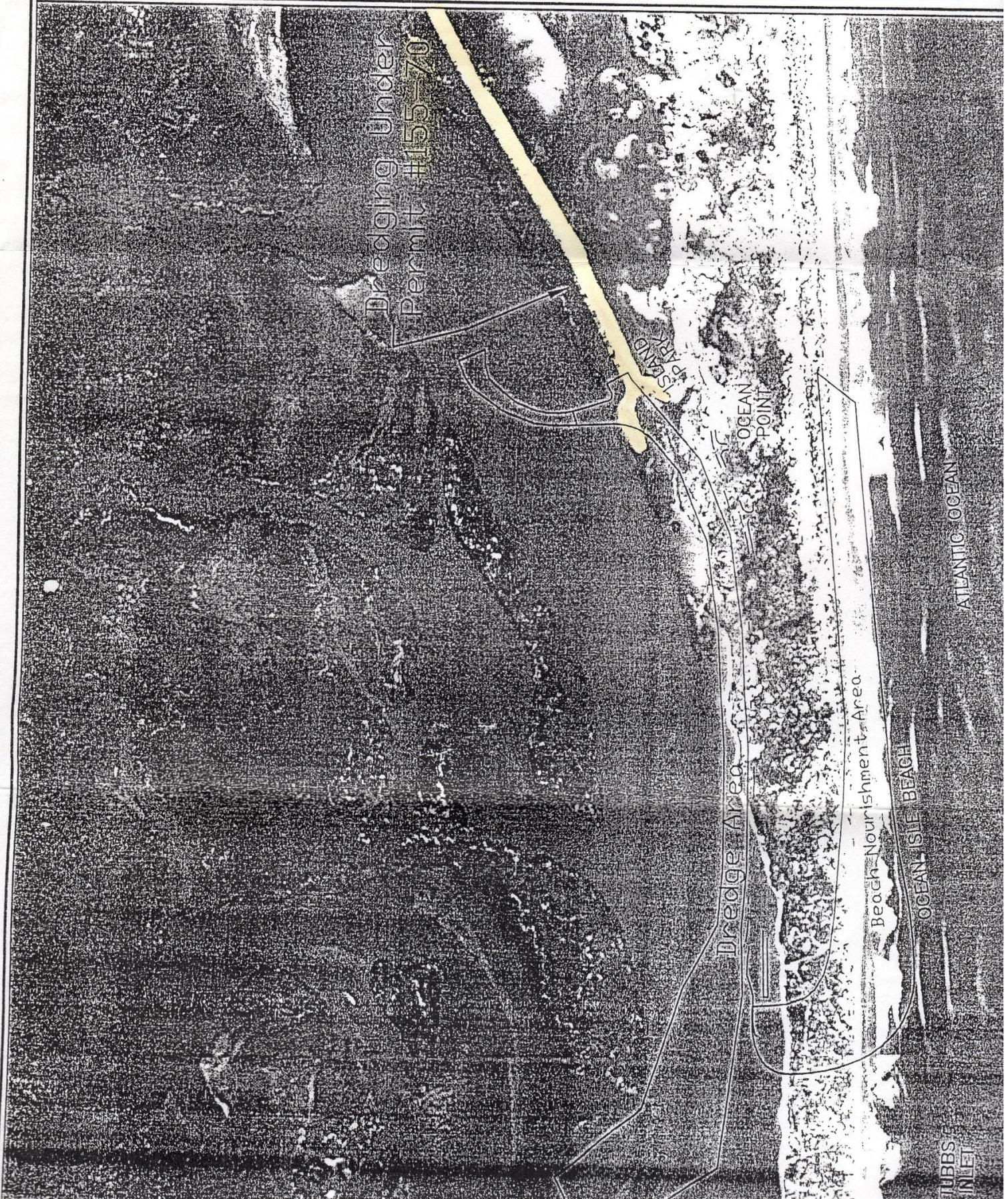




=500'
 AND CREEK DREDGING
 WITH RENOURISHMENT PROJECT

#2 4 of 5

ATTN



ATTACHMENTS 3

*This is reply from
Engineering Form
addressing required conditions*

ATTACHMENT 3A



Mr. Doug Huggett
North Carolina Department of Coastal Management
1638 Mail Service Center
Raleigh, NC 27699

December 20, 2001

RECEIVED

DEC 27 2001

DIV. OF COASTAL MANAGEMENT
RALEIGH

Re: Old Sound Creek Dredging Project

Dear Mr. Huggett,

We are in receipt of the December 11, 2001 NCDCM request for additional information regarding the post-project inlet migration as discussed in the Environmental Assessment document for the Old Sound Creek Dredging Project. As discussed in a recent telephone call, we have provided clarifications where applicable for the major points raised in the attached letters from Sunset Beach property owners and the NCCF.

Specifically, the enclosed sections of Chapter 5 provides supplemental information (shown in italics) to be added to Section 5.6.3 of the EA to further demonstrate that reversal of the Tubbs Inlet migration is not probable. The revised text also outlines the groups that would need to participate in the design and coordination of an inlet management plan if the need arises. Long-term maintenance of the project area as a navigation channel is not a goal of the project, thus maintenance and management of the area are not addressed.

Should you need any additional information, please let me know.

Sincerely,

Karyn Erickson
Karyn M. Erickson, P.E.
Vice President

Enclosures

cc: Lillett Moore
Ken Shanklin

201 North Front Street, Suite 508
Wilmington, North Carolina 28401
TEL (910) 762-0800 FAX (910) 762-6250
www.appliedtm.com

1 of 1

ATTACHMENTS 4

ATTACHMENT 4

SAWC080-N-010-000345 ✓
SAWC081-N-010-000066
SAWC081-N-010-000113

27 August 1981

Mr. John T. Porterfield
7729 Hood Road
Charlotte, NC 28215

Dear Mr. Porterfield:

Thank you for your letter of 21 August 1981 regarding Department of the Army permit applications to accomplish work in and near Eastern Channel at Ocean Isle Beach, Brunswick County, North Carolina.

The following are condensed statements addressing issued permits within the area:

- a. SAWC080-N-010-000345, a permit issued 26 May 1981 to Mr. Odell Williamson which authorizes construction of a bulkhead with backfill along Eastern Channel off Tubbs Inlet at Ocean Isle Beach.
- b. SAWC080-N-010-000066, a permit issued 29 April 1981 to the Town of Ocean Isle Beach, which authorizes the deletion of three ocean strand groins and the construction of five additional wooden groins on Eastern Channel for a total of ten groins near Ocean Isle Beach.
- c. SAWC0-N-010-000113, a permit issued 24 April 1981 to White-Forbes Group Inc., which authorizes the excavation of a boat basin, and the construction of a bulkhead pier, and ramp to support a condominium development on Old Sound Creek (Eastern Channel) at the western end of Ocean Isle Beach.

Inclosed is a copy of each permit. At present there are no active applications for authority to perform work in the Ocean Isle Beach vicinity.

Not without effort, we are maintaining you on a list to routinely receive copies of our public notices and monthly summaries regarding all work in Brunswick County, subject to our regulatory authority. The information we are providing herewith and have provided in other separate mailings was made available to you on earlier occasions in these notices and summaries. If for some reason our mailings are not serving their intended purpose, we would appreciate your comments and/or recommendations.

Sincerely,

CHARLES W. HOLLIS
Chief, Regulatory Function

SAWCO-EP/HEINE/rs
SAWCO-EP/WINEFORDNE
SAWCO-E/Hollis/s
Mail 3/27
SAWCO-Branch

3 Incl
AS stated

ref 8

- b. That all activities authorized herein shall, if they involve, during their construction or operation, any discharge of pollutants into waters of the United States or ocean waters, be at all times consistent with applicable water quality standards, effluent limitations and standards of performance, prohibitions, pretreatment standards and management practices established pursuant to the Federal Water Pollution Control Act of 1972 (P.L. 92-500, 86 Stat. 816), the Marine Protection, Research and Sanctuaries Act of 1972 (P.L. 92-532, 86 Stat. 1052), or pursuant to applicable State and local law.
- c. That when the activity authorized herein involves a discharge during its construction or operation, of any pollutant (including dredged or fill material), into waters of the United States, the authorized activity shall, if applicable water quality standards are revised or modified during the term of this permit, be modified, if necessary, to conform with such revised or modified water quality standards within 6 months of the effective date of any revision or modification of water quality standards, or as directed by an implementor on plan contained in such revised or modified standards, or within such longer period of time as the District Engineer, in consultation with the Regional Administrator of the Environmental Protection Agency, may determine to be reasonable under the circumstances.
- d. That the discharge will not destroy a threatened or endangered species as identified under the Endangered Species Act, or endanger the critical habitat of such species.
- e. That the permittee agrees to make every reasonable effort to prosecute the construction or operation of the work authorized herein in a manner so as to minimize any adverse impact on fish, wildlife, and natural environmental values.
- f. That the permittee agrees that he will prosecute the construction or work authorized herein in a manner so as to minimize any degradation of water quality.
- g. That the permittee shall permit the District Engineer or his authorized representative(s) or designee(s) to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.
- h. That the permittee shall maintain the structure or work authorized herein in good condition and in accordance with the plans and drawings attached hereto.
- i. That this permit does not convey any property rights, either in real estate or material, or any exclusive privileges; and that it does not authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations nor does it obviate the requirement to obtain State or local assent required by law for the activity authorized herein.
- j. That this permit may be summarily suspended, in whole or in part, upon a finding by the District Engineer that immediate suspension of the activity authorized herein would be in the general public interest. Such suspension shall be effective upon receipt by the permittee of a written notice thereof which shall indicate (1) the extent of the suspension, (2) the reasons for this action, and (3) any corrective or preventative measures to be taken by the permittee which are deemed necessary by the District Engineer to abate imminent hazards to the general public interest. The permittee shall take immediate action to comply with the provisions of this notice. Within ten days following receipt of this notice of suspension, the permittee may request a hearing in order to present information relevant to a decision as to whether his permit should be reinstated, modified or revoked. If a hearing is requested, it shall be conducted pursuant to procedures prescribed by the Chief of Engineers. After completion of the hearing, or within a reasonable time after issuance of the suspension notice to the permittee if no hearing is requested, the permit will either be reinstated, modified or revoked.
- k. That this permit may be either modified, suspended or revoked in whole or in part if the Secretary of the Army or his authorized representative determines that there has been a violation of any of the terms or conditions of this permit or that such action would otherwise be in the public interest. Any such modification, suspension, or revocation shall become effective 30 days after receipt by the permittee of written notice of such action which shall specify the facts or conduct warranting same unless (1) within the 30-day period the permittee is able to satisfactorily demonstrate that (a) the alleged violation of the terms and the conditions of this permit did not, in fact, occur or (b) the alleged violation was accidental, and the permittee has been operating in compliance with the terms and conditions of the permit and is able to provide satisfactory assurances that future operations shall be in full compliance with the terms and conditions of this permit; or (2) within the aforesaid 30-day period, the permittee requests that a public hearing be held to present oral and written evidence concerning the proposed modification, suspension or revocation. The conduct of this hearing and the procedures for making a final decision either to modify, suspend or revoke this permit in whole or in part shall be pursuant to procedures prescribed by the Chief of Engineers.
- l. That in issuing this permit, the Government has relied on the information and data which the permittee has provided in connection with his permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended or revoked, in whole or in part, and/or the Government may, in addition, institute appropriate legal proceedings.
- m. That any modification, suspension, or revocation of this permit shall not be the basis for any claim for damages against the United States.
- n. That the permittee shall notify the District Engineer at what time the activity authorized herein will be commenced, as far in advance of the time of commencement as the District Engineer may specify, and of any suspension of work, if for a period of more than one week, resumption of work and its completion.

3 of 8

The following Special Conditions shall be applicable when appropriate.

STRUCTURES IN OR AFFECTING NAVIGABLE WATERS OF THE UNITED STATES:

a. That this permit does not authorize the interference with any existing or proposed Federal project and that the permittee shall not be entitled to compensation for damage or injury to the structures or work authorized herein which may be caused by or result from existing or future operations undertaken by the United States in the public interest.

b. That 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 activity authorized by this permit.

c. That if the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the permittee.

d. That the permittee, upon receipt of a notice of revocation of this permit or upon its expiration before completion of the authorized structure or work, shall, without expense to the United States and in such time and manner as the Secretary of the Army or his authorized representative may direct, restore the waterway to its former conditions. If the permittee fails to comply with the direction of the Secretary of the Army or his authorized representative, the Secretary or his designee may restore the waterway to its former condition, by contract or otherwise, and recover the cost thereof from the permittee.

e. Structures for Small Boats. That permittee hereby recognizes the possibility that the structure permitted herein may be subject to damage by wave wash from passing vessels. The issuance of this permit does not relieve the permittee from taking all proper steps to insure the integrity of the structure permitted herein and the safety of boats moored thereto from damage by wave wash and the permittee shall not hold the United States liable for any such damage.

MAINTENANCE DREDGING

a. That when the work authorized herein includes periodic maintenance dredging, it may be performed under this permit for _____ years from the date of issuance of this permit (ten years unless otherwise indicated);

b. That the permittee will advise the District Engineer in writing at least two weeks before he intends to undertake any maintenance dredging.

DISCHARGES OF DREDGED OR FILL MATERIAL INTO WATERS OF THE UNITED STATES.

a. That the discharge will be carried out in conformity with the goals and objectives of the EPA Guidelines established pursuant to Section 404(b) of the FWPCA and published in 40 CFR 230;

b. That the discharge will consist of suitable material free from toxic pollutants in other than trace quantities;

c. That the fill created by the discharge will be properly maintained to prevent erosion and other non-point sources of pollution; and

d. That the discharge will not occur in a component of the National Wild and Scenic River System or in a component of a State wild and scenic river system.

DUMPING OF DREDGED MATERIAL INTO OCEAN WATERS:

a. That the dumping will be carried out in conformity with the goals, objectives, and requirements of the EPA criteria established pursuant to Section 102 of the Marine Protection, Research and Sanctuaries Act of 1972, published in 40 CFR 220.228.

b. That the permittee shall place a copy of this permit in a conspicuous place in the vessel to be used for the transportation and/or dumping of the dredged material as authorized herein.

This permit shall become effective on the date of the District Engineer's signature.

Permittee hereby accepts and agrees to comply with the terms and conditions of this permit.

Bill Williams
PERMITTEE

5-14-81
DATE

BY AUTHORITY OF THE SECRETARY OF THE ARMY
Bill Kopsak
LTC, CE
DEP DIST ENGR

28 May 81
DATE

DISTRICT ENGINEER,
U.S. ARMY, CORPS OF ENGINEERS

Permittee hereby agrees to comply with the terms and conditions of this permit

Hops

TRANSFEREE

DATE

b. That if the activity authorized herein is not started on or before 28th day of February, 19 82 (one year from the date of issuance of this permit unless otherwise specified) and is not completed on or before December, 1984 (three years from the date of issuance of this permit unless otherwise specified) this permit, if not previously revoked or specifically extended, shall automatically expire.

p. That this permit does not authorize or approve the construction of particular structures, the authorization or approval of which may require authorization by the Congress or other agencies of the Federal Government.

q. That if and when the permittee desires to abandon the activity authorized herein, unless such abandonment is part of a transfer procedure by which the permittee is transferring his interests herein to a third party pursuant to General Condition t hereof, he must restore the area to a condition satisfactory to the District Engineer.

r. That if the recording of this permit is possible under applicable State or local law, the permittee shall take such action as may be necessary to record this permit with the Register of Deeds or other appropriate official charged with the responsibility for maintaining records of title to and interests in real property.

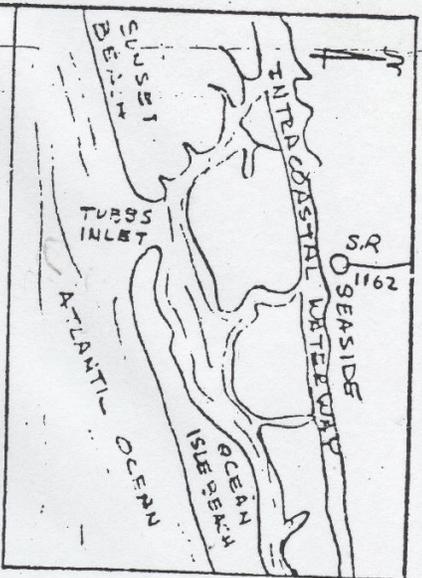
s. That there shall be no unreasonable interference with navigation by the existence or use of the activity authorized herein.

t. That this permit may not be transferred to a third party without prior written notice to the District Engineer, either by the transferee's written agreement to comply with all terms and conditions of this permit or by the transferee subscribing to this permit in the space provided below and thereby agreeing to comply with all terms and conditions of this permit. In addition, if the permittee transfers the interests authorized herein by conveyance of realty, the deed shall reference this permit and the terms and conditions specified herein and this permit shall be recorded along with the deed with the Register of Deeds or other appropriate official.

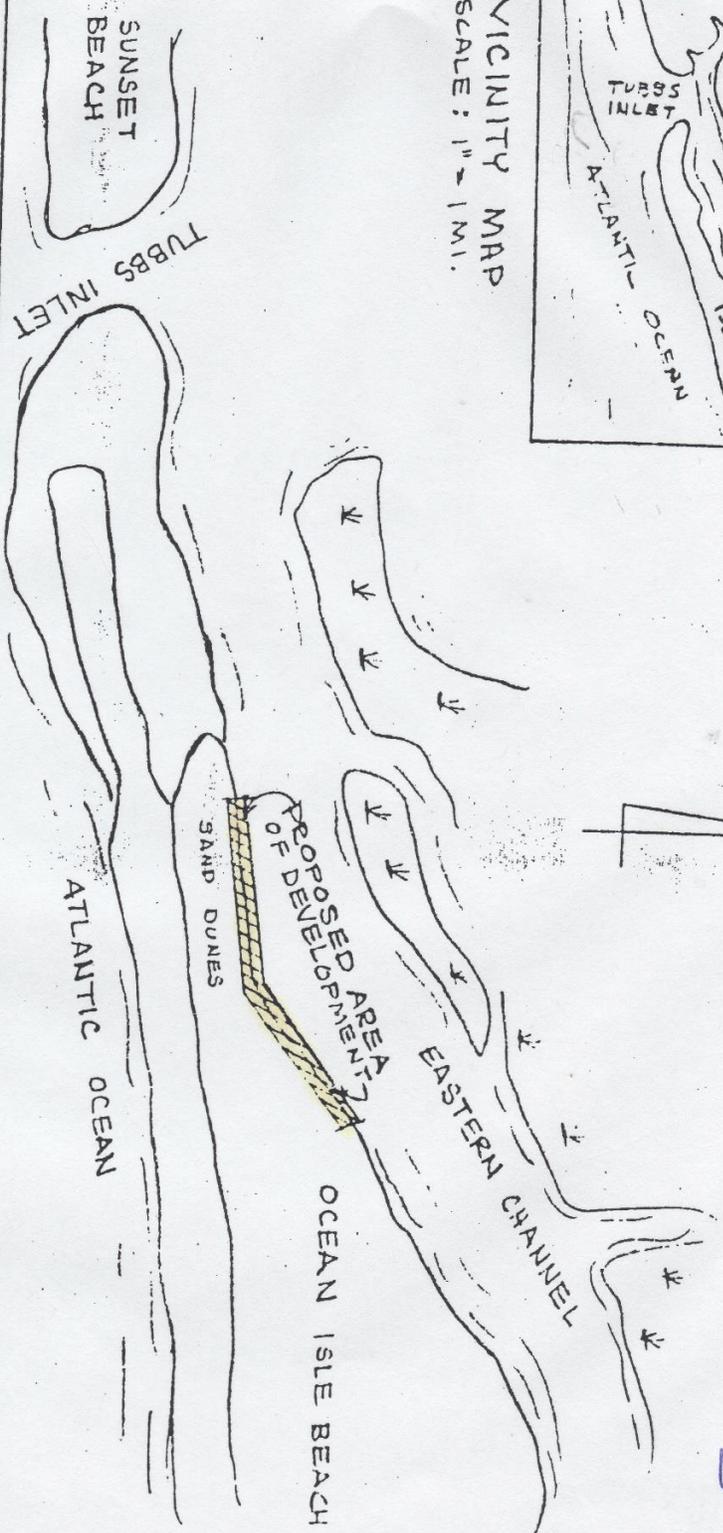
ii. Special Conditions: (Here list conditions relating specifically to the proposed structure or work authorized by this permit).

