



TO: The Coastal Resources Commission

FROM: Christine A. Goebel, DEQ Assistant General Counsel

DATE: February 20, 2025 (for the February 26-27, 2025 CRC Meeting)

RE: **Variance Request by The Shoals Club on Bald Head Island, LLC and Shoals Overlook, Inc. (CRC-VR-25-02)**

Petitioners Shoals Club and Shoals Overlook each own adjacent parcels at 100 Station House Way and 3210 Shoals Watch Way on Bald Head Island, Brunswick County. Following accelerated erosion at the Site since about 2007 and a January 2022 Storm event, the Village of Bald Head Island received a modification to its CAMA Major Permit 91-14 authorizing the installation of a 6' x 20' sandbag structure at the Site. The Village and Petitioners have taken various responses to this erosion at the Site including beach bulldozing and an active nourishment project. On August 2, 2024, the Village applied for a permit modification proposing to increase the size of the existing sandbag structure at the Site. On December 11, 2024, DCM granted Petitioner's CAMA Major Permit modification but conditioned the sandbag structure to the 6' x 20' allowed by rule instead of the 12' x 40' structure proposed as required by 7H.0308(b)(2)(L). With the Village's permission, Petitioners now seek a variance to allow the larger sandbag structure as proposed in the Village's Permit Modification application.

The following additional information is attached to this memorandum:

Attachment A: Relevant Rules
Attachment B: Stipulated Facts
Attachment C: Petitioners' Positions and Staff's Responses to Variance Criteria
Attachment D: Petitioners' Variance Request Materials
Attachment E: Stipulated Exhibits including powerpoint

cc(w/enc.): Todd Roessler, Esq., Petitioners' Attorney, electronically
Mary Lucasse, Special Deputy AG and CRC Counsel, electronically
Chris McCall, VBHI CAMA LPO, electronically



ATTACHMENT A**RELEVANT RULES****SECTION .0300 - OCEAN HAZARD AREAS****15A NCAC 07H .0301 OCEAN HAZARD CATEGORIES**

The Ocean Hazard categories of AECs encompass the natural hazard areas along the Atlantic Ocean shoreline where, because of their vulnerability to erosion or other adverse effects of sand, wind, and water, uncontrolled or incompatible development could endanger life or property. Ocean hazard areas include beaches, frontal dunes, inlet lands, and other areas in which geologic, vegetative and soil conditions may subject the area to erosion or flood damage.

15A NCAC 07H .0302 SIGNIFICANCE OF THE OCEAN HAZARD CATEGORY

(a) Hazards associated with ocean shorelines are due to the constant forces exerted by waves, winds, and currents upon the unstable sands that form the shore. During storms, these forces are intensified and can cause changes in the bordering landforms and to structures located on them. Ocean hazard area property is in the ownership of a large number of private individuals as well as several public agencies and is used by a vast number of visitors to the coast. Ocean hazard areas are critical due to both the severity of the hazards and the intensity of interest in these areas.

(b) The location and form of the various hazard area landforms, in particular the beaches, dunes, and inlets, are in a permanent state of flux, responding to meteorologically induced changes in the wave climate. For this reason, the siting of development on and near these landforms shall be subject to the provisions in this Section in order to avoid their loss or damage. The flexible nature of these landforms presents hazards to development situated immediately on them and offers protection to the land, water, and structures located landward of them. The value of each landform lies in the particular role it plays in affording protection to life and property. Development shall not diminish the energy dissipation and sand storage capacities of the landforms essential to the maintenance of the landforms' protective function.

15A NCAC 07H .0303 MANAGEMENT OBJECTIVE OF OCEAN HAZARD AREAS

(a) The CRC recognizes that absolute safety from the destructive forces of the Atlantic Ocean shoreline is an impossibility for development located adjacent to the coast. The loss of life and property to these forces, however, can be greatly reduced by the proper location and design of structures and by care taken in prevention of damage to natural protective features particularly primary and frontal dunes. Therefore, it is the CRC's objective that development in ocean hazard areas shall be sited to minimize danger to life and property and achieve a balance between the financial, safety, and social factors that are involved in hazard area development.

(b) The rules set forth in this Section shall further the goals set out in G.S. 113A-102(b), to minimize losses to life and property resulting from storms and long-term erosion, prevent encroachment of permanent structures on public beach areas, preserve the natural ecological conditions of the barrier dune and beach systems, and reduce the public costs of development within ocean hazard areas, and protect common-law and statutory public rights of access to and use of the lands and waters of the coastal area.

15A NCAC 07H .0305 DEFINITION AND DESCRIPTION OF LANDFORMS

This Rule describes natural and man-made features that are found within the ocean hazard area of environmental concern.

(1) Ocean Beaches. Ocean beaches are lands consisting of unconsolidated soil materials that extend from the mean low water line landward to a point where either:

(a) the growth of vegetation occurs; or

(b) a distinct change in slope or elevation alters the configuration of the landform, whichever is farther landward.

(4) Frontal Dunes. The frontal dune is the first mound of sand located landward of ocean beaches that has stable and natural vegetation present.

15A NCAC 07H .0308 SPECIFIC USE STANDARDS FOR OCEAN HAZARD AREAS

(b) Ocean Shoreline Erosion Control Activities:

(1) Use Standards Applicable to all Erosion Control Activities:

(A) All oceanfront erosion response activities shall be consistent with 15A NCAC 07H .0308 and G.S.113A-115.1.

(B) Permanent erosion control structures may cause significant adverse impacts on the value and enjoyment of adjacent properties or public access to and use of the ocean beach, and, therefore, unless specifically authorized under the Coastal Area Management Act, are prohibited. Such structures include bulkheads, seawalls, revetments, jetties, groins, and breakwaters.

(C) Rules concerning the use of oceanfront erosion response measures apply to all oceanfront properties without regard to the size of the structure on the property or the date of its construction.

(D) Shoreline erosion response projects shall not be constructed in beach or estuarine areas that sustain habitat for fish and wildlife species, as identified by State or federal natural resource agencies during project review, unless mitigation measures are incorporated into project design, as set forth in Rule .0306(h) of this Section.

(E) Project construction shall be timed to minimize adverse effects on biological activity.

(F) Prior to completing any erosion response project, all exposed remnants of or debris from failed erosion control structures must be removed by the permittee.

(G) Permanent erosion control structures that would otherwise be prohibited by these standards may be permitted on finding by the Division that:

(i) the erosion control structure is necessary to protect a bridge that provides the only existing road access on a barrier island, that is vital to public safety, and is imminently threatened by erosion as defined in Part (a)(2)(B) of this Rule;

- (ii) the erosion response measures of relocation, beach nourishment or temporary stabilization are not adequate to protect public health and safety; and
- (iii) the proposed erosion control structure will have no adverse impacts on adjacent properties in private ownership or on public use of the beach.

(H) Structures that would otherwise be prohibited by these standards may also be permitted on finding by the Division that:

- (i) the structure is necessary to protect a State or federally registered historic site that is imminently threatened by shoreline erosion as defined in Part (a)(2)(B) of this Rule;
- (ii) the erosion response measures of relocation, beach nourishment or temporary stabilization are not adequate and practicable to protect the site;
- (iii) the structure is limited in extent and scope to that necessary to protect the site; and
- (iv) a permit for a structure under this Part may be issued only to a sponsoring public agency for projects where the public benefits outweigh the significant adverse impacts. Additionally, the permit shall include conditions providing for mitigation or minimization by that agency of significant adverse impacts on adjoining properties and on public access to and use of the beach.

(I) Structures that would otherwise be prohibited by these standards may also be permitted on finding by the Division that:

- (i) the structure is necessary to maintain an existing commercial navigation channel of regional significance within federally authorized limits;
- (ii) dredging alone is not practicable to maintain safe access to the affected channel;
- (iii) the structure is limited in extent and scope to that necessary to maintain the channel;
- (iv) the structure shall not have significant adverse impacts on fisheries or other public trust resources; and
- (v) a permit for a structure under this Part may be issued only to a sponsoring public agency for projects where the public benefits outweigh the significant adverse impacts. Additionally, the permit shall include conditions providing for mitigation or minimization by that agency of any significant adverse impacts on adjoining properties and on public access to and use of the beach.

(J) The Commission may renew a permit for an erosion control structure issued pursuant to a variance granted by the Commission prior to 1 July 1995. The Commission may authorize the replacement of a permanent erosion control structure that was permitted by the Commission pursuant to a variance granted by the Commission prior to 1 July 1995 if the Commission finds that:

- (i) the structure will not be enlarged beyond the dimensions set out in the permit;
- (ii) there is no alternative to replacing the structure that will provide the same or similar benefits as determined by DCM based on costs and engineering options; and
- (iii) the replacement structure will comply with all applicable laws and with all rules, other than the rule or rules with respect to which the Commission granted the

variance, that are in effect at the time the structure is replaced.

(K) Proposed erosion response measures using innovative technology or design shall be considered as experimental and shall be evaluated on a case-by-case basis to determine consistency with 15A NCAC 07M .0200 and general and specific use standards within this Section.

(2) Temporary Erosion Control Structures:

(A) Permittable temporary erosion control structures shall be limited to sandbags placed landward of mean high water and parallel to the shore.

(B) Temporary erosion control structures as defined in Part (A) of this Subparagraph may be used to protect only imminently threatened roads and associated right of ways and buildings and their associated septic systems. A structure is considered imminently threatened if its foundation, septic system, or right-of-way in the case of roads is less than 20 feet away from the erosion scarp. Buildings and roads located more than 20 feet from the erosion scarp or in areas where there is no obvious erosion scarp may also be found to be imminently threatened when site conditions, such as a flat beach profile or accelerated erosion, increase the risk of imminent damage to the structure.

(C) Temporary erosion control structures shall be used to protect only the principal structure and its associated septic system, but not appurtenances such as pools, gazebos, decks or any amenity that is allowed under Rule .0309 of this Section as an exception to the erosion setback requirement.

(D) Temporary erosion control structures may be placed waterward of a septic system when there is no alternative to relocate it on the same or adjoining lot so that it is landward of or in line with the structure being protected.

(E) Temporary erosion control structures shall not extend more than 20 feet past the sides of the structure to be protected except to align with temporary erosion control structures on adjacent properties, where the Division has determined that gaps between adjacent erosion control structures may result in an increased risk of damage to the structure to be protected. The landward side of such temporary erosion control structures shall not be located more than 20 feet waterward of the structure to be protected or the right-of-way in the case of roads. If a building or road is found to be imminently threatened and at an increased risk of imminent damage due to site conditions such as a flat beach profile or accelerated erosion, temporary erosion control structures may be located more than 20 feet waterward of the structure being protected. In cases of increased risk of imminent damage, the location of the temporary erosion control structures shall be determined by the Director of the Division of Coastal Management or the Director's designee in accordance with Part (A) of this Subparagraph.

(F) Temporary erosion control structures may remain in place for up to eight years for a building and its associated septic system, a bridge or a road. The property owner shall be responsible for removal of any portion of the temporary erosion control structure exposed above grade within 30 days of the end of the allowable time period.

(G) An imminently threatened structure or property may be protected only once, regardless of ownership, unless the threatened structure or property is located in a community that is actively pursuing a beach nourishment project or an inlet relocation or stabilization project in accordance with Part (H) of this Subparagraph. Existing temporary erosion control structures may be permitted for additional eight-year periods provided that the structure or property being protected is still

imminently threatened, the temporary erosion control structure is in compliance with requirements of this Subchapter, and the community in which it is located is actively pursuing a beach nourishment or an inlet relocation or stabilization project in accordance with Part (H) of this Subparagraph. In the case of a building, a temporary erosion control structure may be extended, or new segments constructed, if additional areas of the building become imminently threatened. Where temporary structures are installed or extended incrementally, the time period for removal under Part (F) or (H) of this Subparagraph shall begin at the time the initial erosion control structure was installed. For the purpose of this Rule:

- (i) a building and its septic system shall be considered separate structures,
- (ii) a road or highway may be incrementally protected as sections become imminently threatened. The time period for removal of each contiguous section of temporary erosion control structure shall begin at the time that the initial section was installed, in accordance with Part (F) of this Subparagraph.

(H) For purposes of this Rule, a community is considered to be actively pursuing a beach nourishment or an inlet relocation or stabilization project in accordance with G.S. 113A115.1 if it:

- (i) has been issued an active CAMA permit, where necessary, approving such project; or
- (ii) has been identified by a U.S. Army Corps of Engineers' Beach Nourishment Reconnaissance Study, General Reevaluation Report, Coastal Storm Damage Reduction Study, or an ongoing feasibility study by the U.S. Army Corps of Engineers and a commitment of local or federal money, when necessary; or
- (iii) has received a favorable economic evaluation report on a federal project; or
- (iv) is in the planning stages of a project designed by the U.S. Army Corps of Engineers or persons meeting applicable State occupational licensing requirements and initiated by a local government or community with a commitment of local or state funds to construct the project or the identification of the financial resources or funding bases necessary to fund the beach nourishment, inlet relocation or stabilization project.

If beach nourishment, inlet relocation, or stabilization is rejected by the sponsoring agency or community, or ceases to be actively planned for a section of shoreline, the time extension is void for that section of beach or community and existing sandbags are subject to all applicable time limits set forth in Part (F) of this Subparagraph.

(I) Once a temporary erosion control structure is determined by the Division of Coastal Management to be unnecessary due to relocation or removal of the threatened structure, it shall be removed to the maximum extent practicable by the property owner within 30 days of official notification from the Division of Coastal Management regardless of the time limit placed on the temporary erosion control structure. If the temporary erosion control structure is determined by the Division of Coastal Management to be unnecessary due to the completion of a storm protection project constructed by the U.S. Army Corps of Engineers, a large-scale beach nourishment project, or an inlet relocation or stabilization project, any portion of the temporary erosion control structure exposed above grade shall be removed by the property owner within 30 days of official notification from the Division of Coastal Management regardless of the time limit placed on the temporary erosion control structure. (J) Removal of temporary erosion control structures is not required if they are covered by sand. Any portion of the temporary erosion control structure that becomes exposed

above grade after the expiration of the permitted time period shall be removed by the property owner within 30 days of official notification from the Division of Coastal Management.

(K) The property owner shall be responsible for the removal of remnants of all portions of any damaged temporary erosion control structure.

(L) Sandbags used to construct temporary erosion control structures shall be tan in color and 3 to 5 feet wide and 7 to 15 feet long when measured flat. Base width of the temporary erosion control structure shall not exceed 20 feet, and the total height shall not exceed 6 feet, as measured from the bottom of the lowest bag.

(M) Soldier pilings and other types of devices to anchor sandbags shall not be allowed.

(N) Existing sandbag structures may be repaired or replaced within their originally permitted dimensions during the time period allowed under Part (F) or (G) of this Subparagraph.

(3) Beach Nourishment. Sand used for beach nourishment shall be compatible with existing grain size and in accordance with Rule .0312 of this Section.

(4) Beach Bulldozing. Beach bulldozing is defined as the process of moving natural beach material from any point seaward of the vegetation line to create a protective sand dike or to obtain material for any other purpose is considered development and may be permitted as an erosion response if the following conditions are met:

(A) The area on which this activity is being performed shall maintain a slope of adequate grade so as to not endanger the public or the public's use of the beach and shall follow the pre-emergency slope as closely as possible. The movement of material utilizing a bulldozer, front end loader, backhoe, scraper, or any type of earth moving or construction equipment shall not exceed one foot in depth measured from the pre-activity surface elevation;

(B) The activity shall not exceed the lateral bounds of the applicant's property unless permission is obtained from the adjoining land owner(s);

(C) Movement of material from seaward of the mean low water line will require a CAMA Major Development and State Dredge and Fill Permit;

(D) The activity shall not increase erosion on neighboring properties and shall not have an adverse effect on natural or cultural resources as identified by the NC Department of Natural and Cultural Resources.

(E) The activity may be undertaken to protect threatened on-site waste disposal systems as well as the threatened structure's foundations.

1. Petitioners are The Shoals Club on Bald Head Island LLC (“Shoals Club”), a North Carolina limited liability company, and Shoals Overlook, Inc., a North Carolina corporation.
2. The Shoals Club lot is owned by Shoals Club on Bald Head Island LLC. The adjacent lot located at 3210 Shoals Watch Way is owned by Shoals Overlook, Inc. A copy of each of the deeds is attached as a stipulated exhibit, as are the 2024 annual reports and creation filings for both Petitioner-entities.
3. The Project Site (“Site”) consists of two parcels. The first is 100 Station House Way, which is a 7.79acre (as platted) parcel which houses the Shoals Club. The second is vacant lot #3210 located at 3210 Shoals Watch Way and is adjacent to and Copies of the tax cards for these two parcels are attached as stipulated exhibits, as are Plats 27/473 and 26/361 which show the Site.
4. The Site is bordered by the south by the Atlantic Ocean, to the southeast by an 11 acre parcel at the tip of the Point owned by the State of North Carolina, to the north by 184 Station House Way (owned by David Uslar) and by Shoals Watch Way, and to the east by undeveloped Lot #3212 (owned by Ronalds Peele, Jr, Trustee).
5. The proposed project site is located within the Ocean Erodible and State Ports Inlet Management Areas of Environmental Concern (“AECs”).
6. The Village of Bald Head Island (the “Village”), as the permittee of State Permit No. 91-14 and grantee of the associated beach nourishment easement on the beach portions of the Site, proposed to install: (i) a large stack sandbag revetment waterward of the Shoals Club located at 100 Station House Way and partially on the undeveloped adjacent lot at 3210 Shoals Watch Way (40-foot base by 12-foot height, incorporating the existing 20-foot by 6-foot standard stack as a base); and (ii) a new 20-foot by 6-foot sandbag structure west of the Shoals Club, waterward of 3210 Shoals Watch Way.
7. As expressed in the attached stipulated exhibit, the Village supports Petitioners’ variance petition and consents to modification of Permit 91-14 if the petition is granted.
8. The Shoals Club has two pools, lounge chair decks, sand volleyball, golf cart parking, two shipping containers, two storage sheds, a pool towel/sunscreen hut, a beach chair/beach umbrella station, and a six-foot wide wood beach access walkway (the “Shoals Club Pools and Amenities”) and two restaurants, a fitness room, and an event pavilion (the “Shoals Club Structures”) (collectively, the “Shoals Club Facilities”).
9. The property at 3210 Shoals Watch Way is undeveloped and currently used for beach maintenance laydown area and heavy machinery beach access.
10. The upland portion of the Project Site located at 100 Station House Way contains an existing sandbag revetment authorized under State Permit No. 91-14 on May 18, 2022.
11. The Project Site is located on Bald Head Island and situated at a geologically unique location at the intersection of two, broad arcuate embayment features along the Atlantic Ocean coastline: Onslow Bay to the north and Long Bay to the south. These two bays converge at the Cape Fear foreland, resulting in two, near-perpendicular shorelines adjacent to the Shoals Club:

East Beach to its east, and South Beach to its south. East Beach and South Beach connect at the sandspit historically referred to as the Cape Fear “point.”

12. As shown on “Sheet 11” of the application drawings, a copy of which is attached as a stipulated exhibit, the elevation of the Project Site ranges from approximately 2-feet North American Vertical Datum (“NAVD” or “NAVD 88”) to approximately 8-feet NAVD.

13. As noted in Coastal Protection Engineering of North Carolina, Inc.’s (“CPE”) September 2023 Report on p.6, a copy of which is attached as a stipulated exhibit, to mitigate chronic erosion issues experienced along West Beach and South Beach, beach compatible material dredged from the navigation channel and the river’s ebb shoals has been systematically placed along varying extents of South Beach. Since 1991, approximately 13.2 million cubic yards have been placed along portions of South Beach and West Beach.

14. State Permit No. 91-14 was originally issued to the Village on October 21, 2014 for the construction of a terminal groin structure and associated sand fillet and construction trestle. State Permit No. 91-14 was last renewed on January 25, 2023 and is due to expire on December 9, 2029.

15. State Permit No. 91-14 has been modified a number of times, including:

- a. On January 9, 2015 a minor modification was issued for construction of a temporary materials offload trestle associated with the permitted terminal groin.
- b. On March 26, 2018, a major modification was issued for a one time beach nourishment event.
- c. On November 16, 2018, a minor modification was issued for excavating and placement of 100,000 cubic yards of material associated with beach nourishment.
- d. On January 25, 2019, a minor modification was issued for the placement of an additional 1,200 linear ft. of material extending to Station 146+00 associated with beach nourishment.
- e. On March 11, 2021, a minor modification was issued to remove Permit Conditions 22 & 23 related to monitoring and mitigation requirements for the Oak Island/Caswell Beach Shorelines.
- f. On May 18, 2022, a minor modification was issued that authorized an existing 6-ft. by 20-ft. sandbag revetment at the Shoals Club located at 100 Station House Way. The sandbag revetment was permitted to protect the primary and frontal dunes, the Shoals Club Structures, and Village infrastructure, including an 8-inch main waterline and address accelerated erosion that increased the risk of imminent damage to these features, structures, and infrastructure. The sandbag removal forms, which are required of the applicant as part of the permitting process, state that the existing temporary sandbag revetment may remain in place up to “8 years+30 days” if not covered by sand. A copy of minor modification is attached as a stipulated exhibit.

- g. On February 9, 2024, a major modification was issued for a one time beach nourishment event, which is scheduled to begin this winter. Based on the approved template, beach-quality sand will be dredged from Jay Bird Shoals and placed on the west end of the terminal groin down through the groin tubes. The sand fill will restart east of Muscadine Wynd and fill to the east end of the Shoals Club. While this is the permitted plan, the final placement will depend on how much material is dredged and if it will be placed near Shoals Club.
16. The Shoals Club plat was recorded on July 25, 2002, and when the Shoals Club construction was completed in 2004, there were approximately 550 feet of beach from the Shoals Club to the waterline to the south.
17. Historically, the shoreline in the vicinity of the Project Site has changed shape over the years, sometimes accreting, sometimes eroding. Between 1993 and 2002, the first-line of stable vegetation accreted about 110 feet. Since the Shoals Club construction was completed in 2004, about 550 feet of beach perpendicular to shore has been lost to erosion at the Project Site. This erosion and accretion can be seen on images from the DCM Map Viewer attached as stipulated exhibits.
18. According to the Division of Coastal Management's 2020 Annual Erosion Rate maps, the average annual erosion rate at the Project Site used for determining setbacks is 13 ft/year.
19. On or about November 4, 2021, the Village CAMA LPO issued an exemption to the Shoals Club for maintenance and repair of the previously existing fence at the Shoals Club.
20. As a result of a winter storm in January 2022, approximately 90-feet of dunes in the vicinity of the Project Site were lost, which unearthed a large wooden ship remnant. This storm also eroded the shoreline to where the wood fence is now located.
21. According to CPE and described in the attached stipulated exhibit, erosion along the eastern South Beach at the Project Site has consistently eroded since early 2007 likely as a result of the orientation of the Cape Fear point. As documented in the CPE report, from summer 2007 to May 2022, the Cape Fear point and the mean high water ("MHW") shoreline (+1.41 NAVD88 contour) in front of the Shoals Club steadily retreated hundreds of feet. From May 2008 to May 2022, the MHW shoreline at station B-55 oceanward of the Shoals Club steadily retreated an average of approximately -43 ft/yr.
22. From May 2008 to May 2022 and between stations B-54 and B-55 in the vicinity of the Project Site, approximately -151,300 cubic yards of sand were steadily lost above the depth of closure, or at a rate of approximately -11,000 cy/yr. The addition of sand from the beach renourishment projects along South Beach during this time period did not result in appreciable accretion oceanward of the Shoals Club.
23. According to the Petitioners, the Project Site experienced 20-feet or more of erosion on several occasions due to hurricanes and winter storms (large wave events) and king tides, and the shoreline is progressively receding. The beach has eroded to the fence located waterward of the Shoals Club wading pool, and it is now located just landward of the existing sandbags at the normal high water ("NHW") line.

24. According to CPE, the terminal groin is not suspected to have contributed to the erosion experienced along the beach in the vicinity of the Project Site due to the net westerly-directed sand transport in the vicinity of the groin as well as its overall distance from the Project Site.

25. In response to the erosion and imminent threat, the Shoals Club has been working with Bruce Marek, P.E., CPE, and the representatives of DCM to gather information to address this erosion. Prior to seeking a variance, the Shoals Club and the Village have pursued other alternatives, including the existing sandbag revetment, construction of a wooden fence surrounding the Shoals Club Pools and Amenities, planting sea oats/beach grasses, and beach bulldozing—the process of moving natural beach material from any point seaward of the first line of stable vegetation to provide protection. Beach bulldozing was most recently conducted in February and March 2022 pursuant to Beach Bulldozing General Permits #85548 & 85549, issued on February 2, 2022, and the re-located sand was eroded within a few weeks. Each of these measures has been ineffective in addressing the high erosion rates at the Project Site and protecting the Shoals Club Structures, the primary and frontal dunes, and infrastructure.

26. As observed by Bruce Marek, P.E. in his attached affidavit, the existing sandbag revetment, after settling and eroding into the sand, is approximately 6.5 to 7.0 feet above mean sea level elevation, which is approximately the height of grade of the Shoals Club wading pool.

27. As observed by Bruce Marek, P.E. in his attached affidavit, since the existing sandbag revetment was installed in May 2022, it has been inundated from the oceanside multiple times, causing erosion escarpments landward of the sandbag revetment, undermining the wading pool and sandbag revetment, and imminently threatening the Shoals Club Structures, the primary and frontal dunes, and infrastructure.

28. Petitioners contend that the proposed enlarged sandbag revetment is needed to: (a) slow or stop the erosion progression landward of the sandbag revetment; (b) act as a frontal dune, which several have been lost at the Project Site; and (c) provide temporary protection while the Shoals Club implements a long-term solution.

29. Petitioners contend that as a result of the shoreline erosion and despite the existing sandbag revetment, the Shoals Club Structures, the primary and frontal dunes, and infrastructure continue to be imminently threatened.

30. On or about August 2, 2024, the Village applied for a CAMA Major Permit seeking to: (i) enlarge the existing sandbag revetment by increasing the width by twenty (20) feet (for a new width of 40-feet) and the height by six (6) feet (for a new height of 12-feet). A copy of the permit application materials is attached as a stipulated exhibit.

31. Rule 15A NCAC 07H .0313(c) provides that sandbags may be used only to protect imminently threatened frontal or primary dunes, public and private structures and infrastructure within a State Ports Inlet Management Area.

32. As used in 15A NCAC 07H .0313, a frontal or primary dune, structure or infrastructure is “imminently threatened” if:

- a. its foundation, septic system, right-of-way in the case of roads, or waterward toe of the dune is less than 20 feet away from the erosion scarp;
- b. site conditions, such as flat beach profile or accelerated erosion, increase the risk of imminent damage to the structure as determined by the Director of the Division of Coastal Management;
- c. the frontal or primary dune or infrastructure will be imminently threatened within six months as certified by persons meeting all applicable State occupational licensing requirements; or
- d. the rate of erosion from the erosion scarp or shoreline within 100 feet of the infrastructure, structure, frontal or primary dune was greater than 20 feet over the preceding 30 days.

33. Petitioners’ proposed enlargement of the existing sandbag revetment exceeds the dimension requirements set forth in 15A NCAC 7H .0313(d), which provides:

Temporary erosion control structures constructed by a local or state government shall have a base width not exceeding 20 feet, and a height not to exceed six feet.

34. As part of the CAMA Major Permit process, DCM Field Representative Tara MacPherson completed a Field Investigation Report for the proposed project, a copy of which is attached as a stipulated exhibit.

35. As part of the CAMA Major Permit Application process, adjacent riparian landowners were provided notice by certified mail about the proposed project. Copies of those notice letters and tracking information are attached. The NC State Property Office has formally objected to this project, and adjacent property owner Mr. Peele expressed concerns about adverse impacts to his adjacent shoreline. Copies of the comment letters are attached as stipulated exhibits. The public was also provided notice of the Village’s CAMA Major Permit application through a newspaper notice, which ran on October 8, 2024 as well as on-site posting. DCM staff received objections from the State Property Office and Mr. Ron Peele.

36. Also as part of the CAMA Major Permit application process, the Village’s application, Field Investigation Report, and other materials were sent to resource agencies for comment. The U.S. Fish & Wildlife Service (“USFWS”) provided comments, a copy of which is attached as a stipulated exhibit. USFWS raised concerns that a larger sandbag structure will further exacerbate scour and erosion in front of and to the downdrift side and may cause adverse effects to sea turtle nesting, and piping plover and red knot foraging and roosting. USFWS did not object to the smaller section extending the sandbag revetment to the west.

37. In a letter dated December 11, 2024, DCM granted the Village authorization to proceed with the proposed project. Condition three of the permit provides:

The base width of the authorized temporary erosion control structure shall not exceed 20 feet, and the height shall not exceed six feet. This permit does not authorize the placement of additional sandbags in areas where existing temporary erosion control structures already exist.

Thus, DCM authorized a new 20-foot by 6-foot sandbag structure west of the Shoals Club, waterward of 3210 Shoals Watch Way and denied the large stack sandbag revetment waterward of the Shoals Club located at 100 Station House Way (40-foot base by 12-foot height, incorporating the existing 20-foot by 6-foot standard stack as a base). A copy of the DCM letter and permit are attached as a stipulated exhibit.

38. The Shoals Club's variance petition seeking to install a large stack sandbag revetment is supported by the Island's developer, Bald Head Island Limited, LLC. A copy of this letter of support is attached as a stipulated exhibit.

39. Petitioners assert that the proposed large sand bag revetment is intended to protect the Shoals Club Structures, the primary and frontal dunes, and infrastructure, including an 8-inch main waterline, and address accelerated erosion that increased the risk of imminent damage to these features, structures, and infrastructure until a longer term solution can be implemented.

40. As documented in the attached CPE report, the Shoals Club retained CPE to evaluate the feasibility of potential alternatives to provide a longer term solution. Managed retreat—relocating the Shoals Club Facilities and infrastructure to a landward property recently purchased by the Shoals Club—is the Shoals Club's preferred alternative. A copy of the CPE report is attached as a stipulated exhibit.

41. The Shoals Club has retained CPE to further evaluate the managed retreat alternative. The proposed large sandbag revetment would be a short-term, temporary measure pending the anticipated managed retreat.

42. As part of the CAMA variance process, notice to the adjacent riparian neighbors and anyone who commented on the application is required per 15A NCAC 7J .0701 (c)(7). See the attached notices of the variance request sent to the adjacent riparian owners and relevant agencies, and attached as stipulated exhibits. If any responses are received before the variance hearing, they will be shared with the Commission.

43. As part of the CAMA variance process, the Commission's rules require that "[b]efore filing a petition for a variance from a rule of the Commission, the person must seek relief from local requirements restricting use of the Property." 15A NCAC 7J .0701(a). In an email dated January 10, 2025, the Shoals Club's counsel reached out to the CAMA Local Permitting Officers to confirm that there are no applicable local requirements restricting use of the Project Site that would require a variance. Petitioners' counsel is not aware of any local requirements that would require a variance, and the Village's response confirms this position. Copies of these emails are attached as a stipulated exhibit.

44. Petitioners are seeking a variance from the strict application of the Commission's temporary sandbag rule (15A NCAC 7H .0313(d)), limiting the height to 6-feet and the width to 20-feet, to the Project Site.

45. Petitioners contend that without a variance from the Commission of its temporary sandbag rule, the Shoals Club Structures, the primary and frontal dunes, and infrastructure will likely suffer significant damage and will likely ultimately fail. Petitioners seek this variance to allow time to implement a long-term alternative.

46. DCM Staff note that the in-process nourishment project may get to the Site prior to the variance hearing. DCM Staff will update the Commission at the variance hearing.

47. The Project Site is shown on aerial and ground-level photos contained in a PowerPoint presentation, attached as a stipulated exhibit.

Stipulated Exhibits

1. Deeds for Shoals Club and Shoals Overlook parcels
2. 2024 SOS annual reports and creation filings for Shoals Club and Shoals Overlook
3. Tax cards for the two parcels
4. Plat 27/473 and 26/361
5. CAMA Major Permit 91-14 as amended on October 21, 2014 (terminal groin); May 18, 2022 (6' x 20' sandbag structure), February 9, 2024 (current nourishment)
6. Letter of Support for variance/modification from the Village of Bald Head Island
7. DCM Map Viewer images showing historic shorelines, erosion rates (actual and factor), and the State Port AEC boundary
8. November 4, 2021 LPO Exemption for fence repair
9. CPE report and CPE letter addendum
10. Marek Affidavit
11. August 2, 2024 Modification Application materials including narrative description and Sheet 11 drawing
12. DCM Field Investigation Report
13. Adjacent Riparian Landowner proof of notice
14. NC State Property Objection letter and Peele Objection letter
15. USFWS comment/objection letter
16. December 11, 2024 Modification to 91-14 with conditions on sandbag structure size
17. Letter of Support from BHI Limited, LLC
18. Notice of Variance request to adjacent riparian owners
19. Local Variance email and response
20. Powerpoint Presentation

PETITIONERS' and STAFF'S POSITIONS**ATTACHMENT C**

To qualify for a variance, Petitioner must show all of the following:

- I. Will Unnecessary Hardships result from strict application of the rules, standards, or orders? If so, Petitioner must identify the unnecessary hardships.**

Petitioners' Position: Yes.

Petitioners will suffer unnecessary hardship from strict application of the Coastal Resources Commission's (the "Commission") temporary sandbag rule for the State Ports Inlet Management Area of Environmental Concern ("AEC") (15A NCAC 7H .0313(d)) to The Shoals Club on Bald Head Island, LLC (the "Shoals Club"). If the Commission's temporary sandbag rule is strictly applied to the Petitioners' property, the primary and frontal dunes, structures, including two restaurants, a fitness room, and an event pavilion (the "Shoals Club Structures") and other amenities, including, two pools, lounge chair decks, sand volleyball, golf cart parking, two storage sheds, two shipping containers, a pool towel/sunscreen hut, a beach chair/beach umbrella station, and a six-foot wide wood beach access walkway (the "Shoals Club Pools and Amenities") (collectively, the "Shoals Club Facilities"), and infrastructure, including an 8-inch main waterline will suffer significant damage and will likely ultimately fail.

Since the founding of the Shoals Club in 2003 and completion of construction of the Shoals Club in 2004, erosion along the Shoals Club shoreline has increased likely as a result of the orientation of the Cape Fear point. Between 1993 and 2002, the first-line of stable vegetation accreted about 110 feet. In 2004, there were approximately 550 feet of beach from the Shoals Club to the waterline to the south. Since 2004, about 550 feet of beach perpendicular to shore have been lost to erosion south of the Shoals Club. As a result of a winter storm in January 2022, approximately 90-feet of dunes in the vicinity of the Shoals Club were lost.

