

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

PROGRESS REPORT DATE  
SEPTEMBER 30, 2019

**Report Period: July 01 thru September 30, 2019**

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** (100% complete)

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

1.0 Project Coordination

- Coordination efforts with the USACE determined the Town would need to remove any placed material within a 3-year period (most likely 1 year) in order to use the USACE managed disposal islands along the AIWW. However, due to project logistics and timing M&N recommended moving forward with a truck haul project in order to construct during the 2018-2019 dredge season. (The USACE would need to draft and execute the legal instrument allowing use and requiring the material removal. The instrument would be drafted by the Wilmington district and approved by the Atlanta division and Washington DC headquarters.
- The Town elected not to construct Mary’s & Turtle Creek prior to reaching a permit decision for S. Jinks, the Bay Area, and Feeder Channel. This action resulted from the Town not

wishing to create an excessive financial constraint of the residents of Mary's & Turtle Creek to fund the complete construction project. Once the State provides the final permits, the Town may evaluate how to move forward with each project.

## 2.0 Jinks Creek Shellfish Survey

- The agencies accepted the Jinks Creek Shellfish report without comments on April 9<sup>th</sup>, 2018. DMF reviewed the document and commented on its completeness at the April 9<sup>th</sup> Agency Coordination meeting.

## 3.0 Jinks Creek Site Meeting

- The Jinks Creek site meeting was held on Friday, July 21, 2017 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.
  - 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.

## 4.0 Agency Coordination Meeting

- The 3<sup>rd</sup> Agency Coordination meeting was held on April 9, 2018. The main outcome from the meeting was as follows:
  - DCM confirmed any dredging in the Feeder Canal or Bay Area could not exceed the governing depth of Jinks Creek or Tubbs Inlet. A connection at least as deep as the dredging depths must extend either to the Atlantic Ocean or to the AIWW. However, DCM also stated they would support a variance to this requirement (15 NCAC 07H.0208.b.1.f) if the Town requested one from the CRC.
  - DCM noted that other agencies such as DWR may also have concerns about dredging the Feeder Canal or Bay Area deeper than Jinks Creek, which is currently at -2MLW. DWR representatives left the meeting early and did not provide feedback regarding their concerns or lack thereof.

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

- DCM issued the CAMA major permit for the maintenance dredging of Mary's & Turtle Creek on December 11, 2018. Dredge material will be transferred from a bucket to barge system to dump trucks at the WRC boat ramp adjacent to Mary's Creek. Material will then be transported to an upland landfill facility for final deposition. The same upland landfill facility will be used for the Feeder and Bay Area material (including the finger canals). The Town will use Cobia Street as a material transfer site for the Feeder and Bay Area project. (Material from S. Jinks Creek will be placed as beneficial reuse along the Sunset Beach shoreline.

- M&N resubmitted the CAMA major permit for S. Jinks Creek, the Bay Area and Feeder Channel system on December 3<sup>rd</sup>. However, the DCM returned the application again on December 21 due to only providing 3 sediment samples from S. Jinks Creek and other minor clarifications. NCAC requirements stipulate a minimum of 5 cores must be obtained from any borrow source to describe beach compatible material. A total of 26 cores were collected as part of the sampling process; however, only the area containing the 3 cores was recommended for beneficial reuse (beach placement).
- The CAMA Major permit for S. Jinks Creek, the Bay Area, and Feeder Channel system was resubmitted on March 20, 2019 and accepted as technically complete by DCM on April 15, 2019. (Riparian property owner notices must be provided in order to begin the review process.)

DCM notified the Town that delivery confirmation of the adjacent property owner notifications would be required prior to starting the formal permit review process on May 6<sup>th</sup>. Because some notifications were refused or not accepted, DCM is requiring multiple attempts to notify the property owners. DCM has suggested Google searches, as well as hand delivery efforts and additional searches through alternate state or counties tax rolls for delivery addresses. The Town and M&N expect to have the additional notifications out by June 7<sup>th</sup>.

DCM accepted the CAMA application for S. Jinks Creek, the Feeder Canal, and Bay Area as complete on June 17<sup>th</sup>. The review period will extend to early August and may require additional time due to the public interest generated by the application. A final permit decision is not anticipated until mid-November when the North Carolina Coastal Resource Council (CRC) reviews the permit submittal to evaluate a variance request anticipated by the Town.

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

- M&N discussed the potential for cost sharing sand placement on OIB with Town leaders of Ocean Isle Beach. OIB elected not to participate in the project financially citing the proposed placement volume would not create a significant enough benefit for OIB residents. (Approximately 30,000 CY should be placed as beneficial reuse for the project.)

#### 11.0 Profile Surveys

- Geodynamics completed the beach profile surveys necessary for characterizing the recipient beach for beneficial reuse material placement in July 2018. The survey data has been incorporated into the permit drawings.

#### 12.0 Sediment Analysis

- ECS completed the sediment analysis necessary for characterizing the recipient beach for beneficial reuse material placement in August 2018. The results indicate material from S. Jinks Creek would be compatible for beneficial reuse on Sunset Beach.

#### 13.0 S. Jinks Sediment Collection & Analysis

- The sediment analysis results for South Jinks Creek were incorporated into the CAMA Major Permit application. The results showed the beneficial reuse material contained approximately 5% shell (calcium carbonate). These results match well with the NCAC technical requirements for beach fill material.

**Progress this Period:** (0.0% of total task)

8.0 CAMA Major Permit Submittal

- State and federal regulatory agencies continue to review the project for authorization. DCM notified the Town that a permit decision should be made by October 10, 2019; however, additional time could be requested if the state agencies deem necessary for the review. The USACE notified the Town, an individual permit (IP) would be required to approve the project on a federal level. The main concern from the USACE focused on ensuring all potential stakeholders were notified and received an opportunity to comment on the project. The USACE will conduct an independent notification process and allow a 30-day comment period. The comment period ends on October 24, 2019.

**Outstanding Items and Anticipated Completion Dates:**

1.0 Project Coordination

- M&N will continue to monitor the permit review process for a final decision. Pending the agency review of the permit application, the Town will request a variance hearing with the CRC to exclude a ‘deep water connection’ to the AIWW or Atlantic Ocean. (15 NCAC 07H.0208.b.1.f requires all dredging projects to connect to adjacent waters at an equal or greater depth than the proposed dredging.) The variance request is hopeful for the November 19<sup>th</sup> and 20<sup>th</sup> CRC meeting.

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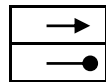
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**Progress Schedule**

Tasks	2017			2018												2019													
	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov
Pre-Dredge Analysis Design Phase																													
Project Coordination																													
Jinks Creek Shellfish Survey																													
Jinks Creek Site Meeting																													
3rd Agency Coordination Meeting																													
EFH Assessment																													
Biological Assessment (BA)																													
Cultural Resources Review																													
CAMA Major Permit																													
Coordination with OIB																													
Environmental Management																													
Profile Surveys																													
Sediment Analysis																													
S. Jinks Sed. Collection & Analysis																													



Anticipated timeframe to complete task.  
Anticipated overrun in task.



Work in progress (WIP) for task.  
Actual timeframe to complete task.