1. Before any excavation or construction is begun, the permittee and his contractor will meet onsite with a representative of the US Army Corps of Engineers to stake the bulkhead alignment.
2. The bulkhead will not be positioned farther than 2 feet waterward from the mean high water contour at any point along its alignment.
3. All backfill material will be obtained from an upland source and confined landward of the permitted bulkhead.
4. No marshland will be excavated or filled.

5 of 8

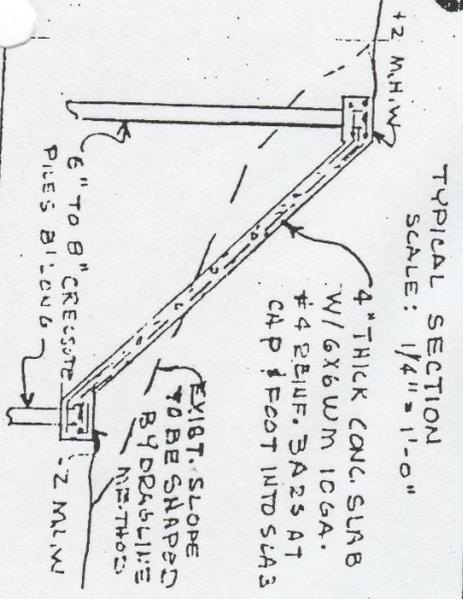


VICINITY MAP
SCALE: 1" = 1 MI.



ATTACHMENT

ATTACHMENT 4

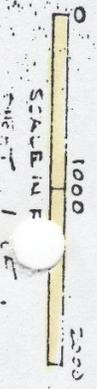


TYPICAL SECTION
SCALE: 1/4" = 1'-0"

- NOTES:
1. OWNER: ODELL WILLIAMSON
 2. ADJ. OWNERS: ODELL WILLIAMSON
 3. EXISTING BANK EDGE TO BE RESHAPED BY DRAULINE METHOD PRIOR TO PILE PLACEMENT & POURED IN PLACE CONC. SLAB W/ CAP & FOOTINGS.

PROPOSED BEACH EROSION CONTROL IN TOWN OF OCEAN ISLE BEACH

SHALLOTTE TOWN, BRUNSWICK CO. VA.
SCALE: 1" = 1000'
SEPT. 8, 1953



Permit Number
133-80

ATTACHMENT 4

Permit C

NEW

STATE OF NORTH CAROLINA
Department of Natural Resources and Community Development
and
Coastal Resources Commission

Permit

for

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

Excavation and/or filling pursuant to NCGS 113-229

Issued to

Mr. Odell Williamson

Ocean Isle Beach, Shallotte, NC 28459

authorizing development in Brunswick Co at W. end of Ocean Isle Beach - South Bank of Eastern Channel as requested in the permittee's application dated 9/8/80; including attached plat dated 9/8/80 subject to the conditions set forth below

- (1) That all excavation undertaken in preparation for the bulkhead not exceed two (2) feet waterward of the mean high water line.

NOTE: In order to insure compliance with this condition the permittee is urged to contact the Office of Coastal Management, Wilmington Field Office (telephone number: 256-4161) and arrange to have this alignment staked prior to construction.

- (2) That all excavated materials be confined on high ground and behind the permitted bulkhead.
- (3) That the marsh grass fringe adjacent to the project site not be disturbed.
- (4) That in order to protect water quality, runoff from the construction area must not visibly increase the amount of suspended sediments in adjacent waters.

NOTE: Enforcement personnel will determine an increase as significant if the measured level of suspended sediments is increased by 25 National Turbidity Units. [See the attached sheet for Additional Notations.]

IF THE ABOVE CONDITIONS AND THE PLANS AND SPECIFICATIONS SUBMITTED AS PART OF THE APPLICATION (WHERE NOT IN CONFLICT WITH THE CONDITIONS) ARE NOT FOLLOWED PRECISELY, THE PERMITTEE IS SUBJECT TO A FINE, IMPRISONMENT, OR CIVIL ACTION AS PROVIDED IN G. S. 113A-126 AND G. S. 113-229 (K) AND (L)

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

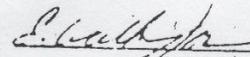
This permit action may be objected to by the permittee or other qualified persons within twenty (20) days of the issuing date. A valid appeal requires resolution prior to work initiation or continuance, as the case may be. Signing this form and proceeding with the work binds the applicant to compliance with all permit conditions.

Any maintenance work or project modification not covered here under requires further Departmental approval. All work must cease when the permit expires.

Permit expires on December 31, 1983

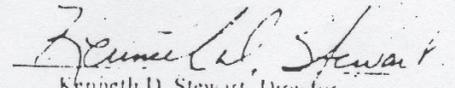
Issuing Date January 20, 1981

Signed by the authority of the Secretary



F. Walton Jones, Deputy Secretary

Signed by the authority of the Chairman
of the Coastal Resources Commission



Kenneth D. Stewart, Director
Office of Coastal Management

Signature of Permittee

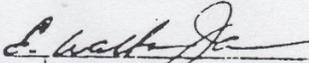
Mr. Odell Williamson
January 20, 1981

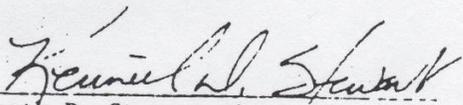
Permit No. 133-80
Page 2 of 2

ADDITIONAL NOTATIONS

NOTE: Additional development activities within a designated Area of Environmental Concern such as new road ways, structures, etc. will require CAMA Permit(s). For information, please contact Mr. Locke Byrd, CAMA Permit Officer, Ocean Isle Beach Town Hall, telephone number: 579-2166.

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


E. Walton Jones, Deputy Secretary
Department of Natural Resources &
Community Development


Kenneth D. Stewart, Director
Office of Coastal Management

Signature of Permittee

848

ATTACHMENTS 5

TOWN OF SUNSET BEACH

SUNSET BEACH, N. C. 28459

PHONE: 919-579-6297

4A Wilmington Morning Star /Monday, January 19, 1981

WILMINGTON
**Morning
Star**

ESTABLISHED 1867

John O. Fullerton, Publisher
Charles M. Anderson, Editor
C. William Smith, Managing Editor
Charles W. Rieaz Jr., Editorial Page Editor

Ocean Isle asks for trouble

Developer Odell Williamson wants to dredge shallow Tubbs Inlet between Ocean Isle Beach and Sunset Beach. To people in the Cape Fear Region who have watched man and the ocean match wits along this coast, it looks like a mighty risky proposition.

The ocean usually wins, and it extracts a heavy price for disturbing its shores.

fooling with inlets can cause a lot of trouble, as the residents of Carolina Beach have found. Closing an inlet north of the beach has apparently caused enormous erosion further south.

Sunset Beach residents are understandably worried that if Williamson does dredge the inlet and ut the sand on Ocean Isle, it could worsen erosion n Sunset Beach.

A couple of professors from the University of North Carolina at Wilmington agree with them. hey told state officials that their studies indicate at dredging the inlet would build up Ocean Isle at the expense of Sunset Beach.

The state has already given conditional approval r the project, but as a result of the Sunset Beach challenge, the Coastal Resources Commission will ke the matter up Feb. 25.

It ought to clarify the reasons for the project. amson, who owned Ocean Isle, developed it, and whose daughter is now mayor, would like to do . He is even volunteering to pay for it. The reasons re vague.

The dredging might help flush pollution out of e creeks and improve fishing, as an Office of oastal Management witness says. But that seems

TO: Property Owners- Block 15-R

The purpose of this third letter to you as a property owner at Sunset Beach is to report on the appeal hearing at the Ocean Isle Town Hall on January 14, 1981. Our consultants, Dr. Cleary and Dr. Hoiser of UNCW, presented a collection of slides to demonstrate that any imbalance created in the flow of water between Jinx Creek and Eastern Channel by dredging may result in a westerly migration of Tubbs Inlet at the expense of Sunset Beach. Mr. Stanley, our attorney, pointed out that the Coastal Resource Commission erred in issuing a permit to dredge Eastern Channel. He added that the project would serve to expand the land mass of Ocean Isle to the detriment of Sunset Beach and that the benefit would be for private land owners and developers of Ocean Isle.

The Coastal Resource Commission will meet on February 25, 1981 to review our appeal for revocation of the permit. At the Ocean Isle meeting Commissioner Wells, the hearing officer, pointed out that only one riparian owner had written to express concern over this project. After careful study, Sunset Beach has taken the position that this project could cause serious problems for property owners on the eastern end of Sunset Beach.

Enclosed you will find a list of names and addresses of the Coastal Resource Commission. Please take the time to write each or any of them prior to their meeting on February 25, 1981. Your response as individuals to this request to communicate with the commission members could be the strongest factor in the revocation of this permit.

If we can be of any assistance, please let us know.

Sincerely yours,

Wallace Martin
Wallace Martin
Town Manager
Sunset Beach, N.C.

EASTERN CHANNEL
Dredging



114-80

150' wide
4,300' long

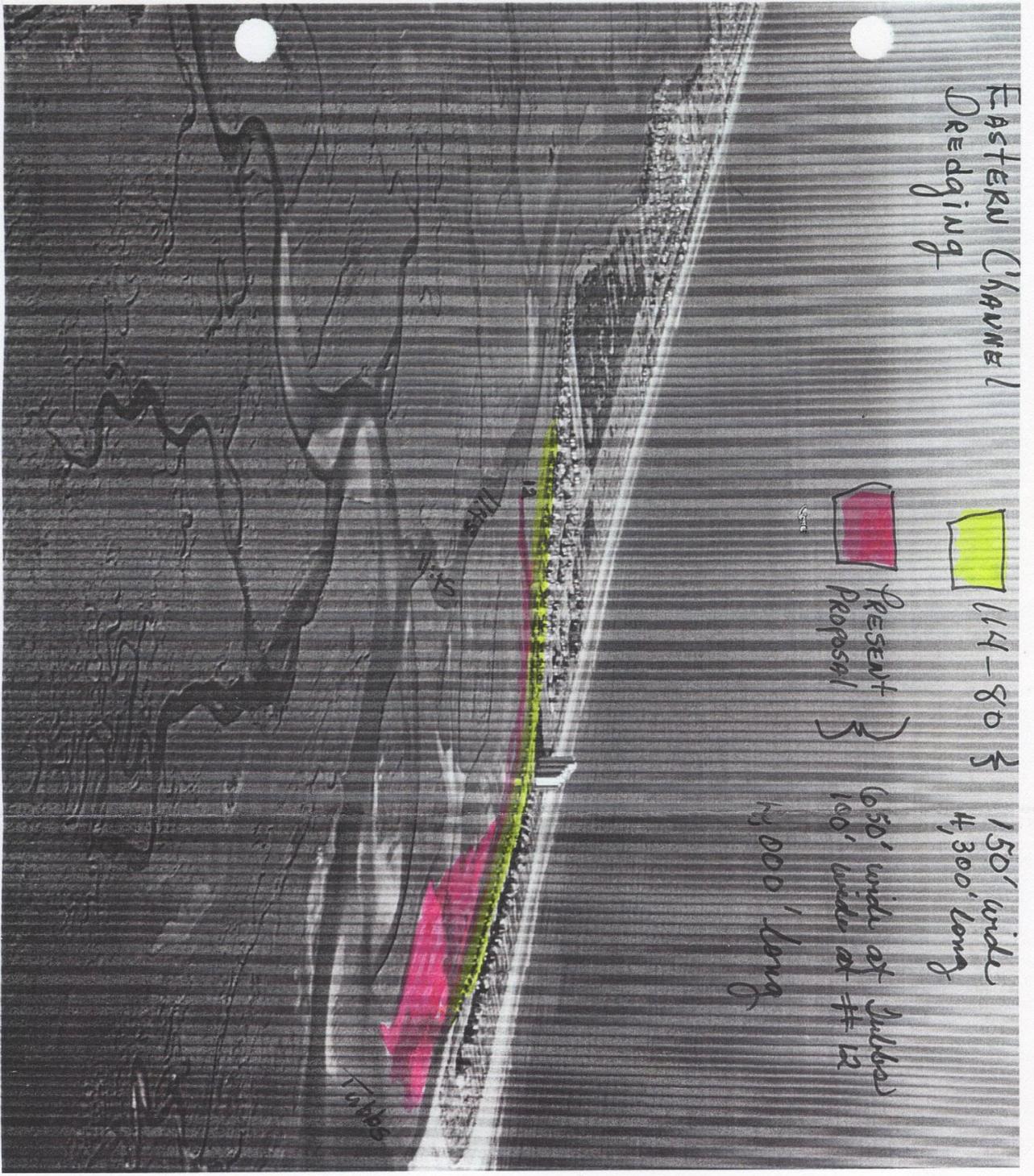


PRESENT
Proposal



650' wide at Jubbas
100' wide at #12

4,000' long



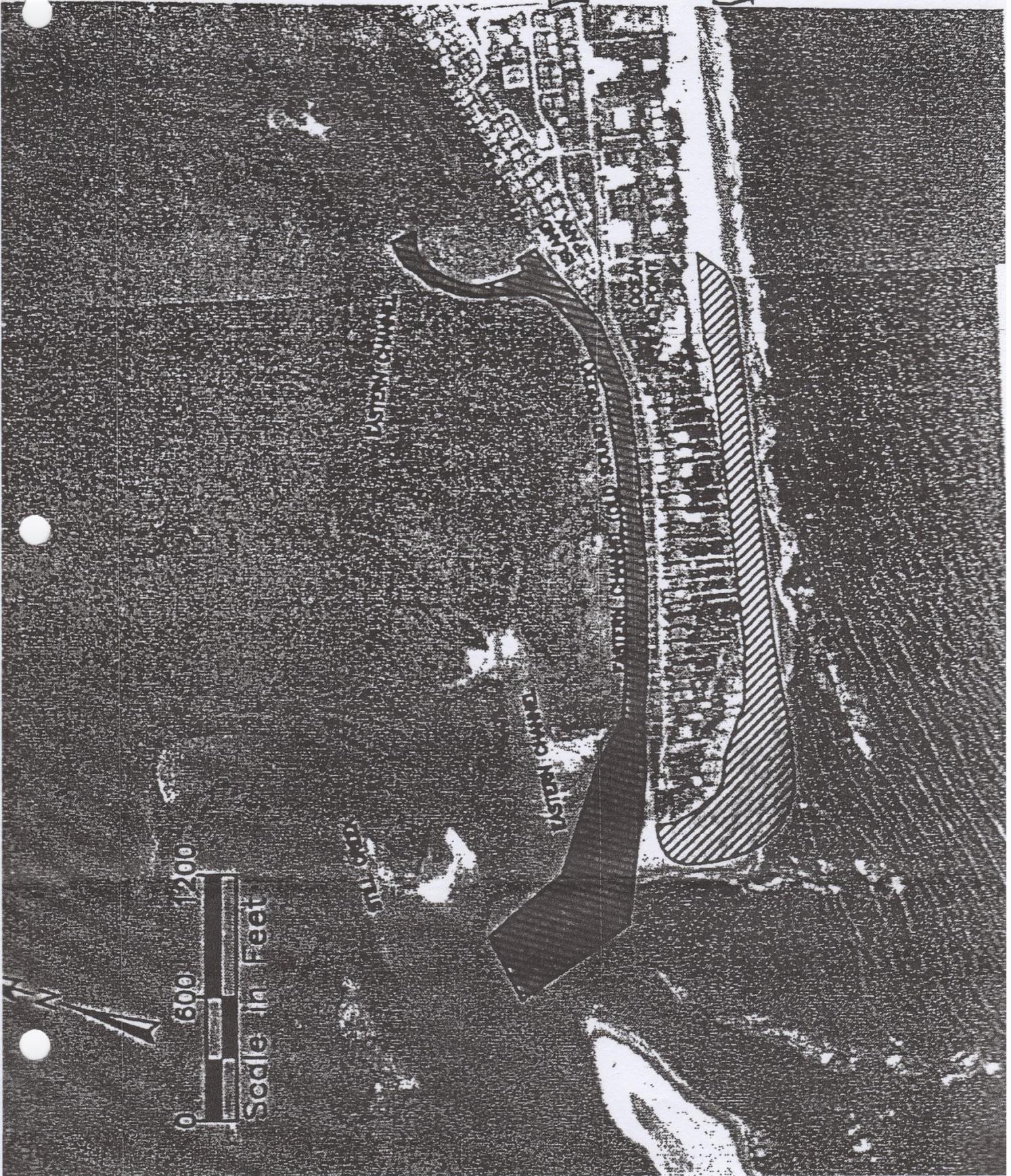
#5

2/2/22

Dredg

Nourish

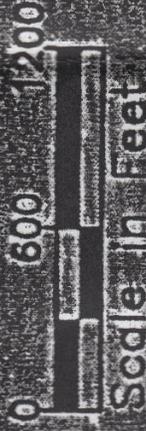
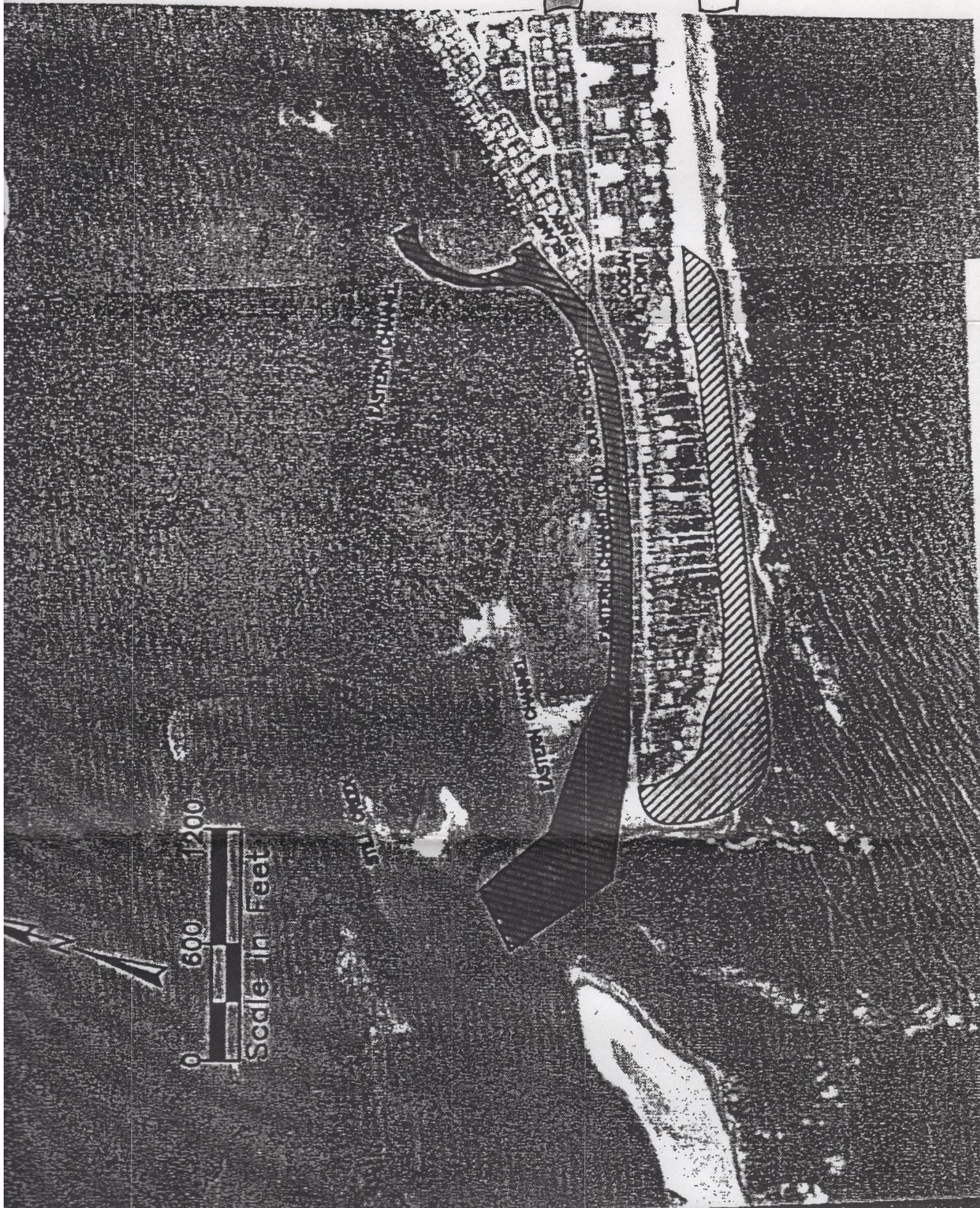
1#5
3/22