In response to the increased erosion and imminent threat, the Village of Bald Head Island (the "Village") and Petitioners have pursued other alternatives, including the existing sandbag revetment, construction of a sand fence, planting sea oats/beach grasses, and beach bulldozing—the process of moving natural beach material from any point seaward of the first line of stable vegetation to provide protection. Beach bulldozing was most recently conducted in February and March 2022, and the re-located sand was eroded within a few weeks. Beach bulldozing is not a viable option in the project area because there is not adequate beach seaward of the first line of stable vegetation. These measures have not provided adequate protection. As a result of the shoreline erosion and despite the existing sandbag revetment, the Shoals Club Facilities, the primary and frontal dunes, and infrastructure are imminently threatened.

The existing rules do not provide adequate protection. The existing sandbag revetment, measuring approximately 6-feet in height by 20-feet in width by approximately 410-feet in length, and the adjacent shoreline continue to experience ongoing damage and erosion from high tides and storm tides overwashing the existing sandbags, which has resulted in erosion on the landward side of the sandbags undermining the wading pool and existing sandbag revetment and at times washing into the wading pool.

Petitioners retained Coastal Protection Engineering of North Carolina, Inc. (“CPE”) to evaluate the feasibility of potential alternatives to provide a longer term solution. Managed retreat—relocating the Shoals Club Facilities and infrastructure to a landward property recently purchased by Petitioner—is Petitioners’ preferred alternative. The proposed large sand bag revetment is intended to protect the Shoals Club Structures, the primary and frontal dunes, and infrastructure and address accelerated erosion that increased the risk of imminent damage to these features, structures, and infrastructure until Petitioners can implement its managed retreat strategy.

Staff’s Position: Yes.

Staff acknowledge that in this case, a strict application of Commission rules 15A NCAC 7H .0308 (a)(2)(L) which limits sandbag structures to 6’ x 20’, will cause the Petitioners an unnecessary hardship where the 6’ x 20’ sandbag structure has been in place since May of 2022 following the January 2022 winter storm which damaged the adjacent dunes and following long-term erosion which has taken place since about 2007. Petitioners’ engineer Mr. Marek indicates that existing bags have been inundated from the ocean multiple times.

Staff acknowledge the specific steps the Petitioners and the Village have taken toward long-term solutions to mitigate erosion in this area through beach bulldozing, sandbags, and the under-way nourishment project. Staff agree that limiting sandbag structure to the usual 6’ x 20’ dimensions at this time causes Petitioners hardship.

II. Do the hardships result from conditions that are peculiar to the property, such as the location, size, or topography of the property? Explain.

Petitioners’ Position: Yes.

The unnecessary hardship results from conditions peculiar to Petitioners’ property. The Petitioners’ property is not only geologically unique, it is also unique in that it is the only developed cape along the North Carolina coast.

The project site is located on Bald Head Island and situated at a geologically unique location at the intersection of two, broad arcuate embayment features along the Atlantic Ocean coastline: Onslow Bay to the north and Long Bay to the south. These two bays converge at the Cape Fear foreland, resulting in two, near-perpendicular shorelines adjacent to the Shoals Club: East Beach to its east, and South Beach to its south. East Beach and South Beach connect at the sandspit historically referred to as the Cape Fear “point.”

Likely as a result of the orientation of the Cape Fear point, the shoreline in the vicinity of the project site has changed shape over the years, sometimes accreting, sometimes eroding. Prior to construction of the Shoals Club, between 1993 and 2002 when the point was oriented to the south, the first-line of stable vegetation accreted about 110 feet. Since the Shoals Club construction was completed in 2004, the point re-oriented to the east and about 550 feet of beach perpendicular to shore have been lost to erosion at the project site. From May 2008 to May 2022, the mean high

water shoreline at station B-55 oceanward of the Shoals Club steadily retreated an average of approximately -43 ft/yr.

Not only is the location of Petitioners' property unique, it is also the only developed cape along North Carolina's coast. Cape Lookout point is within the Cape Lookout National Seashore, and Cape Hatteras point is located with Cape Hatteras National Seashore. In addition, Bald Head Island—and Petitioners' property—is unique in that it lies directly to the southeast of the Cape Fear River Inlet, which is a large, regularly maintained shipping channel.

Thus, it is not merely the project site's location at Cape Fear point that is causing the unnecessary hardship; rather, conditions peculiar to Petitioners' property cause unnecessary hardships.

Staff's Position: Yes.

Staff agrees that Petitioners' hardship is in-part caused by conditions peculiar to the subject property. As stated by Petitioners above, the Site's location at the cape point is unique, but more-so are the accretion/erosion cycles at this cape point Site and the accelerated erosion. While the average annual erosion rate at the Site is 13'/year, that average estimate does not account for the loss of approximately 550' of dune and beach system lost since the Shoals Club was constructed in 2003 22 years ago (13' x 22 years = 286'). Staff agree that the conditions peculiar to the Site contribute to Petitioners' hardships. are influenced by inlet processes.

III. Do the hardships result from actions taken by the petitioner? Explain.

Petitioners' Position: No.

The unnecessary hardship does not result from actions taken by the Petitioners. Petitioners have done nothing to accelerate the erosion affecting the project site and have taken steps to address the problem (e.g., when building the structures, Petitioners complied with the erosion setbacks established by the Coastal Resources Commission). Rather, the Village and Petitioners have implemented measures to mitigate the hardships to the extent permitted by the current regulations through, among other things, installing an existing sandbag structure, a sand fence, plating sea oats/beach grasses, and beach bulldozing, which have failed to protect the property and infrastructure from imminent danger. Further, Petitioners have retained consultants and coastal engineers to evaluate potential long-term solutions to the erosion issue, including the preferred alternative of managed retreat.

Staff's Position: No.

Staff agrees that the Petitioners have supported the Village in taking steps to address the ongoing erosion problem as stated by Petitioners above.

IV. Is the requested variance (1) consistent with the spirit, purpose, and intent of the rules, standards, or orders, (2) will secure public safety and welfare; and (3) will preserve substantial justice? Explain.

Petitioners' Position: Yes.

The variance requested by the Petitioners to expand the existing sandbag revetment is consistent with the spirit, purpose and intent of the Commission's rules. As recognized by the Division of Coastal Management, the sandbag rules are effectively an exception to the General Assembly's and the Commission's prohibition on permanent erosion control structures and are available to all "imminently threatened structures." The Commission's rules set limitations for the use of sandbags that in most cases balance protection of natural habitat and property and infrastructure; however, in other cases, the existing sandbag rules do not provide adequate protection of property and infrastructure. In this situation, the authorized sandbag revetment does not provide adequate protection of the Shoals Club structures, primary and frontal dunes, and infrastructure, which are imminently threatened. If the accelerated erosion described above continues to move landward, it may preclude or hinder later expansion of the existing sandbag structure. The expanded sandbag revetment is needed as temporary protection while Petitioners further evaluates and implements its preferred alternative of managed retreat.

The variance would secure the public safety and welfare because, without a variance, the Shoals Club structures, primary and frontal dunes, and infrastructure will suffer damage and likely fail. Further, due to the proximity of the existing sandbag revetment to the ocean and the erosion experienced in this area, the public's access in front of these properties is already limited. Thus, increasing the footprint and height of the sandbags would not have significant additional impacts on the public's access to the beach or habitat.

The variance will preserve substantial justice because it will protect the dunes, structures and infrastructure long enough for the Petitioners to further evaluate the feasibility and implement Petitioners' preferred alternative of managed retreat. Despite the best efforts of the Petitioners to address the erosion issue, the existing sandbags and other measures do not provide sufficient protection until Petitioners can implement managed retreat.

Staff's Position: Yes.

Staff agree that a variance from the Commission's rule limiting the size of sandbag structures to 6' x 20' to allow Petitioners to install a structure no more than 12' x 40' so that they can develop a longer term plan to relocate the structures, the erosion abates or the Village takes additional mitigation actions to address chronic erosion. The Commission's rules set limitations for use of sandbags such as size limits and time limits which are sufficient in most cases. However, in some situations, these limitations may not offer the temporary protection for a long enough duration to complete the planning, funding, permitting processes. Accordingly, Staff does not disagree with Petitioners' conclusions that such measures are needed as temporary protection while the Petitioners and Village continue to implement responses to the erosion.

Staff agree that the variance would protect public safety and welfare where there is little room waterward of the existing structures to utilize the public trust area. Staff agree that the variance would preserve substantial justice as it appears that despite Petitioners' and the Village's efforts to address the accelerated erosion issues at the Site through its various responses including the under-way nourishment, larger bags would afford Petitioners more time to better protect the structures on Site to pursue a longer-term response to the accelerated erosion.

ATTACHMENT D

Petitioner's Petition Materials
(without initial proposed facts or duplicative exhibits)



16

ROY COOPER
GovernorMICHAEL S. REGAN
SecretaryWILLIAM F. LANE
General Counsel

TO: DCM Permitting Staff and CAMA LPOs

FROM: Christine A. Goebel, Assistant General Counsel

DATE: October 6, 2017

RE: **Guidance on Local Variance Prerequisite before seeking CRC Variance under 15A NCAC 7J .0701(a)**

The Coastal Resources Commission's ("CRC") rule for seeking a variance from the CRC's rules for coastal development ("CAMA Variance") includes the following language:

Before filing a petition for a variance from a rule of the Commission, the person must seek relief from local requirements restricting use of the property. . .

This long-standing rule of the CRC was re-affirmed as recently as the 2009 update to the Variance rules. When it discussed these rules, the Commission indicated an interest in having local governments provide variances from their own setbacks in order for development to happen in those instances in which the CRC was asked to reduce the CAMA setbacks.

Any petitioner requesting a CAMA Variance *must* seek a variance from applicable local requirements as a prerequisite *before* filing for a CAMA Variance. The purpose of this rule is to alleviate the need for or reduce the scope of the CAMA variance and in this manner limit development in Areas of Environmental Concern protected by the CAMA. Most often, this rule is applicable when the petitioner is seeking a variance from either the CRC's oceanfront setbacks or from the CRC's 30' buffer rules. The variances sought from local governments is typically seeking to relax local regulations/ordinances governing lot setbacks, such as street-side setbacks. If petitioner receives a variance from a local government's street-side setback, the project can be sited further landward making the lot "buildable" for the proposed development and may eliminate or reduce the need for a CAMA Variance.

Petitioner does not need to show that a variance from the local government's regulations was granted by the locality in order to proceed with a CAMA Variance. Petitioner must simply show that a good faith attempt to receive a local variance has been made. Sometimes there are situations where a local variance would not provide any relief to a Petitioner. If you believe that is the case, please direct a potential variance petitioner to check with DCM legal counsel to see if this is the case.

If you or the Petitioner have any questions about the application of this rule specifically, or about the variance process generally, please contact me.



CAMA VARIANCE REQUEST FORM**DCM FORM 11****DCM FILE No.:** _____

PETITIONER'S NAME THE SHOALS CLUB ON BALD HEAD ISLAND, LLC
SHOALS OVERLOOK, INC.

COUNTY WHERE THE DEVELOPMENT IS PROPOSED: BRUNSWICK

Pursuant to N.C.G.S. § 113A-120.1 and 15A N.C.A.C. 07J .0700 *et seq.*, the above named Petitioner hereby applies to the Coastal Resources Commission (CRC) for a variance.

VARIANCE HEARING PROCEDURES

A variance petition will be considered by the CRC at a regularly scheduled meeting, heard in chronological order based upon the date of receipt of a complete petition. 15A N.C.A.C. 07J .0701(e). A complete variance petition, as described below, must be *received* by the Division of Coastal Management (DCM) a minimum of six (6) weeks in advance of the first day of a regularly scheduled CRC meeting to be eligible for consideration by the CRC at that meeting. 15A N.C.A.C. 07J .0701(e). The final set of stipulated facts must be agreed to at least four (4) weeks prior to the first day of a regularly scheduled meeting. 15A N.C.A.C. 07J .0701(e). The dates of CRC meetings can be found at DCM's website: **www.nccoastalmanagement.net**

If there are controverted facts that are significant in determining the propriety of a variance, or if the Commission determines that more facts are necessary, the facts will be determined in an administrative hearing. 15A N.C.A.C. 07J .0701(b).

VARIANCE CRITERIA

The petitioner has the burden of convincing the CRC that it meets the following criteria:

- (a) Will strict application of the applicable development rules, standards, or orders issued by the Commission cause the petitioner unnecessary hardships? Explain the hardships.
- (b) Do such hardships result from conditions peculiar to the petitioner's property such as the location, size, or topography of the property? Explain.
- (c) Do the hardships result from actions taken by the petitioner? Explain.
- (d) Will the variance requested by the petitioner (1) be consistent with the spirit, purpose, and intent of the rules, standards or orders issued by the Commission; (2) secure the public safety and welfare; and (3) preserve substantial justice? Explain.

Please make your written arguments that Petitioner meets these criteria on a separate piece of paper.
The Commission notes that there are some opinions of the State Bar which indicate that non-attorneys may not represent others at quasi-judicial proceedings such as a variance hearing before the Commission. These opinions note that the practice of professionals, such as engineers, surveyors or contractors, representing others in quasi-judicial proceedings through written or oral argument, may be considered the practice of law. Before you proceed with this variance request, you may wish to seek the advice of counsel before having a non-lawyer represent your interests through preparation of this Petition.

For this variance request to be complete, the petitioner must provide the information listed below. The undersigned petitioner verifies that this variance request is complete and includes:

X The name and location of the development as identified on the permit application;

Ex. A A copy of the permit decision for the development in question;

Ex. B A copy of the deed to the property on which the proposed development would be located;

Ex. C A complete description of the proposed development including a site plan;

Ex. D A stipulation that the proposed development is inconsistent with the rule at issue;

Ex. E Proof that notice was sent to adjacent owners and objectors*, as required by 15A N.C.A.C. 07J .0701(c)(7);

N/A Proof that a variance was sought from the local government per 15A N.C.A.C. 07J .0701(a), if applicable;

Ex. F Petitioner’s written reasons and arguments about why the Petitioner meets the four variance criteria, listed above;

Ex. G A draft set of proposed stipulated facts and stipulated exhibits. Please make these verifiable facts free from argument. Arguments or characterizations about the facts should be included in the written responses to the four variance criteria instead of being included in the facts.

X This form completed, dated, and signed by the Petitioner or Petitioner’s Attorney.

**Please contact DCM or the local permit officer for a full list of comments received on your permit application. Please note, for CAMA Major Permits, the complete permit file is kept in the DCM Morehead City Office.*

Due to the above information and pursuant to statute, the undersigned hereby requests a variance.



	January 14, 2025
Signature of Petitioner or Attorney	Date

	troessler@ktslaw.com
Printed Name of Petitioner or Attorney	Email address of Petitioner or Attorney

	(919) 420-1726
Mailing Address	Telephone Number of Petitioner or Attorney

		(919) 510-6121
City	State	Zip
		Fax Number of Petitioner or Attorney

DELIVERY OF THIS HEARING REQUEST

This variance petition must be **received by** the Division of Coastal Management at least six (6) weeks before the first day of the regularly scheduled Commission meeting at which it is heard. A copy of this request must also be sent to the Attorney General's Office, Environmental Division. 15A N.C.A.C. 07J .0701(e).

Contact Information for DCM:**By mail, express mail or hand delivery:**

Director
Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557

By Fax:
(252) 247-3330

By Email:
Check DCM website for the email
address of the current DCM Director
www.nccoastalmanagement.net

Contact Information for Attorney General's Office:**By mail:**

Environmental Division
9001 Mail Service Center
Raleigh, NC 27699-9001

By express mail:

Environmental Division
114 W. Edenton Street
Raleigh, NC 27603

By Fax:
(919) 716-6767

Revised: July 2014

EXHIBIT F-1

Variance Petition
Petitioners' Position on Variance Criteria**1. Will unnecessary hardships result from strict application of the rules, standards, or orders?****Petitioners' Position:** Yes.

Petitioners' Argument: Petitioners will suffer unnecessary hardship from strict application of the Coastal Resources Commission's (the "Commission") temporary sandbag rule for the State Ports Inlet Management Area of Environmental Concern ("AEC") (15A NCAC 7H .0313(d)) to The Shoals Club on Bald Head Island, LLC (the "Shoals Club"). If the Commission's temporary sandbag rule is strictly applied to the Petitioners' property, the primary and frontal dunes, structures, including two restaurants, a fitness room, and an event pavilion (the "Shoals Club Structures") and other amenities, including, two pools, lounge chair decks, sand volleyball, golf cart parking, two storage sheds, two shipping containers, a pool towel/sunscreen hut, a beach chair/beach umbrella station, and a six-foot wide wood beach access walkway (the "Shoals Club Pools and Amenities") (collectively, the "Shoals Club Facilities"), and infrastructure, including an 8-inch main waterline will suffer significant damage and will likely ultimately fail.

Since the founding of the Shoals Club in 2003 and completion of construction of the Shoals Club in 2004, erosion along the Shoals Club shoreline has increased likely as a result of the orientation of the Cape Fear point. Between 1993 and 2002, the first-line of stable vegetation accreted about 110 feet. In 2004, there were approximately 550 feet of beach from the Shoals Club to the waterline to the south. Since 2004, about 550 feet of beach perpendicular to shore have been lost to erosion south of the Shoals Club. As a result of a winter storm in January 2022, approximately 90-feet of dunes in the vicinity of the Shoals Club were lost.

In response to the increased erosion and imminent threat, the Village of Bald Head Island (the "Village") and Petitioners have pursued other alternatives, including the existing sandbag revetment, construction of a sand fence, planting sea oats/beach grasses, and beach bulldozing—the process of moving natural beach material from any point seaward of the first line of stable vegetation to provide protection. Beach bulldozing was most recently conducted in February and March 2022, and the re-located sand was eroded within a few weeks. Beach bulldozing is not a viable option in the project area because there is not adequate beach seaward of the first line of stable vegetation. These measures have not provided adequate protection. As a result of the shoreline erosion and despite the existing sandbag revetment, the Shoals Club Facilities, the primary and frontal dunes, and infrastructure are imminently threatened.

The existing rules do not provide adequate protection. The existing sandbag revetment, measuring approximately 6-feet in height by 20-feet in width by approximately 410-feet in length, and the adjacent shoreline continue to experience ongoing damage and erosion from high tides and storm tides overwashing the existing sandbags, which has resulted in erosion on the landward side of the

sandbags undermining the wading pool and existing sandbag revetment and at times washing into the wading pool.

Petitioners retained Coastal Protection Engineering of North Carolina, Inc. (“CPE”) to evaluate the feasibility of potential alternatives to provide a longer term solution. Managed retreat—relocating the Shoals Club Facilities and infrastructure to a landward property recently purchased by Petitioner—is Petitioners’ preferred alternative. The proposed large sand bag revetment is intended to protect the Shoals Club Structures, the primary and frontal dunes, and infrastructure and address accelerated erosion that increased the risk of imminent damage to these features, structures, and infrastructure until Petitioners can implement its managed retreat strategy.

2. Do such hardships result from conditions peculiar to Petitioners’ property such as the location, size, or topography of the property?

Petitioners’ Position: Yes.

Petitioners’ Argument: The unnecessary hardship results from conditions peculiar to Petitioners’ property. The Petitioners’ property is not only geologically unique, it is also unique in that it is the only developed cape along the North Carolina coast.

The project site is located on Bald Head Island and situated at a geologically unique location at the intersection of two, broad arcuate embayment features along the Atlantic Ocean coastline: Onslow Bay to the north and Long Bay to the south. These two bays converge at the Cape Fear foreland, resulting in two, near-perpendicular shorelines adjacent to the Shoals Club: East Beach to its east, and South Beach to its south. East Beach and South Beach connect at the sandspit historically referred to as the Cape Fear “point.”

Likely as a result of the orientation of the Cape Fear point, the shoreline in the vicinity of the project site has changed shape over the years, sometimes accreting, sometimes eroding. Prior to construction of the Shoals Club, between 1993 and 2002 when the point was oriented to the south, the first-line of stable vegetation accreted about 110 feet. Since the Shoals Club construction was completed in 2004, the point re-oriented to the east and about 550 feet of beach perpendicular to shore have been lost to erosion at the project site. From May 2008 to May 2022, the mean high water shoreline at station B-55 oceanward of the Shoals Club steadily retreated an average of approximately -43 ft/yr.

Not only is the location of Petitioners’ property unique, it is also the only developed cape along North Carolina’s coast. Cape Lookout point is within the Cape Lookout National Seashore, and Cape Hatteras point is located with Cape Hatteras National Seashore. In addition, Bald Head Island—and Petitioners’ property—is unique in that it lies directly to the southeast of the Cape Fear River Inlet, which is a large, regularly maintained shipping channel.

Thus, it is not merely the project site’s location at Cape Fear point that is causing the unnecessary hardship; rather, conditions peculiar to Petitioners’ property cause unnecessary hardships.

3. Do the hardships result from actions taken by the Petitioners?

Petitioners' Position: No.

Petitioners' Argument: The unnecessary hardship does not result from actions taken by the Petitioners. Petitioners have done nothing to accelerate the erosion affecting the project site and have taken steps to address the problem (*e.g.*, when building the structures, Petitioners complied with the erosion setbacks established by the Coastal Resources Commission). Rather, the Village and Petitioners have implemented measures to mitigate the hardships to the extent permitted by the current regulations through, among other things, installing an existing sandbag structure, a sand fence, plating sea oats/beach grasses, and beach bulldozing, which have failed to protect the property and infrastructure from imminent danger. Further, Petitioners have retained consultants and coastal engineers to evaluate potential long-term solutions to the erosion issue, including the preferred alternative of managed retreat.

4. Will the variance requested by the Petitioners (a) be consistent with the spirit, purpose and intent of the rules, standards, or orders issued by the Commission; (b) secure public safety and welfare; and (c) preserve substantial justice?

Petitioners' Position: Yes.

Petitioners' Argument: The variance requested by the Petitioners to expand the existing sandbag revetment is consistent with the spirit, purpose and intent of the Commission's rules. As recognized by the Division of Coastal Management, the sandbag rules are effectively an exception to the General Assembly's and the Commission's prohibition on permanent erosion control structures and are available to all "imminently threatened structures." The Commission's rules set limitations for the use of sandbags that in most cases balance protection of natural habitat and property and infrastructure; however, in other cases, the existing sandbag rules do not provide adequate protection of property and infrastructure. In this situation, the authorized sandbag revetment does not provide adequate protection of the Shoals Club structures, primary and frontal dunes, and infrastructure, which are imminently threatened. If the accelerated erosion described above continues to move landward, it may preclude or hinder later expansion of the existing sandbag structure. The expanded sandbag revetment is needed as temporary protection while Petitioners further evaluates and implements its preferred alternative of managed retreat.

The variance would secure the public safety and welfare because, without a variance, the Shoals Club structures, primary and frontal dunes, and infrastructure will suffer damage and likely fail. Further, due to the proximity of the existing sandbag revetment to the ocean and the erosion experienced in this area, the public's access in front of these properties is already limited. Thus, increasing the footprint and height of the sandbags would not have significant additional impacts on the public's access to the beach or habitat.

The variance will preserve substantial justice because it will protect the dunes, structures and infrastructure long enough for the Petitioners to further evaluate the feasibility and implement

Petitioners' preferred alternative of managed retreat. Despite the best efforts of the Petitioners to address the erosion issue, the existing sandbags and other measures do not provide sufficient protection until Petitioners can implement managed retreat.

EXHIBIT D

The Shoals Club at Bald Head Island, LLC and Shoals Overlook, Inc. Variance Petition
Stipulation

Petitioners, The Shoals Club at Bald Head Island, LLC and Shoals Overlook, Inc., through their attorney, Todd S. Roessler, stipulate that the proposed development that is the subject of this variance petition is inconsistent with Coastal Resource Commission Rule 15A NCAC 7H .0313(d).



This certifies that there are no delinquent ad valorem taxes, fees, assessments or other liens which the Brunswick County Tax Collector is charged with collecting, that are a lien on: Parcel Number 26600002 as noiated by the Brunswick County Assessor's Office. This is not a certification that the parcel number matches the deed description.

OCT 10 2017 [Signature]
Date (Asst) Tax Col. / Del. Tax Spec.

Return to Judith Ward Type JS
3 Total 26 Rev 0 Int. 1111
Ck \$ 26 Ck # 2351 Cash \$ _____
Refund _____ Cash \$ _____ Finance _____
 Portions of document are illegible due to condition of original.
 Document contains seals verified by original instrument that cannot be reproduced or copied.

SPECIAL WARRANTY DEED

Delinquent taxes, if any, are to be paid by the Grantee prior to recording this deed.

Prepared by and return to: Judith A. Ward, Esq., P. O. Box 3069, Bald Head Island, NC 28461
Parcel No. 26600002

THIS SPECIAL WARRANTY DEED is made this 9th day of October, 2017, by and between **BALD HEAD ISLAND LIMITED, LLC**, a Texas limited liability company (formerly a Texas limited partnership), P.O. Box 3069, Bald Head Island, North Carolina 28461 (hereinafter called "Grantor"); and **THE SHOALS CLUB ON BALD HEAD ISLAND, LLC**, a North Carolina limited liability company, P.O. Box 3069, Bald Head Island, North Carolina 28461 (hereinafter called "Grantee"). The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH:

THAT for and in consideration of the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, the Grantor has, and by these presents does, grant, bargain, sell, and convey unto the Grantee, its successors and assigns, in fee simple, the following described lands, together with all rights, appurtenances and improvements thereunto belonging, located in the Village of Bald Head Island, Smithville Township, County of Brunswick, State of North Carolina, and being more particularly described as follows:

BEING all of Lot 3000, Recreation 3, Cape Fear Station, Bald Head Island Stage Two, containing 7.79 acres, more or less, as the same is shown on a plat thereof recorded in Map Cabinet 26, Page 361, of the Brunswick County Registry, said Lot having the metes, bounds and location shown on said plat.

Pursuant to N.C.G.S. 105-317.2(2), Grantor states that the property herein described does not include the primary residence of the Grantor.



INCLUDED IN THIS CONVEYANCE, as an inseparable appurtenance to the property herein conveyed, is all of Grantor's right, title and interest (if any) in and to Grantor's reservation of an easement and right to construct and maintain a pedestrian walkway through the property described and as more specifically set forth in that certain North Carolina General Warranty Deed from Grantor to Smith Island Land Trust, Grantee, dated February 28, 1997 and recorded March 5, 1997 in Deed Book 1133, Page 1193 of the Register of Deeds for Brunswick County, North Carolina.

THIS CONVEYANCE IS MADE SUBJECT to all applicable rules, regulations, requirements and restrictions promulgated and enforceable by the State of North Carolina, its Departments and Divisions, and to the terms and conditions of all permits issued with respect to the property herein conveyed, including (but not limited to) any CAMA and stormwater permit requirements. The Grantee, by acceptance of this deed, agrees that the property herein conveyed shall be owned, held and maintained in accordance with the aforesaid, and Grantee further agrees to abide by and enforce all permits issued for the property herein conveyed, and to hold Grantor harmless from liability for any violation of same occurring on or after the date of this conveyance.


TO HAVE AND TO HOLD the aforesaid land, interests in land, and all privileges and appurtenances thereto belonging to the Grantee in fee simple. And the Grantor covenants with the Grantee, that Grantor has done nothing to impair such title as Grantor received, and that Grantor will warrant and defend the title against the lawful claims of all persons claiming by, through, under or from Grantor but not otherwise, except as herein stated.

Title to the property hereinabove described is subject to the following:

1. Ad valorem real property taxes for 2017 and subsequent years as assessed by the County of Brunswick and the Village of Bald Head Island, North Carolina;
2. The conditions, covenants, and restrictions contained herein and in any surveys, plats or instruments applicable to the property herein conveyed, as well as the terms and conditions of any and all CAMA, stormwater and other government-issued permits for the property;
3. Any and all reservations, easements, prescriptive rights, restrictions, conditions or rights of way of record or otherwise affecting said property, or as shown on the plats of Bald Head Island, together with visible easements, if any, affecting the property.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be signed in its name by its duly authorized officer, the day and year first above written.

BALD HEAD ISLAND LIMITED, LLC
a Texas limited liability company

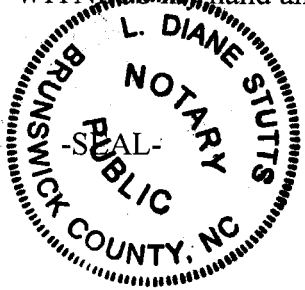
By: 
Charles A. Paul, III, Manager

NOTARY ACKNOWLEDGEMENT FOLLOWS.

STATE OF NORTH CAROLINA
BRUNSWICK COUNTY

I, L. Diane Stutts, a Notary Public for said County and State, do hereby certify that Charles A. Paul, III, Manager of the Grantor, Bald Head Island Limited, LLC, personally appeared before me this day, and being by me duly sworn, says that he executed the foregoing instrument for and on behalf of the said Bald Head Island Limited, LLC.

WITNESS my hand and official seal, this the 9th day of October, 2017.



L. Diane Stutts

Notary Public

My commission expires: 12-4-2021



QUITCLAIM DEED

Delinquent taxes, if any, are to be paid by the closing attorney to the county tax collector before the disbursing of funds.

Mail after recording to The Shoals Club on Bald Head Island, LLC, P.O. Box 3460, Bald Head Island, NC 28461
This instrument was prepared by Judith A. Ward, J.D., P. O. Box 3069, Bald Head Island, NC 28461

Brief description for the Index

A portion of Cape Fear Station Lot 3210, BHI
2/24/2021

THIS DEED made this 21st day of May, 2021, by and between

GRANTOR	GRANTEE
BALD HEAD ISLAND LIMITED, LLC, a Texas limited liability company P. O. Box 3069 Bald Head Island, North Carolina 28461	THE SHOALS CLUB ON BALD HEAD ISLAND, LLC, a North Carolina limited liability company P. O. Box 3460 Bald Head Island, North Carolina 28461

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has remised and released and by these presents does hereby remise, convey, and forever quitclaim unto the Grantee, its heirs and/or successors and assigns, all right, title, claim and interest of the Grantor in and to a certain parcel of land lying and being in the Village of Bald Head Island, Smithville Township, Brunswick County, North Carolina, and more particularly described as follows:

BEING all of that certain triangular-shaped parcel containing 437 square feet/0.010 acre of land, identified as Area "A", formerly part of Lot 3210, Cape Fear Station, now allocated to Lot 3000, Recreation 3, Cape Fear Station, as said Area "A" is depicted in that plat of survey prepared by ESP Associates, P.A. and recorded in Map Cabinet 129, Page 02, in the Register of Deeds for Brunswick County, North Carolina, said parcel of land having the metes, bounds and location as shown on said plat.



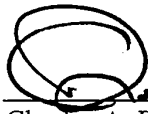
Pursuant to N.C.G.S. 105-317.2(2), Grantor states that the property herein described does not include the primary residence of the Grantor.

TO HAVE AND TO HOLD the aforesaid parcel of land and all privileges and appurtenances thereto belonging to the Grantee, free and discharged from all right, title, claim or interest of the Grantor or anyone claiming by, through or under Grantor. This conveyance is made subject to any and all valid and enforceable easements, restrictions, conditions and rights of way of public record, as well as ad valorem real property taxes for the year 2021 and subsequent years.

This conveyance is made for the purpose of eliminating the encroachment of an electric transformer and part of a 12' wood wall onto Grantor's property from Grantee's adjacent property, as shown on the survey plat recorded in Map Cabinet 179, Page 02, Brunswick County records, hereby recombining the parties' properties by relocating a portion of the boundary line between Grantor's Lot 3210 and Grantee's Lot 3000, Cape Fear Station.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be signed in its name by its duly authorized representative, the day and year first above written.

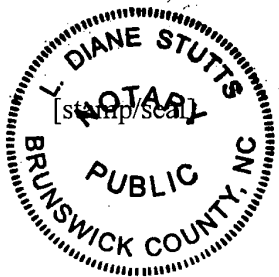
BALD HEAD ISLAND LIMITED, LLC,
a Texas limited liability company

By:  (SEAL)
Charles A. Paul, III, Manager

STATE OF NORTH CAROLINA
BRUNSWICK COUNTY

I, L. Diane Stutts, a Notary Public for said County and State, do hereby certify that Charles A. Paul, III, Manager of Bald Head Island Limited, LLC, personally appeared before me this day, and being by me duly sworn, says that he executed the foregoing instrument for and on behalf of said Bald Head Island Limited, LLC.

WITNESS my hand and official seal, this the 26th day of May, 2021.



L. Diane Stutts
Notary Public
My commission expires: 12-4-2021



NORTH CAROLINA GENERAL WARRANTY DEED

Delinquent taxes, if any, are to be paid by the closing attorney to the county tax collector before the disbursing of funds.

Mail after recording to Grantee, 3700 Glenwood Ave., Ste. 530, Raleigh, NC 27612
This instrument was prepared by Judith A. Ward, P. O. Box 3069, Bald Head Island, NC 28461
Excise Tax: \$ 3,500.00
Parcel Identifier No.: 26600003, & part of 26500062

****PREPARED WITHOUT OPINION AS TO TITLE****

Brief description for the Index:

Lot 3210, SF16 & Lot 3500, Cape Fear Station,
Bald Head Island, NC

THIS DEED made this 24th day of July, 2023, by and between

GRANTOR	GRANTEE
BALD HEAD ISLAND LIMITED, LLC, a Texas limited liability company P. O. Box 3069 Bald Head Island, NC 28461	SHOALS OVERLOOK, INC., a North Carolina non-profit corporation P.O. Box 3070 Bald Head Island, NC 28461

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain real property and premises situated in the Village of Bald Head Island, Smithville Township, Brunswick County, North Carolina, and more particularly described as follows:

SEE ATTACHED EXHIBIT A FOR LEGAL DESCRIPTIONS ("Property").

Pursuant to N.C.G.S. 105-317.2(2), Grantor states that the property herein described does not include the primary residence of the Grantor.



TO HAVE AND TO HOLD the aforesaid lots, tracts, or parcels of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple. And the Grantor covenants with the Grantee, that Grantor is seized of the Property in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, subject to the exceptions herein set forth, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions herein stated.

Title to the Property is subject to the following exceptions:

1. Ad valorem real estate taxes and Association dues and assessments (if any) for 2023 and subsequent years;
2. All zoning ordinances, building codes, laws, statutes, land use, and other governmental permits, rules and regulations affecting the use and development of the Property, including without limitation, the contents of any and all state stormwater management permits and their modifications, updates and reissuances, including maximum impervious limitations, and the jurisdiction of the U.S. Army Corps of Engineers with respect to any marsh or wetlands on or affecting the Property;
3. The jurisdiction of any property owner association ("Association") to which the Property has been annexed and made subject, including without limitation, and specifically with respect to Parcel One, Bald Head Association, and the right and authority of the Association to assess and enforce the payment of dues or other charges against the Property;
4. Visible easements and easements, restrictions, conditions, reservations and other matters of record, including (but not limited to) the survey plat(s) for the Property as the same have been recorded, the plats for all of the Cape Fear Station planned unit development, and the covenants, conditions and restrictions for the Association (if any), together with all annexations, amendments, revisions, supplements and addenda from time-to-time recorded in connection therewith;
5. Rights of tenants in possession or having the right to possession, if any;
6. All matters that would be disclosed by an accurate survey as of the date hereof; and
7. The terms and conditions of a certain deed restriction that will run with the land in perpetuity or, if sooner, until the cancellation or expiration of the term of the instrument recorded in Deed Book 3123, Page 1186 of the Brunswick County Registry, prohibiting the use of the Property as a grocery store or supermarket, as defined in said instrument.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be signed in its name by its duly authorized agent and representative, the day and year first above written.

