

Permit Class  
**MODIFICATION/MAJOR**

Permit Number  
**14-02**

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 Holden Beach, PO Box 449, Supply, NC 28462**

Authorizing development in **Brunswick** Counties at **Atlantic Ocean, from 781 Ocean Blvd.**

**West to 240 Ocean Blvd. East**, as requested in the permittee's application dated **12/15/11, AEC Hazard**

**Notice dated 7/9/12, and workplan drawings (20), 1-20 of 20 all dated 12/5/11.**

This permit, issued on **July 10, 2012**, 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.

- 1) In order to protect threatened and endangered species and to minimize adverse impacts to offshore, nearshore, intertidal and beach resources, no excavation or beach nourishment activities shall occur from April 1 to November 15 of any year without prior approval from the Division of Coastal Management in consultation with the Division of Marine Fisheries and the North Carolina Wildlife Resources Commission.

### Excavation

- 2) All excavation activities shall take place entirely within the areas indicated on attached Sheet No. 17 of 20 (Project Borrow Site).

**(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.

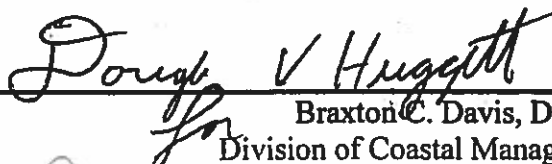
Any maintenance work or project modification not covered hereunder requires further Division approval.

All work must cease when the permit expires on

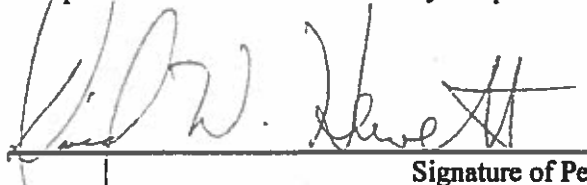
**December 31, 2015**

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.

  
\_\_\_\_\_  
Braxton C. Davis, Director  
Division of Coastal Management

This permit and its conditions are hereby accepted.

  
\_\_\_\_\_  
Signature of Permittee

**ADDITIONAL CONDITIONS**

- 3) Excavation shall not exceed -42.5' NGVD29.
- 4) Excavation shall be accomplished by a hopper dredge. Use of any other method of excavation shall require modification of this permit.

**Beach Nourishment**

- 5) This permit authorizes beach nourishment activities to be carried out one (1) time along the entire reach of the requested project area. Any request to carry out additional activities within an area where nourishment activities have been completed under this permit shall require a modification of this permit.
- 6) Prior to the initiation of beach nourishment activity along each section of beach, the existing mean high water line shall be surveyed and a copy provided to the Division of Coastal Management.

**NOTE:** The permittee is advised that the State of North Carolina claims title to all currently submerged lands and any future lands that are raised above the Mean High Water level as a result of this project.

- 7) Prior to the initiation of any beach nourishment activity above the mean high water contour line within the limits of the permittee's jurisdiction, easements or similar legal instruments shall be obtained from all affected property owners.
- 8) Prior to the initiation of any beach nourishment activity, the permittee shall coordinate with the Division of Coastal Management to determine the static vegetation line that shall be used as the reference point for measuring future oceanfront setbacks. The static vegetation line, which is defined as the vegetation line that existed within one year prior to the onset of initial project construction, shall be established using on-ground observation and survey or aerial imagery. This static vegetation line shall then be marked and a survey depicting this static vegetation line shall be submitted to the Division of Coastal Management prior to any beach nourishment activities.
- 9) The seaward nourishment limit shall be conducted in accordance with the approved work plats labeled Plan View (Sheets 3-15 of 20).
- 10) Temporary dikes shall be used to retain and direct flow of material parallel to the shoreline to minimize surf zone turbidities. The temporary dikes shall be removed and the beach graded in accordance with approved profiles upon completion of pumping activities in that particular section of beach.
- 11) Should the dredging operations encounter sand deemed non-compatible with 15A NCAC 07H .0312 (Technical Standards for Beach Fill Projects), the dredge operator shall immediately cease operation and contact the Division of Coastal Management. Dredge operations shall resume only after resolution of the issue of sand compatibility.
- 12) In order to prevent leakage, dredge pipes shall be routinely inspected. If leakage is found and repairs cannot be made immediately, pumping of material shall stop until such leaks are fixed.