Dredge

Nourish

1982



STILL CANAL

ASTORIA CHANNEL

ASTORIA CHANNEL (OLD BOYD CANAL)

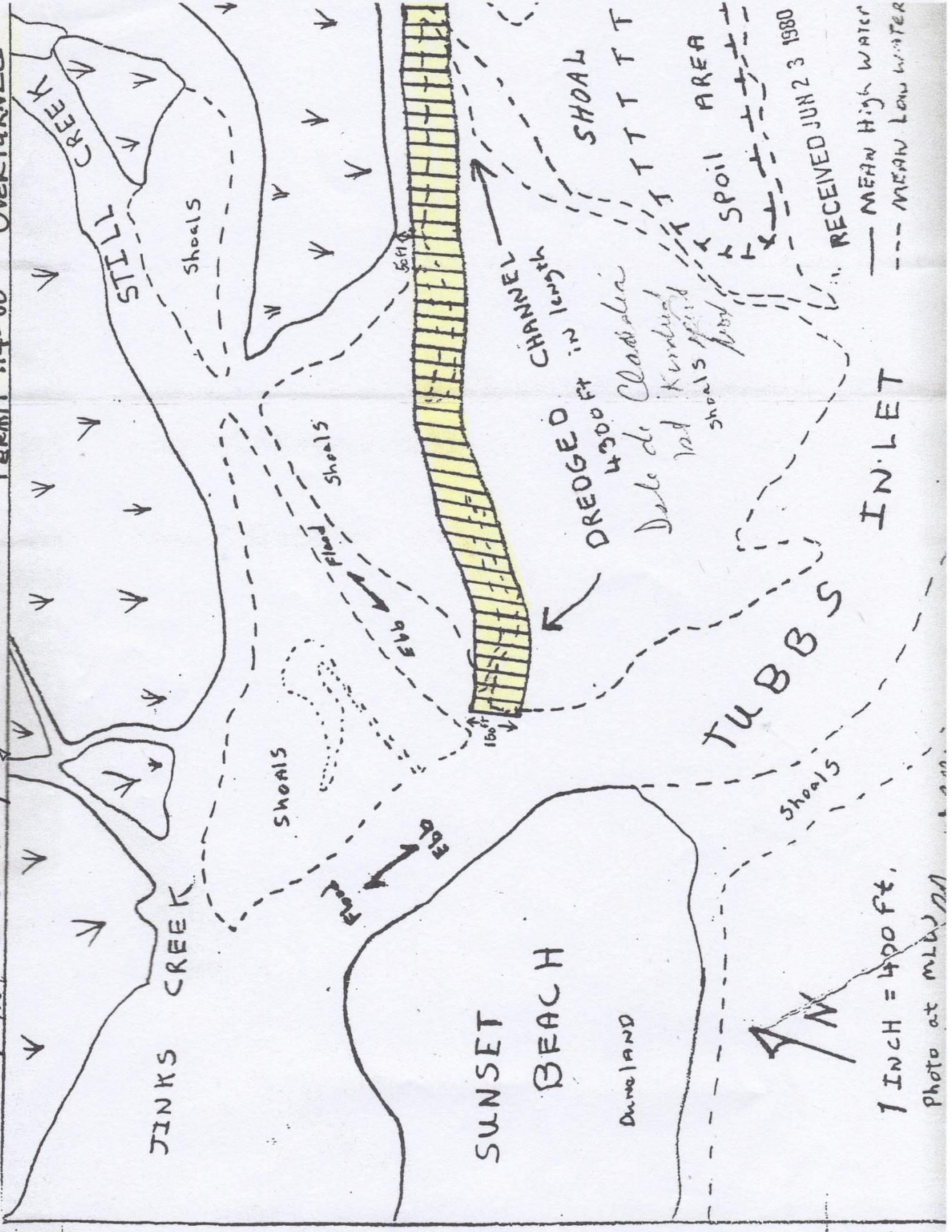
ASTORIA CHANNEL

OCEAN POINT

5-3

Left Part 1 of 3 pages

Permit 114-80 OVERTURNED



RECEIVED JUN 23 1980

MEAN HIGH WATER
MEAN LOW WATER

TUBBS
INLET

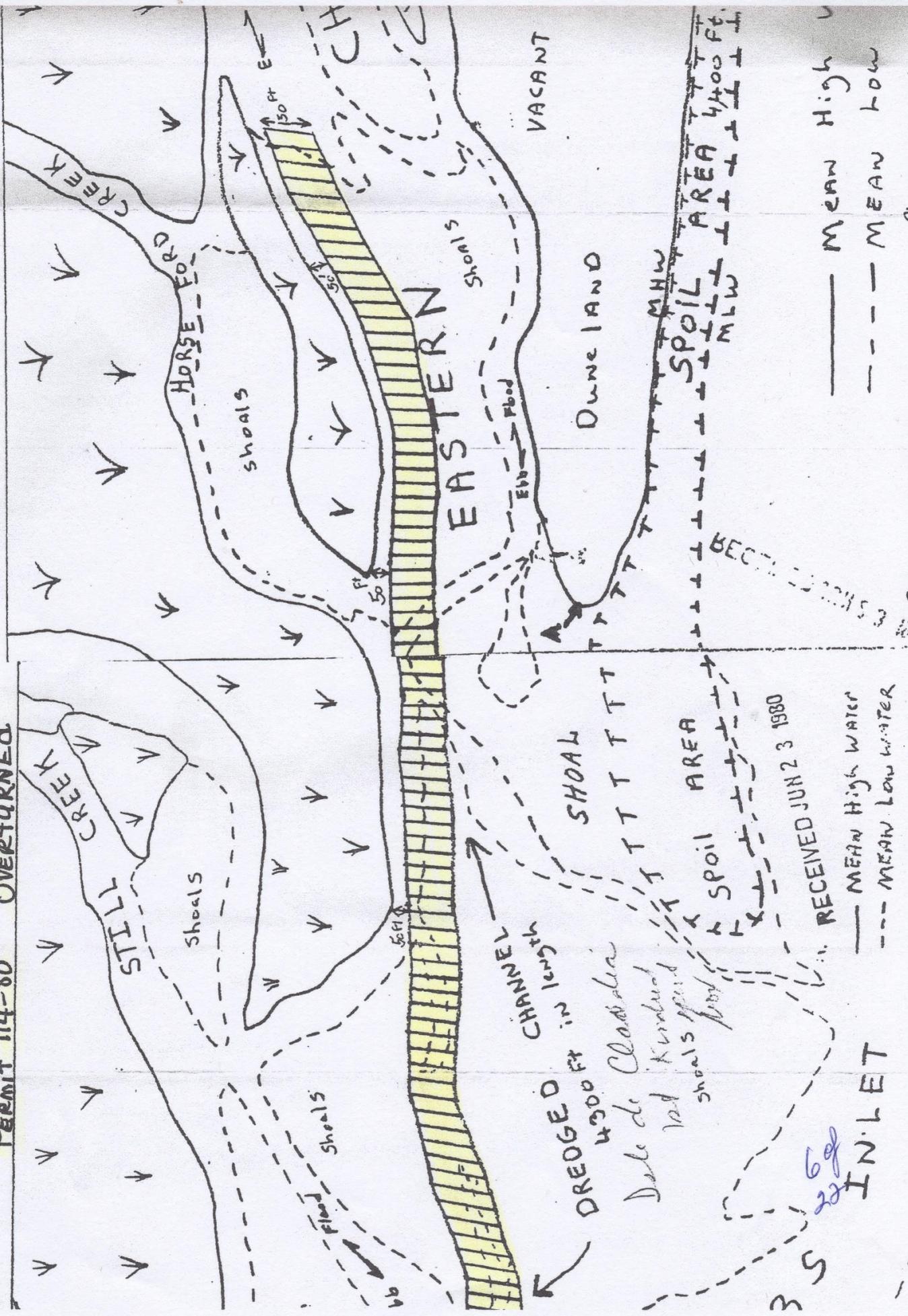
1 INCH = 400 ft.

Photo at MLW DA

5 of 22

Center Part 2 of 3

Permit 114-60 OVERTURNED



RECEIVED JUN 23 1980

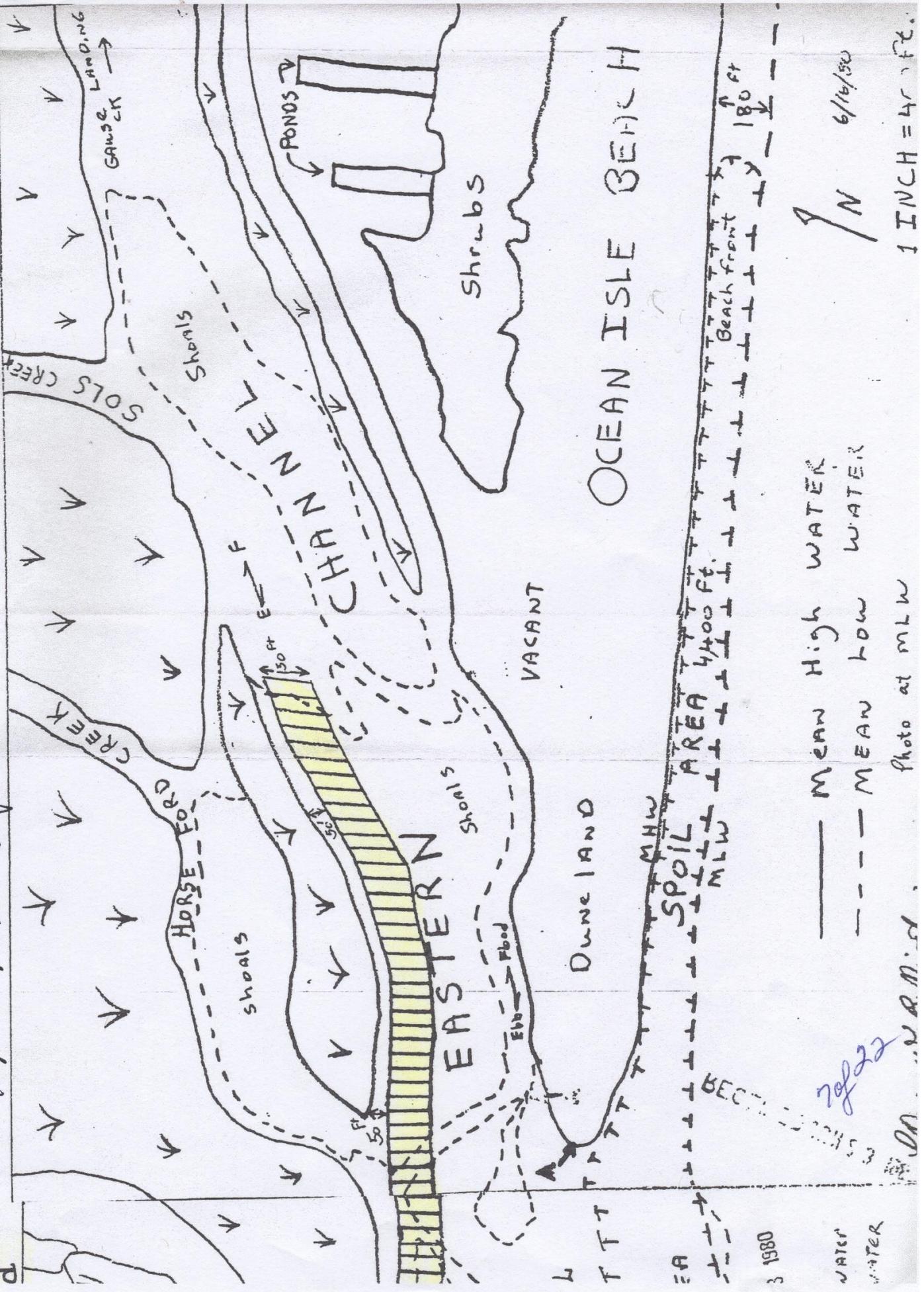
— MEAN HIGH WATER
 --- MEAN LOW WATER

Photo at MLW

DA V.R.M.D.

Right part of 3

ATTACHMENT 5



——— MEAN HIGH WATER
 - - - MEAN LOW WATER

N

6/16/50

1 INCH = 40 FT.

Photo at MLW

3 1980

WATER WATER

2022

AGENDA

COASTAL RESOURCES COMMISSION

ATTACHMENT 5

WRIGHTSVILLE BEACH, NC

March 12-13, 1981

Thursday, March 12

9:00 a.m.

Call to Order

Parker Chesson
Chairman

Announcements

Roll Call

Approval of Minutes

Executive Secretary's Report

Ken Stewart

Consideration of Appointments to the
Coastal Resources Advisory Council (CRC-145)

Coffee Break

10:00 a.m.

Douglas Gray Appeal Decision

11:00 a.m.

Committee Meetings

Planning and Special Issues Committee

Art Cooper
Chairman

Review of Land Use Plan Updates for (P&SI-69)

Brunswick County Kure Beach

Chowan County Navassa

Gates County Perquimans County

Havelock Topsail Beach

Kill Devil Hills Wrightsville Beach

Pender County Land Use Plan Amendment (P&SI-70)

Beach Access Analysis (P&SI-68)

AEC Nominations

Carrot Island (P&SI-67A)

Masonboro Island (P&SI-67B)

Report on Status of FIA Rules, Maps (P&SI-66)

Update on Barrier Island 201 E.I.S.

Cape Hatteras Lighthouse (P&SI-72)

Audubon Society Bird Sanctuaries (P&SI-73)

Task Force Meetings

Post Disaster Planning Task Force

Coastal Water Quality Task Force

Implementation and Standards Committee

Charles Wells
Vice-Chairman

Draft Rule on Setback Exemptions (I&S-43)

Measurement of Vegetation Line with
Berm Projects (I&S-41)

I & E Rule Modification on Permit
Payments (I&S-44)

Proposed Study of Effectiveness and
Impact of AEC Rules

Examination of Inlet Standards (I&S-45)

Friday, March 13

9:00 a.m.

Call to Order

Planning and Special Issues Committee Report

Implementation and Standards Committee Report

Sunset Beach Appeal of Permit Issuance to
Ocean Isle Beach (CRC-146)

Old Business/New Business

Adjourn

agf

MINUTES

MEETING: North Carolina Coastal Resources Commission

PLACE: Holiday Inn, Wrightsville Beach, NC

DATE: March 12-13, 1981

PRESENT: Commission

J. Parker Chesson, Chairman
Charles Wells, Vice-Chairman

Art Cooper	Erie Haste
Mayme Davenport	Jim Sykes
William Gibbs	Randolph Thomas
Karen Gottovi	Gene Tomlinson
Jerry Hardesty	

Council

William B. Gardner, Chairman
Cecil Sewell, Vice-Chairman

Jack Cahoon	Phil Leeseberg
Al Calloway	R. S. Monds
Bob Chandler	L. D. Smith
Shelia Davis	Rosetta Short
Paul Denison	Wanda Stahel
Tom Ellis	Brad Rice

The Chairman called the meeting to order at 9:00 a.m. on Thursday, March 12, 1981.

The minutes of the January 22-23, 1981 meeting were approved with one correction on page five (Marjie to Marjorie).

Executive Secretary's Report

Ken Stewart briefed the CRC on the Federal 312 Review conducted in February. It was the third review conducted and Stewart felt that OCZM devoted more time in finding out how OCM works and identifying program successes. He noted that OCZM was surprised to see what North Carolina is doing with the consistency program and was very impressed with the Corps' General Permit. Again, North Carolina is ahead of other states in these areas. Also, OCZM liked our land use planning program. Every meeting held was very positive except the meeting with the Dare County realtors.

Federal budget cuts were a negative aspect discussed in the review. NOAA is targeted for 1/4 or 1/3 cuts of their total budget, which includes the elimination of the coastal energy impact program, sea grant program, land-stat, significant cuts in the national marine fisheries program, and the weather service program.

10 of 22

IMPLEMENTATION AND STANDARDS COMMITTEE REPORT

Charles Wells presented the I&S Committee report (see attached) and the following actions were taken:

Oceanfront Setback Exemptions (I&S-43)

- ** Charles Wells moved that the CRC send 15 NCAC 7H .0309(b), as amended, to public hearing at the next meeting. The motion was seconded by Randolph Thomas and carried.

I & E Rule Modification on Permit Payments

- ** Charles Wells moved that the CRC send 15 NCAC 7E .0203 to public hearing at the next meeting. The motion was seconded by Randolph Thomas and carried.

Sunset Beach Appeal of Permit Issuance to Ocean Isle Beach

Charles Wells, Hearing Officer, presented background on the Sunset Beach Appeal. The applicant's major concern was that Jinks Creek be kept open because it is the predominate flow of water.

Dan McLawhorn, Attorney General, presented objections to the hearing officer's recommendations. He stated that the department's proposed order differed from the hearing officer's order.

The objections were: 1) Who are the experts; 2) Will this permit have a significant effect on the Town of Sunset Beach; and 3) Location of spoil placement and necessity for terminal groin.

Dan McLawhorn felt that the permit as issued should be denied and reissued with conditions. He stated that in a report done by a committee to study this inlet situation that both Colonel Denison and Loie Priddy recommended a terminal groin. McLawhorn stated that he felt the permit should contain conditions on the structure or placement of a terminal groin.