BALD HEAD ISLAND LIMITED, LLC,
a Texas limited liability company

By: 
Charles A. Paul, III, Manager

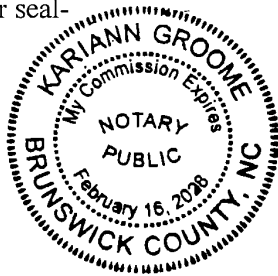


STATE OF NORTH CAROLINA
BRUNSWICK COUNTY

I, Kariann Groome, a Notary Public for said County and State, do hereby certify that Charles A. Paul, III, Manager of Bald Head Island Limited, LLC, Grantor herein, personally appeared before me this day, and being by me duly sworn, says that he executed the foregoing instrument for and on behalf of the said Bald Head Island Limited, LLC.

WITNESS my hand and official seal, this the 24 day of July, 2023.

-stamp or seal-



Kariann Groome
Notary Public
My commission expires: Feb. 16, 2028



EXHIBIT A

TO NORTH CAROLINA GENERAL WARRANTY DEED
BALD HEAD ISLAND LIMITED, LLC, GRANTOR
SHOALS OVERLOOK, INC., GRANTEE

LEGAL DESCRIPTIONS:

All of those certain lots, tracts or parcels of land, lying and being in the Village of Bald Head Island, Smithville Township, Brunswick County, North Carolina, more particularly described as follows:

PARCEL ONE:

Subject
Parcel

BEING all of **Lot 3210**, Single Family 16, Cape Fear Station, Bald Head Island, as the same is shown on a map thereof duly recorded in Map Cabinet 27, Instrument 473, of the Brunswick County Registry, and as described and included in Amendment and Annexation to Protective Covenants by Bald Head Island Limited filed in the aforesaid Registry in Book 1733 at Page 763, as amended, LESS AND EXCEPT that portion of said Lot 3210 conveyed to The Shoals Club of Bald Head Island, LLC by quit claim deed recorded in Deed Book 4696, Page 46, of the Brunswick County Register of Deeds, shown as Area "A" on the plat recorded in Map Cabinet 129, Page 2 of said Registry.

PARCEL TWO:

This parcel
is located
on Federal
Road, Shoals
Alley and
Stationhouse
Way - North
of subject
property

BEING ALL of **Lot 3500**, Cape Fear Station, containing 1.883 acres of land, more or less, as shown on that certain plat entitled "Boundary Survey for the Property of Bald Head Island Limited, LLC, Lot 3500, Cape Fear Station", prepared by ESP Associates, Inc., and recorded in Map Cabinet 147, Page 3, of the Brunswick County Register of Deeds.

State of North Carolina
 Department of the Secretary of State

Limited Liability Company
 ARTICLES OF ORGANIZATION
 OF
 THE SHOALS CLUB ON BALD HEAD ISLAND, LLC

Pursuant to §57C-2-20 of the General Statutes of North Carolina, the undersigned does hereby submit these Articles of Organization for the purpose of forming a limited liability company.

1. The name of the limited liability company is: **The Shoals Club on Bald Head Island, LLC.**
2. If the limited liability company is to dissolve by a specific date, the latest date on which the limited liability company is to dissolve: *(If no date for dissolution is specified, there shall be no limit on the duration of the limited liability company.)*
3. The name and address of each person executing these articles of organization is as follows: *(State whether each person is executing these articles of organization in the capacity of a member, organizer or both).*

**Bald Head Island Limited, a Texas limited partnership,
 Organizer and Member
 #6 Marina Wynd
 P.O. Box 3069
 Bald Head Island, NC 28461**

4. The street address and county of the initial registered office of the limited liability company is:

Number and Street: **# 6 Marina Wynd**
 City, State, Zip Code: **Bald Head Island, NC 28461** County: **Brunswick**

5. The mailing address, *if different from the street address*, of the initial registered office is:

**P.O. Box 3069
 Bald Head Island, NC 28461**

6. The name of the initial registered agent is: **Judith A. Ward**

7. Principal office information: *(Select either a or b.)*

- a. The limited liability company has a principal office.

The street address and county of the principal office of the limited liability company is:
 Number and Street: **#6 Marina Wynd**
 City, State, Zip Code: **Bald Head Island, NC 28461** County: **Brunswick**

The mailing address, *if different from the street address*, of the principal office of the corporation is:
P.O. Box 3069, Bald Head Island, NC 28461

b. The limited liability company does not have a principal office.

8. Check one of the following:

 (i) **Member-managed LLC**: all members by virtue of their status as members shall be managers of this limited liability company.

 X (ii) **Manager-managed LLC**: except as provided by N.C.G.S. Section 57C-3-20(a), the members of this limited liability company shall not be managers by virtue of their status as members.

9. Additional provisions:

No person who is serving or who has served as a manager of the limited liability company shall be personally liable to the limited liability company or any of its members for monetary damages for breach of duty as a manager, except for liability with respect to (i) acts or omissions that the manager at the time of such breach knew were clearly in conflict with the best interests of the limited liability company, (ii) any transaction from which the manager derived an improper personal benefit, (iii) acts or omissions occurring prior to the effective date of this article or (iv) acts or omissions with respect to which the North Carolina Limited Liability Company Act does not permit the limitation of liability. As used herein, the term "improper personal benefit" does not include a manager's reasonable compensation or other reasonable incidental benefit for or on account of his service as a manager, employee, independent contractor, attorney or consultant of the limited liability company. No amendment or repeal of this article, nor the adoption of any provision to these Articles of Organization inconsistent with this article, shall eliminate or reduce the protection granted herein with respect to any matter that occurred prior to such amendment, repeal or adoption.

10. These articles will be effective upon filing.

This is the 14th day of July, 2003.

BALD HEAD ISLAND LIMITED, a Texas
limited partnership, Organizer & Member

By: 

Signature

Mitchell Island Investments, Inc. General Partner

By: M. Kent Mitchell, Vice President

Type or Print Name and Title

NOTES:

1. **Filing fee is \$125. This document must be filed with the Secretary of State.**



LIMITED LIABILITY COMPANY ANNUAL REPORT

041

NAME OF LIMITED LIABILITY COMPANY: The Shoals Club on Bald Head Island, LLC

SECRETARY OF STATE ID NUMBER: 0683386 STATE OF FORMATION: NC

REPORT FOR THE CALENDAR YEAR: 2023

Filing Office Use Only
E - Filed Annual Report
0683386
CA202427801774
10/4/2024 03:15
<input type="checkbox"/> Changes

SECTION A: REGISTERED AGENT'S INFORMATION

1. NAME OF REGISTERED AGENT: Sawyer, David F.

2. SIGNATURE OF THE NEW REGISTERED AGENT: _____
SIGNATURE CONSTITUTES CONSENT TO THE APPOINTMENT

3. REGISTERED AGENT OFFICE STREET ADDRESS & COUNTY	4. REGISTERED AGENT OFFICE MAILING ADDRESS
<u>303 South Bald Head Wynd</u>	<u>303 South Bald Head Wynd</u>
<u>Bald Head Island, NC 28461 Brunswick County</u>	<u>Bald Head Island, NC 28461</u>

SECTION B: PRINCIPAL OFFICE INFORMATION

1. DESCRIPTION OF NATURE OF BUSINESS: Social Membership Club

2. PRINCIPAL OFFICE PHONE NUMBER: (910) 454-4888 3. PRINCIPAL OFFICE EMAIL: Privacy Redaction

4. PRINCIPAL OFFICE STREET ADDRESS	5. PRINCIPAL OFFICE MAILING ADDRESS
<u>100 Station House Way</u>	<u>PO Box 3460</u>
<u>Bald Head Island, NC 28461</u>	<u>Bald Head Island, NC 28461</u>

6. Select one of the following if applicable. (Optional see instructions)
- The company is a veteran-owned small business
- The company is a service-disabled veteran-owned small business

SECTION C: COMPANY OFFICIALS (Enter additional company officials in Section E.)

NAME: <u>Shoals Overlook, Inc.</u>	NAME: _____	NAME: _____
TITLE: <u>Manager</u>	TITLE: _____	TITLE: _____
ADDRESS: <u>1 Salt Meadow Trail</u>	ADDRESS: _____	ADDRESS: _____
<u>PO BOX 3070</u>	_____	_____
<u>Bald Head Island, NC 28461</u>	_____	_____

SECTION D: CERTIFICATION OF ANNUAL REPORT. Section D must be completed in its entirety by a person/business entity.

<u>Shoals Overlook, Inc., by Sandra Walker Controller</u>	<u>10/4/2024</u>
SIGNATURE	DATE

Form must be signed by a Company Official listed under Section C of This form.

<u>Shoals Overlook, Inc., by Sandra Walker Controller</u>	<u>Manager</u>
Print or Type Name of Company Official	Print or Type Title of Company Official

This Annual Report has been filed electronically.

C2018 155 00871**ARTICLES OF INCORPORATION
NONPROFIT CORPORATION**

Pursuant to § 55A-2-02 of the General Statutes of North Carolina, the undersigned corporation does hereby submit these Articles of Incorporation for the purpose of forming a nonprofit corporation.

1. The name of the nonprofit corporation is: Shoals Overlook, Inc.
2. The name of the initial registered agent is: Robert Norton
3. The street address and county of the initial registered agent's office of the corporation is:

#1 Salt Meadow Trail
Bald Head Island, NC 28461
(Brunswick County)

The mailing address of the initial registered agent's office is:

P.O. Box 3070
Bald Head Island, NC 28461
(Brunswick County)

4. The name and address of the incorporator is:

Daniel Lee Brawley
310 N. Front Street
Suite 200
Wilmington, NC 28401
(New Hanover County)

5. The corporation will have members. The sole initial member of the corporation is: Bald Head Island Club, a North Carolina nonprofit corporation.
6. The street address and county of the principal office of the corporation is:

#1 Salt Meadow Trail
Bald Head Island, NC 28461
(Brunswick County)
Telephone: 910-457-7300

7. The members of the initial Board of Directors of the corporation are:

Robert Daniel Boyce
Michael T. Brown
Steven D. Brown

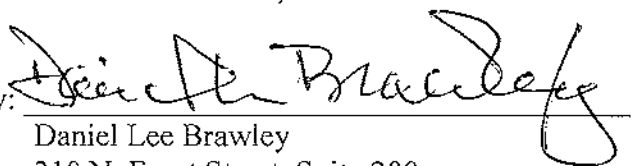
J. Paul Carey
Scott Gardner
Kurt Alan Haglund
E. Edwin Ramm
Bradford T. Smith
Anne McBride Walker

8. In the event of dissolution or final liquidation of the corporation, all of the property and assets of the corporation, after payment of its debts, shall be distributed among its members only.
9. To the fullest extent permitted by the North Carolina Nonprofit Corporation Act as it exists or may hereafter be amended, no person who is serving or who has served as a director of the corporation shall be personally liable to the corporation or any other party for monetary damages for breach of any duty as a director. In the event that the North Carolina Nonprofit Corporation Act is amended or enacted to permit further limitation or elimination of the personal liability of directors of nonprofit corporations, the personal liability of the corporation's directors shall be limited or eliminated to the fullest extent permitted by the applicable law. This provision shall be in addition to any provision permitted under the North Carolina General Statutes, the Articles of Incorporation, the Bylaws or any contract or resolution of the corporation indemnifying or agreeing to indemnify a director or officer against personal liability.
10. These articles will be effective upon filing.

This is the 4th day of June, 2018.

SHOALS OVERLOOK, INC.

By:



Daniel Lee Brawley
310 N. Front Street, Suite 200
Wilmington, NC 28401
Incorporator

**STATEMENT OF CHANGE OF REGISTERED
 OFFICE AND/OR REGISTERED AGENT**

Pursuant to §55D-31 of the General Statutes of North Carolina, the undersigned entity submits the following for the purpose of changing its registered office and/or registered agent in the State of North Carolina.

INFORMATION CURRENTLY ON FILE

1. The name of the entity is Shoals Overlook, Inc.
2. The type of entity is a non-profit corporation.
3. The street address and county of the entity's registered office currently on file is 1 Salt Meadow Trail, Bald Head Island, Brunswick County, North Carolina 28416. The mailing address (if different) of the registered office currently on file is PO Box 3070, Bald Head Island, Brunswick County, North Carolina 28461.
4. The name of the current registered agent is Robert Norton.

NEW INFORMATION

1. The street address and county of the new registered office of the entity is 1 Salt Meadow Trail, Bald Head Island, Brunswick County, North Carolina 28461
2. The mailing address and county of the new registered office of the entity is PO Box 3070, Bald Head Island, Brunswick County, North Carolina 28461.
3. The name of the new registered agent is David F. Sawyer and the new agent's consent to appointment appears below:

Signature:  _____

Name: David F. Sawyer

4. The address of the entity's registered office and the address of the business office of its registered agent, as changed, will be identical.
5. This statement will be effective upon filing.

This is the 22 day of December 2023.

SHOALS OVERLOOK, INC.

By:  _____
 David F. Sawyer, Chief Executive Officer

View All Cards

Next Card

BRUNSWICK COUNTY

2/19/2025 5:02:18 PM

SHOALS CLUB ON BALD HEAD ISLAND LLC

100 STATION HOUSE WAY SOUTHPORT 28461 BALD HEAD ISLAND
80065094

Reval Year: 2023 Tax Year: 2024
L-3000 7.79 ACRES CAPE STATION PL 26/361

Appraised by 03 on 10/05/2022 406D BHI - EAST / CAPE FEAR STATION

Return/Appeal Notes:

Parcel: 26600002

PLAT: 0026/0361
UNIQU ID: 142296
ID NO: 301311551594

CARD NO. 1 of 2

1.0000 LT

SRC=

TW-03

CI-33

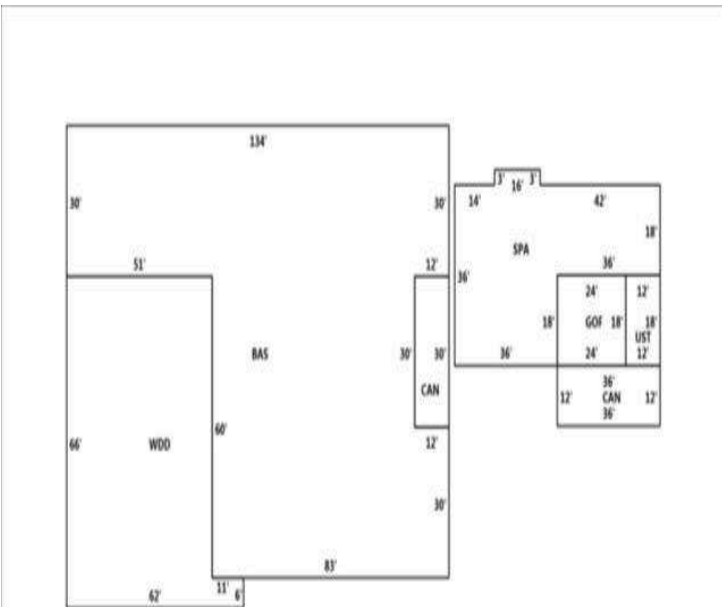
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EX-

AT-

LAST ACTION 20230126

CONSTRUCTION DETAIL	MARKET VALUE								DEPRECIATION			CORRELATION OF VALUE	
Foundation - 5 Spread Footing 6.00									EOBS	Economic Obsolescence	0.45000	CREDENCE TO MARKET	
Sub Floor System - 3 Slab Ab Grade 12.00	USE	MOD	Eff. Area	QUAL	BASE RATE	RCN	EYB	AYB		Standard	0.04000		
Exterior Walls - 16 Wood/Vinyl Shingle 18.00	78	07	13,021	177	325.68	4240678	2004	2004	% GOOD			51.0	DEPR. BUILDING VALUE - CARD 2,162,750
Roofing Structure - 08 Wood Truss 8.00	TYPE: COUNTRY CLUB HOUSE								COMMERCIAL CONST.			DEPR. OB/XF VALUE - CARD 225,090	
Roofing Cover - 10 Cedar Shingle 13.00	STYLE: 1 - 1.0 Story											MARKET LAND VALUE - CARD 3,750,000	
Interior Wall Construction - 5 Drywall/Sheetrock 12.00												TOTAL MARKET VALUE - CARD 6,137,840	
Interior Wall Construction - 6 Custom Interior 0.00												TOTAL APPRAISED VALUE - CARD 6,137,840	
Interior Floor Cover - 11 Ceramic Clay Tile 16.00												TOTAL APPRAISED VALUE - PARCEL 6,448,050	
Interior Floor Cover - 12 Hardwood 0.00												TOTAL PRESENT USE VALUE - PARCEL 0	
Heating Fuel - 04 Electric 1.00												TOTAL VALUE DEFERRED - PARCEL 0	
Heating Type - 09 Heat Pump Only 6.00												TOTAL TAXABLE VALUE - PARCEL \$ 6,448,050	
Air Conditioning Type - 03 Central 6.00												PRIOR	
Commercial Heat & Air - 2 Packaged Units 0.00												BUILDING VALUE 1,992,220	
Structural Frame - 02 Wood Frame 10.00												OBXF VALUE 233,970	
Ceiling & Insulation - 05 Suspended - Ceiling & Walls Insulated 7.00												LAND VALUE 1,000,000	
Average Rooms Per Floor - 4 Average Rooms Per Floor 0.00												PRESENT USE VALUE 0	
Half-Bathrooms BAS - 0 FUS - 0 LL - 0												DEFERRED VALUE 0	
Plumbing Fixtures 24.00 6.000												TOTAL VALUE 3,226,190	
Office BAS - 0 FUS - 0 LL - 0 0												PERMIT	
TOTAL POINT VALUE 121.000												CODE DATE NOTE NUMBER AMOUNT	



Click on image to enlarge

BUILDING ADJUSTMENTS			
Market/Design	09	.20	1.2000
Non-Std Wall Height	0	Non-Std Wall Height	1.0000
Quality	5	Excellent	1.2500
Size	Size	Size	0.9700
Construction Factor	05	1.00	1.0000
TOTAL ADJUSTMENT FACTOR			1.460
TOTAL QUALITY INDEX			177

TOTAL APPRAISED VALUE - CARD		6,137,840
TOTAL APPRAISED VALUE - PARCEL		6,448,050
TOTAL PRESENT USE VALUE - PARCEL		0
TOTAL VALUE DEFERRED - PARCEL		0
TOTAL TAXABLE VALUE - PARCEL \$		6,448,050
PRIOR		
BUILDING VALUE		1,992,220
OBXF VALUE		233,970
LAND VALUE		1,000,000
PRESENT USE VALUE		0
DEFERRED VALUE		0
TOTAL VALUE		3,226,190

SALES DATA				
OFF. RECORD	DATE	DEED	TYPE	INDICATE SALES PRICE
BOOKPAGE	MOYR		Q/UV/I	
039690743	10 2017	SW	U I	0
016190570	8 2002	WD	U V	0

BUILDING AREA 11,064
NOTES
100 STATION hse way ADDITION TO MEETING ROOM
CO 7/24/07 ADD OBXF #51 5/14/08

SUBAREA				CODE	DESCRIPTION	COUNT	LT	WTH	UNITS	UNIT PRICE	ORIG % COND	BLDG#	AYB	EYB	ANN DEP RATE	OVR	% COND	OB/XF DEPR. VALUE
BAS	8,640	100	2813875	38	GAZEBO	24	16	384	30.00	0	1	2004	2004	S3		43		4954
CAN	792	20	51457	38	GAZEBO	20	20	400	30.00	0	1	2004	2004	S3		43		5160
GOF	432	130	183032	87	POOL (COMM)	20	20	400	30.00	0	1	2004	2004	S3		43		5160
SPA	1,992	075	486566	27	DECK	76	44	3,344	77.00	0	1	2004	2004	S3		43		110720
UST	216	050	35173	90	SPRINKLER SYSTEM	0	0	5,232	24.00	0	1	2004	2004	S3		43		53994
WDD	3,432	060	670575	22	CONCRETE PAVING	0	0	14,999	2.50	0	1	2004	2004	S2		62		23249
FIREPLACE	1 - None		0	01	ASPHALT PAVING	0	0	4,720	4.50	0	1	2004	2004	S3		43		9133
SUBAREA TOTALS	15,504		4,240,678	42	GUARDHOUSE	0	0	9,400	2.25	0	1	2004	2004	S5		20		4230
TOTALS						0	0	104	120.00	0	1	2007	2007	S2		68		8486
TOTAL OB/XF VALUE																		225,086

BUILDING DIMENSIONS BAS=W134S30E51S60E83N30W12N30E12N30Area:8640;WDD=S66E62N6W11N60W51Area:3432;CAN=W12N30E12S30Area:360;SPA=S36E36N18E36N18 8W42N3W16S3W14Area:1992;CAN=S12E36N12W36Area:432;GOF=E24N18W24S18Area:432;UST=S18E12N18W12Area:216;TotalArea:15504

LAND INFORMATION																		
HIGHEST AND BEST USE	USE CODE	LOCAL ZONING	FRONTAGE	DEPTH	DEPTH / SIZE	LND MOD	COND FACT	OTHER ADJUSTMENTS AND NOTES	ROAD TYPE	LAND UNIT PRICE	TOTAL LAND UNITS	UNT TYP	TOTAL ADJUST	ADJUSTED UNIT PRICE	LAND VALUE	OVERRIDE VALUE	LAND NOTES	
SFR OCEAN	0107	PD-2			1.0000	0	3.0000	Size=7.79AC	PS	1,250,000.00	1.000	LT	3.000	3,750,000.00	3750000		7.790AC	
TOTAL MARKET LAND DATA																	3,750,000	
TOTAL PRESENT USE DATA																		

BRUNSWICK COUNTY

SHOALS OVERLOOK INC

Return/Appeal
Notes:

Parcel: 26600003

80144162

BHI MSD ZONE A (100), BRUNSWICK COUNTY (100), DOSHER HOSP TAX (100),
VILLAGE OF BHI (100)

PLAT: 00027/00473 UNIQ ID 142297
ID NO: 301310459645

Reval Year: 2023 Tax
Year: 2024

L-3210 1.55 AC SF-16 CF STATION PL 27/473

CARD NO. 1 of
1

1.0000 LT

SRC=

Appraised by 03 on 06/21/2022 406D BHI - EAST / CAPE FEAR STATION

TW-03

CI- 33

FR- 01

EX-

AT-

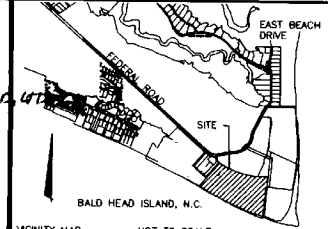
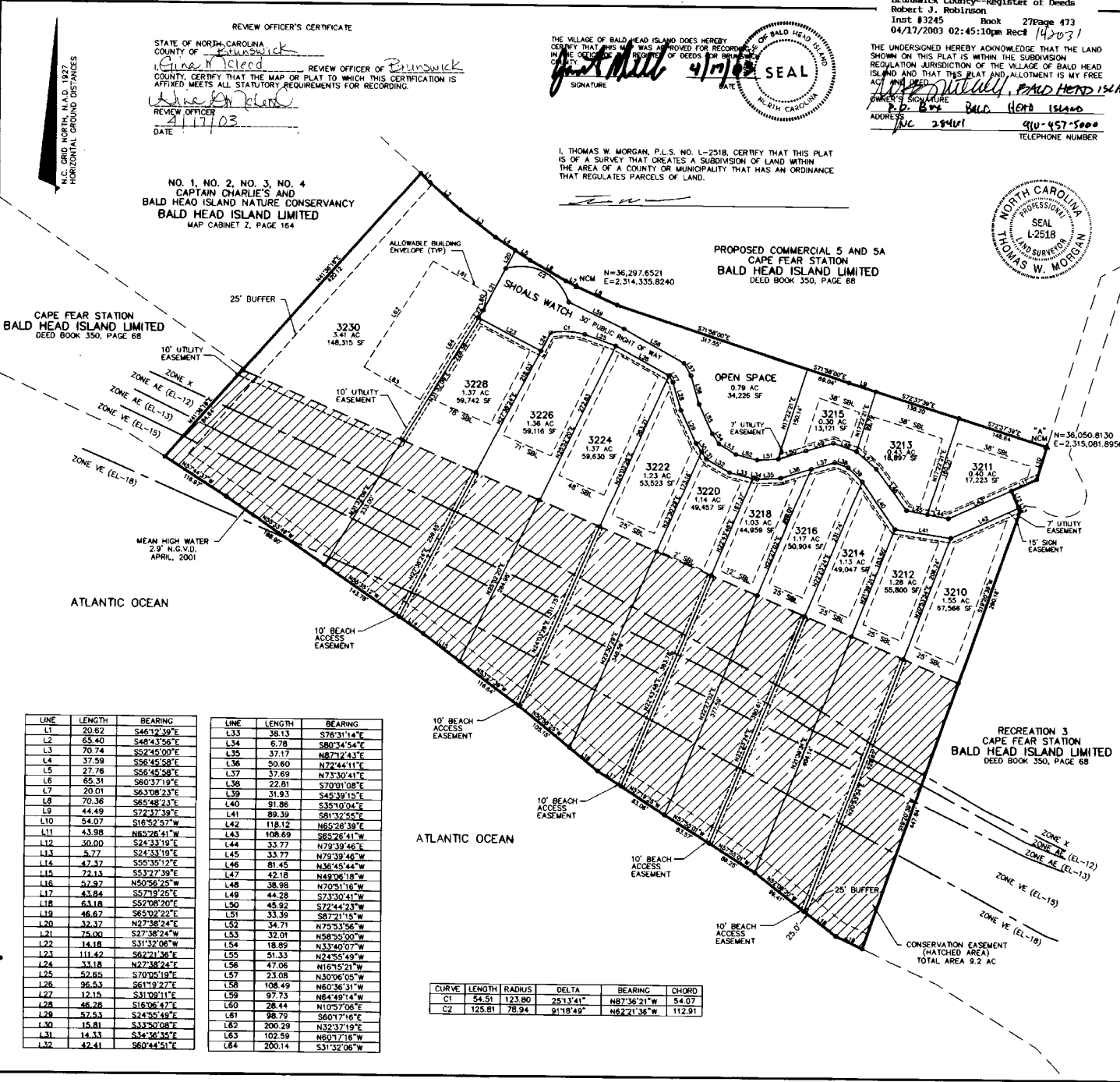
LAST ACTION
20230825

CONSTRUCTION DETAIL		MARKET VALUE							DEPRECIATION				CORRELATION OF VALUE								
TOTAL POINT VALUE		USE	MOD	Eff. Area	QUAL	BASE RATE	RCN	EYB	AYB				CREDENCE TO								
BUILDING ADJUSTMENTS		98	00							% GOOD			DEPR. BUILDING VALUE - CARD								
TOTAL ADJUSTMENT FACTOR		TYPE: VACANT LAND										DEPR. OB/XF VALUE - CARD									
TOTAL QUALITY INDEX		STYLE:										MARKET LAND VALUE - CARD									
												TOTAL MARKET VALUE - CARD									
												TOTAL APPRAISED VALUE - CARD									
												TOTAL APPRAISED VALUE - PARCEL									
												TOTAL PRESENT USE VALUE - PARCEL									
												TOTAL VALUE DEFERRED - PARCEL									
												TOTAL TAXABLE VALUE - PARCEL \$									
												PRIOR									
												BUILDING VALUE									
												OBXF VALUE									
												LAND VALUE									
												PRESENT USE VALUE									
												DEFERRED VALUE									
												TOTAL VALUE									
												PERMIT									
		CODE		DATE		NOTE		NUMBER		AMOUNT											
												ROUT: WTRSHD:									
												SALES DATA									
		OFF. RECORD		DATE		DEED TYPE		Q/UV/I		INDICATE SALES PRICE											
		BOOK PAGE		MOYR																	
		05056 0178		8 2023		GW		U V					0								
		00535 0379		1 1753				Q V					0								
												HEATED AREA									
												NOTES									
SUBAREA		GS AREA	RPL CS	CODE	QUALITY	DESCRIPTION	COUNT	LT	WTH	UNITS	UNIT PRICE	ORIG % COND	BLDG#	SIZE FACT	AYB	EYB	ANN DEP RATE	OVR	% COND	OB/XF DEPR. VALUE	
FIREPLACE		TOTAL OB/XF VALUE																			
SUBAREA TOTALS																					
BUILDING DIMENSIONS																					
LAND INFORMATION																					
HIGHEST AND BEST USE	USE CODE	LOCAL ZONING	FRONT TAGE	DEPTH	DEPTH / SIZE	LND MOD	COND FACT	OTHER ADJUSTMENTS AND NOTES				ROAD TYPE	LAND UNIT PRICE	TOTAL LAND UNITS	UNT TYP	TOTAL ADJST	ADJUSTED UNIT PRICE	LAND VALUE	OVERRIDE VALUE	LAND NOTES	
SFR OCEAN	0107	PD-2	109		1.0000	0	1.0000	RF	AC	LC	TO	OT	PS	1,250,000.00	1.000	LT	1.000	1,250,000.00	1250000		
TOTAL MARKET LAND DATA																			1,250,000		
TOTAL PRESENT USE DATA																					

Map cabinet 27 page 473 4/17/2003 2:45:10pm

Brunswick County—Register of Deeds
 Robert J. Robinson
 Trust #3245 Book 27 Page 473
 04/17/2003 02:45:10pm Rec'd 142031

27/473



REVIEW OFFICER'S CERTIFICATE
 STATE OF NORTH CAROLINA
 COUNTY OF BRUNSWICK
 I, Gene M. Cleod, REVIEW OFFICER OF Brunswick COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.
 REVIEW OFFICER
Gene M. Cleod
 DATE
4/17/03

THE VILLAGE OF BALD HEAD ISLAND DOES HEREBY CERTIFY THAT THIS MAP WAS APPROVED FOR RECORDING IN THE OFFICE OF THE REGISTER OF DEEDS FOR BRUNSWICK COUNTY, NORTH CAROLINA.
 SIGNATURE
Robert J. Robinson
 DATE
4/17/03
 SEAL
 NORTH CAROLINA

THE UNDERSIGNED HEREBY ACKNOWLEDGE THAT THE LAND SHOWN ON THIS PLAT IS WITHIN THE SUBDIVISION REGULATION JURISDICTION OF THE VILLAGE OF BALD HEAD ISLAND AND THAT THIS PLAT AND ALLOTMENT IS MY FREE ACT AND DEED.
 OWNER'S SIGNATURE
Thomas W. Morgan
 ADDRESS
P.O. Box BALD HEAD ISLAND
NC 28411
 TELEPHONE NUMBER
910-457-5000

I, THOMAS W. MORGAN, P.L.S. NO. L-2518, CERTIFY THAT THIS PLAT IS OF A SURVEY THAT CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

SEAL
 NORTH CAROLINA
 LAND SURVEYOR
 THOMAS W. MORGAN
 L-2518

LINE	LENGTH	BEARING
L1	20.62	S46°12'39"E
L2	65.40	S44°35'56"E
L3	70.74	S52°45'00"E
L4	37.59	S56°45'58"E
L5	27.76	S56°45'58"E
L6	65.31	S60°37'19"E
L7	20.01	S65°08'23"E
L8	70.36	S65°08'23"E
L9	44.49	S72°37'39"E
L10	54.07	S16°52'57"W
L11	43.98	N85°28'41"W
L12	30.00	S24°33'19"E
L13	5.77	S24°33'19"E
L14	47.37	S55°35'12"E
L15	72.13	S53°27'39"E
L16	57.87	N50°56'25"W
L17	43.84	S5°19'25"E
L18	64.18	S52°02'20"E
L19	46.87	S65°02'22"E
L20	32.37	N27°38'24"E
L21	75.00	S27°38'24"W
L22	14.18	S31°32'06"W
L23	111.42	S62°21'36"E
L24	33.18	N27°38'24"E
L25	52.85	S70°05'19"E
L26	36.53	S61°19'27"E
L27	12.15	S31°02'11"E
L28	46.28	S18°06'47"E
L29	57.53	S24°55'49"E
L30	15.81	S33°50'08"E
L31	14.33	S34°56'35"E
L32	42.41	S60°44'51"E

LINE	LENGTH	BEARING
L33	38.13	S78°31'14"E
L34	6.78	S80°34'54"E
L35	37.17	N87°12'43"E
L36	50.60	N72°44'11"E
L37	37.69	N73°30'41"E
L38	22.81	S70°01'08"E
L39	31.93	S45°39'15"E
L40	91.96	S35°10'04"E
L41	89.39	S81°32'55"E
L42	118.12	N69°28'39"E
L43	108.69	S62°26'41"W
L44	33.77	N79°39'46"E
L45	33.77	N79°39'46"W
L46	81.45	N38°45'44"W
L47	42.18	N49°06'18"W
L48	38.98	N70°51'16"W
L49	44.28	S73°30'41"W
L50	45.92	S72°44'23"W
L51	33.39	S87°21'15"W
L52	34.71	N75°53'56"W
L53	32.01	N58°55'00"W
L54	18.89	N33°40'07"W
L55	51.33	N24°55'49"W
L56	47.06	N16°15'21"W
L57	23.08	N30°06'05"W
L58	108.49	N60°36'31"W
L59	97.73	N64°49'14"W
L60	28.44	N10°57'06"E
L61	98.79	S60°17'46"E
L62	200.29	N32°37'19"E
L63	102.59	N60°17'16"W
L64	200.14	S31°32'06"W

CURVE	LENGTH	RADIUS	DELTA	BEARING	CHORD
C1	54.51	123.80	251°3'41"	N87°36'21"W	54.07
C2	125.81	78.94	91°18'49"	N62°21'38"W	112.91

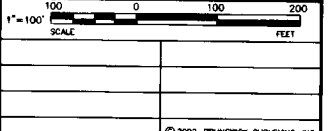
LEGEND:
 ERG = EXISTING REBAR
 NCM & NBB = NEW CONCRETE MONUMENT
 NRB = NEW REBAR
 L = ALLOWABLE BUILDING ENVELOPE
 W = CONSERVATION EASEMENT

THE LINE COMMENCING AT "BALD HEAD LIGHTHOUSE" (N.C. GRID COORDINATES N=46,422,857.2 E=2,303,401.3581) THENCE S54°40'35"E 14,577.10 FEET TO N.C.G.S. MONUMENT BS-20 N.C. GRID COORDINATES N=37,994,450.0 E=2,315,254.7856) THENCE S06°15'03"W 1955.26 FEET TO NCM "A" AND BEARINGS ARE ORIENTED TO N.C. GRID NORTH, N.A.D. 1927 ALL DISTANCES ARE HORIZONTAL GRID DISTANCES.

