

TOWN OF SUNSET BEACH  
2016 SHORELINE MANAGEMENT AND PRE-DREDGE ANALYSIS  
PERMITTING

PROGRESS REPORT DATE  
DECEMBER 11, 2017

**Report Period: November 01 thru November 30, 2017**

The items below provide a description of key elements related to the current progress, including outstanding items and anticipated resolutions, for completing the work known as Town of Sunset Beach, 2016 Shoreline Management and Pre-Dredge Analysis, Phase 3 - Permitting.

**Acronyms:** M&N – Moffatt & Nichol  
DCM – North Carolina Division of Coastal Management  
DMF – North Carolina Division of Marine Fisheries  
NMFS – National Marine Fisheries Service  
WRC – North Carolina Wildlife Resources Commission.  
USACE – US Army Corps of Engineers (Wilmington District)

**Phase 1 – Feasibility Analysis** (100% complete)

**Items Previously Completed:** (100%)

The Town of Sunset Beach (Town) and M&N initiated a contract on February 19<sup>th</sup> to study the feasibility of conducting approximately 3.5 miles of navigation dredging within the Town limits. The work areas include Mary’s Creek, Turtle Creek, Jinks Creek, the Feeder Canal and adjoining finger canals, and the Bay area. The results of the analysis were positive and the Town elected to move forward with the design and modeling of the proposed work on June 7<sup>th</sup>. The design work was authorized to begin July 1, 2016.

**Phase 2 –Design** (100% complete)

**Items Previously Completed** (100%)

M&N completed the design phase for the project in August 2017. The work included identifying a dredge alignment and determining the volume of dredge material. M&N also completed a shellfish survey for Mary’s and Turtle Creeks and identified material placement locations for the compatible and non-compatible material. The design will continue to be refined as new information becomes available from the environmental studies proposed through the permitting process.

**Phase 3 –Permitting** (90.00% complete)

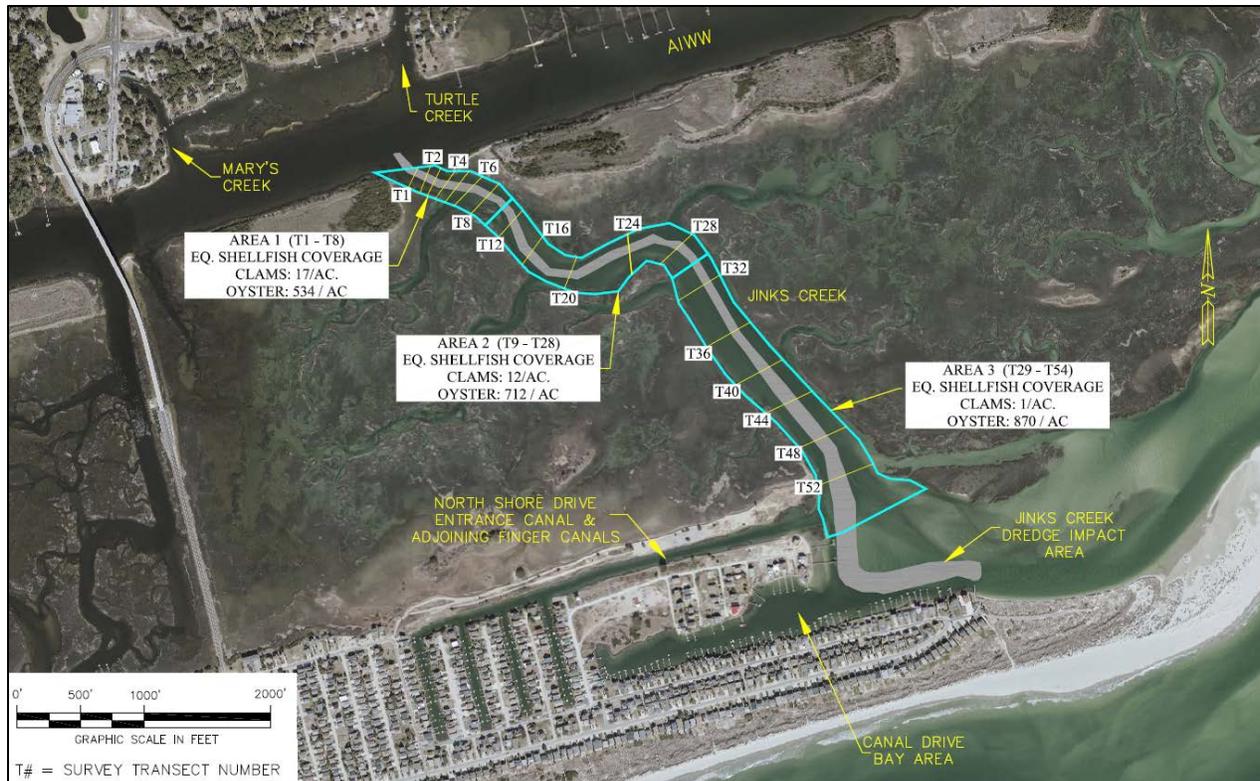
**Items Previously Completed:** (73.11% complete)

1.0 Project Coordination

- The Town conceptually agreed to move forward with use of the USACE material placement islands 310 or 311 at a cost of \$5.75 / cubic yard as a tipping fee. The tipping fee will be paid to the underlying property owner if the material placement islands are used.

2.0 Jinks Creek Shellfish Survey

- The field work required for the shellfish survey was completed on October 6<sup>th</sup>. Once complete, the report findings will be circulated to the resource agencies to determine the appropriate permitting process for Jinks Creek. Figure 1 shows the initial results of the shellfish survey.