The conditions for the terminal groin are as follows: 1) Landward end be tied to the frontal dune above mean high water; 2) The slope should approximate the natural beach gradient at a minimum height of 3 feet above the natural ground elevation of sloping beach; 3) Should extend seaward a minimum distance of 130 feet beyond mean low water; 4) Materials should be reinforced timber structures; 5) Design detail approved by a qualified coastal engineer; and 6) Seaward end or toe of groin could be protected by rock riprap.

Davey Stanley, attorney for Sunset Beach, presented his arguments and stated that he disagrees with Dan McLawhorn about who the experts are. Stanley felt that erosion would occur from sand migrating to south-west, thus making Ocean Isle bigger and Sunset Beach smaller. Stanley commented that we should let nature take its course.

Stanley also explained that the flushing out of Tubbs Inlet would clean out some of the areas for fishing, but the benefit would be very short-term.

11/9/22

Stanley then recommended that the permit for Ocean Isle be denied.

Karen Gottovi questioned the construction and cost of the groin and the project's effectiveness.

Colonel Denison explained the groin system and that it would be constructed of reinforced timber. Davey Stanley responded that the cost would be around \$125 thousand.

Gene Tomlinson questioned who owned the property in the turn-around area on the eastern end of Sunset Beach.

Wallace Martin, Town Manager of Sunset Beach, responded that it was private property not owned by the State, or the City.

Tomlinson also questioned where the channel would go and how long will it stay open.

Colonel Denison responded that in his opinion the channel would stay open approximately 60 to 90 days. Denison stated that there was no way of knowing exactly how long the channel would remain open.

- ** After much discussion, Art Cooper moved that the CRC adopt the hearing officer's recommendations tht the decision be reversed and the permit be denied. The motion was seconded by Jim Sykes. It carried with two dissenting votes by Randolph Thomas and Gene Tomlinson.

Appointments to the Advisory Council

Parker Chesson presented the recommendations of the committee;

W. B. Gardner, Cecil Sewell, Shelia Davis, Doug Powell, Rosetta Short, L. D. Smith, Wanda Stahel, and Art Watson.

- ** Charles Wells moved that the CRC accept these nominations for the Advisory Council Municipal appointments. The motion was seconded by Erie Haste and carried.

Resolution for Tommie Gray

Parker Chesson offered for adoption a resolution commending Tommie Gray on his service as a member of the CRAC.

- ** The resolution was adopted by acclamation moved by Gene Tomlinso and seconded by Mayme Davenport. The motion carried.

12 of 22

PROJECT COMPLETION INSPECTION ATTACHMENT 5
DREDGE AND FILL

PERMITTEE: ~~114-80~~ TOWN OF Ocean Isle COUNTY: Brunswick
PERMIT NO.: 114-80 EXPIRATION DATE: 12-31-1983

DOES PROJECT CONFORM TO SPECIFICATIONS OF PLAT AND PERMIT CONDITIONS?
 YES; NO, (IF NO, COMPLETE FOLLOWING APPROPRIATE SECTIONS.)

RECEIVED
MAY 1 1981

EXCAVATION DIMENSIONS:

- a. Length _____ Width _____ Approx. Average Depth _____
- b. Measurement Method: Tape _____ Depth Recorder _____
Other, explain _____
- c. Does excavation differ from permit plat: _____ No; _____ Yes, explain _____

FILL AREA DIMENSIONS:

- a. Length _____ Width _____ Approx. Average Depth _____
- b. Measurement Method: Tape _____ Other, explain _____
- c. Does fill area differ from permit plat: _____ No; _____ Yes, explain _____

BULKHEAD:

- a. Distance below mean high water; Average _____ Farthest point _____
- b. Does this differ from plat: _____ No; _____ Yes, explain _____

DIKES: In accordance with plat: _____ Yes _____ No; was spoil retained: _____ Yes _____ No

SEDIMENTATION AND EROSION CONTROL: Has the permittee seeded, graded or stabilized all spoil and dike areas; _____ Yes; _____ No; Comments _____

In your opinion, is further investigation needed: _____ Yes; _____ No

COMMENTS:
Permit 114-80 protested & cancelled

INSPECTED BY: D. S. Hamer UNIT # 328 DATE 4-9-81
ASSISTED BY: Markus Perry

- Note:
- (1) Inspection shall be made with the use of current permit.
 - (2) Local inspector shall assist in the project completion inspection.
 - (3) Inspector II's shall complete this form.
 - (4) It shall be the supervisor's responsibility to assist the Inspector.

13 of 22

Town of Ocean Isle Beach
October 23, 1980

#5
Permit No. 114-80
Page 2 of 2

ADDITIONAL NOTATIONS

NOTE: This permit is issued with the understanding through communications with Town officials that it will be carried out with private funds.

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

E. Walton Jones
E. Walton Jones, Deputy Secretary
Department of Natural Resources &
Community Development

Kenneth D. Stewart
Kenneth D. Stewart, Director
Office of Coastal Management

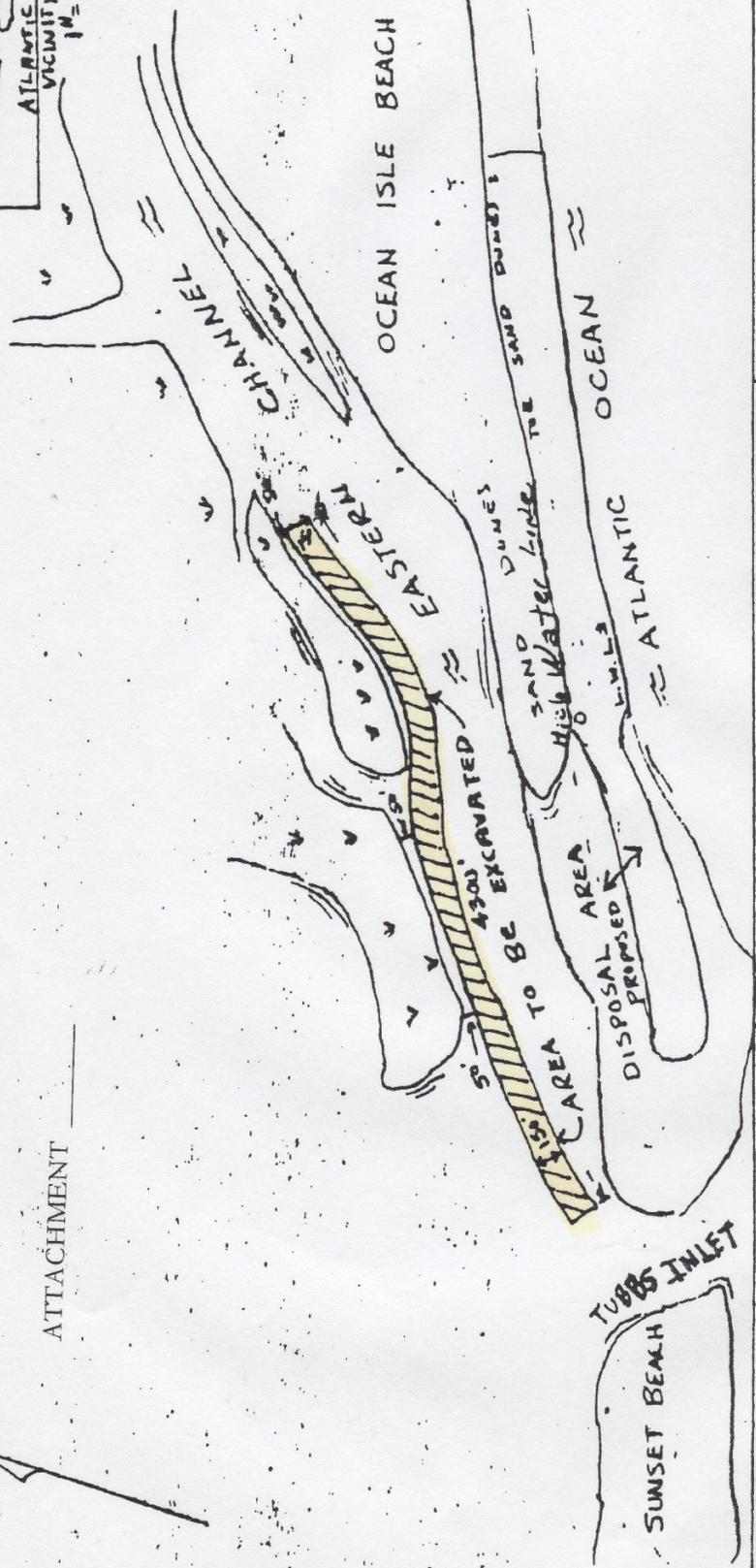
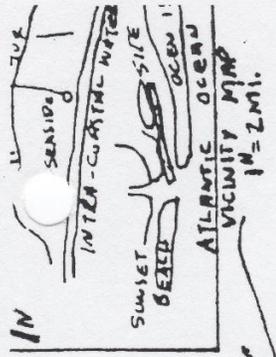
Signature of Permittee

15 of 22

VICINITY MAP

ATTACHMENT

RECEIVED APR 25 1980



RECEIVED JUN 23 1980

NOTES: 1. 143,000 ± CU.YDS TO BE EXCAVATED FROM AREA SHOWN AND DISPOSED OF IN DISPOSAL AREA SHOWN.

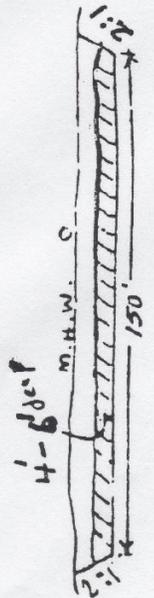
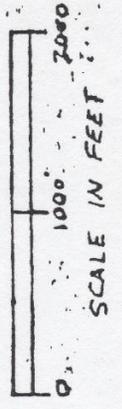
2. METHOD AND EQUIPMENT TO BE USED: DREDGE METHOD. APPROX SIZE 6" - 8"

3. REFERENCE MAP - RECENT AERIAL PHOTO SUPPLIED BY CORP OF ENGRS.

PROPOSED POLLUTION BEACH EROSION CONTROL TOWN OF

OCEAN ISLE BEACH #5

SHALLOTTE TOWN. BRUNSWICK CO SCALE 1"=1000' MARCH 13, 198



TYPICAL SECTION

NO SCALE

Sheet 1 of 3

OCEAN ISLE BEACH RENOURISHMENT
EASTERN CHANNEL DREDGING

2002
PRESENT PROPOSAL

ATTACHMENT 5



LEGEND
 [Wavy Hatched Box] DREDGE AREA
 [Diagonal Hatched Box] FILL AREA

RECEIVED
 OCT 17 2001
 DIVISION OF
 COASTAL MANAGEMENT

FIGURE 8
 OLD SOUND CREEK DREDGING
 AND BEACH RENOURISHMENT PROJECT
 HISTORICAL PHOTOGRAPHY 2000



179822

-65-

STATE OF NORTH CAROLINA
COUNTY OF BRUNSWICK

BEFORE THE NORTH CAROLINA
COASTAL RESOURCES COMMISSION
3-13-91

IN THE MATTER OF THE APPEAL FROM)
A MAJOR PERMIT ISSUANCE TO THE) FINDINGS OF FACT, CONCLUSIONS
TOWN OF OCEAN ISLE BEACH BY) OF LAW AND FINAL ORDER
TOWN OF SUNSET BEACH)

The administrative hearing concerning this matter was heard by Commissioner Charles Wallis, Hearing Officers appointed by the Coastal Resources Commission on January 14, 1991 at the Town Hall, Town of Ocean Isle, North Carolina. Mr. Barry L. Stanley, Attorney at Law, appeared on behalf of the objecting party, the Town of Sunset Beach. Mr. Daniel F. Minkhorn, Assistant Attorney General, appeared on behalf of the DENCO. After careful consideration of the record proper, in the above entitled matter and upon the recommendation of the Hearing Officers, the CRC makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. On February 25, 1990, the Town of Ocean Isle applied for a CANA major permit to dredge the Eastern Channel area of Tubbs Inlet 5300 linear feet and deposit the dredge spoil on the existing shoals in Tubbs Inlet.
2. On March 14, 1990, officials from the Town and the DENCO met on site to discuss conflicts between the application and the environmental concern standards of the Coastal Resources Commission (hereinafter referred to as CRC).
3. On April 25, 1990, the Town submitted a revised application which requested a permit to dredge 4300 linear feet to a depth of not less than 6 feet mean low water and to a width of 150 feet and to deposit the 145,000 cubic yards of spoil along 4400 linear feet of the ocean front beach on beach nourishment.
4. On May 21, 1990, the application was verified as complete.
5. On May 30, 1990, public notice of the application was given in conformity with G.S. Chapter 113 and Chapter 113A.
6. The application was circulated for review to the Earth Resources Division and Division of Community Assistance in DENCO, the Health Services Division of DEN, the Wildlife Resources Division of DENCO, the Department of Transportation, the Environmental Management Division of DENCO and the Archives and History Division of Department of Cultural Resources.

18 of 22

#5

7. No negative comments were received from any of the reviewing agencies.
8. The Town of Sunset Beach filed an objection to the project.
9. The Secretary of NMED appointed a Special Study Committee to evaluate the project which was composed of Dr. Jay Langfelder, as chairman; Colonel Paul S. Donatson, U.S.A. Ret.; and Lyle Priddy.
10. The members of the Study Committee each are experts in the phenomena of inlet migration and hydrology.
11. On September 4, 1980, the Study Committee reported to the Secretary their recommendation that the project be approved with the following conditions: (1) limit the placement of dredge spoils to a maximum height of mean low water; (2) place the eastern and western ends of the channel to a width of approximately 300 feet; (3) limit the placement of spoil on the ocean side of Green Isle Beach to an area west of the vegetated high ground area; and (4) place an end or terminal groin at the western end of the spoil area prior to placing any fill in the area.
12. On October 27, 1980, CMAA Major Development Permit No. 114-80 was issued with the following conditions:
 1. That in order to protect juvenile surfscout populations, no excavation or filling will be permitted between the dates of April 1 through September 30 of any year without the prior approval of the Office of Coastal Management.
 2. That as delineated on the project plan, sheet of 3 of 3, all spoil be placed on the ocean beach below mean high water and that spoil extend no further to the west than the western high ground tip of Green Isle Beach delineated as point A.
 3. That as delineated on project plan, sheets 1 and 2, the excavated area be aligned a minimum of 50 feet from the beach edge and that the project not involve the excavation of any marshland.
 4. That both ends of the excavated channel be flared to a minimum width of 300 feet tapering to the authorized channel width of 150 feet within approximately 500 feet of each end.
13. On October 29, 1980, the Town of Sunset Beach objected to the permit as issued and requested a hearing.
14. The parties to the hearing are properly before the CRC and the CRC has jurisdiction over the subject matter.
15. On November 10, 1980, the CRC designated Commissioner Charles Wells as hearing officer in this matter.

Ref 22

#5

-60-

27. Since Tubbs Inlet was reopened in April, 1970, Jinks Creek has been the predominant hydrologic unit in the estuary system affecting Tubbs Inlet and Eastern Channel has gradually shoaled up such that it no longer has a significant impact on the hydraulic functioning of the Tubbs Inlet system.

28. Since the permitted dredging in 1970, Tubbs Inlet has had an easterly orientation.

29. Since the permitted dredging in 1970, when Tubbs Inlet was moved and reopened, although its throat has moved, it has been relatively stable on the western side, i.e. Sunset Beach.

30. The project as permitted will alter the predominance of Jinks Creek in the Tubbs Inlet regime and reestablish Eastern Channel as the predominant hydrologic component of the Tubbs Inlet region thereby causing increased erosion on Sunset Beach.

31. The dredging permitted by the project as proposed will have a significant adverse effect on Sunset Beach and irreversibly endanger life or property on Sunset Beach.

32. The dredge spoil placed on the ocean side of Ocean Isle as permitted will move into the spit area of Tubbs Inlet and accrete at the west end of Ocean Isle thereby causing the inlet to migrate westwardly to erode Sunset Beach, and to have a westward orientation.

33. If Tubbs Inlet has a westward orientation, Eastern Channel gradually will become the predominant hydrologic unit. Jinks Creek will shoal up, and Sunset Beach will suffer significant adverse effects from erosion endangering property on Sunset Beach that belongs to riparian owners, including the Town of Rehoboth Beach.

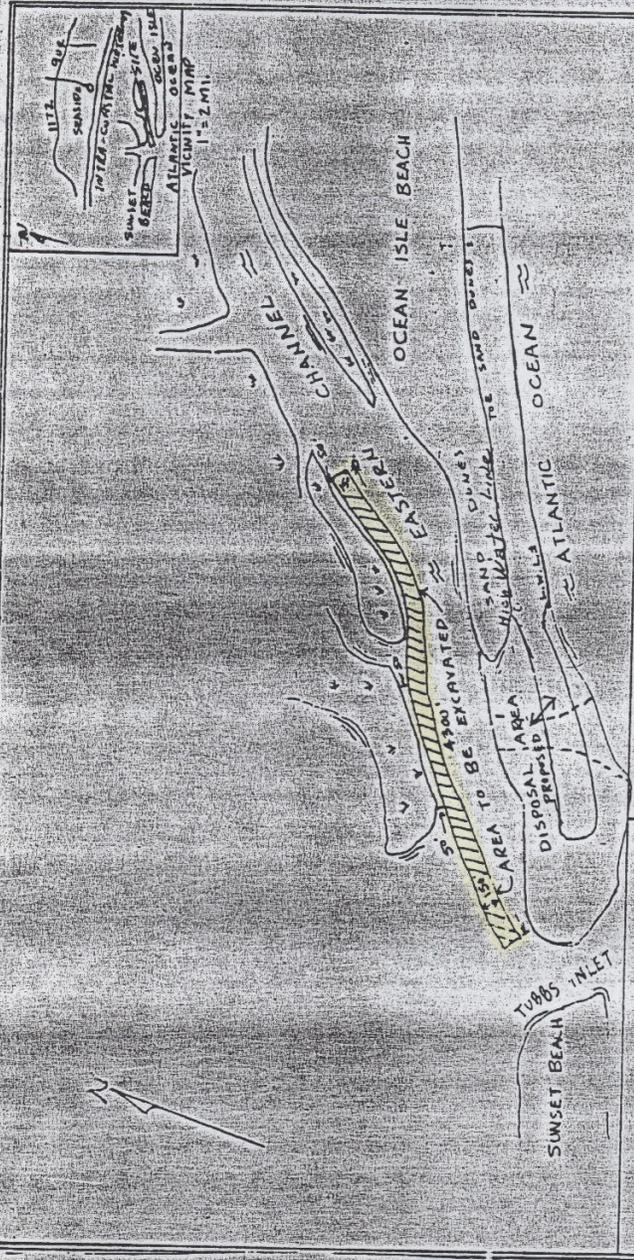
34. The placement of the dredge spoil as permitted will have a significant adverse effect on Sunset Beach.

35. The Commission must deny any application for a permit to dredge and fill in a natural hazard area when it finds that:

1. It will have a significant adverse effect on the value of the property of riparian owners, See D.R. 113-229(d) and 15 NCAE 23 .0402(2).
2. It will irreversibly endanger life or property. See D.R. 113-180, and 15 NCAE 21 .0402(6).

