

Permit Class
NEW

Permit Number
132-18

STATE OF NORTH CAROLINA
Department of Environmental Quality
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 Town of Sunset Beach c/o Hiram Marziano, 700 Sunset Blvd. N, Sunset Beach, NC 28468

Authorizing development in Brunswick County at East of Sunset Beach bridge within Mary's and Turtle Creeks, Sunset Beach as requested in the permittee's application dated 10/25/18 (MP-1) and 11/6/18 (MP-4) including attached workplan drawings (7) 1-7 of 7 all dated October 2018.

This permit, issued on December 11, 2018, is subject to compliance with the application (where consistent with the permit), all applicable regulations, special conditions and notes set forth below. Any violation of these terms may be subject to fines, imprisonment or civil action; or may cause the permit to be null and void.

Excavation

- 1) In order to protect juvenile shrimp and finfish populations, no excavation or filling shall be permitted between April 1 and September 30 of any year without the prior approval of the Division of Coastal Management, in consultation with appropriate resource agencies.
- 2) Excavation shall not exceed -6 feet below the mean low water level at the mouth of the creeks and -4 feet below mean low water at the head of creeks. In no case shall the depth of excavation exceed the depth of connecting waters.
- 3) The temporary placement or double handling of excavated or fill materials within waters or vegetated wetlands is not authorized.

(See attached sheets for Additional Conditions)

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

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

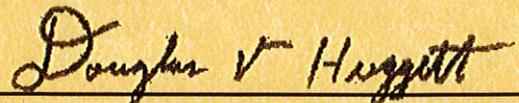
This permit must be accessible on-site to Department personnel when the project is inspected for compliance.

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

All work must cease when the permit expires on

December 31, 2021

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



FOR Braxton C. Davis, Director
Division of Coastal Management

This permit and its conditions are hereby accepted.

Signature of Permittee

ADDITIONAL CONDITIONS

- 4) No excavation or filling of Coastal Wetlands is authorized by this permit.
- 5) Excavation shall not occur within twenty (20) feet of any Coastal Wetlands.
- 6) The authorized project is located within a primary nursery area (PNA). Therefore, in accordance with T15A:07H.0208 of the Rules of the Coastal Resources Commission, no **new** dredging or excavation outside the authorized dredge footprint within the PNA shall be permitted. **New** dredging in any manner, including "kicking" with boat propellers, is not authorized. This prohibition shall be applied and enforced throughout the life of the authorized project.
- 7) The Town of Sunset Beach and its contractors will employ National Marine Fisheries Service's (NMFS') Sea Turtle and Smalltooth Sawfish Construction Conditions (rev. March 23, 2006). These guidelines can be found at https://sero.nmfs.noaa.gov/protected_resources/section_7/guidance_docs/documents/sea_turtle_and_smalltooth_sawfish_construction_conditions_3-23-06.pdf
- 8) In order to further protect the endangered West Indian Manatee, *Trichechus manatus*, the applicant must implement the U.S. Fish & Wildlife Service's Guidelines, and strictly adhere to all requirements therein. The guidelines can be found at http://www.fws.gov/nc-es/mammal/manatee_guidelines.pdf.

Oyster Relocation

- 9) Prior to the initiation of any dredging activities within Mary's and/or Turtle Creeks, the permittee shall, in coordination with the Division of Marine Fisheries, develop and implement an oyster relocation plan for the Mary's and/or Turtle Creeks oyster population(s). Contact the Division of Marine Fisheries at (252) 808-8050 to initiate the required coordination. Notice of satisfactory completion of the relocation efforts shall be provided to the Division of Coastal Management prior to initiation of dredging in Mary's and/or Turtle Creeks.

Spoil Disposal

- 10) No excavated materials shall be deposited, even temporarily within 30' of the normal high water line.
- 11) All excavated materials shall be confined above normal low water level and landward of regularly or irregularly flooded marsh behind adequate dikes or other retaining structures to prevent spillover of solids into any marsh or surrounding waters.
- 12) The spoil disposal area shall be inspected and approved by a representative of the Division of Coastal Management prior to the commencement of any excavation activities.

NOTE:

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

ADDITIONAL CONDITIONS

Maintenance Clause

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

General

- 5) The permittee and/or his or her contractor shall meet with a representative of the Division prior to initiation of any phase of this project.
- 6) This permit shall not be assigned, transferred, sold, or otherwise disposed of to a third party without the written approval of the Division of Coastal Management.
- 7) No attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the authorized work.
- 8) This permit does not authorize the interference with any existing or proposed Federal project, and the permittee shall not be entitled to compensation for damage to the authorized structure or work, or injury which may be caused from existing or future operations undertaken by the United States in the public interest.

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

NOTE: Future development of the permittee's property may require a modification of this permit. Contact a representative of the Division at (910) 796-7215 prior to the commencement of any such activity for this determination. The permittee is further advised that many non-water dependent activities are not authorized within 30 feet of the normal high water level.

NOTE: The U.S. Army Corps of Engineers authorized the proposed project and assigned SAW 2002-00247.

NOTE: The N.C. Division of Water Resources authorized the proposed project by way of General Water Quality Certification 4144 and assigned the project DWR Project No. 2001-1868v2.

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