NOTES:
 * A PORTION OF THE PLATTED TRACT APPEARS TO BE IN A FLOOD HAZARD ZONE. SEE PLAT FOR FURTHER INFORMATION.
 * ALL STREETS ARE PUBLIC UNLESS OTHERWISE SPECIFIED.
 * R.O.W. AND PAVEMENT WIDTHS WILL MEET REQUIRED VILLAGE OF BALD HEAD ISLAND SUBDIVISION REGULATION ARTICLE VI, SECTION IV-F STANDARDS.
 * ALL LOTS ARE SUBJECT TO THE COVENANTS, CONDITIONS AND RESTRICTIONS FOR CAPE FEAR STATION.
 * ALL LOTS ARE TO BE SERVED BY PUBLIC WATER AND PUBLIC SEWER SYSTEMS.
 * 30' RIGHT OF WAY ROADS WILL HAVE A BASE WIDTH OF 14 FEET AND 12 FEET OF PAVEMENT.
 * ALL LOTS ARE SUBJECT TO A 7' UTILITY EASEMENT ALONG THE LOT FRONTS.
 * ZONING: P.U.D. SINGLE FAMILY.
 * BUILDING SETBACKS:
 FRONT: 10 FT. EAST SIDE: 15 FT.
 WEST SIDE: 10 FT.
 * CALCULATIONS:
 TOTAL PLATTED AREA = 18.85 AC
 NUMBER OF LOTS = 14
 MINIMUM LOT SIZE = 13,121 SF.
 LINEAR FEET OF STREETS = 98,891 FEET +/-
 TOTAL AREA OF RIGHT OF WAY = 36,402 SF.
 OWNER: BALD HEAD ISLAND LIMITED

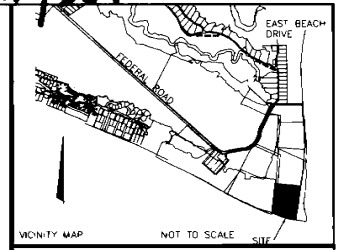
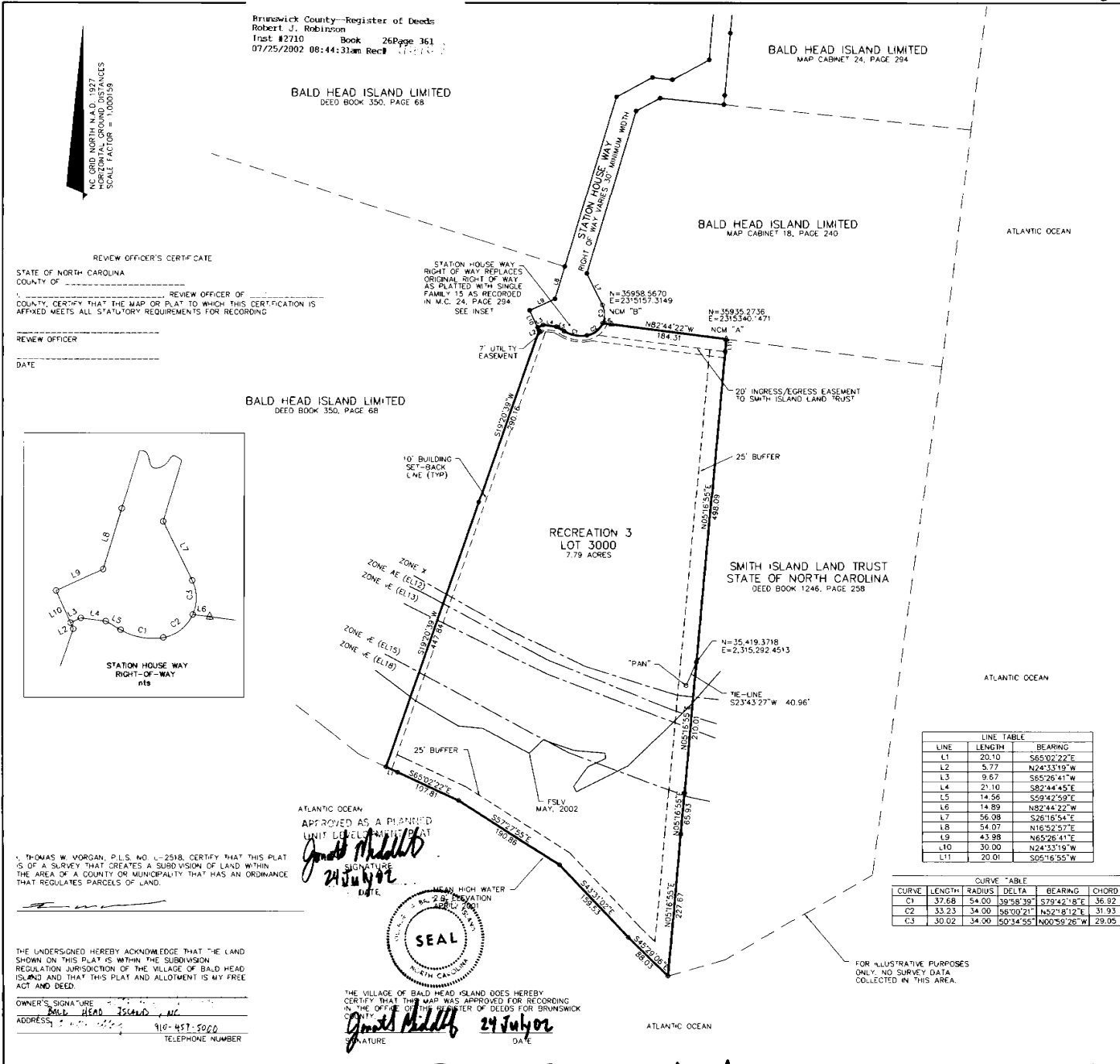
Plot of Survey For
SINGLE FAMILY 16
CAPE FEAR STATION
 BALD HEAD ISLAND LIMITED
 MADE FROM DEED BOOK 350, PAGE 68 AND EXISTING PHYSICAL EVIDENCE.

BRUNSWICK SURVEYING, INC
 Thomas W. Morgan
 Professional Land Surveyor
 North Carolina and South Carolina
 1027 Sabbath Home Rd., SW
 Supply, North Carolina 28462 (910)842-9382



© 2002, BRUNSWICK SURVEYING, INC.
 SCALE: 1" = 100'
 DATE: 6-11-02
 TOWNSHIP: SMITHVILLE FIELD BOOK: 511-072
 COUNTY: BRUNSWICK FILE: 980355F-16
 STATE: NORTH CAROLINA JOB NO.: 980355F-16

26/361



NORTH CAROLINA
 BRUNSWICK COUNTY

I, THOMAS W. MORGAN, CERTIFY THAT THIS PLAT WAS PREPARED UNDER MY SUPERVISION FROM AN ACTUAL SURVEY AND THAT THE BOUNDARIES AND AREAS SHOWN AS INDICATED ON THIS PLAT ARE THE RESULT OF A MEASUREMENT OF THE LAND AND THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS INDICATED ON THIS PLAT FROM INFORMATION REFERENCED TO THIS PLAT. THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 170-1.1 AS AMENDED WITHIN THE PAST FIVE YEARS.

THOMAS W. MORGAN, P.L.S.
 REGISTERED LAND SURVEYOR
 REGISTRATION NUMBER L-2518
 SEAL OR STAMP

TIE-LINE
 COMMENCING AT N.C.G.S. MONUMENT "OLD BALDY" (NC GRID COORDINATES: N=46,422.8572 AND E=2,303.4013581) THENCE S54°40'35"E 14,577.10 FEET TO N.C.G.S. MONUMENT "BSI-20" (NC GRID COORDINATES: N=37,994.4450 AND E=2,315,294.7856) THENCE S1°15'43"E 2,059.67 FEET TO NDM "A" ALL BEARINGS ARE ORIENTED TO N.C. GRID NORTH N.A.D. 1927. ALL DISTANCES ARE HORIZONTAL GRID DISTANCES

TIE-LINE
 FROM THE DESTROYED N.C.G.S. MONUMENT "GAZERBO" (NC GRID COORDINATES: N=37,933.348 AND E=2,315,341.589) THENCE N17°27'14"W 76.96 FEET TO N.C.G.S. MONUMENT "BSI-20" (NC GRID COORDINATES: N=37,994.4450 AND E=2,315,294.7856)

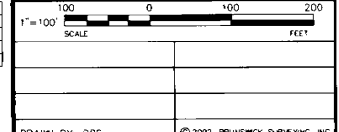
- LEGEND**
- NEW REBAR
 - EXISTING REBAR
 - ▲ NEW CONCRETE MONUMENT
- NOTES**
- A PORTION OF THE PLATTED LOT APPEARS TO BE IN A FLOOD HAZARD ZONE (SEE PLAT)
 - ALL STREETS ARE PUBLIC UNLESS OTHERWISE NOTED.
 - R.O.W.S AND PAVEMENT WIDTHS WILL MEET REQUIRED VILLAGE OF BALD HEAD SUBDIVISION ORDINANCE ARTICLE VI, SECTION IV-F STANDARDS.
 - PLATTED LOT IS SUBJECT TO THE COVENANTS, CONDITIONS AND RESTRICTIONS FOR CAPE FEAR STATION.
 - LOT IS TO BE SERVED BY PUBLIC WATER AND PUBLIC SEWER SYSTEMS.
 - ZONING: P.U.D. MASTERPLAN, RECREATION DESIGNATION.
 - TOTAL ACERAGE OF PLATTED LOT = 7.79 ACRES.
 - NUMBER OF LOTS = 1.
 - AREA IN OPEN SPACE = 0.
 - MAXIMUM IMPERVIOUS COVERAGE INCLUDING PARKING IS EQUAL TO 1.01 AC.
- OWNER: BALD HEAD ISLAND LIMITED**

Plot Of Survey For
RECREATION 3
CAPE FEAR STATION
BALD HEAD ISLAND LIMITED

MADE FROM MAP CABINET 24, PAGE 294 AND MAP CABINET 18, PAGE 240 AND EXISTING PHYSICAL EVIDENCE.

BRUNSWICK SURVEYING, INC

Thomas W. Morgan
 Professional Land Surveyor
 North Carolina and South Carolina
 1027 Sabbath Home Rd., SW
 Supply, North Carolina 28462 (910)842-9362



DRAWN BY: DRS
SCALE: 1" = 100'
TOWNSHIP: SMITHVILLE
COUNTY: BRUNSWICK
STATE: NORTH CAROLINA

© 2002, BRUNSWICK SURVEYING, INC.
DATE: 4-16-02
FIELD BOOK:
F.L.E.: 98035-REC3
JOB NO.: 98035-REC3

LINE	LENGTH	BEARING
L1	20.10	S65°02'22"E
L2	5.77	N24°33'19"W
L3	9.67	S65°26'41"W
L4	21.10	S87°44'45"E
L5	14.56	S59°42'59"E
L6	14.89	N82°44'22"W
L7	56.08	S26°16'54"E
L8	54.07	N16°52'57"E
L9	43.98	N65°26'41"E
L10	30.02	N24°33'19"W
L11	20.01	S06°16'55"W

CURVE	LENGTH	RADIUS	DELTA	BEARING	CHORD
C1	37.68	54.00	39°58'39"	S79°42'48"E	36.92
C2	33.23	34.00	58°00'21"	N52°48'12"E	31.93
C3	30.02	34.00	50°54'55"	N60°59'26"W	29.05

FOR ILLUSTRATIVE PURPOSES ONLY. NO SURVEY DATA COLLECTED IN THIS AREA.

88

Permit Class
NEW

049

Permit Number
91-14

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 Village of Bald Head Island, PO Box 3009, Bald Head Island, NC 28461

Authorizing development in Brunswick County at Atlantic Ocean and Bald Head Island, as requested in the permittee's application dated 7/31/14 (MP-1) and 1/2/14 (MP-2 and MP-4) and AEC Hazard Notice dated 3/19/14, including the attached workplan drawings (21), all as referenced in Condition No. 1 of this permit.

This permit, issued on October 21, 2014, 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) Unless specifically altered herein, all development shall be carried out in accordance with the attached workplan drawings (21), 1-4, 7-17, 20, 21 of 21 dated 9/30/13, 5-6 of 21 dated revised 10/16/14 and 18-19 of 21 dated 10/18/13.
- 2) Unless specifically altered herein, this permit authorizes construction of the terminal groin structure and its associated development activities, all as expressly and specifically set forth in the attached permit application and workplan drawings. Any additional land development and/or construction activities may require a modification of this permit. Contact a Division of Coastal Management (DCM) representative at (910) 796-7215 for this determination.

(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.

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

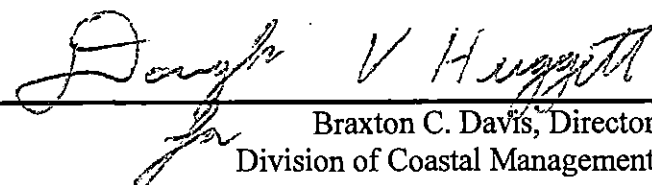
Any maintenance work or project modification not covered hereunder requires further Division approval.

All work must cease when the permit expires on

December 31, 2017

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) To the extent any condition of this permit alters the proposed project, including mitigation and monitoring requirements, in such a manner so as to increase the estimated cost of the project over that for which a financial assurance package was prepared by the permittee and certified by the Department of Environment and Natural Resources (DENR), a modified financial assurance package shall be prepared and approved by DENR prior to project initiation.
- 4) In order to protect threatened and endangered species and to minimize adverse impacts to offshore, nearshore, intertidal and beach resources, should development seaward of the first line of stable natural vegetation occur from April 1 to November 15 of any year, the permittee shall implement the mitigative measures outlined in the Final Environmental Impact Statement (FEIS) and Biological Opinion (BO) that was prepared for this project.

NOTE: The permittee is advised that there may be additional timing restrictions placed on the authorized project by the U.S. Army Corps of Engineers (USACE) as part of the Federal permitting process. Nothing in this State Permit should be construed as overriding or superseding any such Federal permit requirement.

Staging

- 5) Land-based equipment necessary for implementation of the permitted activities 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 sites may require a modification of this permit.

- 6) All materials, including stones and construction mats, shall be staged above Mean High Water, and landward of the dunes when possible.

Terminal Groin Construction

- 7) Construction of the terminal groin shall take place entirely within the areas indicated on the attached workplan drawings, unless additional authorizations for an expanded footprint or alternate alignment are first obtained from the DCM.
- 8) Material used for the construction of the terminal groin shall be free from loose dirt or any other pollutant in other than non-harmful quantities, and be of a size sufficient to prevent its movement from the approved alignment by wave and current action.
- 9) The terminal groin shall not exceed a length of 1,900 feet.
- 10) In accordance with commitments made in the attached permit application and workplan drawings by the permittee, the terminal groin shall be constructed in a manner to allow the bypassing of sand through and over the structure.
- 11) Any post-construction tuning associated with the terminal groin shall be coordinated with the DCM, in consultation with the appropriate permit and resource agencies. Such tuning activities may require a modification of this CAMA Permit.

ADDITIONAL CONDITIONS

- 12) In accordance with commitments made by the permittee in the project narrative, a Notice to Proceed (NTP) for the Phase II extension of the terminal groin shall be submitted to and approved by the DCM and appropriate resource agencies and stakeholders. The Phase II Extension shall be subject to all the conditions of this permit.

Sand Fillet

- 13) The permittee has indicated that sand placed on the beach as part of the USACE maintenance dredging of the Wilmington Harbor navigation channel is the preferred source of beach quality sand material for the initial pre-filling of the terminal groin, which shall take place concurrent with the construction of the terminal groin. However, should the timing of the USACE project or the quantity of material available not meet the needs of the terminal groin construction schedule, additional authorization shall be obtained from the DCM prior to excavating sand from any other source, including the Jay Bird Shoals borrow site source.
- 14) In accordance with commitments made in the inlet management plan dated 10/6/14 by the permittee, prior to utilizing Jay Bird Shoals as a borrow area, to the maximum extent practicable, the permittee shall first consider utilizing sand from a non-Jay Bird Shoals location, such as the Bald Head reaches of the federal navigation channel, and if necessary, paying the additional costs to dredge the Bald Head reaches to the fully authorized depth and width and/or placing material in a different location.

NOTE: If the permittee requests authorization to use Jay Bird Shoals as a borrow source, as outlined in Conditions No. 12 and 13 of this permit, any such use which is authorized under this permit will be limited to a one (1) time use of the borrow site source. Any future use of the borrow area shall require additional permit modification.

- 15) The seaward sand fillet limit shall be constructed in accordance with the attached work plan drawings.
- 16) 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.

Construction Trestle

- 17) All portions of the proposed construction trestle shall be removed in its entirety after project completion.
- 18) No portion of the construction trestle shall be left in place between the construction of Phase I and Phase II of the terminal groin.
- 19) The construction trestle shall be placed in the alignment as depicted on the attached workplan drawings.

Inlet Management Plan - Mitigation and Monitoring

- 20) Unless specifically altered herein, the permittee shall implement, at its expense, all mitigation and monitoring commitments made in, or submitted with, the permit application, the Inlet Management Plan dated 10/6/14, or the FEIS.

ADDITIONAL CONDITIONS

- 21) In accordance with commitments made in the inlet management plan dated 10/6/14 by the permittee, within 30 days of completion of the terminal groin and concurrent beach fill project, the applicant shall survey the Mean High Water Line, including the updated transects on the Village of Bald Head Island, as shown on Figure 2 of the Inlet Management Plan, from Station 00+00 to 75+00. The survey activities shall continue at 6-month intervals until such time as the DCM agrees in writing that additional survey activities are no longer necessary.
- 22) In the event the permittee receives a modification to dredge more than 250,000 cubic yards of material from the Jay Bird Shoals Borrow Site source ("Project"), the following provisions shall become effective:
- a. A three (3) member Technical Advisory Committee (TAC) shall be formed no less than ninety (90) days following any permit application (by permit modification or otherwise) for approval of the Project. Additionally, the TAC shall be formed prior to the initiation of the removal of material from Jay Bird Shoals. The TAC shall consist of three (3) North Carolina licensed Professional Engineers meeting the qualifications set forth in the inlet management plan dated 10/6/14. One shall be chosen collectively by the Oak Island parties of Town of Caswell Beach, Town of Oak Island and Fort Caswell, one shall be chosen by the permittee, and one shall be selected jointly by the engineers chosen and shall be subject to approval by the DCM. The permittee shall be responsible for all reasonable costs associated with the formation and operation of the TAC.
 - b. The permittee shall;
 - i. Monitor and analyze the shoreline of Oak Island from Station 120 to Station 20, which defines the "Oak Island Monitoring Area", to determine an annual profile by profile shoreline change rate;
 - ii. Monitor and analyze an annual profile by profile volume change rate out to (a) -2 ft NGVD and (b) -20 NGVD;
 - iii. Monitor and analyze an annual updated trend rate for both shoreline and volume change rate for each profile;
 - iv. Monitoring shall continue for a minimum of 9 years subsequent to the utilization of Jay Bird Shoals Borrow source. If, after this 9-year period, the profile by profile volume and change rates have not exceeded 25% or more, and the TAC determines additional monitoring and/or mitigation is not necessary, the permittee may discontinue such monitoring provided that the permittee shall obtain written approval from the DCM before discontinuing the monitoring; and
 - v. Provide annual reports to the TAC and the DCM detailing the findings of each monitoring effort outlined in items i through iv of this condition.
- 23) Should the TAC determine that the utilization of the Jay Bird Shoals borrow site caused or contributed to additional erosion or a reduction in accretion along the Oak Island Monitoring Area, in accordance with the inlet management plan dated 10/6/14 the permittee shall mitigate by direct sand placement the damage proportionate to the impact determined by the TAC to have resulted. This direct sand placement shall not utilize sand previously scheduled to be placed on Oak Island as part of the Wilmington Harbor Sand Management Plan.

ADDITIONAL CONDITIONS

- 24) The DCM may order the modification or removal of the terminal groin structure upon finding that any negative impacts associated with the terminal groin structure outweigh the protective value of the structure. Upon such order, and in compliance with the time frames in the order, the permittee agrees to modify or to remove the terminal groin as in accordance with the order, potentially including up to removal in its entirety including all portions of the structure below grade.
- 25) In accordance with commitments made by the permittee in the project narrative, any existing individual sand tube groin determined by the permittee, in consultation with the DCM, to be non-essential or counterproductive to terminal groin performance, shall be removed or modified. Modification of the sand tube groin field may require additional authorization.
- 26) If erosion at "West Beach" reaches its historical worst case condition, or is projected to reach such a condition within six (6) months, and the erosion is determined to be caused by the construction of the terminal groin, the permittee shall implement mitigation measures as proposed in the Inlet Management Plan.

NOTE: Additional authorization from the DCM, as well as other resource agencies, may be required for any proposed mitigation.

- 27) Should the permittee utilize as a sand source material from Jay Bird Shoals or Bald Head Creek, the applicant shall implement additional consultation with the DCM, in coordination with appropriate resource agencies, to determine necessary monitoring requirements for the borrow area.
- 28) All monitoring and reporting requirements shall continue until written authorization to terminate the monitoring and reporting is obtained from the DCM.

Sedimentation and Erosion Control

NOTE: An Erosion and Sedimentation Control Plan may 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, Division of Energy, Mineral and Land Resources, 127 Cardinal Drive Extension, Wilmington, NC 28405.

Cultural Resource Protection

- 29) There exists the possibility that authorized activities may unearth a beached shipwreck or other archaeological resources. Should such a finding occur, the permittee shall immediately stop work and initiate consultation with the DCM and the NC Department of Cultural Resources (DCR). The Permittee shall also immediately contact the DCR Underwater Archaeology Branch at (910) 458-9042, to determine any appropriate response procedures.
- 30) In order to protect cultural and historic resources, and in keeping with commitments made by the permittee, the permittee shall, as shown on the attached workplan drawings labeled 3 of 21, maintain a 150-foot buffer surrounding the located shipwreck.

ADDITIONAL CONDITIONS

- 31) The permittee shall comply with the established cultural resources exclusion zone in the Jay Bird Shoals borrow area.

General

- 32) No sand shall be placed on any sand bags that have been determined by the DCM to be subject to removal under 15A NCAC 07H .0308(a)(2). In order to ensure compliance with this condition, the DCM shall be contacted at (910) 796-7215 prior to project initiation to allow the DCM to meet on site with the permittee and/or contractor.

NOTE: The permittee is advised that the DCM regulates 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.

- 33) Dune disturbance shall be allowed only to the extent necessary for development and provided that the dune's protective value is not weakened or reduced. All disturbed areas shall be immediately stabilized with vegetation.

- 34) Prior to the initiation of any beach nourishment activity above the mean high water contour (MHW) within the limits of the project area, easements or similar legal instruments shall be obtained from all affected property owners.

- 35) Dredging within Frying Pan Shoals is not authorized by this permit.

- 36) The permittee and contractor shall schedule a pre-construction conference with the DCM prior to the initiation of each phase authorized by this permit.

- 37) This permit is not assignable, transferable, or otherwise alienable without the prior written approval of the DCM.

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 structures located below Mean High Water.

NOTE: This permit does not eliminate the need to obtain any additional state, federal or local permits, approvals or authorizations that may be required, including but not limited to an Individual Permit from the USACE.

NOTE: Future development of the permittee's property may require a modification of this permit. Contact a representative of the DCM at (910) 796-7215 prior to the commencement of any such activity for this determination by the DCM.

NOTE: The N.C. Division of Water Resources (DWR) has authorized the proposed project under DWR Project No. 12-0288.

NOTE: The USACE has assigned the proposed project COE Action Id. No. SAW 2014-00661.

Permit Class

MODIFICATION/MINOR

Permit Number

91-14

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 The Village of Bald Head Island, PO Box 3009, Bald Head Island, NC 28461

Authorizing development in Brunswick County at adj. to the Atlantic Ocean, at 100 Station

House Way and 3210 Shoals Watch Way on Bald Head Island, as requested in the permittee's letter dated
5/4/22, including the attached workplan drawings (4), CIR1 - C3R1, and C4, all dated 5/4/22.

This permit, issued on May 18, 2022, 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.

Sandbag Placement

- 1) Unless specifically altered herein, this Minor Modification authorizes the installation of the temporary erosion control structures (sandbags), all as expressly and specifically set forth in the attached letter and workplan drawings. Any additional development activities may require a modification of this permit.
- 2) The sandbag structure shall be constructed in accordance with the alignment depicted on the attached workplan drawings.
- 3) Soldier pilings and other types of devices to anchor the sandbags shall not be allowed.

(See attached sheet 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 Chair 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, 2022

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) In keeping with 15A NCAC 07H .0308(a)(2)(L) of the rules of the Coastal Resources Commission, the sandbags shall be tan in color and 3 to 5 feet wide and 7 to 15 feet long when measured flat with a base width that does not exceed 20 feet and a total height not exceeding 6 feet, as measured from the bottom of the lowest bag.
- 5) The authorized temporary erosion control structures (sandbags) shall conform to the use standards found in 15A NCAC 07H .0308(a)(2), including but not limited to, the timelines and requirements for removal found in 15A NCAC 07H .0308(a)(2)(F) through 15A NCAC 07H .0308(a)(2)(J).
- 6) Any temporary erosion control structures within the project area that are no longer necessary shall be removed in their entirety, including the removal of remnants of all portions of any damaged temporary erosion control structures.
- 7) All work shall be accomplished in such a manner that damage to existing vegetation is minimized.
- 8) Once the temporary sandbag structure is determined by the Division to be unnecessary due to relocation or removal of the threatened structure or beach nourishment, it must be removed by the permittee within 30 days of official notification from the Division.

NOTE: The permittee is advised that the Division of Coastal Management will regulate the removal of existing sandbags and the placement of new sandbags in accordance with 15A NCAC 07H .0308(a)(2)(F).

- 9) Based upon coordination with appropriate agencies, and in accordance with the following permit conditions, the activities authorized by this Minor Modification are allowed to take place during the sea turtle moratorium of May 1 to November 15. Any work that is proposed during the sea turtle and moratorium in subsequent years shall adhere to the full moratorium, or shall require additional authorization from the N.C. Division of Coastal Management (DCM), in coordination with the N.C. Wildlife Resources Commission (WRC) and the U.S. Army Corps of Engineers.
- 10) In order to ensure protection of sea turtles, the permittee shall implement the following survey activities throughout the entire project area from May 1 through November 15 for the duration of the authorized project;
 - a) During the sea turtle nesting season, vehicles and equipment must not enter the beach until after sea turtle patrol has confirmed nesting/false crawls within the designated work area. Daily coordination must be conducted between sea turtle volunteers, the sandbag contractor, and NCWRC to ensure that the beach has been adequately surveyed and nests marked, prior to beginning of work. Coordinate with Maria Dunn (maria.dunn@ncwildlife.org) or Matthew Godfrey (matt.godfrey@ncwildlife.org) at NCWRC to establish the procedures for each project.
 - b) If any nesting turtles are sighted on the beach during construction, construction activities must cease immediately until the turtle has returned to the water, and the sea turtle permit holder has marked for avoidance any nest(s) that may have been laid.

The Village of Bald Head Island

Permit No. 91-14

Page 3 of 4

ADDITIONAL CONDITIONS

- c) If any nests or eggs are discovered during the project, all project activity shall immediately cease within 50 feet of the location of the eggs or nest. Work in the affected area shall only resume after receiving permission from Wildlife Resources Commission staff.
- d) Sea turtle nests must not be relocated for this sandbag project. Nest relocation is only allowed for conservation purposes as determined by the sea turtle permit holder (for example if a nest is threatened by erosion or inundation). If a sea turtle nest(s) cannot be safely avoided during construction, all activity within that portion of affected project area must be delayed until complete hatching and emergence of the nest, and inventory of nest contents by authorized volunteers.
- e) A buffer distance of 50 feet must be marked at all nests and false crawls identified within the work area, in which no power equipment or vehicles should be used.
- f) All construction activity shall be confined to daylight hours. Each morning, equipment must not enter the beach until after completion of the sea turtle nesting survey.
- g) Upon locating a dead, injured, or sick individual of an endangered or threatened species, initial notification must be made to the Service's Law Enforcement Office below. Additional notification must be made to the Raleigh Ecological Services Field Office identified above and to the NCWRC at (252) 241-7367. Care should be taken in handling sick or injured individuals and in the preservation of specimens in the best possible state for later analysis of cause of death or injury.

Temporary Staging Area

- 11) All staging areas for equipment shall be located off the beach, and equipment must not be stored on the beach overnight.

Sedimentation and Erosion Control

- 12) In order to protect water quality, runoff from construction shall not visibly increase the amount of suspended sediments in adjacent waters
- 13) Appropriate sedimentation and erosion control devices, measures or structures shall be implemented to ensure that eroded materials do not enter adjacent wetlands, watercourses or properties.

General

- 14) The permittee and/or his or her contractor shall meet with a representative of the Division prior to project initiation.
- 15) The applicant shall adhere to all conditions as listed in the DWR 401 or the U.S. Army Corp of Engineers permit. Any violation of the permit approved by the DWR 401 or the U.S. Army Corp of Engineers permit shall be considered a violation of this CAMA permit.

The Village of Bald Head Island

Permit No. 91-14
Page 4 of 4

ADDITIONAL CONDITIONS

- 16) This Minor Modification shall be attached to the original Permit No. 91-14, which was issued to the permittee on 7/25/14, as well as all subsequent modifications, refinements, and renewals, and copies of all documents must be readily available on site when Division personnel inspect the project for compliance.
- 17) All conditions and stipulations of the active permit remain in force unless specifically altered herein.

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 U.S. Army Corps of Engineers authorized the project by way of Emergency Permit RGP-48 (Action ID SAW-2022-01123).

NOTE: The N.C. Division of Water Resources has authorized the proposed project under General Water Quality Certification No. 4500 (DWR Project No. 2012-0288).

NOTE: A minor modification application processing fee of \$100 was received by DCM for this project.

Permit Class
MODIFICATION/MAJOR

Permit Number
91-14

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 **Village of Bald Head Island, PO Box 3009, Bald Head Island, NC 28461**

Authorizing development in Brunswick County adj. to the Atlantic Ocean and Bald Head

Island, as requested in the permittee's application dated 9/15/23 (MP-1 & MP-2),

incl. attached workplan drawings (9) dated 4/13/23, and the revised narrative dated Received DCM WiRO 10/4/23.

This permit, issued on February 9, 2024, 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) Unless specifically altered herein, all development shall be carried out in accordance with the approved workplan drawings. [07J .0202(c)]

NOTE: This Major Modification shall be attached to the original of Permit No. 91-14, which was issued to the permittee on 10/21/14, the Minor Modification issued on 1/9/15, the Renewal issued on 12/13/17, and copies of all documents shall be readily available on site when Division personnel inspect the project for compliance.

(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 Chair 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.

For Tancred Miller, Director
Division of Coastal Management

All work must cease when the permit expires on

February 9, 2029

This permit and its conditions are hereby accepted.

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

X 

Signature of Permittee

ADDITIONAL CONDITIONS

- 2) 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, including mobilization and demobilization, shall occur from April 1 to November 15 of any year without prior approval from the Division of Coastal Management in consultation with the appropriate resource agency personnel. [G.S. 113-229(e); G.S. 113A-120; 07H .0312(4)(a)]

Excavation

- 3) All excavation shall take place entirely within the areas indicated on the attached workplan drawings. [07J .0202(c)]

NOTE: This Major Modification does not authorize any excavation within the federal channel.

- 4) Excavation shall not exceed -24' NGVD29 (-22' NGVD29 with a maximum 2' overdredge allowance) in the Jay Bird Shoals Borrow Area. [07J .0202(c)]

Beach Nourishment

- 5) This Major Modification 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. [07H .0208(8)(F)]
- 6) 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. [G.S. 113-229(c)]
- 7) Prior to initiation of beach nourishment activity along each section of beach, the existing mean high water line shall be surveyed, and a copy of the survey provided to the Division of Coastal Management. [G.S. 146-6(f)]
- 8) The seaward nourishment limit shall be constructed in accordance with the approved work plans. [07J .0202(c)]
- 9) 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.
- 10) 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. [7J .0208(a)]
- 11) 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. [7J .0208(a)]

ADDITIONAL CONDITIONS

- 12) 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). [07H .0308(b)(1)]

Mitigation and Monitoring

- 13) Unless specifically altered herein, the permittee shall implement all physical mitigation and monitoring commitments made in, or submitted with, both the current and previous permit applications. [07H .0208(a)(2)(A); 07H .0208(a)(3)]
- 14) In accordance with Conditions 22 & 23 of the original permit, this Major Modification requires the implementation of the Technical Advisory Committee (TAC) and monitoring within the "Oak Island Monitoring Area". [G.S. 113A-115.1(e)(5)]

Cultural Resources

- 15) In accordance with commitments made by the permittee, no excavation shall take place within the exclusion zone(s) shown on the attached workplan drawings. [07H .0306(b)]
- 16) If the permittee discovers any previously unknown historic or archaeological remains while accomplishing the authorized work, he shall immediately notify the Division of Coastal Management at (910) 796-7215, who will initiate the required coordination. [07H .0306(b)]

General

- 17) The permittee and/or his or her contractor shall meet with a representative of the Division prior to project initiation. [07J .0209(a)]
- 18) The authorized project shall not interfere with the public's right to free navigation on all navigable waters of the United States. 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 for reason other than safety. [G.S. 113-229(a); G.S. 113A-107(a)]
- 19) This permit does not authorize any permanent or long-term interference with the public's right of access and/or usage of all State lands and waters. [G.S. 113-229(a); G.S. 113A-107(a)]
- 20) The permittee shall obtain any necessary authorizations or approvals from the U.S. Army Corps of Engineers prior to initiation of any permitted activity. Unless altered by a specific Condition of this Permit, the permittee shall adhere to all conditions on the Federal approval. Should any changes to the project be required by condition of the Federal approval, modification of this permit may be required. [G.S. 113-229(a); G.S. 113A-107(a)]
- 21) All conditions and stipulations of the active permit remain in force under this Major Modification unless specifically altered herein. [07J .0209(a)]
- 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. [07J .0406(b)]

ADDITIONAL CONDITIONS

- 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.
- NOTE:** The N.C. Division of Water Resources has assigned the proposed project DWR Project No. 2012-0288v6.
- NOTE:** The U.S. Army Corps of Engineers has assigned the proposed project Action ID No. SAW-2014-00040.
- 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.