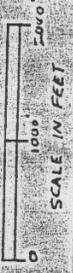
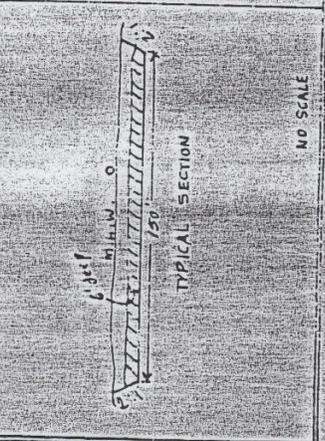
Based on the foregoing Findings of Fact, the Hearing Officer has reached the following Conclusions of Law:

20 of 22



PROPOSED *pollution*
BEACH EROSION CONTROL
TOWN OF
OCEAN ISLE BEACH
SHALLOTTE TOWN BRUNSWICK CO. GA.
SCALE 1" = 1000' MARCH 13, 1960

- NOTES:
1. 125,000 CUBIC YDS TO BE EXCAVATED FROM AREA SHOWN AND DISPOSED OF IN DISPOSAL AREA SHOWN
 2. METHOD AND EQUIPMENT TO BE USED DREDGE METHOD, APPROX SIZE 6" x 8"
 3. REFERENCE MADE RECENT AERIAL PHOTO SUPPLIED BY CORPUS ENGINEERS



24/20

Ango Contract
One 5-27-80

Moul
Stroud

RECEIVED
#5
MAY 13
ENGINEERING DISTRICT
DREDGE & FILL AGCY.
8 May 1980

ATTACHMENT _____

DEPARTMENT OF THE ARMY
Wilmington District, Corps of Engineers
PO Box 1890
Wilmington, North Carolina 28402

SAWC080-N-010-000147

RECEIVED MAY 13 1980

PUBLIC NOTICE

THE TOWN OF OCEAN ISLE BEACH, Route 2, Box 0-8, Ocean Isle Beach, North Carolina 28459 has applied for a Department of the Army permit TO DEEPEN A SECTION OF EASTERN CHANNEL OFF TUBBS INLET AT OCEAN ISLE BEACH, Brunswick County, North Carolina.

The following description of the proposed work is taken from data submitted by the applicant and from observations made during an onsite visit by a representative of the Corps of Engineers. Plans submitted with the application show the proposed excavation, by hydraulic dredge, of a 4300-foot long, 150-foot wide section Eastern Channel to a maximum depth of 6 feet mean high water (MHW). Approximately 125,000 cubic yards of excavated material is to be placed between the mean high water (MHW) elevation contour and the mean low water (MLW) elevation contour to provide beach nourishment. The beach area on which the excavated material is to be placed does not support the growth of any marsh or wetland vegetation. The purpose of this work is to increase flushing action in the Eastern Channel. Plans showing the proposed work are included with this public notice.

The applicant has determined that the proposed work is consistent with the NC Coastal Zone Management Plan and has submitted this determination to the NC Office of Coastal Management for their review and concurrence. This proposal shall be reviewed for the applicability of other actions by North Carolina agencies such as:

- a. The issuance of a Water Quality Certification under Section 401 of the Clean Water Act by the NC Division of Environmental Management.
- b. The issuance of a Permit to Dredge and/or Fill under NC General Statute 113-229 by the NC Office of Coastal Management.
- c. The issuance of a permit under the NC Coastal Area Management Act (CAMA) by the NC Office of Coastal Management or their delegates.
- d. The issuance of an easement to fill or otherwise occupy State-owned submerged land under NC General Statute 143-341(4), 146-6, 146-11, and 146-12 by the NC Department of Administration and the NC Council of State.

The requested Department of the Army permit will be denied if any required State or local authorization and/or certification is denied. No Department of the Army permit will be issued until a State coordinated viewpoint is received and reviewed by this agency. Recipients of this notice are encouraged to furnish comments on factors of concern represented by the above agencies directly to the respective agency with a copy furnished to the Corps of Engineers.

The District Engineer has made a preliminary determination that an Environmental Impact Statement under Section 102(2)(c) of the National Environmental Policy Act of 1969 is not required. This determination will be reviewed considering facts submitted in response to this public notice.

2/19/22



ATTACHMENT 6

Madd
Inlet

Jinky
Creek

3rd

Tubb

ATTACHMENTS 6

Dredging Completed
1966

#6

1 of 3

9969

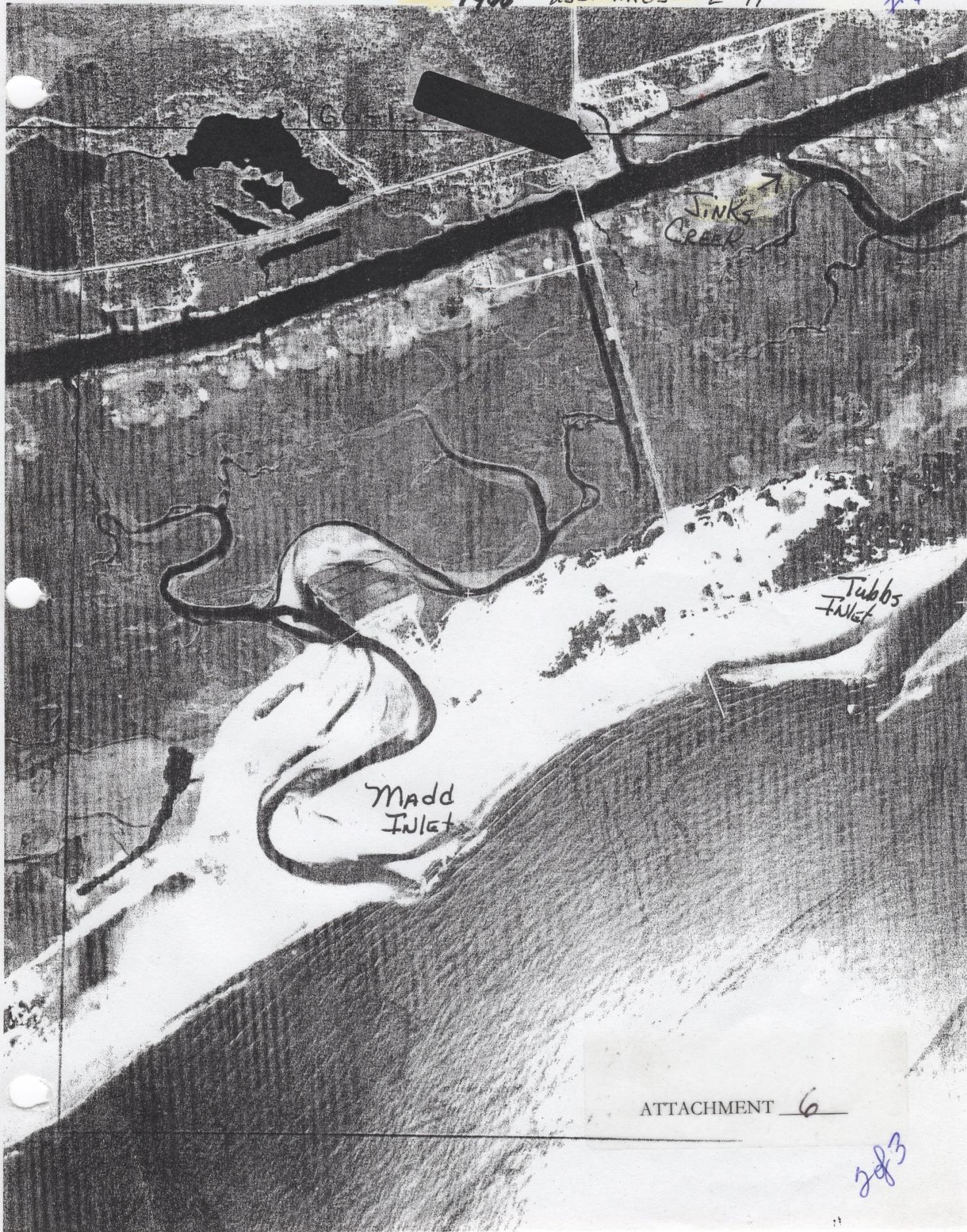
JIM'S PNA

37019

EN
A 20

2-5-72





ATTACHMENT 6

2/23

Angus Gilbert
one 5-27-80

Moul
Strode

RECEIVED
MAY 13
ENGINEERING
DESIGN & SURV. MGMT.
8 May 1980

ATTACHMENT _____

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2/10/22

ATTACHMENTS 7



North Carolina Department of Environment and Natural Resources
Division of Coastal Management

Michael F. Easley, Governor

Donna D. Moffitt, Director

William G. Ross Jr., Secretary

RECEIVED

NOV 19 2001

November 2, 2001

COASTAL MANAGEMENT

MEMORANDUM

TO: Ms. Peggy Pelasara, LPO
Ocean Isle Beach

FROM: Doug Huggett
Major Permits Processing Coordinator

SUBJECT: CAMA/DREDGE & FILL Permit Application Review

Applicant: Tubbs Inlet Preservation & Management Group, Inc.
Project Name: Eastern Channel Dredging & Ocean Isle Beach Nourishment

Project Location: West End of Ocean Isle Beach, Brunswick County

Proposed Project: Dredge Eastern Channel behind the west end of Ocean Isle Beach and place beach quality sand on the ocean front beach as indicated on the plans.

Please indicate below your agency's position or viewpoint on the proposed project and return this form by November 26, 2001. If you have any questions regarding the proposed project, please contact Janet Russell at 910-395-3900. When appropriate, in-depth comments with supporting data is requested.

- REPLY:** This agency has no objection to the project as proposed.
- This agency has no comment on the proposed project.
- This agency approves of the project only if the recommended changes are incorporated. See attached.
- This agency objects to the project for reasons described in the attached comments.

SIGNED Peggy K. Pelasara DATE 11-15-01

127 Cardinal Drive Extension, Wilmington, North Carolina 28405-3845
Phone: 910-395-3900 \ Fax: 910-350-2004 \ Internet: <http://dcm2.enr.state.nc.us>

An Equal Opportunity \ Affirmative Action Employer - 50% Recycled \ 10% Post Consumer Paper

123

ATTACHMENT

- (1) Long term maintenance dredging should be addressed and responsible agency for such maintenance should be identified.
- (2) Consideration of Tubbs Inlet and Jinks Creek Maintenance Dredging should be addressed, and responsible agency for such should be identified.
- (3) Spoil areas for unsuitable materials should be provided for before approval of application approval.

has moved 1,900 feet to the east since 1970. According to the engineers, about 30 properties, including the high-rise Ocean Point condominiums, are potentially at risk if the erosion continues at its present rate. The inlet's eastward migration is due largely to a reduced tidal current from Old Sound Creek, which flows westward along the north shore of the island. The creek has become so choked with sand that it is navigable by small boats only at high tide. The reduced water movement from the east is overpowered by Jinks Creek, which flows from the west along the north shore of Sunset Beach and into Tubbs Inlet. As a result, sand is being added to the

(See OIB, Page 2-A)

PAGE 2-A—THE BRUNSWICK BEACON, THURSDAY, SEPTEMBER 28, 2000

OIB Owners, Sunset

(Continued From Page 1-A)

east end of Sunset Beach and scoured from the west end of Ocean Isle Beach. Engineers say that by dredging Old Sound Creek and increasing the westerly flow of water, the inlet's movement can be slowed.

"The big question for Sunset Beach is will the project cause erosion," Gibson told town officials and property owners. "We don't believe it will. It won't change the direction of migration of Tubbs Inlet, just slow it down."

The property owners' attorney, Ken Shanklin, asked for the town's support of the project and, if they were still wary, to tell him what could be done to gain their support.

Members of town resident engineers, sand dredging work and result in a Sunset Beach a "short-term" and said the building hard that is prohibited. He suggests get the law changed. "We still have

ATTACHMENTS 8

Sunset Beach and Ocean Isle at odds over dredging plan

By TOMMY PERKINS

Staff Writer

SUNSET BEACH — Representatives for an Ocean Isle Beach property owners group trying to ease erosion from Tubbs Inlet spent Friday afternoon dealing with concerns that a proposed dredging project would only send erosion problems to Sunset Beach.

At issue is a notoriously fickle inlet between the two islands that has shifted widely in the past three decades and now threatens a line of spacious cottages on Ocean Isle's gated west end valued at between \$800,000 and \$1 million each.

Since 1970, the inlet has moved 1,900 feet to the east, according to Chris Gibson, a coastal engineer representing the Ocean Isle group.

Mr. Gibson's company, Applied Technology and Management of North Carolina, designed a plan to dredge roughly 190,000 cubic yards of sand from 2,500 feet of Old Sound Creek and 500 feet of Eastern Channel. Mr. Gibson said the dredging would unleash enough current to blunt a heavier flow from Jinks Creek, which he believes has directed Tubbs Inlet's eastward migration.

The project would also harvest 115,000 cubic yards of sand that would be placed in front of the residents' homes. The homeowners would sell the remaining sand to the town of Ocean Isle Beach or private groups for \$8 per cubic yard.

Sunset Beach officials and residents of that island's east end have eyed the plan warily, expressing fears to the N.C. Division of Coastal Management that interfering with the complicated system of feeder channels could send erosion to the

'My big concern is that if you don't know what's going to happen and there's no liability.'

Terry Bond of Sunset Beach

state's only naturally expanding beach.

Terry Bond, a resident of Sunset Beach's east end, said he's recently seen Jinks Creek "shoaling," or losing much of its depth. He observed that erosion has slowed slightly on Ocean Isle's west end and speculated that Jinks Creek's influence on Tubbs Inlet may be diminishing.

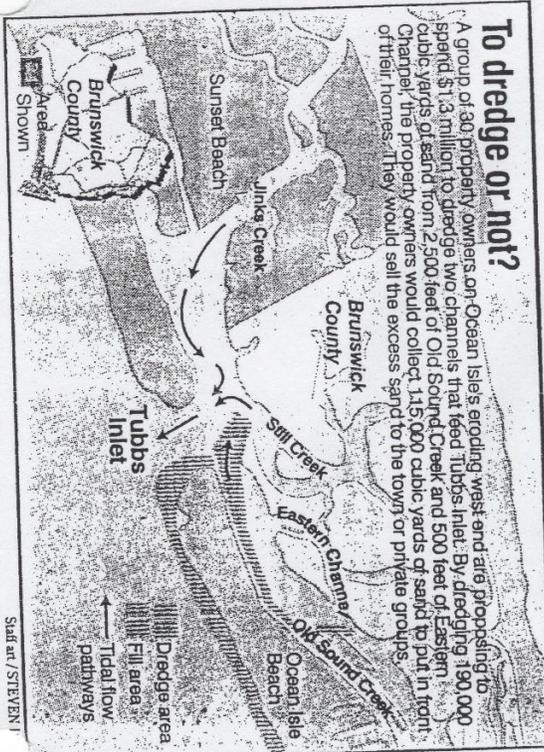
"It's constantly changing," he said to Jim Price, a member of the Ocean Isle group. "My big concern is that if you don't know what's going to happen and there's no liability, then I have to live with that liability. There's something wrong with that."

Mr. Price agreed that the shift in sand patterns along the creek bottoms made it difficult to predict water flow, but he noted that 14 federal and state agencies would have to sign off on the project for it to go forward.

Instead of dredging, Sunset Beach officials advocate building jetties or groins to stabilize the inlet, but state law prohibits new hardened structures.

"North Carolina's policy ... is about as dumb as could be thought of by man," Mayor Pro Tem Ed Gore said. "But that's their policy. The environmentalists don't care about the socioeconomic loss to you guys."

Please see BEACH on page 4B



To dredge or not?

A group of 30 property owners on Ocean Isle's eroding west end are proposing to spend \$1.3 million to dredge two channels that feed Tubbs Inlet. By dredging 190,000 cubic yards of sand from 2,500 feet of Old Sound Creek and 500 feet of Eastern Channel, the property owners would collect 115,000 cubic yards of sand to put in front of their homes. They would sell the excess sand to the town or private groups.

Beach

Continued from page 1B

Although it has slowed this year, erosion on Ocean Isle's west end has prompted 30 property owners there to mount fruitless efforts to stem it with sandbags and bulldozers. The homeowners pooled their resources as the nonprofit Tubbs Inlet Preservation Management Group, recruiting Mr. Gibson's company and Wilmington attorney Ken Shanklin to represent them.

Mr. Shanklin has represented Shell Island homeowners in their

efforts to dredge a new path for Mason Inlet.

"We would like it to be a joint effort with Sunset Beach to stabilize the inlet," Mr. Shanklin told members of the Sunset Beach Town Council, "because it's in your best interests as well."

But Mr. Shanklin said he would not seek any contributions from the town to the \$1.3 million project.

Sunset officials asked Mr. Shanklin and Mr. Gibson to bring more detailed models of the water system to subsequent meetings to show more precisely how much influence each feeder channel has on Tubbs' migration.

Camp David in Maryland.

Wilmington Star 7-12-2000

FIGHTING BEACH EROSION

Ocean Isle homeowners plan dredging to fend off inlet

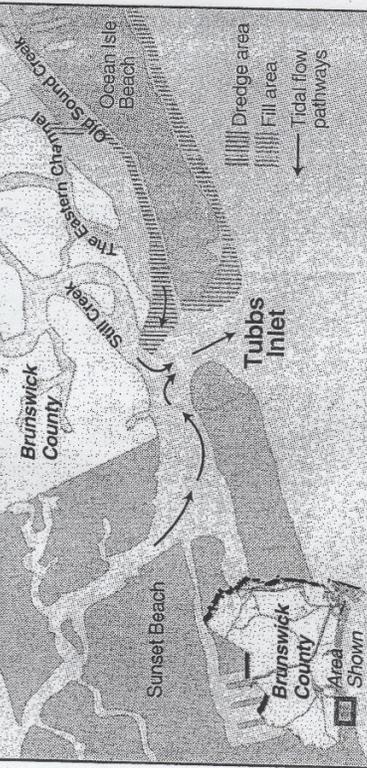
By TOMMY PERKINS
Staff Writer

OCEAN ISLE BEACH - Frustrated in their attempts to stem erosion with sandbags and bulldozing, 30 property owners on Ocean Isle beach's gated west end are seeking to redirect Tubbs Inlet, which has a history of shifting widely over the last three decades.

The \$1.3 million project would dredge Old Sound Creek and the Eastern Channel - feeders for Tubbs Inlet whose bottoms lie exposed at low tide - in an attempt to blunt erosion the homeowners believe is caused by a much stronger current from Jinks Creek. The erosion threatens a line of spacious cottages valued at \$800,000 to \$1 million each. The details include dredging a total of 190,000 cubic yards of sand, bringing 3,400 feet of Old Sound creek's bottom 8 feet below the average sea level. The plan would so dredge 600 feet to bring a portion of Eastern Channel that feeds Old Sound Creek to six feet below the average sea level.

Outcome of the inlet?

A group of 30 property owners on Ocean Isle's eroding west end are proposing to spend \$1.3 million to dredge two channels that feed Tubbs Inlet. By dredging 190,000 cubic yards of sand from 2,500 feet of Old Sound Creek and 500 feet of Eastern Channel, the property owners would deposit 115,000 cubic yards of sand in front of their homes and sell the remainder for \$8 a cubic yard.



Staff art. JOHN C. MURPHY

The homeowners would place 115,000 cubic yards of sand in front of their homes and attempt to sell the remaining 75,000 cubic yards to the town or other private groups at a cost they said would equal the dredging cost - \$8 per cubic yard.

It could be a pricey gamble for homeowners, who would have to pay an engineering firm to design a plan that could be denied by any of 14 state and federal agencies.