**Figure 1. Initial Results of Jinks Creek Shellfish Survey**

### 3.0 Jinks Creek Site Meeting

- The Jinks Creek site meeting was held on Friday, July 21<sup>st</sup> with representatives from DCM, DMF, NMFS, USACE, WRC, the Town, and M&N. As a follow up from the site meeting M&N provided an extrapolated expected shellfish quantity in northern Jinks Creek. The list below provides the extrapolated results. (Note the area designations refer to those shown in the figure above.)
  - i. Area 1 – 17 Clams per acre / 534 Oyster per acre.
  - ii. Area 2 – 12 Clams per acre / 712 Oyster per acre.
  - iii. Area 3 – 1 Clam per acre / 870 Oyster per acre.
- Comments received from the site visit indicate NMFS supports the project, but will require some type of mitigation / relocation efforts for the impacted oyster in northern Jinks Creek. The agencies have also indicated the full shellfish survey of Jinks Creek will be required to evaluate the potential impacts.
- Alternate comments received from DCM suggested the agencies would prefer to see 3 permit applications for this overall project covering the following areas:
  - i. Mary's & Turtle Creek.
  - ii. Feeder Canal, Finger Canals, & Bay Area.
  - iii. Jinks Creek as a whole.

### 5.0 Essential Fish Habitat (EFH) Assessment

- M&N initiated the EFH assessment in July. The assessment is required in accordance with the Magnuson-Stevens Fishery & Conservation Act (50 CFR 600.05 – 600.930) to evaluate potential project impacts to federally managed fishery resources. The efforts were delayed to allow time to negotiate a use agreement for a USACE spoil island. The permit could not be submitted without providing an end use placement area for the dredge material.

#### 6.0 Biological Assessment (BA)

- M&N initiated the BA in July with completion expected in early November. The BA evaluates potential project impacts to federally protected species. Approximately 15 federally protected species exist in Brunswick County.

#### 8.0 CAMA Major Permit Application

- In accordance with the regulatory agencies request, M&N recommended for the Town to submit 3 permit applications for the overall project. The permit submittals would be divided to include the following project areas:
  - a. Submittal 1 – Mary’s & Turtle Creek
  - b. Submittal 2 – The Feeder Canal, Finger Canals, & the Bay Area;
  - c. Submittal 3 – Jinks Creek

Any additional cost associate with the extra applications would only be the filing fee of \$475 / permit required by the state. No additional costs would be required to complete the application or environmental documentation. Efforts to complete the permit application were delayed to allow time to negotiate a use agreement for a USACE spoil island. The permit could not be submitted without providing an end use placement area for the dredge material

#### 9.0 Coordination with the Town of Ocean Isle Beach (OIB)

- The Town and M&N met with OIB officials and staff on July 24<sup>th</sup> to update OIB on the project status. The meeting also began official discussions concerning the cost share potential for beach compatible material placement on OIB. As part of the next step, the Town of Sunset Beach will provide a formal request for cost share consideration by OIB.

### **Progress this Period:** (16.89% of total task)

#### 1.0 Project Coordination

- As part of the CAMA permit application, M&N has continued coordination efforts with the property owner of the USACE material placement islands. A letter of consent for the material placement is required from the property owner as part of the permit application. M&N will provide the letter for the property owner’s review by mid-December. (The Town is not required to sign the letter.)

#### 2.0 Jinks Creek Shellfish Survey

- M&N continued efforts to complete the shellfish survey and report. Efforts have concentrated on completing the CAMA major permit application. However, the shellfish survey report should be complete by early January.

#### 5.0 - 8.0 EFH, BA, Cultural Resource Review, & CAMA Major Permit Review

- M&N completed the EFH and BA documentation for the Mary’s and Turtle Creek as well as the Feeder Canal & Bay Area. The documents were submitted to the Town for review on November 20<sup>th</sup>.
- Efforts have continued towards completing the permit applications for Mary’s and Turtle Creek as well as the Feeder Canal and Bay Area. Draft permit drawings have been completed as well as the public notice for the permit applications. The documents must be provided to the Town for review prior to formal submission. The project description and supporting information must also be compiled for the permit applications. The permits should be submitted in late December.

#### 10.0 Environmental Management

- Environmental management efforts continued to provide oversight and guidance for the preparation of the documentation required for the CAMA major permit submittal.

**Outstanding Items and Anticipated Completion Dates:**

- 2.0 Jinks Creek Shellfish Survey
- The shellfish survey report will be provided to the Town for review by early January. Pending any comments from the Town, the document will be circulated to the resource agencies to determine the most appropriate permitting path for Jinks Creek.
- 4.0 3<sup>rd</sup> Agency Coordination Meeting
- The 3<sup>rd</sup> coordination meeting will be scheduled after the shellfish survey report has been circulated to the resource agencies. The survey results should help define a clear path for permitting northern Jinks Creek, in terms of the type of permit needed and the overall process for obtaining. The agencies have indicated the 3<sup>rd</sup> meeting may not be necessary based on the shellfish survey results. Email correspondence and phone calls may suffice to disseminate the project information and responses. A decision will be made following agency review of the Jinks Creek shellfish survey.
- 5.0 - 8.0 EFH, BA, Cultural Resource Review, & CAMA Major Permit Review
- Completion of the environmental documentation necessary for the CAMA Major Permit submittal is anticipated in December.
- 9.0 Coordination with OIB
- Discussion concerning the potential cost share for beach compatible material placement will continue through the permitting process. As part of the next step the Town will provide a formal request for cost share consideration by OIB. (Only material from Jinks Creek would be eligible for beach placement. All of the dredge material from Mary's & Turtle Creek as well as the Bay Area and Feeder Canal must be placed upland.)