115 NORTH 3RD STREET
SUITE 301
WILMINGTON, NC 28401

T 910.444.2000
WWW.BROOKSPIERCE.COM

January 16, 2025

Via Electronic Mail

Mary L. Lucasse
Special Deputy Attorney General
NCDOJ - Environmental Division
mlucasse@ncdoj.gov

**Re: Village of Bald Head Island's Support of CAMA Variance Request by
The Shoals Club on Bald Head Island, LLC for Shoal's Club Revetment**

Dear Mary:

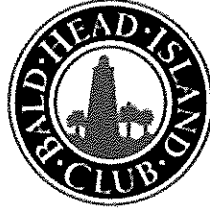
I am writing to notify you that the Village of Bald Head Island (the "Village") supports The Shoals Club on Bald Head Island, LLC's (the "Shoals Club") petition for a variance in connection with the proposed enlarging of the existing sandbag revetment located seaward of the Shoals Club at 100 Station House Way on Bald Head Island, Brunswick County, including as the permittee of State Permit No. 91-14 and grantee of an associated beach nourishment easement. If the Coastal Resources Commission grants the Shoals Club's petition for a variance, the Village consents to modification of its permit to increase the width of the existing sandbag revetment by twenty (20) feet (for a new width of 40-feet) and its height by six (6) feet (for a new height of 12-feet). As you are aware, the project will be performed by the Shoals Club. The Village Council has not authorized the expenditure of any funds in connection with the project but the Village understands that the Shoals Club is fully committed to the project and to any construction and ongoing costs associated with it. Attached in that regard is a letter of January 15, 2025 to the Village from David F. Sawyer, CEO, The Clubs on Bald Head Island.

Sincerely,

A handwritten signature in blue ink, appearing to read "Charles S. Baldwin, IV".

Charles S. Baldwin, IV
Village Attorney

cc: Christy Goebel (via email)
Todd Roessler (via email)



January 15, 2025

Via Electronic Mail

Charles S. Baldwin, IV
Brooks Pierce
115 N. 3rd Street, Suite 301
Wilmington, NC 28401
Email: CBaldwin@BrooksPierce.com

Re: The Shoals Club on Bald Head Island, LLC's Petition for Variance

Dear Charles:

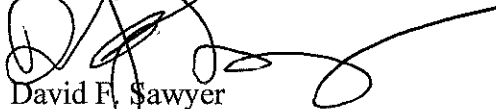
I am writing you in regards to The Shoals Club on Bald Head Island, LLC (the "Shoals Club") petition for a variance in connection with the existing sandbag revetment located seaward of the Shoals Club at 100 Station House Way on Bald Head Island, Brunswick County. The Shoals Club appreciates the Village of Bald Head Island's (the "Village") support of this proposed project. To confirm our understanding of the proposed project, I am outlining the following:

- The Shoals Club will be responsible for all costs and fees associated with this proposed project.
- The Shoals Club will assume all liabilities arising from this proposed project.
- The Shoals Club will indemnify the Village for any losses arising from the Shoals Club's assumed liabilities.

Once we agree on the concepts, I will have our attorney draft an agreement for your review. Please confirm if this aligns with your understanding of the proposed project or if there are additional considerations that need to be addressed.

Thank you for your attention to this matter. I look forward to your feedback.

Sincerely,



David F. Sawyer
CEO, The Clubs on Bald Head Island

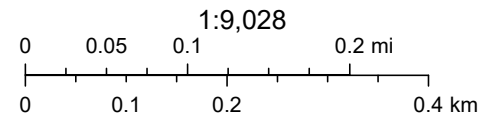
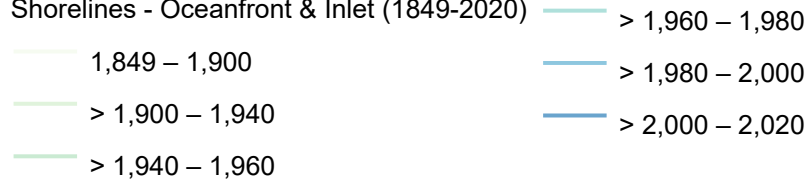
cc: Todd Roessler (via email)

Historic Shorelines



2/21/2025, 2:50:17 PM

Shorelines - Oceanfront & Inlet (1849-2020)



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The Village of Bald Head Island

November 4, 2021

Exemption Number – **2021-B**

Bald Head Island Limited LLC
 C/O Bruce Marek, P.E.
 PO Box 3069
 Bald Head Island NC 28461

RE: EXEMPTED PROJECT (Statutory Exclusion) - MAINTENANCE AND REPAIR OF EXISTING STRUCTURES - [G.S. 113-103(5)(B)(5) and [15A NCAC 7K.0103(a)]
PROJECT ADDRESS – 100 Station House Way
AREA OF ENVIRONMENTAL CONCERN – Ocean Hazard

Dear Mr. Marek:

I have reviewed the information submitted to this office in your inquiry concerning the necessary filing of an application for a minor development permit under the Coastal Area Management Act. After making a site inspection on October 27, 2021, I have determined that the activity you propose is exempt from needing a minor development permit as long as it remains consistent with your site drawing and materials list submitted on October 13, 2021, and meets the conditions specified below. If your plans should change and your project will no longer meet these conditions, please contact me before proceeding.

MAINTENANCE AND REPAIR – [G.S. 113-103(5)(B)(5) and 15A NCAC 7K.0103(a)] - Maintenance and repairs (excluding replacement) necessary to repair damage to structures caused by the elements are specifically excluded from the definition of development under the conditions and in the circumstances set out in G.S. 113A-103(5)(b)(5). Individuals required to take such measures within an AEC shall contact the local CAMA representative for consultation and advice before beginning work.

Structures may be repaired in a similar manner, size and location as the original structure. No expansions or additions are permissible. The repairs are limited to 50% of the market value of the existing structure and the following specific conditions.

1. The project consists of the repair or replacement of 332 lf of perimeter boundary fence, as shown on the attached drawing and materials list.
2. The proposed repairs shall be consistent with all other applicable local ordinances and North Carolina Building Code standards.

This exemption to CAMA permit requirements does not alleviate the necessity of your obtaining any other State, Federal or Local authorization and N.C. Building Permits. This exemption expires 90 days from the date of the letter.

Sincerely,

Stephen Boyett, LPO
Bald Head Island
PO Box 3009
Bald Head Island NC 28461

Cc: Tara MacPherson

AFFIDAVIT OF BRUCE MAREK, P.E.

Before me personally appeared Bruce Marek, P.E., who first being duly sworn, deposed and said the following:

1. My name is Bruce Marek, P.E. I am over 21 years of age and am competent to testify to the matters herein. I make this affidavit based on facts personally known to me.

2. I am a licensed Professional Engineer in the District and States of North Carolina, Florida, Georgia, Virginia, District of Columbia, Maryland, Maine, and Washington and have worked for approximately 25 years as a coastal engineer. I meet all applicable State occupational licensing requirements.

3. For approximately 10 years, I have worked on coastal engineering projects for the Bald Head Island Club.

4. My *curriculum vitae*, which summarizes my qualifications and professional experience, is attached hereto as **Exhibit A**.

5. When the Shoals Club—an oceanfront club located on Bald Head Island at the Cape Fear “point”—construction was completed in 2004, there were approximately 550 feet of beach from the Shoals Club to the waterline to the south.

6. Since 2004, about 550 feet of beach perpendicular to shore has been lost to erosion to the south of the Shoals Club.

7. As a result of a winter storm in January 2022, approximately 90-feet of dunes in the vicinity of the Shoals Club were lost, which unearthed a large wooden ship remnant. As a result of this winter storm, the Shoals Club re-constructed a wooden fence seaward of the wading pool.

8. The beach in the vicinity of the Shoals Club has experienced 20-feet or more of erosion on several occasions due to hurricanes and winter storms (large wave events) and king tides, and the shoreline is progressively receding.

9. On May 18, 2022, the North Carolina Division of Coastal Management (“DCM”) issued a minor modification to CAMA Permit No. 91-14, authorizing a 6-ft. by 20-ft. sandbag revetment at the Shoals Club located at 100 Station House Way. The sandbag revetment was permitted to protect the primary and frontal dunes, the structures at the Shoals Club, including two restaurants, a fitness room, and an event pavilion (the “Shoals Club Structures”) and address accelerated erosion that increased the risk of imminent damage to these features and structures.

10. The beach has eroded to the fence located waterward of the Shoals Club wading pool, and it is now located just landward of the existing sandbags at the normal high water (“NHW”) line.

11. In response to the erosion and imminent threat, I have been working with the Shoals Club to gather information to address this erosion. Prior to seeking a variance, the Village and the Shoals Club have pursued other alternatives, including the existing sandbag revetment, construction of a sand fence, planting sea oats/beach grasses, and beach bulldozing—the process of moving natural beach material from any point seaward of the first line of stable vegetation to provide protection. Beach bulldozing was most recently conducted in February and March 2022 pursuant to Beach Bulldozing General Permits #85548 & 85549, issued on February 2, 2022, and the re-located sand was eroded within a few weeks. Each of these measures has been ineffective in addressing the high erosion rates at the proposed project site and protecting the Shoals Club Structures and the primary and frontal dunes.

12. The existing sandbag revetment, after settling and eroding into the sand, is approximately 6.5 to 7.0 feet above mean sea level elevation, which is approximately the height of grade of the Shoals Club wading pool.

13. Since the existing sandbag revetment was installed in May 2022, it has been inundated from the oceanside multiple times, causing erosion escarpments landward of the sandbag revetment, undermining the sandbag revetment, and imminently threatening the Shoals Club Structures and the primary and frontal dunes.

14. The proposed enlarged sandbag revetment is needed to: (a) slow or stop the erosion progression landward of the sandbag revetment; (b) act as a frontal dune, which several have been lost at the proposed project site; and (c) provide temporary protection while the Shoals Club implements a long-term solution.

15. As a result of the shoreline erosion and despite the existing sandbag revetment, the Shoals Club Structures and the primary and frontal dunes continue to be imminently threatened.

16. The proposed large sand bag revetment is intended to protect the Shoals Club Structures and the primary and frontal dunes and address accelerated erosion that increased the risk of imminent damage to these features and structures until a longer term solution can be implemented.

17. Without a variance from the Coastal Resources Commission of its temporary sandbag rule, the Shoals Club Structures and the primary and frontal dunes will likely suffer significant damage and will likely ultimately fail. A variance will allow time to implement the Shoals Club's preferred alternative of managed retreat.

[Signature Page to Follow]

Further this affiant sayeth not.

Bruce Marek, P.E.
Bruce Marek, P.E.

STATE OF NORTH CAROLINA
COUNTY OF New Hanover

BEFORE ME personally appeared Bruce Marek, P.E. who being first duly sworn stated that the statements he made in the foregoing Affidavit above were true and correct, and subscribed those statements.

WITNESS my hand and official seal, this the 14 day January, 2025.



Beverly M. Gore
Notary Public

Beverly M. Gore
Printed Name

My Commission expires: Sept 1, 2027

073
BRUCE MAREK, P.E.
5489 Eastwind Rd
Wilmington, NC 28403

marekyd@ec.rr.com

Cell: 910-228-2484

Bruce Marek, P.E. is a Wilmington, North Carolina Professional Engineer, first licensed in New York in 1988. Since moving to Wilmington, NC in 1989, he has worked on many coastal engineering projects including dock, boat lift & bulkhead engineering, dredge & beach bull dozing permitting, marina slip layouts, State Stormwater & CAMA Permitting, miscellaneous structural design, and USCG Subchapter T Passenger Vessel design/engineering. Bruce is a currently (January 2025) licensed professional engineer in 7 states plus Washington, DC.

1976 – University of Notre Dame - B.S. Civil Engineering

1990 – Graduate Level Soils & Foundation Engineering Course, NC State University

1996 – Graduate Level Composites Engineering Course, NC State University

Discipline Licenses

Professional Engineer – Civil Engineering (1988)

Professional Engineer – Structural I Engineering (1998)

Professional Engineer – Naval Architecture (1999)

Professional Engineer – Mechanical Engineering (2006)

Engineer-In-Training – EIT - California (1979)

Current Licenses: NC, FL, GA, VA, DC, MD, ME, WA

Affiliations:

American Society of Civil Engineers (ASCE) Life Member (2018)

Society of Naval Architects and Marine Engineers (SNAME) Member

International Code Council (ICC) Member

Positions:

Bruce Marek P.E.: 1989- Present: Consulting Engineer

Marek Yacht & Design Consultants: 1989 – Present: (NC Engr Firm License F-0163) Projects include Surety Project Completion Manager for the 92' Ocracoke Express Passenger Ferry and design/USCG engineering for the 82' Bald Head Island Catamaran Ferries PATRIOT & RANGER,

Louisiana Pacific Corp: 1996-1999 Eastern States Engineer for Wood I-Joist and LVL Beams

Bennett Brothers Yachts – 1992 – 1994 in house designer/ new boat construction manager

National Design & Development Corp 1987-1988, Long Island, NY, Project Engineer

Nelson/Marek Yacht Design, Inc. 1978 -1986 San Diego, CA, Co-Founder/Vice President/Yacht Designer

City of South Bend, IN Engineering Dept 1977 Survey Dept Engineer

Interesting Projects:

Dock Engineering for a Canadian Dock Manufacturer for National Harbor, MD

Composite Engineering for a Bucky Fuller “Fly’s Eye” Structure at the Miami Arts District

Re-creation of Ernest Hemmingway’s Wheeler 38 “Pilar” for the Wheeler Yacht Corp “Legend”

30 Years of involvement at Deep Point Marina (Southport)

26 years of on Bald Head Island Projects

Permit Application Report

Application ID	Application Type	Submitted	App Complete	Deadline	Decision	Expiration
PA-1477	Mod Request	08-02-2024	09-25-2024			

Primary Applicant Information							
Applicant Type	Title	Business Name	Name	Email	Business Phone	Mobile Phone	
Individual	Mr.		Kevin McCall	cmccall@villagebhi.org	9104579700	9106167625	
Physical Address				Mailing Address			
Street 1	City	State	Zip	Street 1	City	State	Zip
106 Lighthouse Wynd	Bald Head Island	NC	28461	P.O. Box 3009	Bald Head Island	NC	28461

Registered Agent Information							
Agent Type	Title	Business Name	Name	Email	Business Phone	Mobile Phone	
Individual	Mr.		Bruce Marek	marekyd@ec.rr.com	9107999245	9102282484	
Physical Address				Mailing Address			
Street 1	City	State	Zip	Street 1	City	State	Zip
5489 Eastwind Road	Wilmington	NC	28403	5489 Eastwind Road	Wilmington	NC	28403

Project Information		
Project Name	Project Type	Disturbed Land Area (Sq Ft/Acres)
Village of Bald Head Island (VBHI) CAMA 91-14 Temporary Erosion Control Structures	Public/Government	94600 Sq. Ft. / 2.2 Acres

Is proposed project located in national registered historic district or national register listed/eligible: False

List of previous state or federal permits for work on project tract: CAMA 91-94 VBHI Minor Mod 5-18-22 Army COE Emergency Permit RGP-48 Action ID SAW-2022-01123 5-17-22 DWR General Water Quality Certification No 4500 - DWR Project No 2012-0288 Issued 5-18-22 CAMA 172-87 Bald Head Island Limited Stage Two

Project Location Information						
Address	County	River Basin	Subdivision	County Parcel ID	Latitude	Longitude
Shoals Club 100 Station House Way & 3210 Shoals Watch Way Bald Head Island, North Carolina 28461	Brunswick	Cape Fear	Cape Fear Station	Shoals Club 100 Station House Way = # 26600002; 3210 Shoals Watch Way = #26600003	33.84	-77.96

Project Discharges to State Waters						
Discharge Type	Surface Runoff	Sanitary Wastewater	Industry/Commercial Effluent	Vessel Wash Down	Residential	Other
Wastewater/Stormwater Discharged Into Wetland?	Discharge Same Salinity as Receiving Waters			Is There Any Mitigation Proposed		
False	False			False		

Detailed Description of the Existing Development Located on the Property

Existing Man-Made Features:

100 Station House Way = Shoals Club: beach club & restaurant, swimming pools, locker rooms, sheds, beach access
 3210 Shoals Watch Way: undeveloped lot, with existing graveled lay down area from 2022 Standard Sandbag Minor Mod

Existing Land Uses:

Shoals Club = Recreational
 3210 = residential

Existing Wastewater Treatment/Disposal:

Village of Bald Head Island Public Utilities

Solid Waste/Fish Offal/Trash Disposal:

Waste Management Trash Services

Use and Daily Operations of the Project When Complete

Proposed Development Purpose:

Proposal is for Temporary Erosion Control Measures = Larger Sandbag Stack = 40' x 12' height by adding to existing Standard 20' x 6' height Sandbags in a State Ports Inlet Management Area, installed May-June 2022. Area due to extreme beach erosion at the east end of Bald Head Island at Frying Pan Shoals. This is to protect the existing Shoals Club Facilities, and to minimize further erosion westward along South Beach of Bald Head Island. The Village of Bald Head Island is the master permit holder, CAMA 91-14 for beach nourishment /erosion control, & holds a year 2000 perpetual easement from the Bald Head Island Limited, the primary developer, prior to development of the 200+ ac Cape Fear Station.

Buildings/Facilities/Units/Structures:

Daily use of the project area includes beach walking/swimming activities from South Beach to East beach of Bald Head Island. (There are several VBHI public beach accesses as well as private beach accesses.) About 700 feet of beach perpendicular to shore have been lost to erosion since the Shoals Club was built in 2002. The Shoals Club has two pools, two restaurants, a fitness room, an event pavilion, lounge chair decks, sand volleyball and golf cart parking. There are also 2 storage sheds, two shipping containers, a pool towel/sunscreen hut and a beach chair/beach umbrella station.

Use & Daily Operations:

Club beach usage is now limited to predominantly times of lower tide height. The Shoals Club itself is daily use during summer/fall, with some

The upland club facilities are for member usage, with most island home owners as members. This confers guest membership availability to vacation renters for the restaurants, pools and beach access. 3210 Shoals Watch Way is a club related property, currently used for beach maintenance laydown area and heavy machinery beach access.

Construction Methodology & Equipment:

Sandbags placed along beach and filled with sand by sand pump on a flatbed trailer, brought onto beach by back hoe/bulldozer.

Development Activities Narrative Specifics:

Adding to existing temporary erosion control measures (sand bags) in a State Ports Inlet Management Area because of ongoing erosion along shoreline, as several dunelines have been lost..

Application Narrative:

CAMA compliant sandbags, 20' wide x 6' stack height were placed at the east end of Bald Head Island at Village of Bald Head Island Lots 3000 = 100 Station House Way = the Shoals Club and partially on lot 3210 = 3210 Shoals Watch Way by Minor Modification to Village of Bald Head Island CAMA Major Permit 91-14, due to severe erosion of the beach near the base of Frying Pan Shoals. About 90' of dunes had been lost in a January 2022 Winter storm, which notably unearthed a large wooden ship remnant. A beach bulldozing was done in April of 2022, and lost within a couple of week period. The entire south beach and a portion of west beach of Bald Head Island are in a State Ports Inlet Management Area, given special consideration under 15A NCAC 07H .0313. The Village of Bald Head Island. The Village holds a perpetual beach nourishment easement, Brunswick County Deed Book 1385, Page 1216, 4-27-2000 from the developer, Bald Head Island Limited, prior to developing the Cape Fear Station Subdivision. The easement allows beach nourishment activities to the more seaward of First Line of Stable Vegetation or +11 FMSL. This CAMA Major Mod request is for Large Stack - 40' wide x 12' height sandbag stack temporary erosion control devices along the Shoals Club and lot 3210, utilizing the existing 20'x6' sandbag stack as a base. Additionally, the request is for standard stack sandbags on lot 3210 westward to its west lot line equipment access path.

See also detailed narrative document seal dated 8/29/24, and Proposed Sandbag Stack Detail Drawing C1 Rev1, seal dated 8/29/24; C2 R3 site plan, seal dated 8/29/24; and Location Plan C3, indicating the State Ports Inlet Management Area, seal dated 8/29/24.

Boat Ramp Development Activity Included: False

Boat Ramp Dimensions				
Length	Width	Avg Existing Depth	Final Project Depth	Distance Waterward of NHW/NWL

Will Fill Material Be Placed In Any Of The Following Areas		
Area	Sq. Ft. Affected	Purpose of Fill in This Area
Coastal Wetland/Marsh (CW)		
Submerged Aquatic Vegetation (SAV)		
Shell Bottom (SB)		
Other Non-Coastal Wetlands (WL)		

Boat Ramp Structures			
Structure Type	Length	Width	Quantity

Shoreline Stabilization Development Activity Included: False

Living Shoreline Development Activity Included: False

Piers & Docking Facilities Development Activity Included: False

Excavation Development Activity Included: False

Bridges & Culverts Development Activity Included: False

Oceanfront Erosion Control Development Activity Included: True

Oceanfront Erosion Control				
Beach Bulldozing	Sandbags	Nourishment	Dune Construction	Groins/Jetties
No	Yes	No	No	No

Sandbags Details					
Volume (Cu Yds) & Area (Sq Ft) Excavated Below NHW/NWL		Excavated Mud/Fines %		Excavated Shell %	Excavated Sand %
5,200.00 cu yds / 75,000.00 sq ft		1		9	90
Total Length	Total Width	Total Height	Single Bag Length	Single Bag Width	Single Bag Height
520	40	12	13	3.5	2.5
Avg / Max Distance Landward of NWH		Max Distance Sandbag Structure Located From Protected Structure			
20 / 40		88			
Erosion in Preceding 12 Months	Amt of Erosion		Source of Erosion Information		
True	20		Site Visits		
Distance Between Escarpment & Structure in Question		Measurement Date	Sq Ft Fill Placed Below Water Level		
20		8/27/2024	10,400.00		
Type of Fill Material	Source of Fill Material		Excavated/Fill Material Containment & Erosion Controlled		
Beach Sand	South Beach of Bald Head Island at site		Hose pumped into sandbags		
What Type of Construction Equipment Will be Used				Will Sand be Placed Over Sandbags	
Backhoe, Bulldozer, Hopper pump on trailer				False	

Temporary Structures Development Activity Included: False

Utility Crossings Development Activity Included: False

Freestanding Moorings, Buoys & Bird Nesting Poles Development Activity Included: False

Log Removal/Marine Debris Development Activity Included: Yes/No

Navigational Aids Development Activity Included: False

Other Fill Below Water Level Development Activity Included: False

Stormwater Structures Development Activity Included: False

“Upland Development” Development Activity Included: False

Energy Facilities Development Activity Included: False

Aquaculture Development Activity Included: False

Submerged Lands Mining Development Activity Included: False

General Development Activity Details Required

Marina Development Activity Details Required

Acknowledgements

I understand that any permit issued in response to this application will allow only the development described in the application. The project will be subject to the conditions and restrictions contained in the permit

I certify that I am authorized to grant, and do in fact grant permission to representatives of state and federal review agencies to enter on the aforementioned lands in connection with evaluating information related to this permit application and follow-up monitoring of the project

I further certify that the information provided in this application is truthful to the best of my knowledge

I certify that by clicking the submit button on this NC Division of Coastal Management application I acknowledge that I am signing and dating the application submitted therein

EXHIBIT C-1

Variance Petition
Description of Proposed Development

The proposed project site is located within the State Ports Inlet Management Area of Environmental Concern on Bald Head Island and situated at a geologically unique location at the intersection of two, broad arcuate embayment features along the Atlantic Ocean coastline: Onslow Bay to the north and Long Bay to the south. These two bays converge at the Cape Fear foreland, resulting in two, near-perpendicular shorelines adjacent to the proposed project site: East Beach to its east, and South Beach to its south. East Beach and South Beach connect at the sandspit historically referred to as the Cape Fear “point.”

The proposed project site is located waterward of the Shoals Club—an oceanfront club founded in 2003 and constructed in 2004—located at 100 Station House Way and an adjacent undeveloped lot located at 3210 Shoals Watch Way. The project site is bordered by the Shoals Club and a vacant lot (3210 Shoals Watch Way) and residential lot (3996 Station House Way) to the north, the Atlantic Ocean to the south, beach and undeveloped residential properties to the west, and beach and adjacent undeveloped State-owned land to the east.

The Shoals Club has two pools, lounge chair decks, sand volleyball, golf cart parking, two shipping containers, two storage sheds, a pool towel/sunscreen hut, a beach chair/beach umbrella station, and a six-foot wide wood beach access walkway (the “Shoals Club Pools and Amenities”) and two restaurants, a fitness room, and an event pavilion (the “Shoals Club Structures”) (collectively, the “Shoals Club Facilities”).

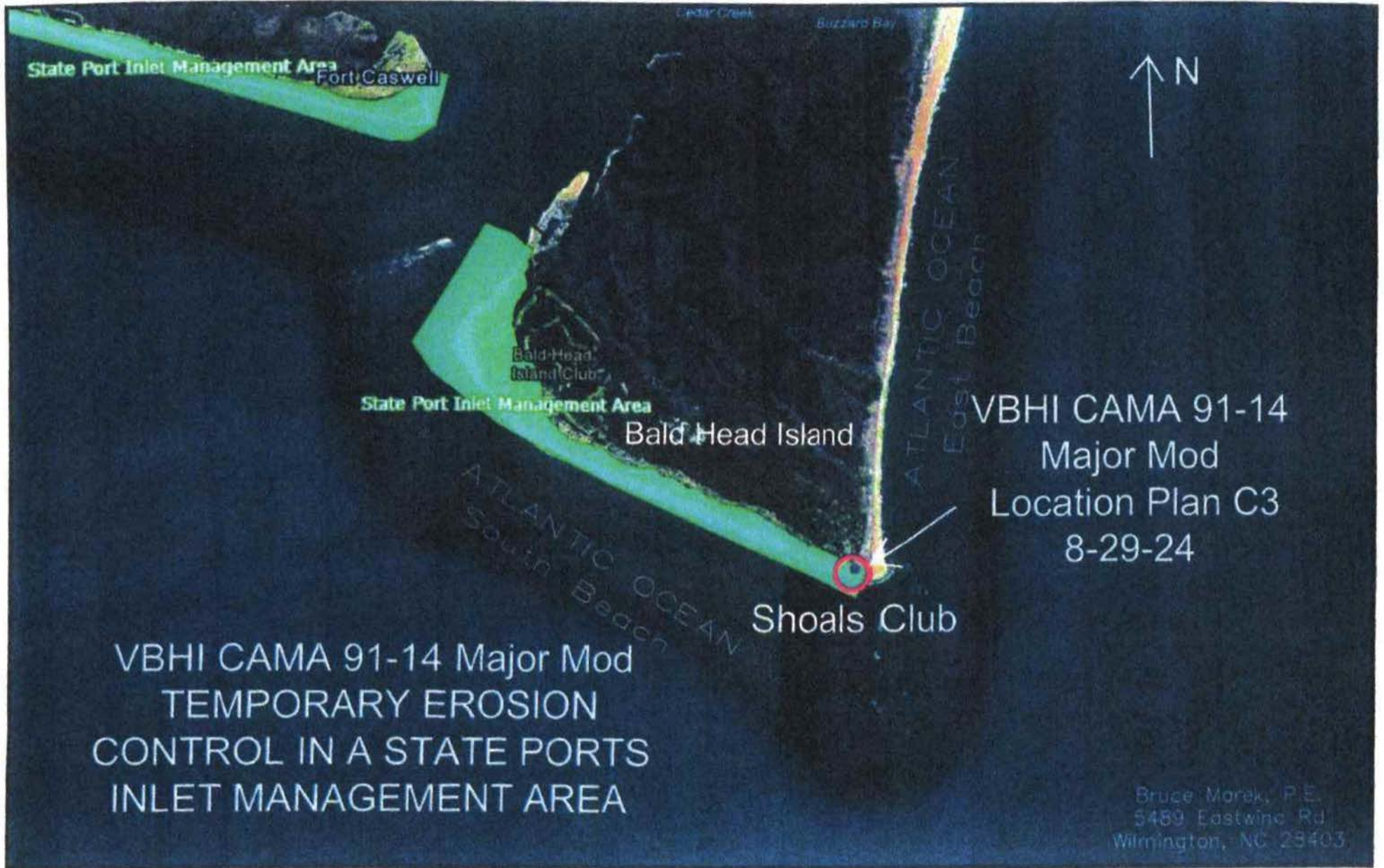
The current elevation of the proposed project site ranges from approximately 2-feet North American Vertical Datum (“NAVD” or “NAVD 88”) to approximately 8-feet NAVD. When construction of the Shoals Club was completed in 2004, there were approximately 550 feet of beach from the Shoals Club to the waterline to the south. Since the Shoals Club construction was completed in 2004, about 550 feet of beach perpendicular to shore has been lost to erosion at the project site. From May 2008 to May 2022, the mean high water (“MHW”) shoreline at station B-55 oceanward of the Shoals Club steadily retreated an average of approximately -43 ft/yr. According to the Division of Coastal Management’s 2020 Annual Erosion Rate maps, the annual erosion rate at the project site is 13 ft/year.

Existing site conditions include a sandbag revetment measuring approximately 6-feet in height by 20-feet in width by approximately 410-feet in length running east to west seaward of the Shoals Club. The existing sandbag revetment, after settling and eroding into the sand, is approximately 6.5 to 7.0 feet above mean sea level elevation, which is approximately the height of grade of the Shoals Club wading pool. Since the existing sandbag revetment was installed in May 2022, it has been inundated from the oceanside multiple times, causing erosion escarpments landward of the sandbag revetment and undermining the wading pool and sandbag revetment.

Petitioner is seeking a variance from the strict application of the Commission’s temporary sandbag rule (15A NCAC 7H .0313(d)), limiting the height to 6-feet and the width to 20-feet, to the project

site. Petitioner is seeking to enlarge sandbag revetment by increasing the width by twenty (20) feet (a new width of 40-feet) and the height by six (6) feet (a new height of 12-feet). The increased height of the sandbags is intended to protect the frontal and primary dunes, the Shoals Club Structures, and Village infrastructure, which continue to be imminently threatened, while Petitioner further evaluates and implements its preferred long-term alternative of managed retreat.

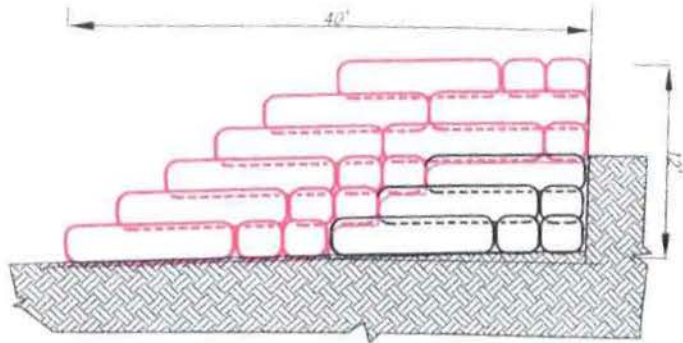
A vicinity map, approximate location of the existing sandbag structure, existing conditions, and proposed structure are attached as Exhibit C-2.



VBHI CAMA 91-14
Major Mod
Location Plan C3
8-29-24

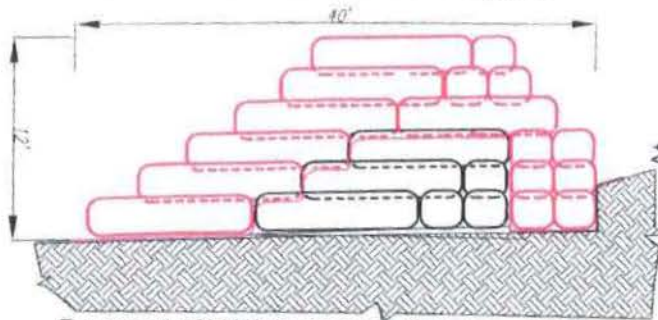
VBHI CAMA 91-14 Major Mod
TEMPORARY EROSION
CONTROL IN A STATE PORTS
INLET MANAGEMENT AREA

Bruce Morek, P.E.
5489 Eastwinc Rd
Wilmington, NC 28403



At Exist Pool
Boundary Fence

Proposed 12' Height Stack = 40' base x 12' ht
(includes existing 20'x6' ht Standard Stack)
New Sandbags in Red
Geotextile Fabric indicated in Magenta

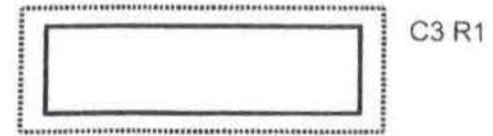


At
Escarpment
Line

Proposed 12' Height Stack = 40' base x 12' ht
(includes existing 20'x6' Standard Stack)
New Sandbags in Red At Escarpment(s) East & West
of Pool Boundary Fence
Geotextile Fabric is indicated in Magenta

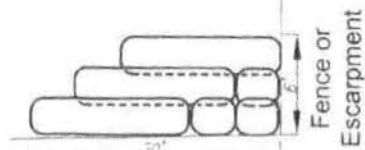
Diagramatic
Not To Scale

CAMA 91-14 Mod Detail - Sandbag Placement Per 15A
NCAC 07H .0313
Use Standards for State Ports Inlet Management Areas



Flat Bag = 5'x15'

Filled Bag = Squished 3.5' Wide x Appx 2.5 ish' High x 13'
Note that it takes 3 levels of sandbags for 6' height as
alternate rows of bags settle into prior row's gaps.