"It's expensive and it's document-intensive." Please see BEACH on page 4A

Shell Island to ask extension for sandbag beach barrier

By BRIAN FEAGANS
Staff Writer

WRIGHTSVILLE BEACH - Later this month, owners of the Shell Island Resort will make another pitch to keep a giant sandbag wall that has fended off a fast-migrating inlet threatening to undermine the condominium complex.

The resort's homeowners association has asked the state for an extension of more than 15 months on their sandbag permit, which expires Sept. 17, while they seek permission to move Mason Inlet away from the nine-story complex.

The L-shaped barrier of sand-filled tubes and bags wraps around the nine-story resort on the northern tip of Wrightsville Beach. It has held off

the inlet since the fall of 1997. Normally buildings larger than 5,000 square feet get a five-year sandbag permit. The Coastal Resources Commission limited Shell Island's permit to two years, however, because the wall is much larger than those normally allowed.

The original permit was set to expire in September 1999, but the CRC narrowly voted to grant Shell Island a one-year extension last summer. The CRC, whose 15 members enforce coastal regulations, will decide at its regular meeting July 21 in Morehead City whether to allow another extension.

Attorneys for the resort want the removal deadline pushed back to Dec. 31, 2001. By then, they expect New Hanover County to have moved. Please see SHELL on page 4A

295

Sunset Beach council members and east end property owners questioned the findings of the Ocean Isle property owners' engineers and expressed concern that the project would result in erosion at Sunset Beach, despite the engineers' assurances to the contrary. They have asked for more detailed information and an answer to the question, "Who is liable if the project causes damage?"

Property owners from the west end of Ocean Isle Beach have hired the engineering firm Applied Technology and Management (ATM) of North Carolina to design a plan to dredge about 190,000 cubic yards of sand from 2,500 feet of Old Sound Creek and 500 feet of Eastern Channel.

The project would also involve placing 115,000 cubic yards of sand in front of residents' homes. The homeowners would then sell the remaining sand to the Town of Ocean Isle Beach or other interested parties for \$8 per cubic yard.

Chris Gibson, representing ATM, said Friday that his firm has filed applications with the state Division of Coastal Management and the U.S. Army Corps of Engineers.

"The main goal of the project is to protect homes on the west end that are threatened by erosion and by the migration of Tubbs Inlet," Gibson said, reporting that the inlet has moved 1,900 feet to the east since 1970.

According to the engineers, about 30 properties, including the high-rise Ocean Point condominiums, are potentially at risk if the erosion continues at its present rate. The inlet's eastward migration is due largely to a reduced tidal current from Old Sound Creek, which flows westward along the north shore of the island. The creek has become so choked with sand that it is navigable by small boats only at high tide.

The reduced water movement from the east is overpowered by Jinks Creek, which flows from the west along the north shore of Sunset Beach and into Tubbs Inlet. As a result, sand is being added to the

(See OIB, Page 2-A)

PAGE 2-A—THE BRUNSWICK BEACON, THURSDAY, SEPTEMBER 28, 2000

OIB Owners, Sunset Officials Discuss Inlet Dredging

(Continued From Page 1-A)

east end of Sunset Beach and scoured from the west end of Ocean Isle Beach. Engineers say that by dredging Old Sound Creek and increasing the westerly flow of water, the inlet's movement can be slowed.

"The big question for Sunset Beach is will the project cause erosion," Gibson told town officials and property owners. "We don't believe it will. It won't change the direction of migration of Tubbs Inlet, just slow it down."

The property owners' attorney, Ken Shanklin, asked for the town's support of the project and, if they were still wary, to tell him what could be done to gain their support.

Members of the Sunset Beach Town Council and town residents questioned the information cited by the engineers, saying there was no guarantee that the dredging would not change the flow of Tubbs Inlet and result in erosion of Sunset Beach.

Sunset Beach Councilman Ed Gore called dredging a "short-term, immediate remedy, not the solution" and said the town would be more likely to support building hardened structures to stabilize the inlet, but that is prohibited by state law.

He suggested that the two towns work together to get the law changed.

"We still have to go through the state and federal

permitting process," noted Gibson. "If they see something that negatively (affects) Sunset Beach, they won't give us a permit."

Gibson explained that the project would be monitored for two years following completion of the dredging, but that promise was not enough for the east end homeowners and town officials in attendance.

The state could delay issuing a permit for the project if Sunset Beach property owners contest the project by claiming it could increase erosion there.

"Our goal is to work with Sunset Beach to stabilize the inlet long-term," said Shanklin. "If we don't have the answers you need today, we'll get them. We want

Part 1 of 2

#8

39/5

Sunset, OIB Owners Mull Dredging Plan

BY SARAH SHEW WILSON

Ocean Isle Beach west-end property owners interested in dredging Old Sound Creek on the island's west end met with Sunset Beach officials Friday to discuss the effects the project would have on the neighboring beach community.

Sunset Beach council members and east end property owners questioned the findings of the Ocean Isle property owners' engineers and expressed concern that the project would result in erosion at Sunset Beach, despite the engineers' assurances to the contrary. They have asked for more detailed information and an answer to the question, "Who is liable if the project causes damage?"

Property owners from the west end of Ocean Isle Beach have hired the engineering firm Applied Technology and Management (ATM) of North Carolina to design a plan to dredge about 190,000 cubic yards of sand from 2,500 feet of Old Sound Creek and 500 feet of Eastern Channel.

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According to the engineers, about 30 properties, including the high-rise Ocean Point condominiums, are potentially at risk if the erosion continues at its present rate. The inlet's eastward migration is due largely to a reduced tidal current from Old Sound

SEPTEMBER 28, 2000

Sunset Officials Discuss Inlet Dredging Ramifications

Members of the Sunset Beach Town Council and town residents questioned the information cited by the engineers, saying there was no guarantee that the dredging would not change the flow of Tubbs Inlet and result in erosion of Sunset Beach.

Sunset Beach Councilman Ed Gore called dredging a "short-term, immediate remedy, not the solution" and said the town would be more likely to support building hardened structures to stabilize the inlet, but that is prohibited by state law.

He suggested that the two towns work together to get the law changed.

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Gibson explained that the project would be monitored for two years following completion of the dredging, but that promise was not enough for the east end homeowners and town officials in attendance.

The state could delay issuing a permit for the project if Sunset Beach property owners contest the project by claiming it could increase erosion there.

"Our goal is to work with Sunset Beach to stabilize the inlet long-term," said Shanklin. "If we don't have the answers you need today, we'll get them. We want

to make sure you're comfortable with what we're doing."

Asked what the engineers could do to answer Sunset Beach's concerns about the project, Councilman Ed Hughes suggested that they come back with more accurate data about the status of Jinks Creek—including its actual depth, which was the subject of dispute between ATM engineers and Sunset Beach residents—and answers to questions of liability.

Engineers agreed to bring back the requested information to obtain the town's support of the project. They will not ask for any financial help from Sunset Beach.

Part 2 of 2

Hof 5

Sunset, OIB Owners Mull Dredging Plan

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BEACON, THURSDAY, SEPTEMBER 28, 2000

Owners, Sunset Officials Discuss Inlet Dredging Ramification

Continued From Page 1-A)

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Gibson explained that the project would be monitored for two years following completion of the dredging, but that promise was not enough for the east end homeowners and town officials in attendance.

The state could delay issuing a permit for the project if Sunset Beach property owners contest the project by claiming it could increase erosion there.

"Our goal is to work with Sunset Beach to stabilize the inlet long-term," said Shanklin. "If we don't have the answers you need today, we'll get them. We want

to make sure you're comfortable with what we're doing."

Asked what the engineers could do to answer set Beach's concerns about the project, Council Ed Hughes suggested that they come back with accurate data about the status of Jinks Creek—including its actual depth, which was the subject of discussion between ATM engineers and Sunset Beach dentists—and answers to questions of liability.

Engineers agreed to bring back the requested information to obtain the town's support of the project. They will not ask for any financial help from Sunset Beach.

ATTACHMENT

5045

has moved 1,900 feet to the east since 1970. According to the engineers, about 30 properties, including the high-rise Ocean Point condominiums, are potentially at risk if the erosion continues at its present rate. The inlet's eastward migration is due largely to a reduced tidal current from Old Sound Creek, which flows westward along the north shore of the island. The creek has become so choked with sand that it is navigable by small boats only at high tide. The reduced water movement from the east is overpowered by Jinks Creek, which flows from the west along the north shore of Sunset Beach and into Tubbs Inlet. As a result, sand is being added to the

(See OIB, Page 2-A)

PAGE 2-A—THE BRUNSWICK BEACON, THURSDAY, SEPTEMBER 28, 2000

OIB Owners, Sunset

(Continued From Page 1-A)

east end of Sunset Beach and scoured from the west end of Ocean Isle Beach. Engineers say that by dredging Old Sound Creek and increasing the westerly flow of water, the inlet's movement can be slowed.

"The big question for Sunset Beach is will the project cause erosion," Gibson told town officials and property owners. "We don't believe it will. It won't change the direction of migration of Tubbs Inlet, just slow it down."

The property owners' attorney, Ken Shanklin, asked for the town's support of the project and, if they were still wary, to tell him what could be done to gain their support.

Members of town resident engineers, sand dredging work and result in a Sunset Beach a "short-term" and said the building hard that is prohibited. He suggests get the law changed. "We still have

ATTACHMENTS 9

MEMORANDUM

TO: Melba McGee
Office of Legislative & Intergovernmental Affairs

FROM: Bennett Wynne
Habitat Conservation Program

DATE: April 4, 2001

SUBJECT: Environmental Assessment (EA) for Old Sound Creek Dredging Project, eastern Tubbs Inlet and the western end of Ocean Isle Beach, Brunswick County, North Carolina. Project Number: 1104.

The North Carolina Wildlife Resources Commission has reviewed the project for impacts to wildlife and fishery resources. A site visit was made on March 23, 2001. Our comments are provided in accordance with provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), Section 401 of the Clean Water Act (as amended), and North Carolina General Statutes (G.S. 113-131 et seq.).

As we understand the site's history, Tubbs Inlet migrated westward toward Sunset Beach from the late 1930's to 1970, at which time the inlet was artificially relocated to the east near the mouth of Jinks Channel. According to project sponsors, the inlet relocation together with the deepening of Jinks Channel in the 1960's reversed the direction of inlet migration to the east. The eastward movement of Tubbs Inlet has continued to the present time and now threatens residential structures on the western end of Ocean Isle. Old Sound Creek was initially dredged in the 1970's and maintenance dredged in the early 1980's. Apparently, these excavations of Old Sound Creek had little impact on the continuing eastward migration of Tubbs Inlet.

The title of the subject EA is misleading as the primary purpose of the project is to nourish the eroding western end of Ocean Isle Beach at Tubbs Inlet. Enhancement of navigation through Old Sound Creek would be a secondary project feature. In essence, the project would involve hydraulic dredging of beach compatible sand from shoaled Old Sound Creek and sand flats on the inland side of Tubbs Inlet with application of this material to the ocean beach and inlet shoulder. Plans are to avoid the May 1 to November 15 sea turtle nesting period. If encroachment on the nesting season were to become necessary, a standardized nest monitoring and relocation plan would be implemented. The nourished beach would be monitored for

*South
Jinks
Channel*

*EA
misrepresented
facts*

*not
true
overturned*

1 of 2

compaction for 3 years and tilled if necessary. Post-project monitoring is also proposed to determine performance and effects of the project. If inlet migration reverses direction, sponsors would have responsibility for implementing an inlet management plan to prevent property loss on Sunset Beach. The plan would establish a 1,100-ft. wide corridor at the 1993 inlet location, within which the inlet would be maintained. HO

As proposed, the project would convert 17.6 acres of intertidal and subtidal sand flats to dredged, deep-water habitat. Of this total acreage, an undetermined quantity of intertidal sand flats would be outside Old Sound Creek in areas that have not been previously dredged (Figure 2-1). The particular sand flats of concern appear to be part of the inlet flood tide delta. As we stressed in our comments regarding the proposed Masons Inlet Relocation in New Hanover County, intertidal sand flats of the inlet flood tide delta provide important foraging and loafing habitats for many species of water birds. The delta's intertidal sand flats may be critical to the continuing success of the nesting colony on the Sunset Beach side of Tubbs Inlet. Dredging the delta's previously-unexcavated intertidal sand flats would provide no navigational benefit to Old Sound Creek, provide minimal inlet migration benefit, and result in the loss of important water bird foraging and loafing habitats. Another concern is that new development may be pursued on the western end of Ocean Isle if inlet migration reverses direction, giving developers and prospective lot buyers a false sense of security. Based on these concerns, we recommend the following project modifications.

1. Excavation of intertidal sand flats will be limited to Old Sound Creek and those areas of the inlet flood tide delta that have been previously dredged. Previously-unexcavated intertidal sand flats of the inlet flood tide delta will be avoided.
2. A conservation easement or similar mechanism preventing further development will be applied to the western end of Ocean Isle adjacent to Tubbs Inlet in the event inlet migration changes direction and moves westward toward Sunset Beach.

Provided our recommendations are incorporated into project design, we will concur with the EA. Thank you for the opportunity to comment on the proposed project. If you have questions regarding these comments, please call me at 252 522-9736.

Cc: Doug Huggett, DCM
Fritz Rohde, DMF
Joanne Steenhuis, DWQ
Tracy Rice, FWS
Ron Sechler, NMFS
Jeff Richter, COE

292

ATTACHMENTS 10

RECEIVED
APR 04 2001
COASTAL MANAGEMENT

MEMORANDUM

March 21, 2001

TO: Melba McGee
FROM: Fritz Rohde
SUBJECT: EA - Old Sound Creek Dredging Project, Brunswick County

The NC Division of Marine Fisheries has reviewed the Environmental Assessment for the above project and offers the following comments.

The Division strongly recommends that the proposed dredging be restricted to the width (65') and depth (6' MLW) originally permitted and no expansion be allowed to other, non-permitted areas. The only exception would be a short connection following the existing channel to connect Old Sound Creek to Tubbs Inlet. The shallow areas, such as the flats in Eastern Channel, Still Creek, and Jinks Creek, provide feeding areas, refuge areas, etc. for a variety of marine organisms. These areas should not be dredged just to provide sand for beach placement.

Page 2-2. Contrary to what are listed, American shad, blueback herring, cobia, and black sea bass are not common fish species known to inhabit the waters of Old Sound Creek and Tubbs Inlet. Also it is highly questionable that king and spanish mackerel utilize habitat within that area as stated.

There are a numerous fishes and other organisms that occur in the area besides the few listed in Section 5 and Table 5-1. To use Table 5-1 as a reference for fishes and crustaceans in the area is ludicrous. Probably only red drum, bluefish, summer flounder, and the three species of shrimp are valid ones from that list. This sloppiness makes me question the accuracy of the rest of the report.

10/21

ATTACHMENTS 11

**Characterization of critical spawning habitats of weakfish,
spotted seatrout and red drum in Pamlico Sound using
hydrophone surveys**

Submitted by:

Principal Investigators

Joseph J. Luczkovich¹, Hal J. Daniel, III², and Mark W. Sprague³

Graduate Research Assistants

Stephen E. Johnson², R. Christopher Pullinger², Todd Jenkins³, and Marcy Hutchinson²

¹Institute for Coastal and Marine Resources, ²Department of Biology, ³Department of Physics
East Carolina University, Greenville, NC 27858

Final Report and Annual Performance Report

Grant F-62-1

Grant F-62-2

In cooperation with:

North Carolina Department of Environment and Natural Resources
Division of Marine Fisheries
Morehead City, NC 28557

This grant was conducted under the Federal Aid in Sport Fish Restoration Program (Dingell-Johnson) Act through the Wallop-Breaux Amendment, and funded in part by the U.S. Department of the Interior, Fish and Wildlife Service, Grant Number F-62

128 pages

1 of 3

Blues, Spanish Plentiful Inshore

BY DON BORDNER

While weather conditions have allowed few boats to break through for any serious offshore fishing, inshore fishing continues

to improve along the South Brunswick County beaches. A few nice little runs of spots have been reported; numbers of Spanish mackerel and black drum

FISHING REPORT

are being landed; and flounder fishing remains strong.

While king mackerel have not shown up inshore yet, blues, following large numbers of mullet minnows, are plentiful along the beaches.

"Fishing in the surf has been real good. They are catching lots of black and red drum and 2-pound pompano," said John Sheffield of Sheffield's Seafood on Ocean Isle. "This is the most mullets and mullet minnows I've seen in years and they are staying here."

Sheffield feels it is a combination of water quality and food that have kept the mullet populations up this year, which in turn attracts predator fish like blues, Spanish mackerel and to a certain extent, flounder.

"Everything looks good right now with the mullets from one side and the little white shrimp being flushed from the rivers there is plenty of food," said Sheffield. "As the temperatures drop, the king mackerel should be moving in."

Sheffield reported weighing in two nice flounder last week. One flounder weighed in at 9 pounds, 13 ounces was caught by Forrest Bumgartner of Huntington, W.Ya., and John Sullivan of Shallotte caught a flounder that tipped the scales at 12 pounds, 6 ounces.

"Fishing has been good. A ton of

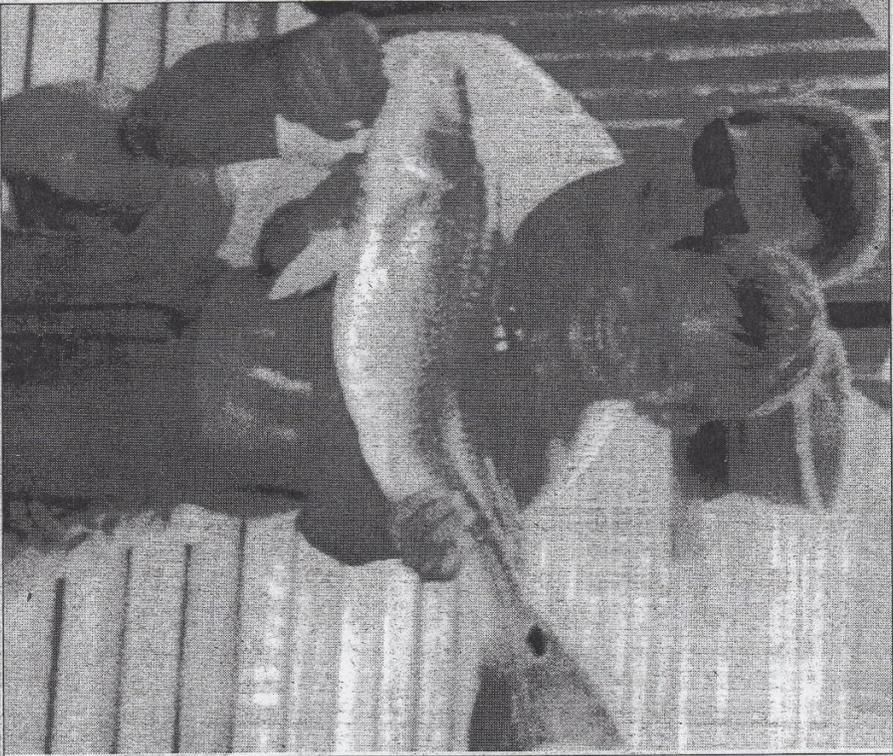


PHOTO CONTRIBUTED

Wee Angler

Five-year-old Alex Hughes of Shallotte caught a 7-pound spottail drum while surf fishing last week at Ocean Isle Beach. He was fishing with his father, Kevin Hughes. It was not Alex's first fish, but it was his biggest.

blues have been caught in the surf," said Hunter McCray of the Rod and Reel Shop on the Holden Beach causeway. "The Spanish are in close, they have seen a few spot runs, and they are even catching a few speckled trout in the inlet."

