

Permit Class
NEW

Permit Number
45-02

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APR 17 2002
DIVISION OF
COASTAL MANAGEMENT

STATE OF NORTH CAROLINA

Department of Environment and 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 Town of Sunset Beach, 220 Shoreline Drive, Sunset Beach, NC 28459

Authorizing development in Brunswick County at man-made canal system adj. to Jinks Creek

, as requested in the permittee's application dated 1/7/02 (MP-1) and

1/10/02 (MP-2), including attached workplan drawings 3 through 32 of 32, all dated revised 12/31/01

This permit, issued on April 10, 2002, 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 will be permitted between April 1 and September 30 of any year without the prior approval of the Division of Coastal Management, in consultation with the Division of Marine Fisheries.
- 2) Excavation will not exceed -5.2 feet below the mean low water level. In no case shall the depth of excavation exceed that of the connecting waters.
- 3) No dredging may take place within 10 feet of any area of coastal wetland.
- 4) The temporary placement or double handling of 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. 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.

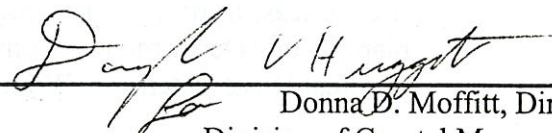
Any maintenance work or project modification not covered hereunder requires further Division approval.

All work must cease when the permit expires on

December 31, 2005

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 DENR and the Chairman of the Coastal Resources Commission.



Donna D. Moffitt, Director
Division of Coastal Management

This permit and its conditions are hereby accepted.

Signature of Permittee

ADDITIONAL CONDITIONS

- 5) No vegetated wetlands or marsh grass will be excavated or filled.
- 6) No excavation will take place outside of the alignment of the area indicated on the workplan drawing(s).
- 7) The permittee shall adhere to the attached list of US Coast Guard regulations.

Spoil Disposal

- 8) The authorized spoil disposal area must be inspected and approved on-site by a representative of the Division of Coastal Management prior to the initiation of any dredging activities.
- 9) The permittee shall notify the Division of Environmental Health, Shellfish Sanitation Section at (252) 726-6827 at least 7 days prior to the commencement of any dredging activities so that the area surrounding the disposal area can be temporarily closed to the harvesting of shellfish.
- 10) All excavated materials will be confined above mean high water 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.
- 11) The disposal area effluent will be contained by pipe, trough, or similar device to a point at or beyond the mean low/normal water level to prevent gully erosion and unnecessary siltation.
- 12) The terminal end of the pipeline will be positioned at or greater than 50 feet from any part of the dike and a maximum distance from spillways to allow settlement of suspended sediments.
- 13) A water control structure will be installed at the intake end of the effluent pipe to assure compliance with water quality standards.
- 14) The diked disposal area will be constructed a sufficient distance from the mean high water level or any marsh to eliminate the possibility of dike erosion into surrounding wetlands or waters.

Sedimentation and Erosion Control

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 Department of Environment and Natural Resources, Land Quality Section, 127 Cardinal Drive Extension, Wilmington, NC 28405.

- 15) Appropriate sedimentation and erosion control devices, measures or structures must be implemented to ensure that eroded materials do not enter adjacent wetlands, watercourses and property (e.g. silt fence, diversion swales or berms, sand fence, etc.).

ADDITIONAL CONDITIONS

- 16) All disturbed areas shall be properly graded and provided a ground cover sufficient to restrain erosion within thirty days of project completion.

General

- 17) The permittee understands and agrees that, if future operations by the United States requires the removal, relocation, or other alteration of the structure or work authorized by this permit, or if in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove relocate or alter the structural work or obstructions caused thereby, without expense to the United States or the state of North Carolina. No claim shall be made against the United States or the state of North Carolina on account of any such removal or alteration.
- 18) This permit does not authorize the interference with any existing or proposed Federal project, and the permittee will 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.
- 19) 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.
- 20) The authorized structure and associated activity must not cause an unacceptable interference with navigation.
- 21) The permitted activity will be conducted in such a manner as to prevent a significant increase in turbidity outside of the area of construction or construction-related discharge. Increases such that the turbidity in the waterbody is 25 NTU's or less in all saltwater classes are not considered significant.

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: The permittee is encouraged to contact the Brunswick County mosquito control office at (910) 253-2515 to schedule a pre-construction conference to discuss mosquito control measures.

NOTE: This permit does not convey any rights, either in real estate or material.

NOTE: The U.S. Army Corps of Engineers has assigned the proposed project COE Action Id. No. 200200391.

COAST GUARD REGULATIONS APPLICABLE TO DREDGE OPERATIONS

Below is a list of regulations which are applicable to dredge operations in the COTP Wilmington zone. This list is not all inclusive. We encourage dredge companies to schedule a meeting with members of the USCG staff, in order to be provided amplifying information or answers to any questions that may exist. We also strongly encourage all Uninspected Towing Vessels (UTV) associated with each dredging operation to participate in the USCG's Voluntary Commercial Dockside Examination program. Please contact LT Dave Brown of the USCG staff at (910) 815-4895, extension 108, to coordinate a meeting or dockside exam.

1. Lights on dredge pipelines (33 CFR 88.15)
2. Lights on barges at a bank or dock (33 CFR 88.13)
3. Lights and Shapes (33 CFR 84.11-13)
4. Mooring Buoys (33 CFR 62.35)
5. Special Marks (33 CFR 62.31)
6. Uninspected Towing Vessel's (UTV) Licensing Requirements (46 CFR 15.910 & 15.815)
7. UTV Drug Testing Requirements (33 CFR 4.06 & 4.03-2)
8. UTV Marine Radar Requirement (33 CFR 164.01(b) & 164.72)
9. UTV Certificate of Documentation (33 CFR 173.21)
10. UTV Marine Casualty Reporting Criteria (46 CFR 4.05-1)
11. Dredge or UTV Advance Notice of T