**ADDITIONAL CONDITIONS**

- 13) Once a section is complete, piping and heavy equipment shall be removed or shifted to a new section and the area graded and dressed to final approved slopes.
- 14) Land-based equipment necessary for beach nourishment work shall be brought to the site through existing accesses. Should the work result in any damage to existing accesses, the accesses shall be restored to pre-project conditions immediately upon project completion in that specific area.

**NOTE:** The permittee is advised that any new access site would require a modification of this permit.

- 15) Where oceanfront development exists at elevations nearly equal to that of the native beach, a low protective dune shall be pushed up along the backbeach to prevent slurry from draining towards the development.
- 16) Dune disturbance shall be kept to a minimum. Any alteration of existing dunes shall be coordinated with the Division of Coastal Management as well as the appropriate property owner(s). All disturbed areas shall be restored to original contours and configuration with reference to the surveyed normal high water line and shall be revegetated immediately following project completion in that section of beach.

**Mitigation and Monitoring**

- 17) Unless specifically altered herein, the permittee shall implement all mitigation and monitoring commitments made in the permit application, and project purpose and description, that was prepared for this project.
- 18) Immediately after completion of the beach nourishment project, and prior to the next three sea turtle nesting seasons, beach compaction shall be monitored and tilling shall be conducted as deemed necessary by the Division of Coastal Management in coordination with appropriate review agencies.
- 19) Immediately after completion of any phase of the beach nourishment project, and prior to the next three nesting seasons, monitoring shall be conducted to determine if escarpments are present that would adversely affect nesting sea turtles and/or public access. If such escarpments are present, the permittee shall coordinate with the Division of Coastal Management for necessary remediation.

**Cultural Resource Protection**

- 20) Prior to any excavation or beach nourishment activities, the permittee shall contact the NCDCCR Underwater Archaeology Branch at (910) 458-9042 to determine the location of any significant historical resources located within the project area to assure avoidance and incidental impacts during operations.
- 21) There exists the possibility that the authorized activities may unearth a beached shipwreck. Should such a finding occur, the permittee shall immediately move to another area. The NCDCCR Underwater Archaeology Branch shall be contacted at (910) 458-9042 to determine appropriate response procedures.

**ADDITIONAL CONDITIONS**

**General**

- 22) 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.
- 23) The permittee and his contractor shall schedule a pre-construction conference with the Division of Coastal Management prior to the initiation of any dredging activities.
- 24) 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.

**NOTE:** The permittee's contractor is advised to contact the U.S. Coast Guard at (910) 815-4895, ext. 108 to discuss operations and appropriate lighting, markers, etc. for all dredge equipment.

- 25) The permittee shall obtain any necessary authorizations or approvals from the US Army Corps of Engineers prior to initiation of any permitted activity. All conditions of this Federal approval shall be adhered to.
- 26) The permittee and/or his contractor shall provide for proper storage and handling of all oils, chemicals, hydraulic fluids, etc., necessary to carry out the project.
- 27) The N.C. Division of Water Quality has authorized the proposed project under General Water Quality Certification No. 3780 (DWQ Project No. 20011836, Ver. 3), which was issued on 6/18/12. Any violation of the Water Quality Certification shall also be considered a violation of this CAMA Permit.
- 28) No sand shall be placed on any sand bags that have been determined by the Division of Coastal Management to be subject to removal under 15A NCAC 07H .0308(a)(2). In order to ensure compliance with this condition, the Division of Coastal Management shall be contacted at (910) 796-7215 prior to project initiation so that Division staff may meet on site with the permittee and/or contractor.
- 29) This Major Modification shall be attached to the original of Permit No. 14-02, which was issued on 2/1/02, as well as all subsequent modification, renewals and refinements, and copies of all documents shall be readily available on site when Division personnel inspect the project for compliance.
- 30) All conditions and stipulations of the active permit remain in force under this minor modification unless altered herein.

**ADDITIONAL CONDITIONS**

**NOTE:** The permittee is advised that the Division of Coastal Management shall regulate the removal of existing sandbags and the placement of new sandbags in accordance with 15A NCAC 07H .0308(a)(2)(F), or in accordance with any variances granted by the N.C. Coastal Resources Commission.

**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 nourishment activities may require a modification of this permit. The permittee shall contact a representative of the Division at (910) 796-7215 prior to the commencement of any such activity for this determination.