"We've seen minimal spot runs, but they are catching some Spanish mackerel when the water clears and early in the morning they are catching trout and flounder," said Bob Bass of the Holden Beach pier.

Bass said a 10-pound sheephead was caught Monday.

"Fishing is not bad. The mullet minnows have come in pretty thick and the blues are following them," said Jesse Hayes of Captain Pete's Seafood on Holden Beach. "They are catching lots of black and red drum in the surf and nice flounder up and down the waterway."

Hayes said everything is falling into place to have a good fall fishing season.

"We are catching a lot of 2- to 6-pound black drum. The Spanish mackerel fishing has been good with an average size of about 20 inches," said Mary Allen of the Sunset Beach pier. "We've had a few runs of nice-sized spots and they keep catching a few flounders. One man caught a 19.5-pound king last week, too."

Recreational fishermen should note that, effective Oct. 1, the flounder size limit for inshore flounder will increase from 13 inches to 14 inches.

Handwritten initials in blue ink.

11



PHOTO CONTRIBUTED

W.K. MORGAN of Albemarle caught and released a 40-inch red drum while fishing recently at Little River. He was fishing with Capt. Steve Prevatte of Seaside.

30/3

ATTACHMENTS 12



#12

1 of 2

SUNSET BEACH 2000

#17

INLET HAZARD
BEGINS

BIRD SANCTUARY

28/07

Tubbs Inlet

002276



ATTACHMENTS 13

NEW

STATE OF NORTH CAROLINA
Department of Environment, Health & Natural Resources
and
Coastal Resources Commission

Permit

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

Excavation and/or filling pursuant to NCGS 113-229

Issued to Williamson Irrevocable Trust, #2 Causeway, Ocean Isle, NC 28469

authorizing development in Brunswick County at ocean beach at west end of Ocean
Isle Beach as requested in the permittee's application dated 9/10/93 & attached
workplan drawings, 2. sheet 1 dated 9/93 and sheet 2 dated 9/8/93.

This permit, issued on March 15, 1994, 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 a fine, imprisonment or civil action; or may cause the permit to be null and void.

Re: Subdivision Infrastructure

- 1) There will be no public money used to build, maintain, or repair the permitted water and sewer lines or any associated feature (i.e., manhole, fire hydrant) in this designated Inlet Hazard Area.

NOTE: Plans and specifications for all water system improvements must be approved by the Division of Environmental Health prior to the award of a contract or the initiation of construction. For information, contact the Public Water Supply Section of the Division of Environmental Health at (919) 733-2460.

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 Dept. of Environment, Health & Natural Resources, Land Quality Section, 127 Cardinal Drive Extension, Wilmington, NC 28405.
(See attached sheet for Additional Conditions)

This permit action may be appealed by the permittee or other qualified persons within twenty (20) days of the issuing date. An appeal requires resolution prior to work initiation or continuance, as the case may be.

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 Departmental approval.

All work must cease when the permit expires on

December 31, 1997

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 DEHNR and the Chairman of the Coastal Resources Commission.

Roger N. Schechter, Director
Division of Coastal Management

This permit and its conditions are hereby accepted.

1 of 3

Signature of Permittee

ADDITIONAL CONDITIONS

NOTE: An approved stormwater management plan for this project is on file with the Division of Environmental Management in Wilmington, NC.

Re: Pier Construction and Use

- 2) No attempt will 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. Use of the permitted activity must not interfere with the public's right to free navigation on all navigable waters of the United States.
- 3) The permittee will 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 the permit transferred to a third party.

20/3



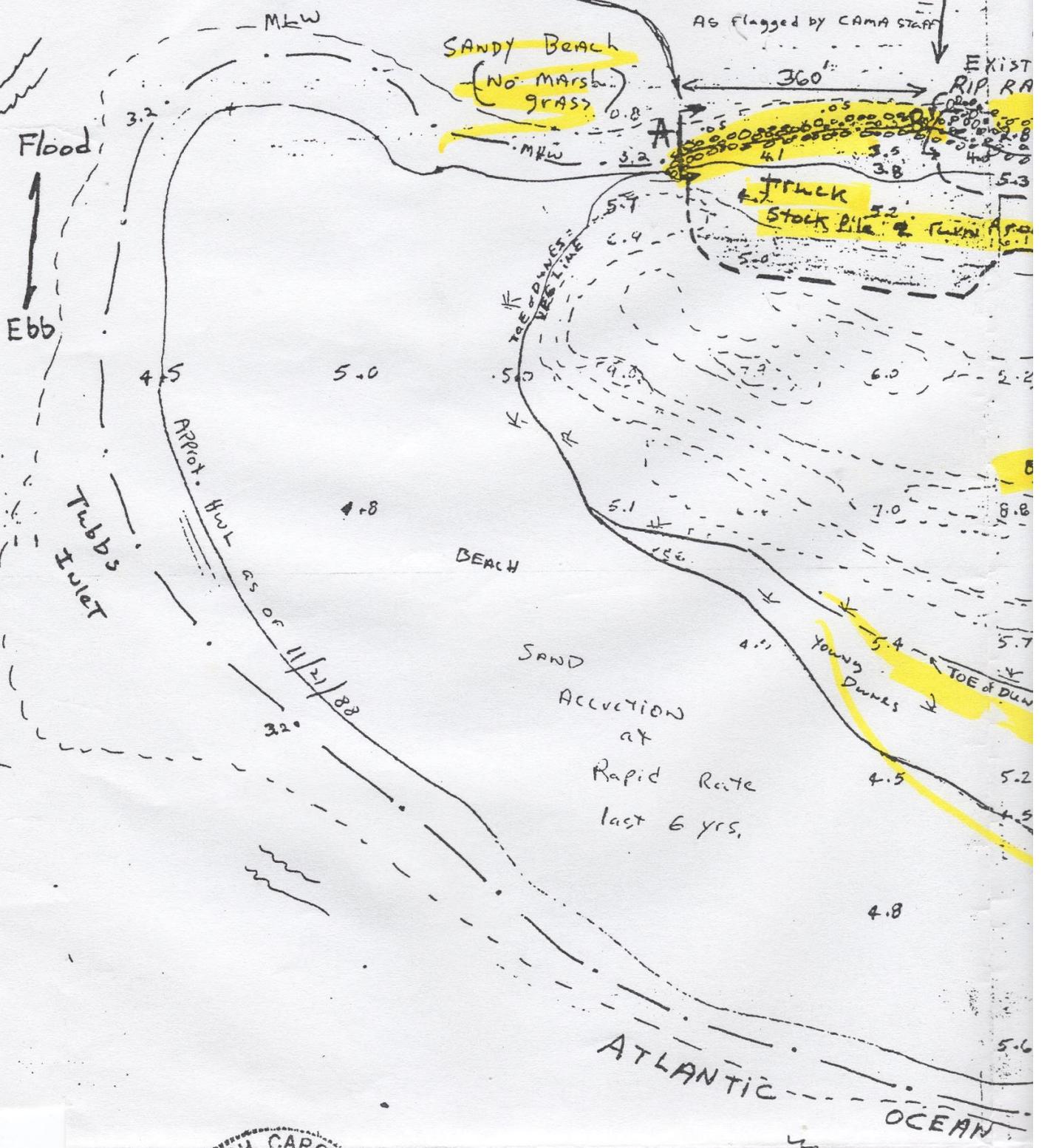
ADDITIONAL ROCK RIP RAP
(5' BELOW THE MHW CONTOUR)
BETWEEN 'A' & 'B'

AS Flagged by CAMA STAFF

EXIST
RIP RA

SANDY Beach
(No marsh
grass)

360'



James K. Dale
JAMES K. DALE

SHH

54 ACRE)

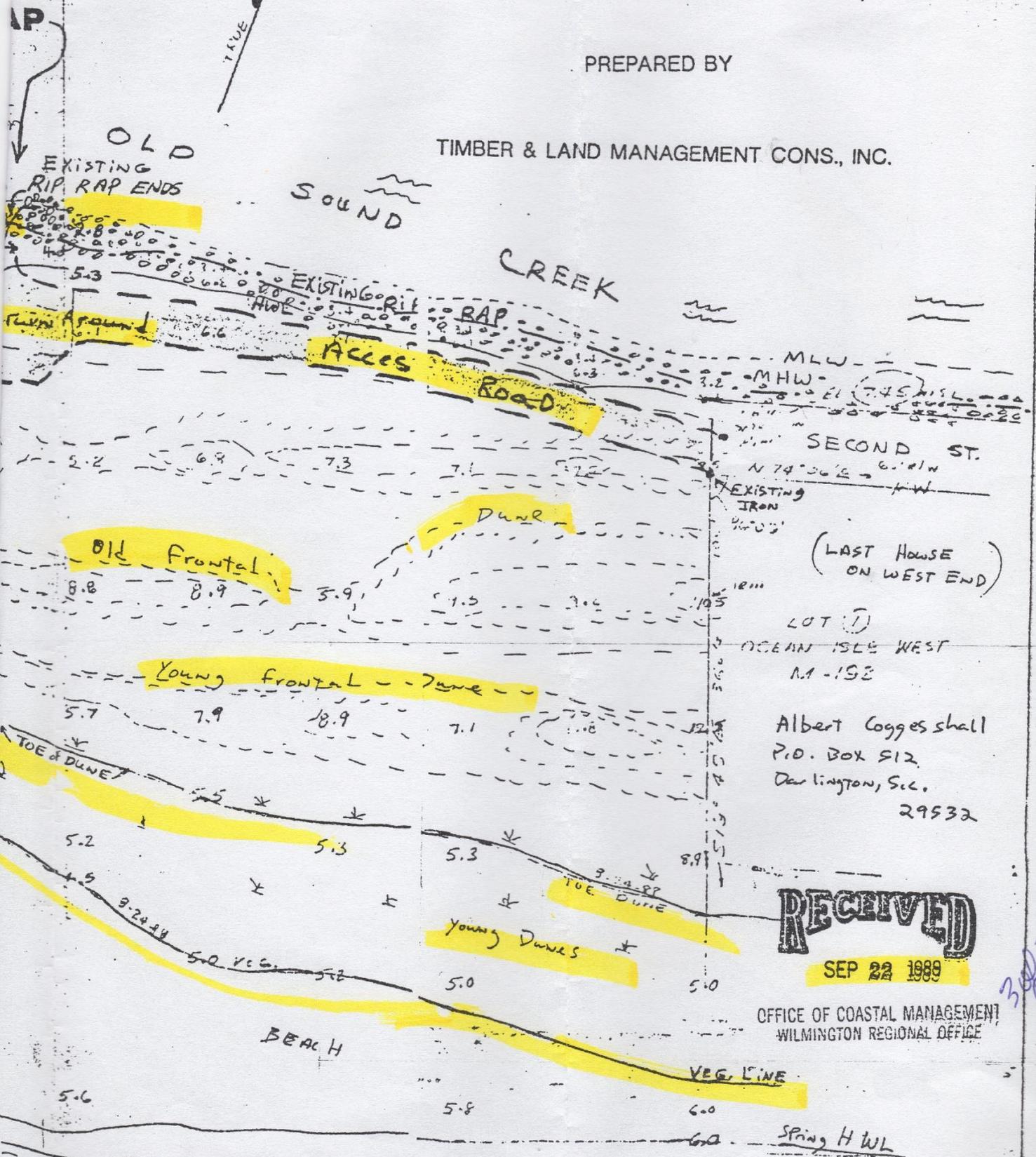
CAMA APPLICATION FOR

#13

THE OCEAN ISLE DEVELOPING CO.

PREPARED BY

TIMBER & LAND MANAGEMENT CONS., INC.



TOPOGRAPHIC SURVEY

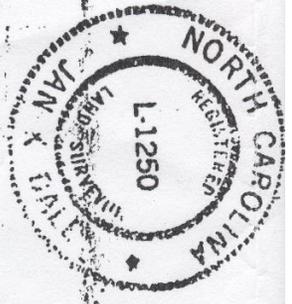
SHALLOTTE TOWNS BRUNSWICK CO. N.C. TOWN OF OCEAN ISLE BEACH

RECEIVED

SEP 22 1989

OFFICE OF COASTAL MANAGEMENT
WILMINGTON REGIONAL OFFICE

3083



John K. Dale
JOHN K. DALE

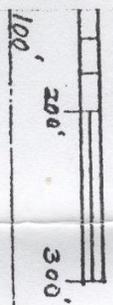
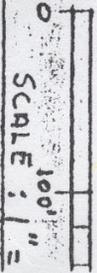
SMALLOTTE, N.C.

SMALLOTTE TOWNSHIP

TOWNSHIP OF

BRUNSWICK COUNTY

TOPOGRAPHIC SURVEY



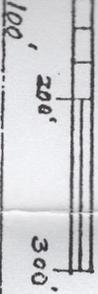
FILE :
Ocean Isle Workshop
Co. - Permit #240-89

1989

IC SURVEY - - - MSL

BRUNSWICK : CO. N.C.
ENR. SLE DESIGN
SCALE 1" = 100'

Spot Elev. - MSL



Sheet 4 of 4

ATTACHMENTS 14

ATTACHMENT _____

APPLICATION PROCESSING NOTES

Bugs

Applicant Williamson

Deadline 12/30/93

Date/Time

Message

12/14

- File review - pub complete
- Work plans submitted by applicant for an earlier project that resulted in the issuance of permit # 240-89 to Ocean Isle Developments. Show clearly the present of an existing access road/turnaround. This must be maintained, pursuant to 7H.0310(c)(4) & 7H.0306(c)(5)
- Also inconsistent with 7H.0306(c)(4)!
- Discussed w/ JP - recommended that we have new planner on Wilmington, new survey for consistency of LUP & submit report for file.
- Called Moore - was ok other items - left msg.
- Discussed w/ Moore - will discuss w/ Dick & Green for comment.

#4

12/14

APPLICATION PROCESSING NOTES

Bugs

Applicant Williamson

Deadline 12/4/93

Date/Time

Message

11/4/93

- Discussed w/ Stroud - does not think it's a good plan - says applicant has "created" land when there was not land before. Will support denial if proposed.
- Discussed w/ JP - feels that it would be hard to support denial based on .0306(c)(4) - advised to draft. Will wait on stormwater info.
- Rich pointed out that 7M.0303 requires access provisions if this project is permitted
- On hold by PCM pending stormwater approval
- On hold - stormwater submitted

ATTACHMENT 14

12/3

11/10

n.b

115470003086(B)

Dune establishment

no new dunes shall be created in inlet hazard area
9/20/93

9. PROJECT DESCRIPTION

ATTACHMENT 14

The project site is a 6.5 acre tract which constitutes the west end of Ocean Isle Beach in Brunswick County. The property is adjacent to the Atlantic Ocean, Tubbs Inlet, and Old Sound Creek (Eastern Channel) to the south, west, and north, respectively. The property is approximately 700 feet long and 350 feet wide, tapering to a point on its western end. Through extensive dune building, and vegetative planting (American Beachgrass), the applicant has brought about a substantial accumulation of sand and elongation of the property. This is evidenced by the comparison of current property dimensions (780' X 350') to the 1984 aerial photography (400' X 250'). The natural processes of inlet migration, literal drift, and aerial sand deposition have enhanced the build-up. There are two distinct dune systems along the ocean front. The most oceanward dune system is man-made and has been planted with American Beachgrass (*Ammophila breviligulata*). Although this system averages 5 - 7 feet in height, it is not continuous; and there are several voids in the dune system that weaken its protective value. The second dune system reaches elevations of 16 - 18 feet (10-12 feet above avg. grade). Dune vegetation is much more stable and diverse and includes, Sea Oats (*Uniola paniculata*), Bitter Panecum (*Panecum* spp.), and Beach Elder (*Iva imbricata*). Both dune systems bend around the west end of the island, narrowing the property and typical of inlet adjacent dune systems. High tide washes across at the waterward, inlet face of the dunes which has resulted in vertical erosion escarpment, approximately 6-8 feet in height, at the western point of the island. The remainder of the property landward (north) of the dune systems is relatively flat to its northern shoreline of Old Sound Creek which has been stabilized with rip rap (State Permit 240-89).

The N. C. Division of Environmental Management classifies the waters of the Atlantic Ocean as SB. The waters of Old Sound Creek are classified as SA and are OPEN to the harvest of shellfish. The N. C. Division of Marine Fisheries has not designated this area as a Primary Nursery Area. The entire tract is within the Inlet Hazard Area of Environmental Concern as designated by the Coastal Resources Commission. The Long Term Average Annual Erosion Rate is two feet per year (LTAAER-pg. 1 of 14).

Why not needs to be done

The applicant proposes to establish a ten (10) lot subdivision for residential development. The lots would be 60 feet wide and range between 550-600 feet in length from Old Sound Creek to the oceanfront. Minimum lot area is 32,000 square feet. The applicant proposes to extend 2nd St. across the northern portion of the property. A road right-of-way, sixty (60) feet wide, approximately 620 feet long, would be graded to include swells on either side a paved road, which would be 600 feet long and 20 feet wide. The existing municipal water and sewer lines would also be extended to serve the proposed development. The applicant is also proposing a private pier for each lot, consisting of a walk ramp (5 ft. wide), and a floating dock (20 ft. X 8 ft.).

again contrary to reqd

10. ANTICIPATED IMPACTS

The grading and paving required for extension of the road would disturb approximately 37,200 square feet of highground, of which 12,000 square feet would remain as impervious surface (paved area). The subsequent construction of residential structures would create additional impervious surface. The ten (10) proposed piers would occupy 1600 square feet of estaurine waters/public trust area. Through the applicant's dune building efforts, the accumulation of sand currently appears to be increasing in the project area. It should be noted, however, that inlet areas are very dynamic natural systems, and can potentially produce rapid changes in adjacent shorelines.

Submitted by: E.F. Brooks

Date: 9/20/93

Office: Wilmington

jd

Recommendations for State Permit - DeCarol Williamson/Williamson Irrevocable Trust

The second dune system landward from the ocean should be considered the frontal dune and thus the mc limiting factor for placement of residential structures. The landward toe of the frontal dune the is approximately the 7 ft. elevation contour on the north side of this dune system. This determination may restrict development on Lots 9 & 10. Consultation by Division personnel with the local permit officer should be completed prior to subsequent issuance of CAMA Minor Permits for individual lots. Should dune development and stabilization continue, frontal dune determination could potentially change in the future.

The construction of piers in the Inlet Hazard Area is not consistent with Section 7H.0300, however, previous permitting has recognized estaurine conditions on this property's northern shoreline by allowing rip rap shoreline stabilization and similar private piers within the AEC.

The instability of the Inlet Hazard Area, with it's potential for rapid and severe shoreline changes is an inherent characteristic of all inlet dynamics. However, the project site currently meets the specific conditions of our regulations, with respect to Inlet and Ocean Hazard AEC's, therefore I have no objections to the project.