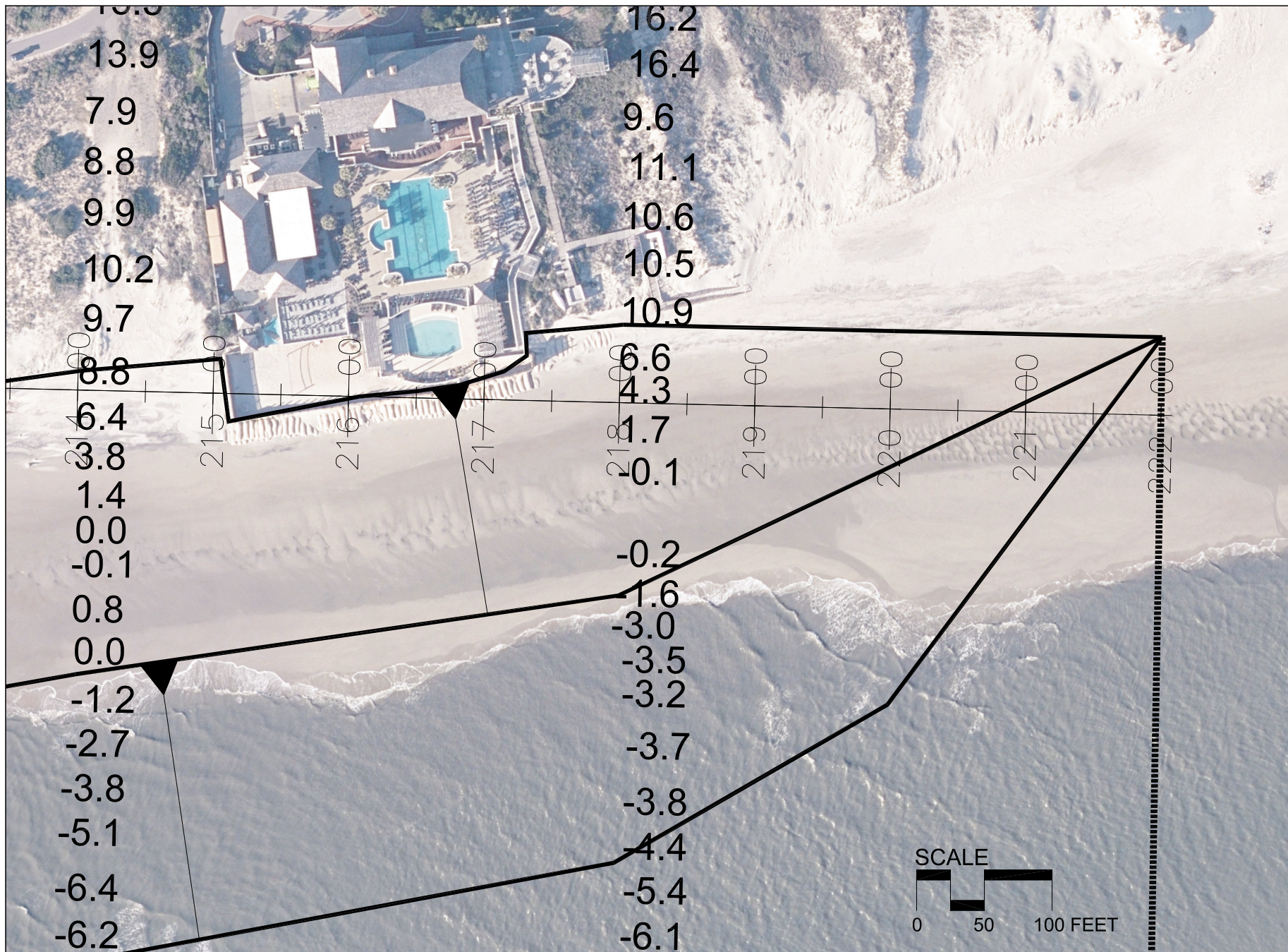
Existing Stacked = 20' base x 6' ht

Beach Slope Appx 1V:30H



Bruce Marek, P.E.
5489 Eastwind Rd
Wilmington, NC 28403
910-228-2484

C1 Rev 1
8-29-24
Update of C1
5-19-23





**DIVISION OF COASTAL MANAGEMENT
FIELD INVESTIGATION REPORT**

1. **APPLICANT'S NAME:** Kevin McCall
2. **LOCATION OF PROJECT SITE:** Shoals Club 100 Station House Way & 3210 Shoals Watch Way Bald Head Island, North Carolina 28461
Longitude: -77.96 **Latitude:** 33.84
3. **INVESTIGATION TYPE:** CAMA + Dredge & Fill

4. **INVESTIGATIVE PROCEDURE:**

Date of Visit	Purpose of Visit	Applicant Present?
10/2/2024	Site Conditions Update	Yes

5. **PROCESSING PROCEDURE:**

Application Received	Application Complete	Regional Office
8/2/2024		DCM - Wilmington Regional Office

6. **SITE DESCRIPTION:**

- (A) **Local Land Use Plan:** Village of Bald Head Island
Land Classification from LUP: Land Classification From LUPs
- (B) **AEC(s) Involved:** Ocean Hazard Areas, Ocean Erodible Area, State Ports Inlet Management Area
- (C) **Water Dependent:** Yes
- (D) **Intended Use:** Public/Government
- (E) **Wastewater Treatment:**
Existing:
Planned:
- (F) **Type of Structures:**
Existing: Beach bulldozing, Sandbags
Planned: Sandbags
- (G) **Estimated Annual Rate of Erosion:** 13
Erosion Information Source: Annual Erosion Source

7. **HABITAT DESCRIPTION:**

	DREDGED (ft ²)	FILLED (ft ²)	OTHER (ft ²)
(A) Open Water	75000	10400	
(B) CW's above NHW			
(C) CW's below NHW			
(D) Shallow Bottom			
(E) High Ground			9200
(F) Non-Coastal WL			

- (E) **Total Area Disturbed:** 94600 ft²
- (F) **Primary Nursery Area:** No
- (G) **Water Classification:** SB: Primary Contact Recreation, Tidal Salt Water
Open to Shellfishing: No

8. PROJECT SUMMARY:

The applicant is proposing to install a “Large Stack” 435 LF sandbag revetment adjacent to 100 Station House Way (Shoals Club) and a standard size sandbag revetment adjacent to 3210 Shoals Watch Way under the State Ports Inlet Management AEC. This is a Major Modification Request to State Permit No. 91-14.

9. NARRATIVE DESCRIPTION:

The project site is located on Bald Head Island within the beach nourishment easement for State Permit No. 91-14, specifically between 100 Station House Way (Shoals Club) and 3210 Shoals Watch Way, adjacent to the Atlantic Ocean, in Brunswick County. The project area falls within the State Ports Inlet Management AEC. The current elevation of the project area ranges from approximately 6’ NAVD to approximately 8’ NAVD. The project site is bordered by the Shoals Club and a vacant lot to the north, the Atlantic Ocean to the South, beach adjacent to residential properties to the west and beach adjacent to State-owned lands to the east. The high ground portion of the property located at 100 Station House Way contains an existing sandbag revetment authorized under State Permit No. 91-14 on May 18, 2022. The high ground property at 3210 Shoals Watch way is undeveloped.

The Annual erosion rate in the project area is 13’/year per the Division of Coastal Management’s current Annual Erosion Rate maps. Currently, the Village’s proposal is to install a large stack sandbag revetment waterward of the Shoals Club and to install a new 6 ft, high by 20 ft. base width sandbag structure west of the Shoals Club, waterward of 3210 Shoals Watch Way, to protect the frontal dune system. On November 4, 2021 the Village of Bald Head Island Issued an Exemption to the Shoals Club (2021-B) for maintenance and repair of the previously existing fence at the Shoals Club. The beach has eroded to the fence and it is now located just landward of the existing sandbags at the NHW line. According to the applicant this particular area of South beach has experienced 20 ft. of erosion within the past 12 months and the shoreline appears to be progressively receding.

State Permit No.91-14 was originally issued to the Village of Bald Head Island on October 21, 2014 for the construction of a Terminal Groin Structure and associated Sand Fillet and Construction Trestle. On January 9, 2015 a Minor Mod. was issued for construction of a temporary materials offload trestle associated with the permitted terminal groin. On March 26, 2018 a Major Modification was issued for a one time Beach Nourishment event.

On November 16, 2018 a Minor modification was issued for excavating and placement of 100,000 cubic yards of material associated with beach nourishment. On January 25, 2019 a Minor modification was issued for the placement of an additional 1,200 linear ft. of material extending to Station 146+00 associated with beach nourishment. On March 11, 2021 a Minor Modification was issued to remove Permit Conditions 22 &23 related to monitoring and mitigation requirements for the Oak Island/Caswell Beach Shorelines. The current sandbags that are in place were authorized on May 18, 2022 under a minor modification. Finally, on February 9, 2024 the Village was issued a Major Modification for another one time Beach Nourishment event, which is slated to begin this winter. State Permit No. 91-14 was last renewed on January 25, 2023 and is due to expire on December 31, 2027.

The Village of Bald Head Island Land Use Plan Classification for this area is PUD and the

immediate beach is also classified as SILT (Smith Island Land Trust). The waters of the project site are classified as SB by the NC Division of Water Quality. The NC Division of Marine Fisheries has NOT designated the Atlantic Ocean as a Primary Nursery Area, and the ocean waters adjacent to the proposed project are not subject to the harvesting of shellfish.

10. PROJECT DESCRIPTION:

The Village of Bald Head Island is proposing to install additional sandbags within an oceanfront perpetual easement under the State Ports Inlet Management AEC. Specifically, the applicant is proposing to install “Large Stack” - 40' wide x 12' height sandbags as temporary erosion control devices along the oceanfront beach waterward of the Shoals Club utilizing the existing 20' wide x 6' height sandbag stack as a base and to install standard 20' wide x 6' height stack sandbags along the dunes waterward of lot 3210, which would extend westward to its west lot line equipment access path.

The applicant is proposing to install approximately 435 linear feet of oversized sandbags waterward of the Shoals Club adjacent to the existing fence, located waterward of the Shoals Club wading pool. The bags would extend both landward and waterward from the existing sandbag structure below MHW. As proposed, the sandbag revetment would adjoin, or abut, the existing temporary erosion control structure(s) and would extend a maximum of 40 ft. below the NHW line (see drawing C2 R3). As designed, the sandbag revetment would consist of multiple bag layers, with a total base width of 40' and a crest height of 12' NAVD. In addition, the applicant is proposing to install an 85 linear ft. sandbag revetment waterward of 3210 Shoals Watch Way, adjacent to the frontal dune, connecting to the proposed supersize sandbag structure to the west. The bags would extend a maximum of 20 ft. below NHW and would consist of three layers of bags with a base width of 20' and a crest height of 6' NAVD. As described, the traditional sandbags (i.e. each tan in color, 3'-5' in width and 7'-15' in length) would be utilized.

The sandbags are being proposed under the State Ports Inlet Management AEC with the perpetual easement area dated April 27, 2000 (see Reference doc. 3). Site conditions and MHW may change constantly due to ocean currents and wave action except where there are existing sandbags. Please note that the Major Modification issued on 2/9/24 for a Beach Nourishment event includes the project area. It is not clear if Nourishment would have been completed prior to the end of the review period for the subject project.

The applicant has accounted for approximately 10,400 sq. ft. of new impact (fill) below the mean/normal high-water line and the applicant intends to fill the sand bags with sand currently held in storage utilizing up to 5,200 cubic volumes of sand. These numbers will likely change again prior to initiation of the project due to the tidal fluctuations and wind/wave energy in the immediate vicinity of the project. A 50' x 60' staging and laydown area is proposed at 3210 Shoals Watch way with an access point 20 ft. west of the lot. The applicant has made commitments to take all equipment off the beach at night and during high tide events.

Note: The NC State Property Office has formally objected to this project and adjacent property owner Mr. Peele has expressed concerns about adverse impacts to his adjacent shoreline (see Attached).

11. ANTICIPATED IMPACTS:

The applicant's proposal to install both supersize and traditional sandbags would result in the placement of approximately 10,400 sq. ft. of sandbags of the oceanfront beach area below NHW. Approximately 5,200 cubic yards of material would be removed below NHW for filling the bags. The excavated material would be pumped into a 435 linear foot section of sandbags measuring approximately 40' in base width and up to a height of 12' NAVD and a 85 linear foot section of sandbags measuring approximately 20 ' in base width and up to a height of 6' NAVD. The applicant has provided a copy of the Village of BHI Perpetual easement agreement for this project (as it corresponds to the shoreline protection project) and it appears the scope of the work is consistent with the intent of the easement agreement and the State Ports Inlet Management AEC.

Name: Tara MacPherson**Date: 10-02-2024****Office: DCM - Wilmington Regional Office**

CAMA ADJACENT NEIG AB DIE NOTIFICATION 089

BRUCE MAREK, P.E.
5489 EASTWIND ROAD
WILMINGTON, NC 28403
910-799-9243 228-2484



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\$10.72
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SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
MR RONALD PEELE
#404 265 MINORCA BEACH WAY
NEW SMYRNA BEACH,
FL 32169

2. Article Number (Transfer from previous mailings)
9589 0710 5270 1951 4043 40 (over \$500)
PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name) _____ C. Date of Delivery _____

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below: _____

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MR RONALD PEELE
#404 265 MINORCA BEACH WAY
NEW SMYRNA BEACH, FL 32169

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UNABLE TO FORWARD/FOR REVIEW *****
BC: 3216 NIXIE 326 4E 1 7209/08/24
RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD
BC: 28403344589 2175N252175-00446

[Redacted return address information]

NC Dept of Environmental Quality CAMA ADJACENT RIPARIAN PROPERTY OWNER STATEMENT

I hereby certify that I own property adjacent to VBHI Beach Nourishment Easement & Shoals Overlook
Inc

(Name of Property Owner)
property located at BHI South Beach at 3210 Shoals Watch Way Station House Way -
(Address, Lot, Block, Road, etc.)
on the Atlantic Ocean in Bald Head Island, Brunswick County N.C.
(Waterbody) (City/Town and/or County)

The applicant has described to me, as shown below, the development proposed at the above location.

DPS I have no objection to this proposal.
I have objections to this proposal.
If you have objections to what is being proposed, you must notify DCM in writing within 10 days of receipt of this notice. CAMA Field Agent is Tara MacPherson, 910-796-7425, tara.macpherson@ncdenr.gov; 127 Cardinal Drive Extension, Wilmington, NC 28405
No response is considered the same as no objection if you have been notified by Certified Mail

DESCRIPTION AND/OR DRAWING OF PROPOSED DEVELOPMENT
(Individual proposing development must fill in description below or attach a site drawing)



Additional Temporary Erosion Control Measures (Sandbags) Requested for severely eroding beach at the Shoals Club, which is in the State Ports Inlet Management Area. Expand existing 20'x6' high sandbag stack to a maximum stack of 40' x 12' high. Appx 420' at Shoals Club plus west end tie at lot 3210 This is work proposed under the Village of Bald Head Island's CAMA 91-14 Beach Nourishment Permit.

(Property Owner Information)
Bruce Marek
Signature
Bruce Marek, P.E. auth. agent for VBHI
Print or Type Name

5489 Eastwind Rd
Mailing Address
Wilmington, NC 28403
City/State/Zip
910-799-9245
Telephone Number

8/28/24
Date

Shoals Club on BHI LLC Property Owner Information

[Signature]
Signature
DAVID F. SAWYER
Print or Type Name

BHI CLUB
P.O. BOX 115A
Mailing Address
BALD HEAD ISLAND, NC 28401
City/State/Zip

810-610-9774
Telephone Number

8-29-24
Date

USPS Tracking®

CAMA 91-14 VBHI
MAJOR MOD ADJACENT
NEIGHBOR RESEND

FAQs >

Tracking Number:

9589071052701951404395

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RALEIGH, NC 27699

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<input type="checkbox"/>	Return Receipt (electronic)	\$2.80
<input type="checkbox"/>	Certified Mail Restricted Delivery	\$3.00
<input type="checkbox"/>	Adult Signature Required	\$2.80
<input type="checkbox"/>	Adult Signature Restricted Delivery	\$3.00

Postage \$11.00

Total Postage and Fees \$15.35

Sent to STATE PROPERTY OFFICE
1321 MAIL SERVICE CENTER
RALEIGH, NC 27699-1321

PS Form 3800, January 2023 (PSN 7501-02-000-9047) See Reverse for Instructions

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MAJOR MOD ADJACENT
NEIGHBOR RESEND

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Raleigh, NC 27603

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<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
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Postage	\$ 11.73
Total Postage and Fees	\$ 16.73

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 Street and Apt. No. or PO Box No.: 116 JONES ST SUITE 4055
 City, State, ZIP+4®: RALEIGH, NC 27603

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

✓
✓
✓

NC Dept of Environmental Quality CAMA ADJACENT RIPARIAN PROPERTY OWNER STATEMENT

I hereby certify that I own property adjacent to The Village of Bald Head Island Permanent Beach Nourishment Easement & The Shoals Club of Bald Head Island, LLC

(Name of Property Owners)

property located at The Shoals Club, 100 Station House Way

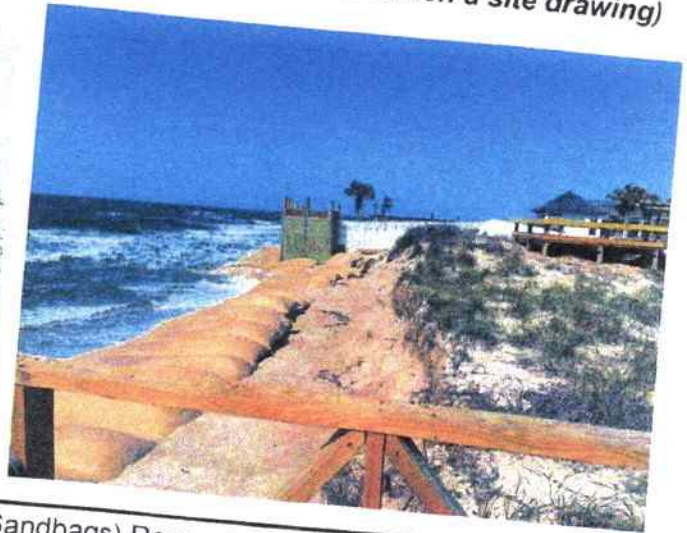
(Address, Lot, Block, Road, etc.)

on the Atlantic Ocean, in Bald Head Island, Brunswick County, N.C.
(Waterbody) (City/Town and/or County)

The applicant has described to me, as shown below, the development proposed at the above location.

I have no objection to this proposal.
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Adjacent Prop Owner: Parcel 26600001 State Property Office

Signature Bruce Marek
Bruce Marek, P.E. auth. agent for VBHI

Print or Type Name
5489 Eastwind Rd

Mailing Address
Wilmington, NC 28403

City/State/Zip
910-799-9245

Telephone Number

Date

8-31-24

Signature

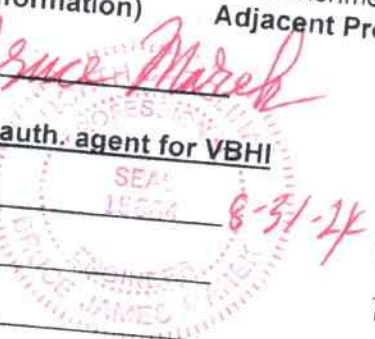
Print or Type Name

Mailing Address

City/State/Zip

Telephone Number

Date



Bruce Marek, P.E.
5489 Eastwind Rd Wilmington, NC 28403
marekyd@ec.rr.com
910-228-2484 cell

Re: CAMA Adjacent Property Owner Notification Update: Village of Bald Head Island Beach CAMA 91-14 Major Modification Request for Additional Temporary Erosion Control Measures (Sandbags) in the State Ports Inlet Management Area at the East End of Bald Head Island

Re-Send August 31, 2024

State Property Office
116 Jones St *SUITE 4055*
Raleigh, NC 27603

Property Owner of Beach Parcels 9-12, Bald Head Island
BrunCo Parcel 26600001
By Certified Mail

Dear Property Owner:

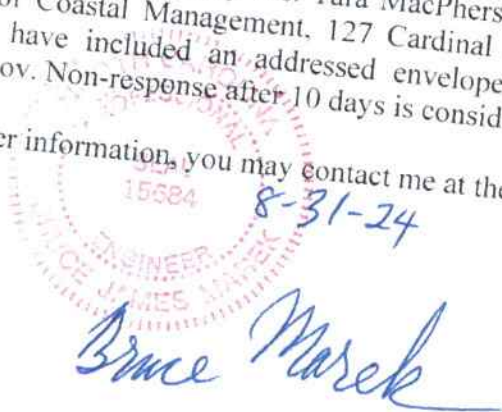
I have been retained as authorized agent by the Village of Bald Head Island in applying for a modification to their CAMA 91-14 Terminal Groin/Beach Nourishment Major Permit for additional temporary erosion control measures (sandbags) in the State Ports Inlet Management Area at the east end of Bald Head Island. The standard 6' high by 20' stack of sandbags at the Shoals Club installed May 2022 has provided protection to the Club's facilities, but once again winter storms have eroded into the dune line. CAMA has in the past authorized a doubling in size of the sandbag stack, from 20' base x 6' high to 40' base x a maximum of 12' high. We feel that such a request is necessary and appropriate, as the dune escarpment line is now enough landward of the existing sandbags. This request will require a CRC (Coastal Resource Commission) Variance for permitting. Additionally, we are asking for an appx 52' length of 20' width x 6' high "standard stack" sandbags to the west of existing west end of the sandbags, on lot 32110 Shoals Watch Way.

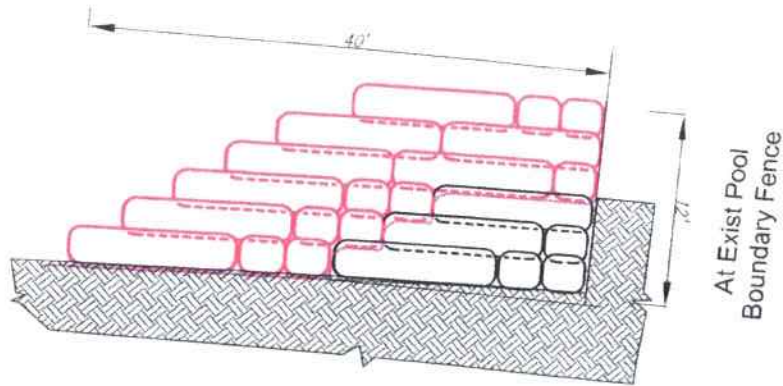
The proposed project extents are from the east property line of the Shoals Club (west property line of the your/State Property Office Beach Parcels 9-12) to the appx west end of lot 3210 which allows for the Shoals Club west end protection. The Shoals Club property width at the south (beach) side is appx 420 feet and at Lot 3210 the width is about 110 feet. Once again, the BHI Conservancy will be utilized if we are in turtle season, to monitor the beach for signs of turtles/turtle nests, and they will give a daily all-clear before any sandbag work can proceed. This worked out well in 2022 and was acceptable to all of the relevant State and Federal Agencies. Access for the work/laydown area will once again be on lot 3210, now owned by Shoals Overlook, LLC.

While you were notified of this project last year, as the project moves forward, I am required to update this notification since it was over a year ago. As an adjacent riparian property owner to lot 3000, The Shoals Club on Bald Head Island, LLC, and to the Village of Bald Head Island Perpetual Beach Easement for beach nourishment, I am required to notify you in order to give the opportunity to comment on the project. I have included the Division of Coastal Management Notification/Waiver Form. If you care to comment, please notify Ms. Tara MacPherson, CAMA District Manager at the North Carolina Division of Coastal Management, 127 Cardinal Drive Extension, Wilmington, NC 28405, 910-796-7425. I have included an addressed envelope or you may e-mail the form to tara.macpherson@deq.nc.gov. Non-response after 10 days is considered acceptance.

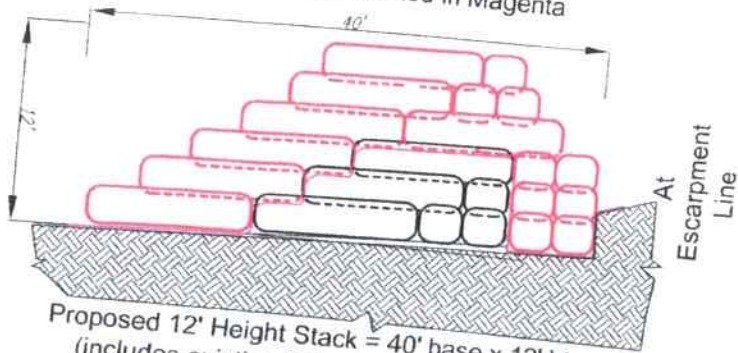
If you wish to receive further information, you may contact me at the page top contact information.

Sincerely,
Bruce Marek, P.E.
cc. Chris McCall, VBHI


8-31-24
Bruce Marek



Proposed 12' Height Stack = 40' base x 12' ht
 (includes existing 20'x6' ht Standard Stack)
 New Sandbags in Red
 Geotextile Fabric indicated in Magenta



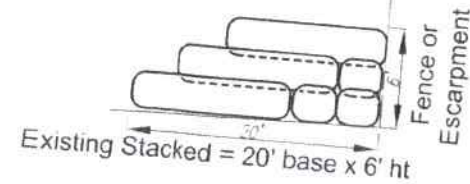
Proposed 12' Height Stack = 40' base x 12' ht
 (includes existing 20'x6' Standard Stack)
 New Sandbags in Red At Escarpment(s) East & West
 of Pool Boundary Fence
 Geotextile Fabric is indicated in Magenta

Diagrammatic
 Not To Scale

CAMA 91-14 Mod Detail - Sandbag Placement Per 15A
 NCAC 07H .0313
 Use Standards for State Ports Inlet Management Areas



Filled Bag = Squished 3.5'Wide x Appx 2.5 ish' High x 13'
 Note that it takes 3 levels of sandbags for 6' height as
 alternate rows of bags settle into prior row's gaps.

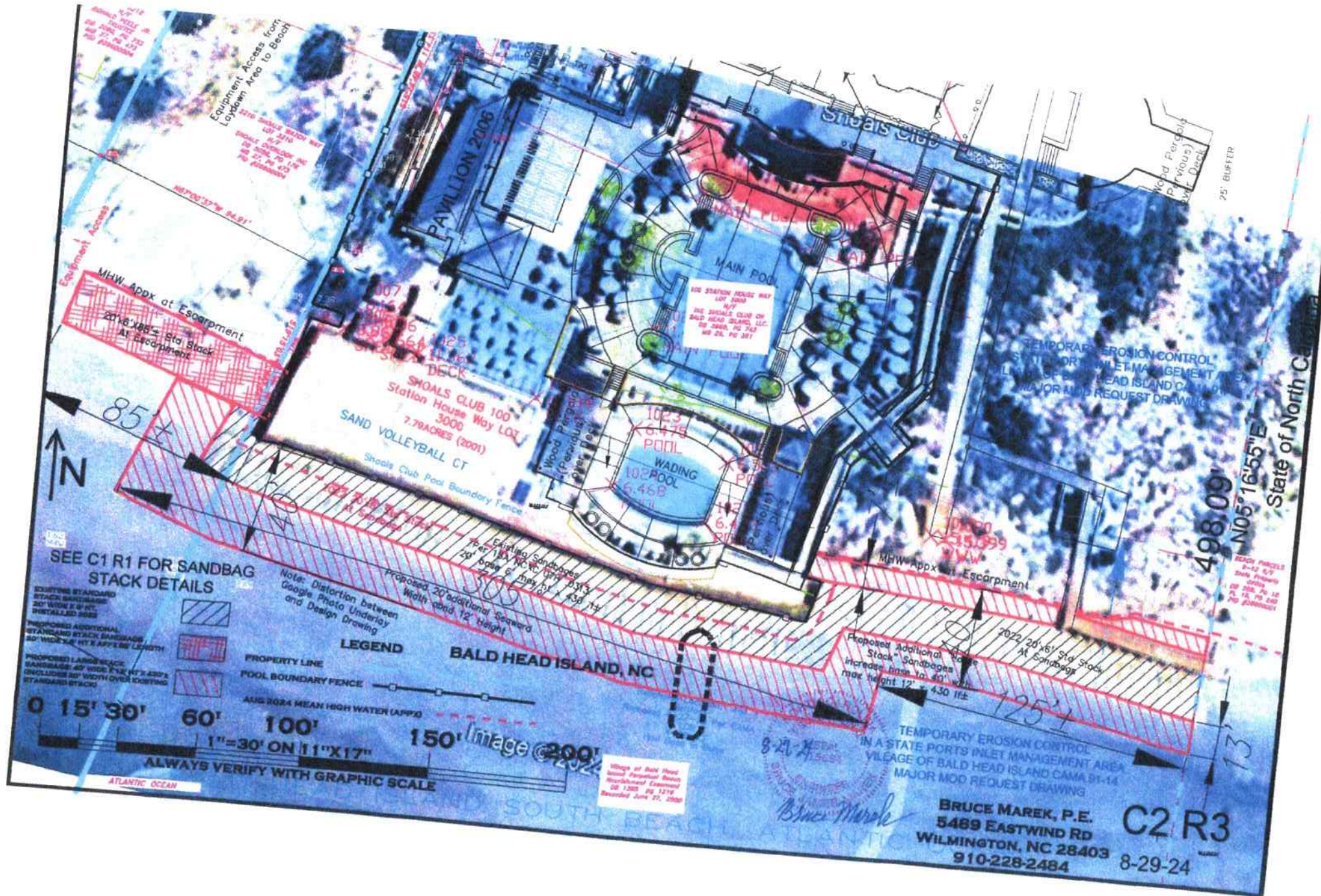


Beach Slope Appx 1V:30H

Professional Engineer Seal for Bruce Marek, State of North Carolina, License No. 15004, dated 8-29-24.

Bruce Marek, P.E.
 5489 Eastwind Rd
 Wilmington, NC 28403
 910-228-2484

C1 Rev 1
 8-29-24
 Update of C1
 5-19-23





VBHI CAMA 91-14 Major Mod
 TEMPORARY EROSION
 CONTROL IN A STATE PORTS
 INLET MANAGEMENT AREA

VBHI CAMA 91-14
 Major Mod
 Location Plan C3
 8-29-24

Bruce Morek, P.E.
 5489 Eastwind Rd
 Wilmington, NC 28403

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(Name of Property Owners)

property located at The Shoals Club, 100 Station House Way

(Address, Lot, Block, Road, etc.)

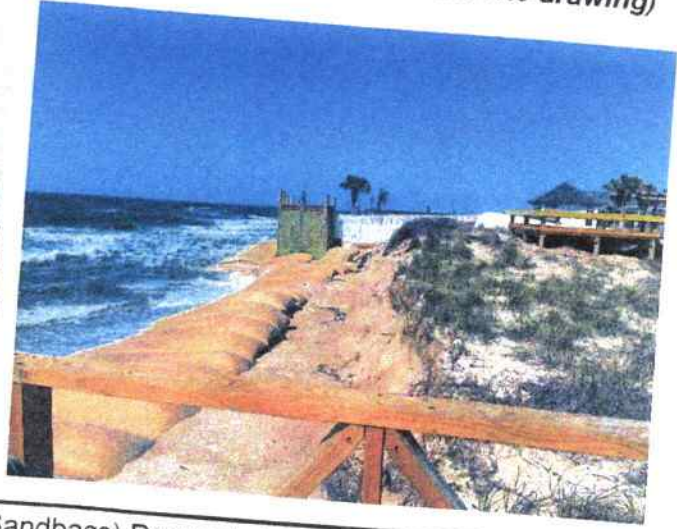
on the Atlantic Ocean, in Bald Head Island, Brunswick County, N.C.

(City/Town and/or County)

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I have objections to this proposal.
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(Property Owner Information) Adjacent Prop Owner: Parcel 26600001 State Property Office

Signature Bruce Marek
Bruce Marek, P.E. auth. agent for VBHI
Print or Type Name
5489 Eastwind Rd
Mailing Address
Wilmington, NC 28403
City/State/Zip
910-799-9245
Telephone Number
Date _____



Signature _____
Print or Type Name _____
Mailing Address _____
City/State/Zip _____
Telephone Number _____
Date _____

Bruce Marek, P.E.

5489 Eastwind Rd Wilmington, NC 28403

marekyd@ec.rr.com

910-228-2484 cell

Re-Send August 31, 2024

Re: CAMA Adjacent Property Owner Notification Update: Village of Bald Head Island Beach CAMA 91-14 Major Modification Request for Additional Temporary Erosion Control Measures (Sandbags) in the State Ports Inlet Management Area at the East End of Bald Head Island

State Property Office
1321 Mail Service Center
Raleigh, NC 27699-1321

Property Owner of Beach Parcels 9-12, Bald Head Island
BrunsCo Parcel 26600001
By Certified Mail

Dear Property Owner:

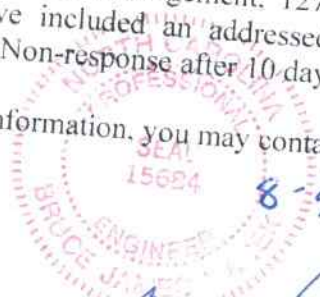
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If you wish to receive further information, you may contact me at the page top contact information.

Sincerely,
Bruce Marek, P.E.
cc. Chris McCall, VBHI



8-31-24

Bruce Marek



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Alert

Moved. Left no Address

In Transit to Next Facility

See All Tracking History

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Product Information



Bruce Marek, P.E.
5489 Eastwind Rd Wilmington, NC 28403
marekyd@ec.rr.com
910-228-2484 cell
August 6, 2024

Re: **CAMA Adjacent Property Owner Notification Update: Village of Bald Head Island Beach CAMA 91-14 Major Modification Request for Additional Temporary Erosion Control Measures (Sandbags) in the State Ports Inlet Management Area at the East End of Bald Head Island**

Mr. Ronald Peele, Jr. Trustee
#404 265 Minorca Beach Way
New Smyrna Beach, FL 32169

Property Owner of Lot 3212 Shoals Watch Way, Bald Head Island
By Certified Mail & E-mail rhpeele@gmail.com

Dear Property Owner:

I have been retained as authorized agent by the Village of Bald Head Island in applying for a modification to their CAMA 91-14 Terminal Groin/Beach Nourishment Major Permit for additional temporary erosion control measures (sandbags) in the State Ports Inlet Management Area at the east end of Bald Head Island. The standard 6' high by 20' stack of sandbags at the Shoals Club installed May 2022 has provided protection to the Club's facilities, but once again winter storms have eroded into the dune line. CAMA has in the past authorized a doubling in size of the sandbag stack, from 20' base x 6' high to 40' base x a maximum of 12' high. We feel that such a request is necessary and appropriate, as the dune escarpment line is now enough landward of the existing sandbags. This request will require a CRC (Coastal Resource Commission) Variance for permitting. Additionally, we are asking for an appx 52' length of 20' width x 6' high "standard stack" sandbags to the west of existing west end of the sandbags, on lot 32110 Shoals Watch Way, which is east adjacent to your lot.

The proposed project extents are from the east property line of the Shoals Club (west property line of the State Property Office Beach Parcels 9-12) to near the west end of lot 3210, which allows for Shoals Club west end protection. The Shoals Club property width at the south (beach) side is appx 420 feet and at Lot 3210 the width is about 110 feet. Once again, the BHI Conservancy will be utilized if we are in turtle season, to monitor the beach for signs of turtles/turtle nests, and they will give a daily all-clear before any sandbag work can proceed. This worked out well in 2022 and was acceptable to all of the relevant State and Federal Agencies. Access for the work/laydown area will once again be on lot 3210, now owned by Shoals Overlook, LLC.

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Sincerely,
Bruce Marek, P.E.
cc. Chris McCall, VBHI

8-6-24

Bruce Marek

NC Dept of Environmental Quality CAMA ADJACENT RIPARIAN PROPERTY OWNER STATEMENT

I hereby certify that I own property adjacent to The Village of Bald Head Island Permanent Beach Nourishment Easement & Shoals Overlook LLC
(Name of Property Owners)
property located at Lot 3210 3210 Shoals Watch Way **(Address, Lot, Block, Road, etc.)**
on the Atlantic Ocean **(Waterbody)**, in Bald Head Island, Brunswick County **(City/Town and/or County)**, N.C.

The applicant has described to me, as shown below, the development proposed at the above location.