John PARKER



ATTACHMENTS 15

10/26

1st line stable vegetation

63.47



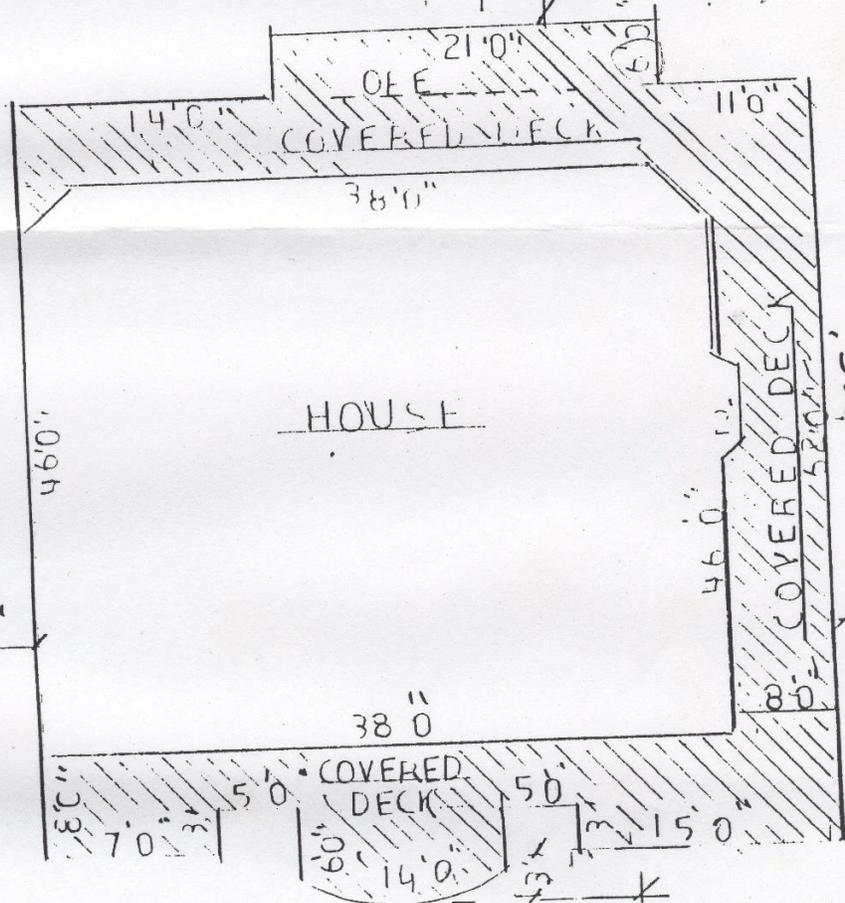
There is also a swimming pool

CAT-WALK

APPROX-324'

28

2



TOTAL - 566.86

436.67

46'0"

HOUSE

46'0"

COVERED DECK

335'

420.0"

TOTAL - 540.14

25'0"

60.14

STREET

0.14

12' DECK

AEC HAZARD NOTICE

ATTACHMENT 14

YOUR PROJECT IS IN AN:

OCEAN ERODIBLE AREA HIGH HAZARD FLOOD AREA INLET HAZARD AREA

This notice is intended to make you, the applicant, aware of the special risks and conditions associated with development in this area, which is subject to natural hazards such as storms, erosion or currents. The rules of the Coastal Resources Commission require that you receive an AEC hazard notice and acknowledge that notice in writing before any permit for development in this area can be issued.

This figure was established by careful analysis of aerial photographs of the coastline taken over the past 30 to 40 years.

Studies also indicate that the shoreline could move as much as 300 feet landward in a major storm.

The flood waters in a major storm are predicted to be about 22' msl in this area.

The Commission's rules on building standards, oceanfront setbacks and dune alteration are designed to minimize, but not totally eliminate, property losses from the hazards. By granting permits, the Coastal Resources Commission does not guarantee the safety of the development and assumes no liability for future damage to the development.

Preferred oceanfront protection measures are beach nourishment projects and relocation of threatened structures. Hard erosion protection structures such as wooden bulkheads, seawalls, rock and rubble revetments, wooden, metal, concrete or rock jetties, groins and breakwaters, concrete-filled sandbags and tire structures are prohibited. Sandbag bulkheads or groins, beach nourishment, beach bulldozing, and low intensity off-shore passive sandtrapping devices may be permissible under certain conditions.

The best available information, as accepted by the Coastal Resources Commission, indicates that the annual ocean erosion rate for the area where your property is located is 2 feet per year.

DIVISION OF COASTAL MANAGEMENT

7-21-93

[Signature]

Date

Applicant's Signature

The applicant must acknowledge receipt of this information by signing this notice in the space above. Without the proper signature, the application will not be complete.

SPECIAL NOTE: This hazard notice is required for development in areas subject to sudden and massive storms and erosion. Permits issued in this area expire on December 31 of the third year following the year in which the permit was issued. Shortly before work begins on the project site, the Local Permit Officer will determine the vegetation line and setback distance at that particular site. If the property has seen little change and the proposed development can still meet the setback requirement the LPO will inform you that you may begin development. It is important that you check with the LPO *before the permit expires* for official approval to continue work after your permit expires. Generally, if foundation pilings have been placed and substantial progress is continuing, permit renewal may not be necessary. If substantial progress has not been made the permit must be renewed and a new setback may be applied. **IT IS UNLAWFUL TO CONTINUE WORK AFTER PERMIT EXPIRATION WITHOUT THIS APPROVAL.**

FOR MORE INFORMATION, CONTACT:

LOCAL PERMIT OFFICER: _____

ADDRESS: _____

LOCALITY: _____

PHONE: _____

[Handwritten initials]

BEFORE YOU BUILD ...

Setting Back for Safety: A Guide to Wise Development Along the Oceanfront

When you build along the oceanfront you take a calculated risk, Natural forces of water and wind collide with tons of force, even on calm days.

There are no man-made structures guaranteed to survive the force of a hurricane. Long-term erosion (or barrier island migration) takes from two to ten feet of the beach each year and, sooner or later, will threaten oceanfront structures.

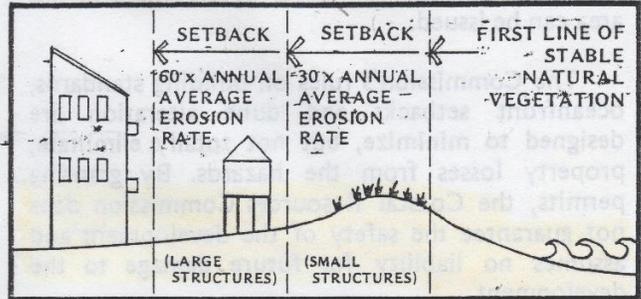
These are the facts of life for oceanfront property owners.

THE RULES

When you build along the oceanfront, coastal management rules require that the structure be sited to fit safely into the beach environment. Specifically, a structure along the oceanfront must be: (1) behind the frontal dune; and (2) landward of the crest of the primary dune; and (3) set back from the first line of stable vegetation a distance equal to 30 times the annual erosion rate or 60 feet, whichever is greater, for residential structures of four units or less, or less than 5,000 square feet total floor area; and (4) set back from the first line of stable vegetation a distance equal to 60 times the annual erosion rate or 120 feet, whichever is greater, for residential structures of more than four units or 5,000 square feet total floor area.

The Coastal Resources Commission has adopted rules for building along the oceanfront. The rules are intended to avoid an unreasonable risk to life and property and to limit public and private losses from both storms and long-term erosion. These rules do not eliminate — but only lessen — the element of risk in oceanfront development.

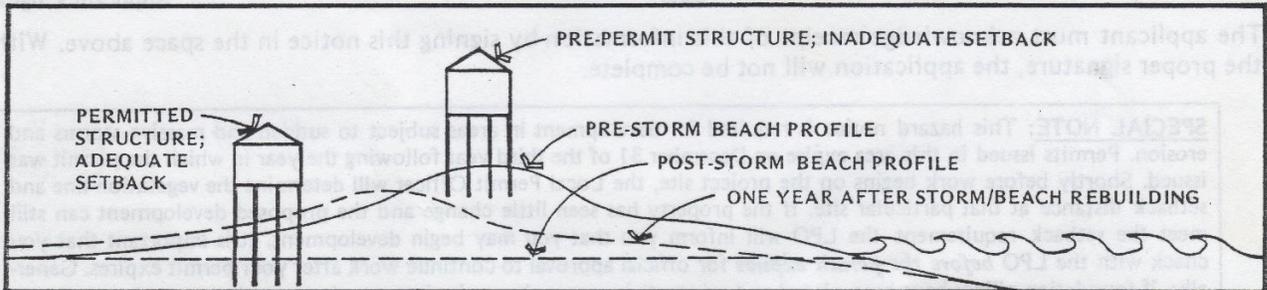
As you consider building along the oceanfront, the CRC wants you to understand the rules and the risks. With this knowledge you can make a more informed decision about where and how to build in the coastal area.



THE REASONS

The beachfront is an ever-changing landform. The beach and the dunes are nature's "shock absorbers", taking the beatings of the wind and waves and protecting the inland areas. By setting back 30 or 60 times the annual long-term erosion rate, you have a good chance of enjoying the full

life of the structure. At first glance, it seems very inviting to build your dream house as close to the beach as possible but in five years you could find the dream has become a nightmare as high tides and storms threaten your investment.



After the storm, the house on the dune will be gone. The other has a much greater chance of survival.

THE EXCEPTION

The Coastal Resources Commission recognized that these rules, passed in June of 1979, might prove a hardship for a small group of property owners. So there was an exemption established for lots which cannot meet the setback requirements of 30 times the annual erosion rate. The exemption allows building in front of the setback line under certain conditions. These are:

- (1) the lot must have been platted as of June 1, 1979, and not capable of being enlarged by combining with adjoining land under the same ownership; and
- (2) development be as far back on the property as possible

and in no case less than 60 feet landward of the vegetation line; and,

- (3) no development can take place on the frontal dune; and,
- (4) special construction standards on piling depth and square footage must be followed; and,
- (5) all other CAMA, State and local regulations must also be met.

The exemption is not available in the Inlet Hazard Areas which are especially dynamic.

In seeking this exemption the Local Permit Officer will make these measurements and observations:

- _____ required setback from vegetation line
- _____ exception setback (maximum feasible)
- _____ rear property line setback

- _____ max. allowable square footage on lowest floor
- _____ lot area as calculated from vegetation line
- _____ piling length necessary to extend 4 feet below MSL

AEC HAZARD NOTICE

Project Is In An: Ocean Erodible Area High Hazard Flood Area Inlet Hazard Area

Date Lot Was Platted: _____

This notice is intended to make you, the applicant, aware of the special risks and conditions associated with development in this area, which is subject to natural hazards such as storms, erosion and currents. The rules of the Coastal Resources Commission require that you receive an AEC Hazard Notice and acknowledge that notice in writing before a permit for development can be issued.

The Commission's rules on building standards, oceanfront setbacks and dune alteration are designed to minimize, but not eliminate, property loss from hazards. By granting permits, the Coastal Resources Commission does not guarantee the safety of the development and assumes no liability for future damage to the development.

The best available information, as accepted by the Coastal Resources Commission, indicates that the annual ocean erosion rate for the area where your property is located is 2 feet per year.

The rate was established by careful analysis of aerial photographs of the coastline taken over the past 50 years.

Studies also indicate that the shoreline could move as much as 300 feet landward in a major storm.

19 flood waters in a major storm are predicted to be about 19 feet deep in this area.

Preferred oceanfront protection measures are beach nourishment and relocation of threatened structures. Hard erosion control structures such as bulkheads, seawalls, revetments, groins, jetties and breakwaters are prohibited. Temporary devices, including sand bags, may be allowed under certain conditions.

This structure shall be relocated or dismantled within two years of becoming imminently threatened.

The applicant must acknowledge this information and requirements by signing this notice in the below space. Without the proper signature, the application will not be complete.

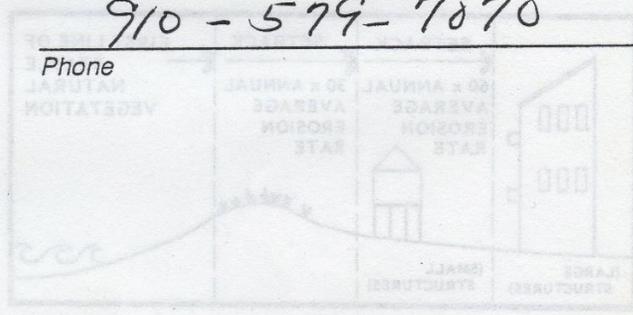
Daniel Smith
Applicant's Signature

10-20-97
Date

SPECIAL NOTE: This hazard notice is required for development in areas subject to sudden and massive storms and erosion. Permits issued for development in this area expire on December 31 of the third year following the year in which the permit was issued. Shortly before work begins on the project site, the Local Permit Officer will determine the vegetation line and setback distance at your site. If the property has seen little change and the proposed development can still meet the setback requirement, the LPO will inform you that you may begin work. It is important that you check with the LPO before the permit expires for official approval to continue the work after the permit has expired. Generally, if foundation pilings have been placed and substantial progress is continuing, permit renewal may not be necessary. If substantial progress has not been made, the permit must be renewed and a new setback line established. It is unlawful to continue work after permit expiration without this approval.

For more information, contact:

T. D. Roberson
Local Permit Officer
3 West Third St.
Address
Ocean Isle Beach, NC 28546
Locality
910-579-7070
Phone



BEFORE YOU BUILD

Setting Back for Safety: A Guide to Wise Development Along the Oceanfront

When you build along the oceanfront you take a calculated risk. Natural forces of water and wind collide with tons of force, even on calm days.

Man-made structures cannot be guaranteed to survive the force of a hurricane. Long-term erosion (or barrier island migration) may take from two to ten feet of the beach each year and, sooner or later, will threaten oceanfront structures. These are the facts of life for oceanfront property owners.

The Coastal Resources Commission (CRC) has adopted rules for building along the oceanfront. The rules are intended to avoid an unreasonable risk to life and property and to limit public and private losses from storms and long-term erosion. These rules lessen but do not eliminate the element of risk in oceanfront development.

As you consider building along the oceanfront, the CRC wants you to understand the rules and the risks. With this knowledge you can make a more informed decision about where and how to build in the coastal area.

The Rules

When you build along the oceanfront, coastal management rules require that the structure be sited to fit safely into the beach environment.

Structures along the oceanfront must be behind the frontal dune, landward of the crest of the primary dune and set back from the first line of natural stable vegetation a distance equal to 30 times the annual erosion rate (a minimum of 60 feet). Large structures (multi-family residential structures greater than 5,000 square feet and non-residential structures greater than 5,000 square feet) must be set back from the first line of natural stable vegetation a distance equal to 60 times the annual erosion rate or 120 feet,

whichever is greater. If the erosion rate is greater than 1 foot/year, the setback is 30 times the erosion rate plus 10 feet.

The Reasons

The beachfront is an ever-changing landform. The beach and the dunes are natural "shock absorbers", taking the beatings of the winds and waves and protecting the inland areas. By setting back 30 or 60 times the annual long-term erosion rate, you have a good chance of enjoying the full life of the structure. At first, it seems very inviting to build your dream house as close to the beach as possible, but in five years you could find the dream has become a nightmare as high tides and storm tides threaten your investment.

The Exception

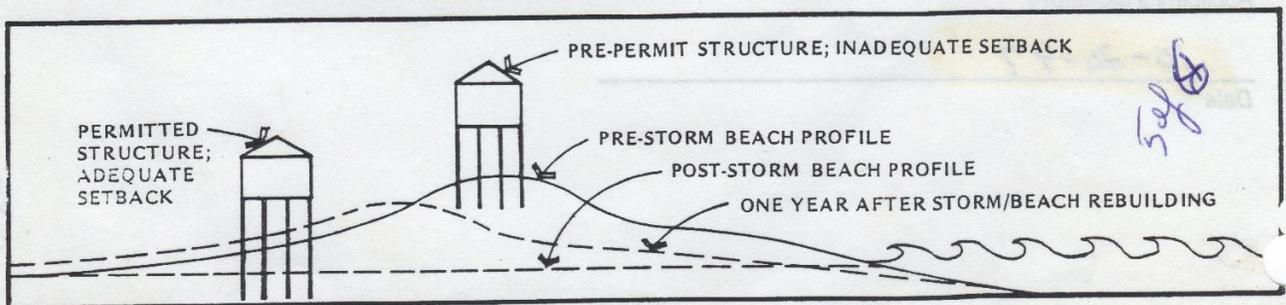
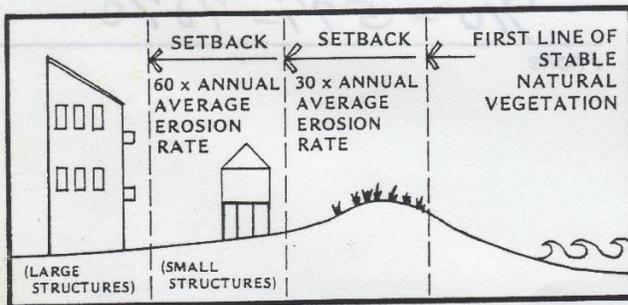
The Coastal Resources Commission recognized that these rules, initially passed in June of 1979, might prove a hardship for some property owners. Therefore, they established an exception for lots which cannot meet the setback requirement. The exception allows buildings in front of the setback line if the following conditions apply:

- (1) the lot must have been platted as of June 1, 1979, and not capable of being enlarged by combining with adjoining land under the same ownership,
- (2) development must be as far back on the property as possible and in no case less than 60 feet landward of the vegetation line,
- (3) no development can take place on the frontal dune
- (4) special construction standards on piling depth and square foot must be met and
- (5) all other CAMA, state and regulations must be met.

The exception is not available in the Inlet Hazard Area.

To determine eligibility for the exception, the Local Permit Officer will make these measurements and observations:

- _____ required setback from vegetation line
- _____ exception setback (maximum feasible)
- _____ rear property line setback
- _____ max. allowable square footage on lowest floor
- _____ lot area as calculated from vegetation line
- _____ piling length needed to extend 4 feet below MSL



After the storm, the house on the dune will be gone. The other house has a much better chance of survival.

AEC HAZARD NOTICE

ATTACHMENT _____

Project Is In An: Ocean Erodible Area High Hazard Flood Area Inlet Hazard Area

Date Lot Was Platted: _____

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Studies also indicate that the shoreline could move as much as 300 feet landward in a major storm.

The flood waters in a major storm are predicted to be about 19 feet deep in this area.

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This structure shall be relocated or dismantled within two years of becoming imminently threatened.

The applicant must acknowledge this information and requirements by signing this notice in the below space. Without the proper signature, the application will not be complete.

X Christine M. Wertz
Applicant's Signature

X 10-15-01
Date

SPECIAL NOTE: This hazard notice is required for development in areas subject to sudden and massive storms and erosion. Permits issued for development in this area expire on December 31 of the third year following the year in which the permit was issued. Shortly before work begins on the project site, the Local Permit Officer will determine the vegetation line and setback distance at your site. If the property has seen little change and the proposed development can still meet the setback requirement, the LPO will inform you that you may begin work. It is important that you check with the LPO before the permit expires for official approval to continue the work after the permit has expired. Generally, if foundation pilings have been placed and substantial progress is continuing, permit renewal may not be necessary. If substantial progress has not been made, the permit must be renewed and a new setback line established. It is unlawful to continue work after permit expiration without this approval.

For more information, contact:

Dennis K. Pilasara
Local Permit Officer

3 West 3rd St.
Address

Ocean Isle Beach, NC 28469
Locality

910-579-3469
Phone

Revised 11/93

TOTAL P.04