I have no objection to this proposal.
I have objections to this proposal.
If you have objections to what is being proposed, you must notify DCM in writing within 10 days of receipt of this notice. CAMA Field Agent is Tara MacPherson, 910-796-7425, tara.macpherson@ncdenr.gov : 127 Cardinal Drive Extension, Wilmington, NC 28405
No response is considered the same as no objection if you have been notified by Certified Mail

DESCRIPTION AND/OR DRAWING OF PROPOSED DEVELOPMENT
(Individual proposing development must fill in description below or attach a site drawing)



Additional Temporary Erosion Control Measures (Sandbags) Requested for severely eroding beach at the Shoals Club, which is in the State Ports Inlet Management Area. Expand existing 20'x6' high sandbag stack to a maximum stack of 40' x 12' high. Appx 420' at Shoals Club plus west end tie at lot 3210. This is work proposed under the Village of Bald Head Island's CAMA 91-14 Beach Nourishment Permit.

(Property Owner Information)
Bruce Marek PE
Signature
Bruce Marek, P.E. auth. agent for VBHI
Print or Type Name
5489 Eastwind Rd
Mailing Address
Wilmington, NC 28403
City/State/Zip
910-799-9245
Telephone Number
8-0-24

Adjacent Prop Owner: Lot 3212 Peele Trust

Signature

Print or Type Name

Mailing Address

City/State/Zip

Telephone Number

Date

Date

9589 0710 5270 1951 4043 57

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<input type="checkbox"/> Adult Signature Required	\$	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$	
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Total Postage and Fees	\$	



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PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

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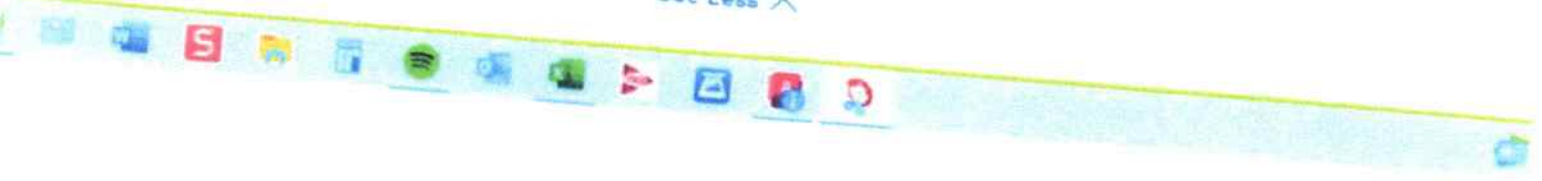
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Bruce Marek, P.E.
5489 Eastwind Rd Wilmington, NC 28403
marekyd@ec.rr.com
910-228-2484 cell

August 6, 2024

Re: **CAMA Adjacent Property Owner Notification Update: Village of Bald Head Island Beach CAMA 91-14 Major Modification Request for Additional Temporary Erosion Control Measures (Sandbags) in the State Ports Inlet Management Area at the East End of Bald Head Island**

State Property Office
1321 Mail Service Center
Raleigh, NC 27699-1321

Property Owner of Beach Parcels 9-12, Bald Head Island
BrunCo Parcel 26600001
By Certified Mail

Dear Property Owner:

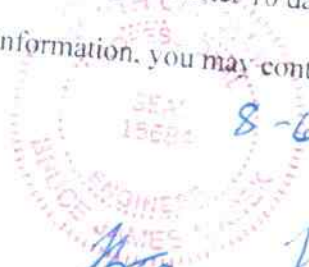
I have been retained as authorized agent by the Village of Bald Head Island in applying for a modification to their CAMA 91-14 Terminal Groin/Beach Nourishment Major Permit for additional temporary erosion control measures (sandbags) in the State Ports Inlet Management Area at the east end of Bald Head Island. The standard 6' high by 20' stack of sandbags at the Shoals Club installed May 2022 has provided protection to the Club's facilities, but once again winter storms have eroded into the dune line. CAMA has in the past authorized a doubling in size of the sandbag stack, from 20' base x 6' high to 40' base x a maximum of 12' high. We feel that such a request is necessary and appropriate, as the dune escarpment line is now enough landward of the existing sandbags. This request will require a CRC (Coastal Resource Commission) Variance for permitting. Additionally, we are asking for an appx 52' length of 20' width x 6' high "standard stack" sandbags to the west of existing west end of the sandbags, on lot 32110 Shoals Watch Way.

The proposed project extents are from the east property line of the Shoals Club (west property line of the your/State Property Office Beach Parcels 9-12) to the appx west end of lot 3210 which allows for the Shoals Club west end protection. The Shoals Club property width at the south (beach) side is appx 420 feet and at Lot 3210 the width is about 110 feet. Once again, the BHI Conservancy will be utilized if we are in turtle season, to monitor the beach for signs of turtles/turtle nests, and they will give a daily all-clear before any sandbag work can proceed. This worked out well in 2022 and was acceptable to all of the relevant State and Federal Agencies. Access for the work/laydown area will once again be on lot 3210, now owned by Shoals Overlook, LLC.

While you were notified of this project last year, as the project moves forward, I am required to update this notification since it was over a year ago. As an adjacent riparian property owner to lot 3000, The Shoals Club on Bald Head Island, LLC, and to the Village of Bald Head Island Perpetual Beach Easement for beach nourishment, I am required to notify you in order to give the opportunity to comment on the project. I have included the Division of Coastal Management Notification/Waiver Form. If you care to comment, please notify Ms. Tara MacPherson, CAMA District Manager at the North Carolina Division of Coastal Management, 127 Cardinal Drive Extension, Wilmington, NC 28405, 910-796-7425. I have included an addressed envelope or you may e-mail the form to tara.macpherson@deq.nc.gov. Non-response after 10 days is considered acceptance.

If you wish to receive further information, you may contact me at the page top contact information.

Sincerely,
Bruce Marek, P.E.
cc. Chris McCall, VBHI



8-6-24

Bruce Marek

NC Dept of Environmental Quality CAMA ADJACENT RIPARIAN PROPERTY OWNER STATEMENT

I hereby certify that our property is adjacent to the Village of Bald Head's new Permanent Beach
Nourishment Easement & The Shoals Club of Bald Head Island, LLC
(Name of Property Owners)

Property located at The Shoals Club, 100, State House Way
(Address, Lot, Block, Road, etc.)

on The Atlantic Ocean, Bald Head Island, Brunswick County, NC
(Waterbody) (City/Town and/or County)

The applicant has described the development proposed at the above location
I have no objection to this proposal
I have objections to this proposal

if you have objections to what is being proposed, you must notify DCM in writing within 10 days of receipt
of this notice. CAMA Field Agent is Tara MacPherson, 910-796-7425
127 Cardinal Drive Extension, Wilmington, NC 28405
The response is considered the same as no objection if you have been notified by Certified Mail

DESCRIPTION AND/OR DRAWING OF PROPOSED DEVELOPMENT

Individual proposing development must fill in description below or attach a site drawing(s)



Additional Temporary Erosion Control Measure (Sandbags) Requested for severely eroding beach at
the Shoals Club, which is in the State Beach Management Area. Expand existing 20'x6' high
Abutment stack to a proximate stack of 40' x 15' high. Apply 420 sq Shoals Club plot west end to all
work proposed under the Village of Bald Head Island's CAMA on 14 Beach Nourishment

(Property Owner Information)

Bruce March, P.E.

Adjacent Prop Owner Parcel 266000031 State Property Office

Bruce March, P.E. public agent, CBH
6489 Eastwind Rd
Wilmington, NC 28405
910-796-7425

Professional Seal: BRUCE MARCH, P.E., 15634, CAMA FIELD AGENT, JAMES MANTON

8-6-24

Signature
Print or Type Name
Working Address
City/County
Telephone Number

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Mr. RONALD PEBBLE
#404
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SMYRNA, FL 32169

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Bruce Marek, P.E.
 5489 Eastwind Rd Wilmington, NC 28403
marekyd@ec.rr.com
 910-228-2484 cell
 August 6, 2024

Re: **CAMA Adjacent Property Owner Notification Update: Village of Bald Head Island Beach CAMA 91-14 Major Modification Request for Additional Temporary Erosion Control Measures (Sandbags) in the State Ports Inlet Management Area at the East End of Bald Head Island**

Mr. Ronald Peele, Jr. Trustee
 #404 265 Minorca Beach Way
 New Smyrna Beach, FL 32169

Property Owner of Lot 3212 Shoals Watch Way, Bald Head Island
 By Certified Mail & E-mail rhpeele@gmail.com

Dear Property Owner:

I have been retained as authorized agent by the Village of Bald Head Island in applying for a modification to their CAMA 91-14 Terminal Groin/Beach Nourishment Major Permit for additional temporary erosion control measures (sandbags) in the State Ports Inlet Management Area at the east end of Bald Head Island. The standard 6' high by 20' stack of sandbags at the Shoals Club installed May 2022 has provided protection to the Club's facilities, but once again winter storms have eroded into the dune line. CAMA has in the past authorized a doubling in size of the sandbag stack, from 20' base x 6' high to 40' base x a maximum of 12' high. We feel that such a request is necessary and appropriate, as the dune escarpment line is now enough landward of the existing sandbags. This request will require a CRC (Coastal Resource Commission) Variance for permitting. Additionally, we are asking for an appx 52' length of 20' width x 6' high "standard stack" sandbags to the west of existing west end of the sandbags, on lot 32110 Shoals Watch Way, which is east adjacent to your lot.

The proposed project extents are from the east property line of the Shoals Club (west property line of the State Property Office Beach Parcels 9-12) to near the west end of lot 3210, which allows for Shoals Club west end protection. The Shoals Club property width at the south (beach) side is appx 420 feet and at Lot 3210 the width is about 110 feet. Once again, the BHI Conservancy will be utilized if we are in turtle season, to monitor the beach for signs of turtles/turtle nests, and they will give a daily all-clear before any sandbag work can proceed. This worked out well in 2022 and was acceptable to all of the relevant State and Federal Agencies. Access for the work/laydown area will once again be on lot 3210, now owned by Shoals Overlook, LLC.

While you have been responded to this notification, I am required to update this notification since it was over a year ago. As an adjacent riparian property owner to lot 3210, and to the Village of Bald Head Island Perpetual Beach Easement for beach nourishment, I am required to notify you in order to give the opportunity to comment on the project. I have included the Division of Coastal Management Notification/Waiver Form. If you care to comment, please notify Ms. Tara MacPherson, CAMA District Manager at the North Carolina Division of Coastal Management, 127 Cardinal Drive Extension, Wilmington, NC 28405, 910-796-7425. I have included an addressed envelope or you may e-mail the form to tara.macpherson@ncdenr.gov. Non-response after 10 days is considered acceptance.

If you wish to receive further information, you may contact me at the page top contact information.

Sincerely,
 Bruce Marek, P.E.
 cc: Chris McCall, VBHI

8-6-24

Bruce Marek

NC Dept of Environmental Quality CAMA ADJACENT RIPARIAN PROPERTY OWNER STATEMENT

I hereby certify that I own property adjacent to The Village of Bald Head Island Permanent Beach Nourishment Easement & Shoals Overlook LLC

(Name of Property Owners)
property located at Lot 3210 3210 Shoals Watch Way
Block, Road, etc.)

(Address, Lot,

on the Atlantic Ocean, in Bald Head Island, Brunswick County, N.C.
(Waterbody) (City/Town and/or County)

The applicant has described to me, as shown below, the development proposed at the above location.

I have no objection to this proposal.
I have objections to this proposal.
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(Individual proposing development must fill in description below or attach a site drawing)



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(Property Owner Information)

Bruce Marek, P.E.
Signature
Bruce Marek, P.E. auth. agent for VBHI
Print or Type Name
5489 Eastwind Rd
Mailing Address
Wilmington, NC 28403
City/State/Zip
910-799-9245
Telephone Number

Date

8-6-24

Adjacent Prop Owner: Lot 3212 Peele Trust

Signature

Print or Type Name

Mailing Address

City/State/Zip

Telephone Number

Date

Bruce Marek, P.E.
 5489 Eastwind Rd Wilmington, NC 28403
marekyd@ec.rr.com
 910-228-2484 cell
 August 6, 2024

Re: **CAMA Adjacent Property Owner Notification Update: Village of Bald Head Island Beach CAMA 91-14 Major Modification Request for Additional Temporary Erosion Control Measures (Sandbags) in the State Ports Inlet Management Area at the East End of Bald Head Island**

Mr. Ronald Peele, Jr. Trustee
 #404 265 Minorca Beach Way
 New Smyrna Beach, FL 32169

Property Owner of Lot 3212 Shoals Watch Way, Bald Head Island
 By Certified Mail & E-mail rhpeele@gmail.com

Dear Property Owner:

I have been retained as authorized agent by the Village of Bald Head Island in applying for a modification to their CAMA 91-14 Terminal Groin/Beach Nourishment Major Permit for additional temporary erosion control measures (sandbags) in the State Ports Inlet Management Area at the east end of Bald Head Island. The standard 6' high by 20' stack of sandbags at the Shoals Club installed May 2022 has provided protection to the Club's facilities, but once again winter storms have eroded into the dune line. CAMA has in the past authorized a doubling in size of the sandbag stack, from 20' base x 6' high to 40' base x a maximum of 12' high. We feel that such a request is necessary and appropriate, as the dune escarpment line is now enough landward of the existing sandbags. This request will require a CRC (Coastal Resource Commission) Variance for permitting. Additionally, we are asking for an appx 52' length of 20' width x 6' high "standard stack" sandbags to the west of existing west end of the sandbags, on lot 32110 Shoals Watch Way, which is east adjacent to your lot.

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If you wish to receive further information, you may contact me at the page top contact information.

Sincerely,
 Bruce Marek, P.E.
 cc: Chris McCall, VBHI

8-6-24

Bruce Marek

NC Dept of Environmental Quality CAMA ADJACENT RIPARIAN PROPERTY OWNER STATEMENT

I hereby certify that I own property adjacent to The Village of Bald Head Island Permanent Beach Nourishment Easement & Shoals Overlook LLC

(Name of Property Owners)
property located at Lot 3210 3210 Shoals Watch Way
Block, Road, etc.)

on the Atlantic Ocean (Address, Lot,
(Waterbody) in Bald Head Island, Brunswick County N.C.
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(Individual proposing development must fill in description below or attach a site drawing)



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(Property Owner Information)

Bruce Marek, P.E.
Signature
Bruce Marek, P.E. auth. agent for VBHI
Print or Type Name
5489 Eastwind Rd
Mailing Address
Wilmington, NC 28403
City/State/Zip
910-799-9245
Telephone Number

Date

8-6-24

Adjacent Prop Owner: Lot 3212 Peele Trust

Signature

Print or Type Name

Mailing Address

City/State/Zip

Telephone Number

Date

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 #404
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Product Information



Bruce Marek, P.E.

5489 Eastwind Rd Wilmington, NC 28403

marekyd@ec.rr.com

910-228-2484 cell

April 1, 2023

Re: **CAMA Adjacent Property Owner Notification: Village of Bald Head Island Beach CAMA 91-14 Modification Request for Additional Temporary Erosion Control Measures (Sandbags) in the State Ports Inlet Management Area at the East End of Bald Head Island**

Mr. Ronald Peele, Jr. Trustee
265 Minorca Beach Way
New Smyrna Beach, FL 32169

Property Owner of Lot 3212 Shoals Watch Way, Bald Head Island
By Certified Mail

Dear Property Owner:

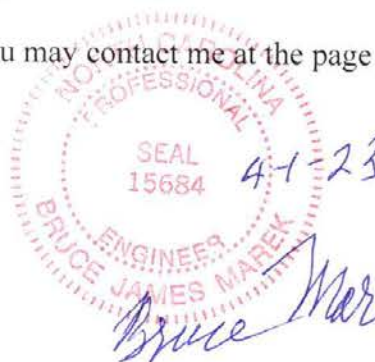
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The proposed project extents are from the east property line of the Shoals Club (west property line of the State Property Office Beach Parcels 9-12) to appx midway onto lot 3210, which allows for Shoals Club west end protection. The Shoals Club property width at the south (beach) side is appx 420 feet and at Lot 3210 the width is 110 feet. The Shoals Club will be funding the project. Once again, the BHI Conservancy will be utilized once we are in turtle season, to monitor the beach for signs of turtles/turtle nests, and they will give a daily all-clear before any sandbag work can proceed. This worked out well last year, and was acceptable to all of the relevant State and Federal Agencies. Access for the work/laydown area will once again be on Bald Head Island Limited, LLC's lot 3210.

As an adjacent riparian property owner to the project, I am required to notify you in order to give the opportunity to comment on the project. I have included the Division of Coastal Management Notification/Waiver Form. If you care to comment, please notify Ms. Tara MacPherson, CAMA District Manager at the North Carolina Division of Coastal Management, 127 Cardinal Drive Extension, Wilmington, NC 28405. 910-796-7425. I have included an addressed envelope or you may e-mail the form to tara.macpherson@ncdenr.gov. Non-response after 10 days is considered acceptance.

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Sincerely,
Bruce Marek, P.E.
cc. Chris McCall, VBHI



Bruce Marek, P.E.

5489 Eastwind Rd Wilmington, NC 28403

marekyd@ec.rr.com

910-228-2484 cell

April 1, 2023

Re: **CAMA Adjacent Property Owner Notification: Village of Bald Head Island Beach CAMA 91-14 Modification Request for Additional Temporary Erosion Control Measures (Sandbags) in the State Ports Inlet Management Area at the East End of Bald Head Island**

Eric Moore, State Property Office
1321 Mail Service Center
Raleigh, NC 27699-1321

Property Owner of: Beach Parcels 9-12, Bald Head Island
By Certified Mail

Dear Property Owner:

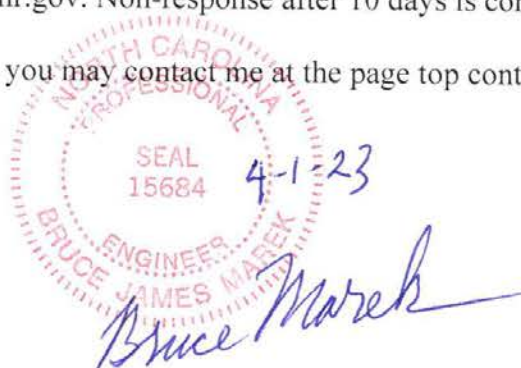
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If you wish to receive further information, you may contact me at the page top contact information.

Sincerely,
Bruce Marek, P.E.
cc. Chris McCall, VBHI



Bruce Marek, P.E.

5489 Eastwind Rd Wilmington, NC 28403

marekyd@ec.rr.com

910-228-2484 cell

April 1, 2023

Re: **CAMA Adjacent Property Owner Notification: Village of Bald Head Island Beach CAMA 91-14 Modification Request for Additional Temporary Erosion Control Measures (Sandbags) in the State Ports Inlet Management Area at the East End of Bald Head Island**

Mr. Chad Paul, BHI Limited LLC
P.O. Box 3069
Bald Head Island, NC 28461

Prop Owner of Lot 3210 Shoals Watch Way, Bald Head Island
By Certified Mail & E-mail

Dear Property Owner:

I have been retained as authorized agent by the Village of Bald Head Island in applying for a modification to their CAMA 91-14 Terminal Groin/Beach Nourishment Major Permit for additional temporary erosion control measures (sandbags) in the State Ports Inlet Management Area at the east end of Bald Head Island. The standard 6' high by 20' stack of sandbags at the Shoals Club installed last May has provided protection to the Club's facilities, but once again winter storms have eroded into the dune line. CAMA has in the past authorized a doubling in size of the sandbag stack, from 20' base x 6' high to 40' base x a maximum of 12' high. We feel that such a request is necessary and appropriate, as the dune escarpment line is now enough landward of the existing sandbags that we can add appx two parallel rows of bags (filled bags are appx 13' long by 3.5' squashed diameter) landward. The remainder of the requested stack would include another perpendicular row of bags seaward of the existing, with a staggered vertical pattern to optimize the height. This request will most likely require a CRC Variance for permitting.

The proposed project extents are from the east property line of the Shoals Club (west property line of the State Property Office Beach Parcels 9-12) to appx midway onto lot 3210, which allows for Shoals Club west end protection. The Shoals Club property width at the south (beach) side is appx 420 feet and at Lot 3210 the width is 110 feet. The Shoals Club will be funding the project. Once again, the BHI Conservancy will be utilized once we are in turtle season, to monitor the beach for signs of turtles/turtle nests, and they will give a daily all-clear before any sandbag work can proceed. This worked out well last year, and was acceptable to all of the relevant State and Federal Agencies. Access for the work/laydown area will once again be on Bald Head Island Limited, LLC's lot 3210.

As an adjacent riparian property owner to the project, I am required to notify you in order to give the opportunity to comment on the project. I have included the Division of Coastal Management Notification/Waiver Form. If you care to comment, please notify Ms. Tara MacPherson, CAMA District Manager at the North Carolina Division of Coastal Management, 127 Cardinal Drive Extension, Wilmington, NC 28405. 910-796-7425. I have included an addressed envelope or you may e-mail the form to tara.macpherson@ncdenr.gov. Non-response after 10 days is considered acceptance.

If you wish to receive further information, you may contact me at the page top contact information.

Sincerely,
Bruce Marek, P.E.
cc. Chris McCall, VBHI



Bruce Marek

Bruce Marek, P.E.

5489 Eastwind Rd Wilmington, NC 28403

marekyd@ec.rr.com

910-228-2484 cell

April 1, 2023

Re: **CAMA Adjacent Property Owner Notification: Village of Bald Head Island Beach CAMA 91-14 Modification Request for Additional Temporary Erosion Control Measures (Sandbags) in the State Ports Inlet Management Area at the East End of Bald Head Island**

Mr. David Sawyer, Shoals Club on BHI LLC Prop Owner: 100 Station House Way, Bald Head Island
P.O. Box 3460 By Certified Mail & E-mail
Bald Head Island, NC 28461

Dear Property Owner:

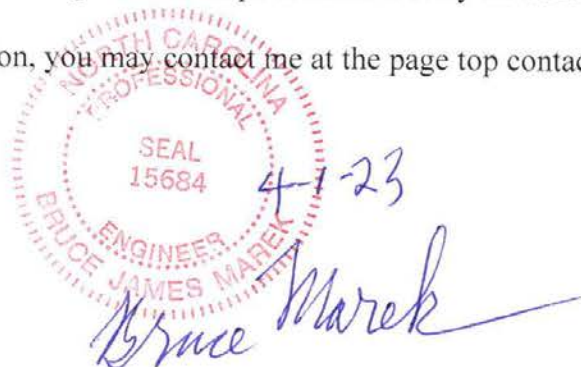
I have been retained as authorized agent by the Village of Bald Head Island in applying for a modification to their CAMA 91-14 Terminal Groin/Beach Nourishment Major Permit for additional temporary erosion control measures (sandbags) in the State Ports Inlet Management Area at the east end of Bald Head Island. The standard 6' high by 20' stack of sandbags at the Shoals Club installed last May has provided protection to the Club's facilities, but once again winter storms have eroded into the dune line. CAMA has in the past authorized a doubling in size of the sandbag stack, from 20' base x 6' high to 40' base x a maximum of 12' high. We feel that such a request is necessary and appropriate, as the dune escarpment line is now enough landward of the existing sandbags that we can add appx two parallel rows of bags (filled bags are appx 13' long by 3.5' squashed diameter) landward. The remainder of the requested stack would include another perpendicular row of bags seaward of the existing, with a staggered vertical pattern to optimize the height. This request will most likely require a CRC Variance for permitting.

The proposed project extents are from the east property line of the Shoals Club (west property line of the State Property Office Beach Parcels 9-12) to appx midway onto lot 3210, which allows for Shoals Club west end protection. The Shoals Club property width at the south (beach) side is appx 420 feet and at Lot 3210 the width is 110 feet. The Shoals Club will be funding the project. Once again, the BHI Conservancy will be utilized once we are in turtle season, to monitor the beach for signs of turtles/turtle nests, and they will give a daily all-clear before any sandbag work can proceed. This worked out well last year, and was acceptable to all of the relevant State and Federal Agencies. Access for the work/laydown area will once again be on Bald Head Island Limited, LLC's lot 3210.

As an adjacent riparian property owner to the project, I am required to notify you in order to give the opportunity to comment on the project. I have included the Division of Coastal Management Notification/Waiver Form. If you care to comment, please notify Ms. Tara MacPherson, CAMA District Manager at the North Carolina Division of Coastal Management, 127 Cardinal Drive Extension, Wilmington, NC 28405. 910-796-7425. I have included an addressed envelope or you may e-mail the form to tara.macpherson@ncdenr.gov. Non-response after 10 days is considered acceptance.

If you wish to receive further information, you may contact me at the page top contact information.

Sincerely,
Bruce Marek, P.E.
cc. Chris McCall, VBHI



NC Dept of Environmental Quality CAMA ADJACENT RIPARIAN PROPERTY OWNER STATEMENT

I hereby certify that I own property adjacent to The Shoals Club of Bald Head Island, LLC & BHI Limited
(Name of Property Owner)
property located at The Shoals Club, 100 Station House Way & Lot 3210 Shoals Watch Way _
(Address, Lot, Block, Road, etc.)
on the Atlantic Ocean _____, in Bald Head Island, Brunswick County _____, N.C.
(Waterbody) (City/Town and/or County)

The applicant has described to me, as shown below, the development proposed at the above location.

_____ I have no objection to this proposal.
_____ I have objections to this proposal.

If you have objections to what is being proposed, you must notify DCM in writing within 10 days of receipt of this notice. CAMA Field Agent is Tara MacPherson, 910-796-7425, tara.macpherson@ncdenr.gov : 127 Cardinal Drive Extension, Wilmington, NC 28405
No response is considered the same as no objection if you have been notified by Certified Mail

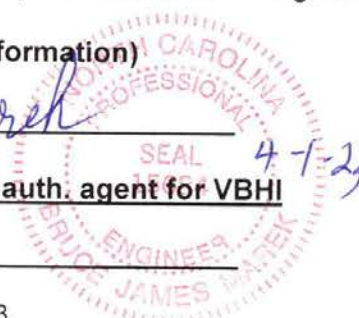
DESCRIPTION AND/OR DRAWING OF PROPOSED DEVELOPMENT
(Individual proposing development must fill in description below or attach a site drawing)



Additional Temporary Erosion Control Measures (Sandbags) Requested for severely eroding beach at the Shoals Club, which is in the State Ports Inlet Management Area. Expand existing 20'x6' high sandbag stack to a maximum stack of 40' x 12' high. Appx 420' at Shoals Club plus west end tie at lot 3210. This is work proposed under the Village of Bald Head Island's CAMA 91-14 Beach Nourishment Permit.

(Property Owner Information)

Bruce Marek
Signature
Bruce Marek, P.E. auth. agent for VBHI
Print or Type Name
5489 Eastwind Rd
Mailing Address
Wilmington, NC 28403
City/State/Zip
910-799-9245
Telephone Number
4-1-23
Date



(Adjacent Property Owner Information)

Signature

Print or Type Name

Mailing Address

City/State/Zip

Telephone Number

Date

NC Dept of Environmental Quality CAMA ADJACENT RIPARIAN PROPERTY OWNER STATEMENT

I hereby certify that I own property adjacent to The Village of Bald Head Island Permanent Beach Nourishment Easement & The Shoals Club of Bald Head Island, LLC

(Name of Property Owners)

property located at The Shoals Club, 100 Station House Way

(Address, Lot, Block, Road, etc.)

on the Atlantic Ocean, in Bald Head Island, Brunswick County, N.C.

(Waterbody)

(City/Town and/or County)

The applicant has described to me, as shown below, the development proposed at the above location.

I have no objection to this proposal.

X

I have objections to this proposal.

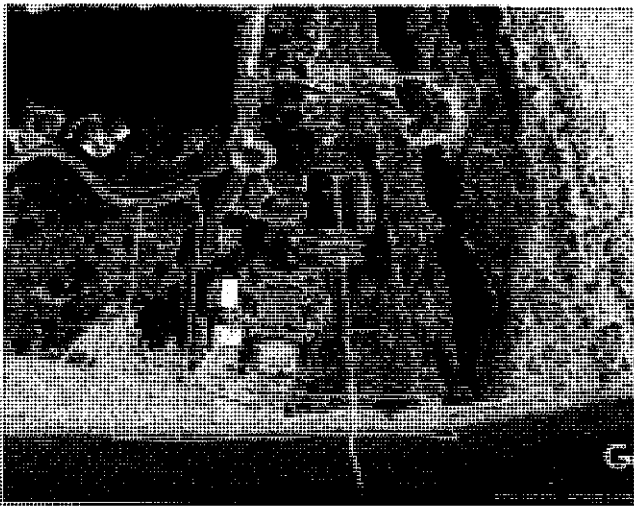
If you have objections to what is being proposed, you must notify DCM in writing within 10 days of receipt of this notice. CAMA Field Agent is Tara MacPherson, 910-796-7425,

tara.macpherson@ncdenr.gov : 127 Cardinal Drive Extension, Wilmington, NC 28405

No response is considered the same as no objection if you have been notified by Certified Mail

DESCRIPTION AND/OR DRAWING OF PROPOSED DEVELOPMENT

(Individual proposing development must fill in description below or attach a site drawing)



Additional Temporary Erosion Control Measures (Sandbags) Requested for severely eroding beach at the Shoals Club, which is in the State Ports Inlet Management Area. Expand existing 20'x6' high sandbag stack to a maximum stack of 40' x 12' high. Appx 430' at Shoals Club plus east end tie at lot 3210. This is work proposed under the Village of Bald Head Island's CAMA 91-14 Beach Nourishment Permit in the Village Permanent Beach Nourishment Easement

(Property Owner Information) Adjacent Prop Owner: Parcel 26600001 State Property Office

Signature

Bruce Marek

Bruce Marek, P.E. auth. agent for VBHI

Print or Type Name

5489 Eastwind Rd

Mailing Address

Wilmington, NC 28403

City/State/Zip

910-799-9245

Telephone Number

Date

8-31-24

Signature

Wanda Hilliard

Wanda Hilliard

Print or Type Name

1321 Mail Service Ct.

Mailing Address

Raleigh, NC 27699-1321

City/State/Zip

919-236-0284

Telephone Number

Date

9-4-2004

Bruce Marek, P.E.

5489 Eastwind Rd Wilmington, NC 28403

marekyd@ec.rr.com

910-228-2484 cell

Re-Send August 31, 2024

Re: **CAMA Adjacent Property Owner Notification Update: Village of Bald Head Island Beach CAMA 91-14 Major Modification Request for Additional Temporary Erosion Control Measures (Sandbags) in the State Ports Inlet Management Area at the East End of Bald Head Island**

State Property Office
1321 Mail Service Center
Raleigh, NC 27699-1321

Property Owner of Beach Parcels 9-12, Bald Head Island
BrunsCo Parcel 26600001 By Certified Mail

Dear Property Owner:

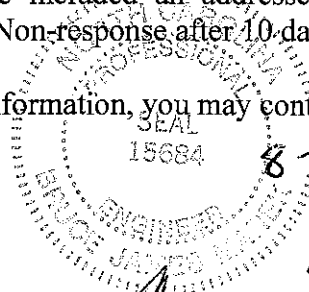
I have been retained as authorized agent by the Village of Bald Head Island in applying for a modification to their CAMA 91-14 Terminal Groin/Beach Nourishment Major Permit for additional temporary erosion control measures (sandbags) in the State Ports Inlet Management Area at the east end of Bald Head Island. The standard 6' high by 20' stack of sandbags at the Shoals Club installed May 2022 has provided protection to the Club's facilities, but once again winter storms have eroded into the dune line. CAMA has in the past authorized a doubling in size of the sandbag stack, from 20' base x 6' high to 40' base x a maximum of 12' high. We feel that such a request is necessary and appropriate, as the dune escarpment line is now enough landward of the existing sandbags. This request will require a CRC (Coastal Resource Commission) Variance for permitting. Additionally, we are asking for an appx 52' length of 20' width x 6' high "standard stack" sandbags to the west of existing west end of the sandbags, on lot 32110 Shoals Watch Way.

The proposed project extents are from the east property line of the Shoals Club (west property line of the your/State Property Office Beach Parcels 9-12) to the appx west end of lot 3210 which allows for Shoals Club west end protection. The Shoals Club property width at the south (beach) side is appx 420 feet and at Lot 3210 the width is about 110 feet. Once again, the BHI Conservancy will be utilized if we are in turtle season, to monitor the beach for signs of turtles/turtle nests, and they will give a daily all-clear before any sandbag work can proceed. This worked out well in 2022 and was acceptable to all of the relevant State and Federal Agencies. Access for the work/laydown area will once again be on lot 3210, now owned by Shoals Overlook, LLC.

While you were notified of this project last year, as the project moves forward, I am required to update this notification since it was over a year ago. As an adjacent riparian property owner to lot 3000, The Shoals Club on Bald Head Island, LLC, and to the Village of Bald Head Island Perpetual Beach Easement for beach nourishment, I am required to notify you in order to give the opportunity to comment on the project. I have included the Division of Coastal Management Notification/Waiver Form, If you care to comment, please notify Ms. Tara MacPherson, CAMA District Manager at the North Carolina Division of Coastal Management, 127 Cardinal Drive Extension, Wilmington, NC 28405. 910-796-7425. I have included an addressed envelope or you may e-mail the form to tara.macpherson@deq.nc.gov. Non-response after 10 days is considered acceptance.

If you wish to receive further information, you may contact me at the page top contact information.

Sincerely,
Bruce Marek, P.E.
cc. Chris McCall, VBHI



8-31-24

Bruce Marek

From: [Ron Peele](#)
To: marekyd@ec.rr.com
Cc: [MacPherson, Tara](#)
Subject: [External] Re: Shoals Sandbags
Date: Friday, September 27, 2024 11:09:11 AM
Attachments: [Screenshot_2024-09-27_at_10.56.35AM.png](#)

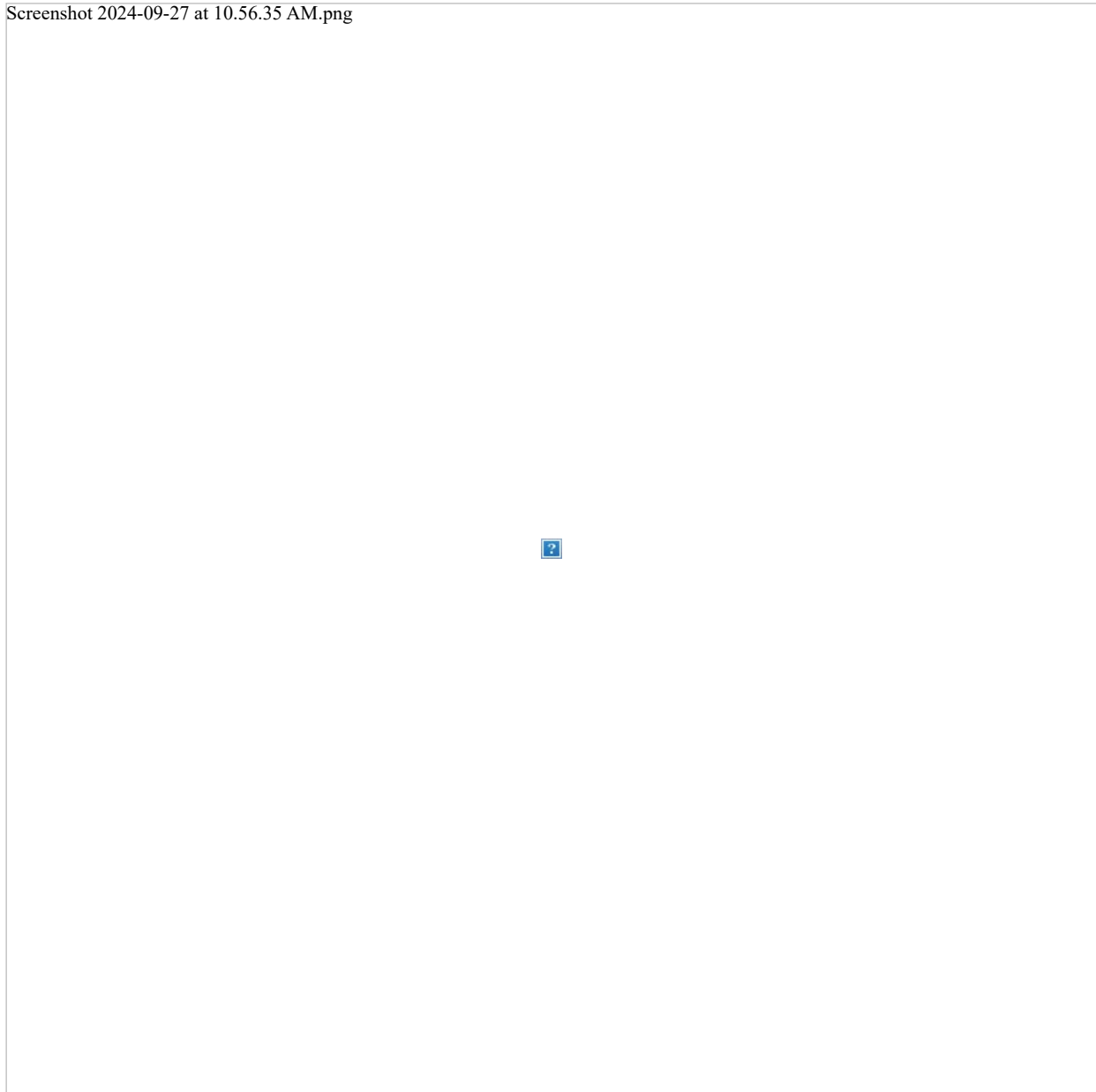
You don't often get email from rhpeele@gmail.com. [Learn why this is important](#)

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Bruce - my sentiments have not changed since our last conversation in August 2023, I am concerned the Shoals Club's erosion mitigation efforts will have an adverse effect on my property. This has only increased given BHI Limited's recent sale of lot 3210 to the Shoal's Club. Prior to the sale BHI Limited had an aligned interest with me as an adjacent property owner. Now that they have sold their lot to the Shoal's Club I am now the next adjacent property and directly exposed to the effects of the mitigation efforts.

To be clear, I am supportive of efforts to address the beach erosion, my concern is the impact those efforts will have on adjacent property when those efforts are not uniformly applied. Pasted below and attached is my previous response.

Screenshot 2024-09-27 at 10.56.35 AM.png



On Sep 26, 2024, at 2:56 PM, marekyd@ec.rr.com wrote:

Hi Ron,

Thanks for getting back to me. I had multiple delays on the CAMA 91-14 sandbag permit over the last year, and it got to where our correspondence last year became a year old and thus out of date. Post office said you moved with no forwarding address, and my 9-15-24 e-mail to you was to a gmail address. I guess I had that wrong also. Here is what I said in the 9-15-24 e-mail.

“Attached please see my updated adjacent neighbor notification form and notification /waiver form. The form I sent last year has age dated, and I need a current response for the permit application.

This is the same proposed project from last spring that went from being a Minor Mod request to a Major Mod Request. And after a somewhat neighbors discussion at the Bald Head Island Club, the scope was limited to larger stack sandbags at just the Village Beach Nourishment perpetual easement at the Shoals Club and Lot 3210. There was not enough neighbor (financial) concurrence for doing a continuous temporary sandbagging along the Shoals Watch Way beach.

Not sure if you are aware, the Village is doing a major beach renourishment this Fall/Winter, with sand being placed all the way eastward to beyond the Shoals Club.

I certified mailed my letter /the form on August 6, 2024 to your New Smyrna Beach address. It shows up on August 24 that you have moved, no forwarding address. If you could please print and sign the Notification form, and indicate if you have objections, or no objections, and return to me and/or Tara MacPherson, I would appreciate it.

Are you back living in McLean? My son bought a house there on Churchill Rd last fall, but is now deployed for the Navy at the Embassy in Nigeria.”

I will text you a couple of pictures from after last week’s Tropical Depression 8/major rain event. We actually gained some sand back rather than losing.

The biggest change with the larger stack sandbags is that rather than the waterward point being 20’ waterward of the Shoals Club Pool Boundary fence, it will be 40’. i.e. adding 20’ more of bags. I also have a bit more of standard stack along lot 3210, into the August 2024 escarpment. Throughout the winter of 2023, the existing sandbags were alternately covered and then partially uncovered through about April. Then summers stay pretty steady. With the Village beach nourishment coming all of the way down to east of the Shoals Club, hopefully with the larger stack we will start creating an actual dune line, just like the sandbags added in front of the Bald Head Island Club, which is now a healthy 14’ dune height.

Bruce

Bruce Marek, P.E.
5489 Eastwind Rd
Wilmington, NC 28403
Cell 910-228-2484

<CAMA 91-14 VBHI MAJOR MOD Adjacent Neighbor Notification Forms & Tracking Peele 8-6-24 Certified Mailing Copy.pdf>

From: [Hilliard, Wanda](#)
To: [MacPherson, Tara](#)
Subject: FW: [External] CAMA 91-14 Adjacent Neighbor Certified Mailing re Sandbags at Shoals Club on Bald Head Island adjacent to State Owned Beach Parcels 9-12
Date: Monday, September 30, 2024 1:45:18 PM
Attachments: [FW Bald Head Island.msg](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)
[image012.png](#)
[image013.png](#)

I hope this helps . Please call if not.

Wanda Hilliard
 NC Department of Administration
 Real Property Agent
wanda.hilliard@doa.nc.gov
 984-236-0284

From: Dodson, James W <jimmy.dodson@ncparks.gov>
Sent: Wednesday, September 18, 2024 12:15 PM
To: Moore, Eric W <eric.moore@doa.nc.gov>
Cc: Norris, George T <George.Norris@ncparks.gov>; Hilliard, Wanda <wanda.hilliard@doa.nc.gov>
Subject: RE: [External] CAMA 91-14 Adjacent Neighbor Certified Mailing re Sandbags at Shoals Club on Bald Head Island adjacent to State Owned Beach Parcels 9-12

Eric, et al –

Please see the attached which includes some of your previous conversations with Christine Farrell when she was with us, FOFI park staff, NHP, et al.

The sandbags were to be a temporary solution, not long-term. They were also not to infringe upon the Dedicated Natural Preserve in any way and not extend onto State park property.

This is the extent of the info that can be quickly found at present. Hopefully it helps. --J

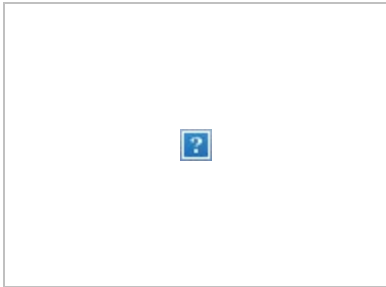
James W. Dodson, Jr. (Jimmy)
Interim Program Manager, DPR Natural Resources
AFE Certified Fire Ecologist, TWS Certified Wildlife Biologist[®], & NC Registered Forester #1647

NC DNCR, Division of Parks & Recreation, Natural Resources Program
Physical Address: 121 West Jones Street, Nature Research Center, Raleigh, NC 27601
Mailing Address: 1615 MSC, Raleigh, NC 27699

office: 919-707-9307
cell: 919-796-7308
email: jimmy.dodson@ncparks.gov

<http://www.ncparks.gov>

Email correspondence to and from this address may be subject to the NC Public Record Law and may be disclosed to third parties unless the content is exempt by statute or other regulation.



From: Moore, Eric W <eric.moore@doa.nc.gov>
Sent: Wednesday, September 11, 2024 4:14 PM
To: Dodson, James W <jimmy.dodson@ncparks.gov>
Cc: Norris, George T <George.Norris@ncparks.gov>; Hilliard, Wanda <wanda.hilliard@doa.nc.gov>
Subject: Fwd: [External] CAMA 91-14 Adjacent Neighbor Certified Mailing re Sandbags at Shoals Club on Bald Head Island adjacent to State Owned Beach Parcels 9-12

Jimmy,

Can you provide further feedback regarding DPRs opposition to sandbags adjacent to the BHI property?



Eric W. Moore

Real Property Agent

State Property Office

984-236-0270 | main

984-236-0295 | direct

eric.moore@doa.nc.gov

325 N. Salisbury St., 6th Floor, Raleigh, NC 27603

1321 Mail Service Center

ncadmin.nc.gov/spo

Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Hilliard, Wanda <wanda.hilliard@doa.nc.gov>
Sent: Wednesday, September 11, 2024 3:31:31 PM
To: Moore, Eric W <eric.moore@doa.nc.gov>
Cc: MacPherson, Tara <tara.macpherson@deq.nc.gov>; Norris, George T <George.Norris@ncparks.gov>
Subject: RE: [External] CAMA 91-14 Adjacent Neighbor Certified Mailing re Sandbags at Shoals Club on Bald Head Island adjacent to State Owned Beach Parcels 9-12

Hello all:

See Tara comment below. Can you point her or me in the right direction to answer her question.
Thanks.

Wanda Hilliard
NC Department of Administration
Real Property Agent
wanda.hilliard@doa.nc.gov
984-236-0284

From: MacPherson, Tara <tara.macpherson@deq.nc.gov>
Sent: Wednesday, September 11, 2024 2:58 PM
To: Hilliard, Wanda <wanda.hilliard@doa.nc.gov>
Subject: RE: [External] CAMA 91-14 Adjacent Neighbor Certified Mailing re Sandbags at Shoals Club on Bald Head Island adjacent to State Owned Beach Parcels 9-12

Thank you, Wanda. Can you please provide the specific reason for the objection in writing? We need to know what specifically the objection is for and why.
Thanks,
Tara

Tara MacPherson
Wilmington Region District Manager
North Carolina Division of Coastal Management
Department of Environmental Quality

910 796-7266 office
tara.macpherson@deq.nc.gov

127 Cardinal Drive Ext
Wilmington, NC 28405

As part of DEQ's phased email update, all Division of Coastal Management emails are now @deq.nc.gov. Our email addresses may look different, but email performance will not be impacted.

[Find a Field Rep \(arcgis.com\)](#)

[Join the DCM Interested Parties List](#)



From: Hilliard, Wanda <wanda.hilliard@doa.nc.gov>

Sent: Wednesday, September 4, 2024 3:20 PM

To: MacPherson, Tara <tara.macpherson@deq.nc.gov>

Subject: FW: [External] CAMA 91-14 Adjacent Neighbor Certified Mailing re Sandbags at Shoals Club on Bald Head Island adjacent to State Owned Beach Parcels 9-12

Hi Tara:

Also read below. That is the reason for my objection.

Wanda Hilliard

NC Department of Administration

Real Property Agent

wanda.hilliard@doa.nc.gov

984-236-0284

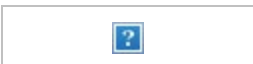
From: Moore, Eric W <eric.moore@doa.nc.gov>

Sent: Wednesday, September 4, 2024 8:46 AM

To: Hilliard, Wanda <wanda.hilliard@doa.nc.gov>

Subject: Fwd: [External] CAMA 91-14 Adjacent Neighbor Certified Mailing re Sandbags at Shoals Club on Bald Head Island adjacent to State Owned Beach Parcels 9-12

FYI...



Eric W. Moore



Real Property Agent

State Property Office

984-236-0270 | main

984-236-0295 | direct

eric.moore@doa.nc.gov

325 N. Salisbury St., 6th Floor, Raleigh, NC 27603

1321 Mail Service Center

ncadmin.nc.gov/spo

Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Dodson, James W <jimmy.dodson@ncparks.gov>

Sent: Tuesday, September 3, 2024 5:41:42 PM

To: Moore, Eric W <eric.moore@doa.nc.gov>; Norris, George T <George.Norris@ncparks.gov>;
Ferree, Michelle A <michelle.ferree@ncparks.gov>

Subject: RE: [External] CAMA 91-14 Adjacent Neighbor Certified Mailing re Sandbags at Shoals Club on Bald Head Island adjacent to State Owned Beach Parcels 9-12

Just to make sure that this was conveyed, DPR still objects to sandbags.

Let me know if you need anything further. --J

James W. Dodson, Jr. (Jimmy)

Interim Program Manager, DPR Natural Resources

AFE Certified Fire Ecologist, TWS Certified Wildlife Biologist[®], & NC Registered Forester #1647

NC DNCR, Division of Parks & Recreation, Natural Resources Program

Physical Address: 121 West Jones Street, Nature Research Center, Raleigh, NC 27601

Mailing Address: 1615 MSC, Raleigh, NC 27699

office: 919-707-9307

cell: 919-796-7308

email: jimmy.dodson@ncparks.gov

<http://www.ncparks.gov>

Email correspondence to and from this address may be subject to the NC Public Record Law and may be disclosed to third parties unless the content is exempt by statute or other regulation.



From: Moore, Eric W <eric.moore@doa.nc.gov>

Sent: Thursday, August 29, 2024 4:19 PM

To: Norris, George T <George.Norris@ncparks.gov>; Ferree, Michelle A <michelle.ferree@ncparks.gov>; Dodson, James W <jimmy.dodson@ncparks.gov>

Subject: RE: [External] CAMA 91-14 Adjacent Neighbor Certified Mailing re Sandbags at Shoals Club on Bald Head Island adjacent to State Owned Beach Parcels 9-12

Ten days from our receipt of notice, which begins today.

Note that we are getting notice and the ability to comment or object as a neighbor. No sandbags are to be placed on the State's property.



Eric W. Moore

Real Property Agent
State Property Office

984-236-0270 | main

984-236-0295 | direct

eric.moore@doa.nc.gov

325 N. Salisbury Street, 6th Floor, Raleigh, NC 27603

1321 Mail Service Center

ncadmin.nc.gov/spo

Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Norris, George T <George.Norris@ncparks.gov>

Sent: Thursday, August 29, 2024 4:09 PM

To: Ferree, Michelle A <michelle.ferree@ncparks.gov>; Moore, Eric W <eric.moore@doa.nc.gov>; Dodson, James W <jimmy.dodson@ncparks.gov>

Subject: RE: [External] CAMA 91-14 Adjacent Neighbor Certified Mailing re Sandbags at Shoals Club on Bald Head Island adjacent to State Owned Beach Parcels 9-12

Yes, we did.

Christine would have -now Jimmy?

From: Ferree, Michelle A <michelle.ferree@ncparks.gov>

Sent: Thursday, August 29, 2024 4:08 PM

To: Moore, Eric W <eric.moore@doa.nc.gov>; Norris, George T <George.Norris@ncparks.gov>; Dodson, James W <jimmy.dodson@ncparks.gov>

Subject: RE: [External] CAMA 91-14 Adjacent Neighbor Certified Mailing re Sandbags at Shoals Club on Bald Head Island adjacent to State Owned Beach Parcels 9-12

Did we object previously? The letter is dated 8/6, so we are beyond the ten day window to respond.

George: Who else needs to review this?

Thanks,

Michelle

From: Moore, Eric W <eric.moore@doa.nc.gov>

Sent: Thursday, August 29, 2024 4:00 PM

To: Norris, George T <George.Norris@ncparks.gov>; Ferree, Michelle A <michelle.ferree@ncparks.gov>; Dodson, James W <jimmy.dodson@ncparks.gov>

Subject: FW: [External] CAMA 91-14 Adjacent Neighbor Certified Mailing re Sandbags at Shoals Club on Bald Head Island adjacent to State Owned Beach Parcels 9-12

So the sandbags are back at BHI. If there is an objection, the CAMA folks need to hear it asap. See the attached info.



Eric W. Moore

**Real Property Agent
State Property Office**

984-236-0270 | main
984-236-0295 | direct

eric.moore@doa.nc.gov

325 N. Salisbury Street, 6th Floor, Raleigh, NC 27603
1321 Mail Service Center
ncadmin.nc.gov/spo

Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

NC Dept of Environmental Quality CAMA ADJACENT RIPARIAN PROPERTY OWNER STATEMENT

I hereby certify that I own property adjacent to The Village of Bald Head Island Permanent Beach Nourishment Easement & The Shoals Club of Bald Head Island, LLC

(Name of Property Owners)

property located at The Shoals Club, 100 Station House Way

(Address, Lot, Block, Road, etc.)

on the Atlantic Ocean, in Bald Head Island, Brunswick County, N.C.

(Waterbody)

(City/Town and/or County)

The applicant has described to me, as shown below, the development proposed at the above location.

I have no objection to this proposal.

X

I have objections to this proposal.

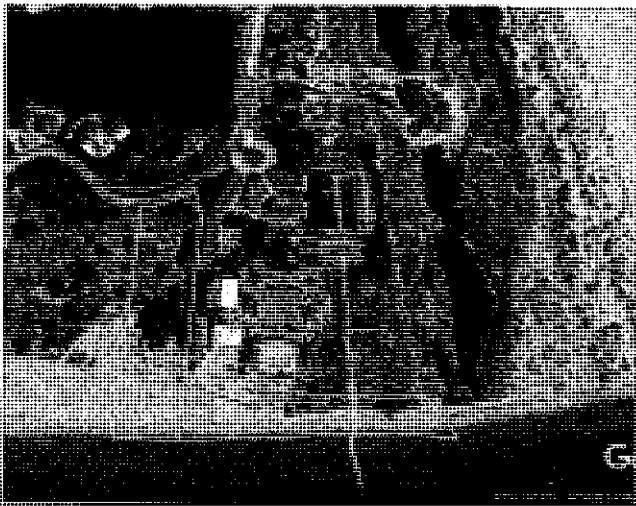
If you have objections to what is being proposed, you must notify DCM in writing within 10 days of receipt of this notice. CAMA Field Agent is Tara MacPherson, 910-796-7425,

tara.macpherson@ncdenr.gov : 127 Cardinal Drive Extension, Wilmington, NC 28405

No response is considered the same as no objection if you have been notified by Certified Mail

DESCRIPTION AND/OR DRAWING OF PROPOSED DEVELOPMENT

(Individual proposing development must fill in description below or attach a site drawing)



Additional Temporary Erosion Control Measures (Sandbags) Requested for severely eroding beach at the Shoals Club, which is in the State Ports Inlet Management Area. Expand existing 20'x6' high sandbag stack to a maximum stack of 40' x 12' high. Appx 430' at Shoals Club plus east end tie at lot 3210. This is work proposed under the Village of Bald Head Island's CAMA 91-14 Beach Nourishment Permit in the Village Permanent Beach Nourishment Easement

(Property Owner Information) Adjacent Prop Owner: Parcel 26600001 State Property Office

Signature

Bruce Marek

Bruce Marek, P.E. auth. agent for VBHI

Print or Type Name

5489 Eastwind Rd

Mailing Address

Wilmington, NC 28403

City/State/Zip

910-799-9245

Telephone Number

Date

8-31-24

Signature

Wanda Hilliard

Print or Type Name

1321 Mail Service Ct.

Mailing Address

Raleigh, NC 27699-1321

City/State/Zip

919-236-0284

Telephone Number

9-4-2004

Date

Bruce Marek, P.E.

5489 Eastwind Rd Wilmington, NC 28403

marekyd@ec.rr.com

910-228-2484 cell

Re-Send August 31, 2024

Re: **CAMA Adjacent Property Owner Notification Update: Village of Bald Head Island Beach CAMA 91-14 Major Modification Request for Additional Temporary Erosion Control Measures (Sandbags) in the State Ports Inlet Management Area at the East End of Bald Head Island**

State Property Office
1321 Mail Service Center
Raleigh, NC 27699-1321

Property Owner of Beach Parcels 9-12, Bald Head Island
BrunCo Parcel 26600001 By Certified Mail

Dear Property Owner:

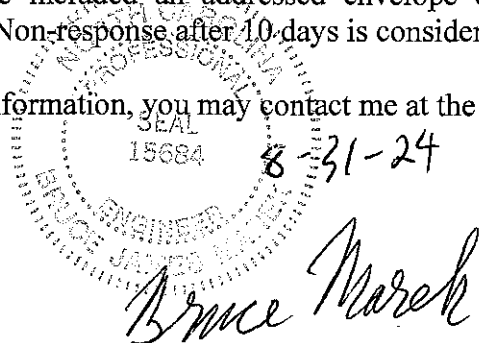
I have been retained as authorized agent by the Village of Bald Head Island in applying for a modification to their CAMA 91-14 Terminal Groin/Beach Nourishment Major Permit for additional temporary erosion control measures (sandbags) in the State Ports Inlet Management Area at the east end of Bald Head Island. The standard 6' high by 20' stack of sandbags at the Shoals Club installed May 2022 has provided protection to the Club's facilities, but once again winter storms have eroded into the dune line. CAMA has in the past authorized a doubling in size of the sandbag stack, from 20' base x 6' high to 40' base x a maximum of 12' high. We feel that such a request is necessary and appropriate, as the dune escarpment line is now enough landward of the existing sandbags. This request will require a CRC (Coastal Resource Commission) Variance for permitting. Additionally, we are asking for an appx 52' length of 20' width x 6' high "standard stack" sandbags to the west of existing west end of the sandbags, on lot 32110 Shoals Watch Way.

The proposed project extents are from the east property line of the Shoals Club (west property line of the your/State Property Office Beach Parcels 9-12) to the appx west end of lot 3210 which allows for Shoals Club west end protection. The Shoals Club property width at the south (beach) side is appx 420 feet and at Lot 3210 the width is about 110 feet. Once again, the BHI Conservancy will be utilized if we are in turtle season, to monitor the beach for signs of turtles/turtle nests, and they will give a daily all-clear before any sandbag work can proceed. This worked out well in 2022 and was acceptable to all of the relevant State and Federal Agencies. Access for the work/laydown area will once again be on lot 3210, now owned by Shoals Overlook, LLC.

While you were notified of this project last year, as the project moves forward, I am required to update this notification since it was over a year ago. As an adjacent riparian property owner to lot 3000, The Shoals Club on Bald Head Island, LLC, and to the Village of Bald Head Island Perpetual Beach Easement for beach nourishment, I am required to notify you in order to give the opportunity to comment on the project. I have included the Division of Coastal Management Notification/Waiver Form, If you care to comment, please notify Ms. Tara MacPherson, CAMA District Manager at the North Carolina Division of Coastal Management, 127 Cardinal Drive Extension, Wilmington, NC 28405. 910-796-7425. I have included an addressed envelope or you may e-mail the form to tara.macpherson@deq.nc.gov. Non-response after 10 days is considered acceptance.

If you wish to receive further information, you may contact me at the page top contact information.

Sincerely,
Bruce Marek, P.E.
cc. Chris McCall, VBHI



Goebel, Christine A

From: Hilliard, Wanda
Sent: Monday, September 30, 2024 1:45 PM
To: MacPherson, Tara
Subject: FW: [External] CAMA 91-14 Adjacent Neighbor Certified Mailing re Sandbags at Shoals Club on Bald Head Island adjacent to State Owned Beach Parcels 9-12
Attachments: FW: Bald Head Island

I hope this helps . Please call if not.

Wanda Hilliard

NC Department of Administration
 Real Property Agent
wanda.hilliard@doa.nc.gov
 984-236-0284

From: Dodson, James W <jimmy.dodson@ncparks.gov>
Sent: Wednesday, September 18, 2024 12:15 PM
To: Moore, Eric W <eric.moore@doa.nc.gov>
Cc: Norris, George T <George.Norris@ncparks.gov>; Hilliard, Wanda <wanda.hilliard@doa.nc.gov>
Subject: RE: [External] CAMA 91-14 Adjacent Neighbor Certified Mailing re Sandbags at Shoals Club on Bald Head Island adjacent to State Owned Beach Parcels 9-12

Eric, et al –

Please see the attached which includes some of your previous conversations with Christine Farrell when she was with us, FOPI park staff, NHP, et al.

The sandbags were to be a temporary solution, not long-term. They were also not to infringe upon the Dedicated Natural Preserve in any way and not extend onto State park property.

This is the extent of the info that can be quickly found at present. Hopefully it helps. --J

James W. Dodson, Jr. (Jimmy)
Interim Program Manager, DPR Natural Resources
AFE Certified Fire Ecologist, TWS Certified Wildlife Biologist[®], & NC Registered Forester #1647

NC DNCR, Division of Parks & Recreation, Natural Resources Program
Physical Address: 121 West Jones Street, Nature Research Center, Raleigh, NC 27601
Mailing Address: 1615 MSC, Raleigh, NC 27699

office: 919-707-9307
cell: 919-796-7308
email: jimmy.dodson@ncparks.gov
<http://www.ncparks.gov>

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From: Moore, Eric W <eric.moore@doa.nc.gov>
Sent: Wednesday, September 11, 2024 4:14 PM
To: Dodson, James W <jimmy.dodson@ncparks.gov>
Cc: Norris, George T <George.Norris@ncparks.gov>; Hilliard, Wanda <wanda.hilliard@doa.nc.gov>
Subject: Fwd: [External] CAMA 91-14 Adjacent Neighbor Certified Mailing re Sandbags at Shoals Club on Bald Head Island adjacent to State Owned Beach Parcels 9-12

Jimmy,

Can you provide further feedback regarding DPRs opposition to sandbags adjacent to the BHI property?



Eric W. Moore
 Real Property Agent
 State Property Office

984-236-0270 | main
 984-236-0295 | direct
eric.moore@doa.nc.gov
 325 N. Salisbury St., 6th Floor, Raleigh, NC 27603
 1321 Mail Service Center
ncadmin.nc.gov/spo

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From: Hilliard, Wanda <wanda.hilliard@doa.nc.gov>
Sent: Wednesday, September 11, 2024 3:31:31 PM
To: Moore, Eric W <eric.moore@doa.nc.gov>
Cc: MacPherson, Tara <tara.macpherson@deq.nc.gov>; Norris, George T <George.Norris@ncparks.gov>
Subject: RE: [External] CAMA 91-14 Adjacent Neighbor Certified Mailing re Sandbags at Shoals Club on Bald Head Island adjacent to State Owned Beach Parcels 9-12

Hello all:

See Tara comment below. Can you point her or me in the right direction to answer her question.
 Thanks.

Wanda Hilliard

NC Department of Administration
 Real Property Agent
wanda.hilliard@doa.nc.gov
 984-236-0284

From: MacPherson, Tara <tara.macpherson@deq.nc.gov>

Sent: Wednesday, September 11, 2024 2:58 PM

To: Hilliard, Wanda <wanda.hilliard@doa.nc.gov>

Subject: RE: [External] CAMA 91-14 Adjacent Neighbor Certified Mailing re Sandbags at Shoals Club on Bald Head Island adjacent to State Owned Beach Parcels 9-12

Thank you, Wanda. Can you please provide the specific reason for the objection in writing? We need to know what specifically the objection is for and why.

Thanks,
 Tara

Tara MacPherson

Wilmington Region District Manager
 North Carolina Division of Coastal Management
 Department of Environmental Quality

910 796-7266 office
tara.macpherson@deq.nc.gov

127 Cardinal Drive Ext
 Wilmington, NC 28405

As part of DEQ's phased email update, all Division of Coastal Management emails are now @deq.nc.gov. Our email addresses may look different, but email performance will not be impacted.

[Find a Field Rep \(arcgis.com\)](#)

[Join the DCM Interested Parties List](#)



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From: Hilliard, Wanda <wanda.hilliard@doa.nc.gov>

Sent: Wednesday, September 4, 2024 3:20 PM

To: MacPherson, Tara <tara.macpherson@deq.nc.gov>

Subject: FW: [External] CAMA 91-14 Adjacent Neighbor Certified Mailing re Sandbags at Shoals Club on Bald Head Island adjacent to State Owned Beach Parcels 9-12

Hi Tara:

Also read below. That is the reason for my objection.

Wanda Hilliard

NC Department of Administration
Real Property Agent
wanda.hilliard@doa.nc.gov
984-236-0284

From: Moore, Eric W <eric.moore@doa.nc.gov>
Sent: Wednesday, September 4, 2024 8:46 AM
To: Hilliard, Wanda <wanda.hilliard@doa.nc.gov>
Subject: Fwd: [External] CAMA 91-14 Adjacent Neighbor Certified Mailing re Sandbags at Shoals Club on Bald Head Island adjacent to State Owned Beach Parcels 9-12

FYI...



Eric W. Moore

Real Property Agent
State Property Office

984-236-0270 | main

984-236-0295 | direct

eric.moore@doa.nc.gov

325 N. Salisbury St., 6th Floor, Raleigh, NC 27603

1321 Mail Service Center

ncadmin.nc.gov/spo

Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Dodson, James W <jimmy.dodson@ncparks.gov>
Sent: Tuesday, September 3, 2024 5:41:42 PM
To: Moore, Eric W <eric.moore@doa.nc.gov>; Norris, George T <George.Norris@ncparks.gov>; Ferree, Michelle A <michelle.ferree@ncparks.gov>
Subject: RE: [External] CAMA 91-14 Adjacent Neighbor Certified Mailing re Sandbags at Shoals Club on Bald Head Island adjacent to State Owned Beach Parcels 9-12

Just to make sure that this was conveyed, DPR still objects to sandbags.

Let me know if you need anything further. --J

James W. Dodson, Jr. (Jimmy)

Interim Program Manager, DPR Natural Resources

AFE Certified Fire Ecologist, TWS Certified Wildlife Biologist®, & NC Registered Forester #1647

NC DNCR, Division of Parks & Recreation, Natural Resources Program
 Physical Address: 121 West Jones Street, Nature Research Center, Raleigh, NC 27601
 Mailing Address: 1615 MSC, Raleigh, NC 27699

office: 919-707-9307
 cell: 919-796-7308
 email: jimmy.dodson@ncparks.gov
<http://www.ncparks.gov>

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From: Moore, Eric W <eric.moore@doa.nc.gov>
Sent: Thursday, August 29, 2024 4:19 PM
To: Norris, George T <George.Norris@ncparks.gov>; Ferree, Michelle A <michelle.ferree@ncparks.gov>; Dodson, James W <jimmy.dodson@ncparks.gov>
Subject: RE: [External] CAMA 91-14 Adjacent Neighbor Certified Mailing re Sandbags at Shoals Club on Bald Head Island adjacent to State Owned Beach Parcels 9-12
 Ten days from our receipt of notice, which begins today.
 Note that we are getting notice and the ability to comment or object as a neighbor. No sandbags are to be placed on the State's property.



Eric W. Moore
 Real Property Agent
 State Property Office
 984-236-0270 | main
 984-236-0295 | direct
eric.moore@doa.nc.gov
 325 N. Salisbury Street, 6th Floor, Raleigh, NC 27603
 1321 Mail Service Center
ncadmin.nc.gov/spo

Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Norris, George T <George.Norris@ncparks.gov>
Sent: Thursday, August 29, 2024 4:09 PM
To: Ferree, Michelle A <michelle.ferree@ncparks.gov>; Moore, Eric W <eric.moore@doa.nc.gov>; Dodson, James W <jimmy.dodson@ncparks.gov>
Subject: RE: [External] CAMA 91-14 Adjacent Neighbor Certified Mailing re Sandbags at Shoals Club on Bald Head Island adjacent to State Owned Beach Parcels 9-12
 Yes, we did.
 Christine would have -now Jimmy?

From: Ferree, Michelle A <michelle.ferree@ncparks.gov>
Sent: Thursday, August 29, 2024 4:08 PM
To: Moore, Eric W <eric.moore@doa.nc.gov>; Norris, George T <George.Norris@ncparks.gov>; Dodson, James W <jimmy.dodson@ncparks.gov>
Subject: RE: [External] CAMA 91-14 Adjacent Neighbor Certified Mailing re Sandbags at Shoals Club on Bald Head Island adjacent to State Owned Beach Parcels 9-12

Did we object previously? The letter is dated 8/6, so we are beyond the ten day window to respond.

George: Who else needs to review this?

Thanks,
Michelle

From: Moore, Eric W <eric.moore@doa.nc.gov>

Sent: Thursday, August 29, 2024 4:00 PM

To: Norris, George T <George.Norris@ncparks.gov>; Ferree, Michelle A <michelle.ferree@ncparks.gov>; Dodson, James W <jimmy.dodson@ncparks.gov>

Subject: FW: [External] CAMA 91-14 Adjacent Neighbor Certified Mailing re Sandbags at Shoals Club on Bald Head Island adjacent to State Owned Beach Parcels 9-12

So the sandbags are back at BHI. If there is an objection, the CAMA folks need to hear it asap. See the attached info.



Eric W. Moore

Real Property Agent

State Property Office

984-236-0270 | main

984-236-0295 | direct

eric.moore@doa.nc.gov

325 N. Salisbury Street, 6th Floor, Raleigh, NC 27603

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Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Goebel, Christine A

From: Ron Peele <rhpeele@gmail.com>
Sent: Friday, September 27, 2024 11:09 AM
To: marekyd@ec.rr.com
Cc: MacPherson, Tara
Subject: [External] Re: Shoals Sandbags

You don't often get email from rhpeele@gmail.com. [Learn why this is important](#)

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Bruce - my sentiments have not changed since our last conversation in August 2023, I am concerned the Shoals Club's erosion mitigation efforts will have an adverse effect on my property. This has only increased given BHI Limited's recent sale of lot 3210 to the Shoal's Club. Prior to the sale BHI Limited had an aligned interest with me as an adjacent property owner. Now that they have sold their lot to the Shoal's Club I am now the next adjacent property and directly exposed to the effects of the mitigation efforts.

To be clear, I am supportive of efforts to address the beach erosion, my concern is the impact those efforts will have on adjacent property when those efforts are not uniformly applied. Pasted below and attached is my previous response.



Ron Peele

Erosion Control Measures

To: tara.macpherson@ncdenr.gov, Cc: marekyd@ec.rr.com

 Sent - Google



Tara - in today's mail I received a certified letter from Bruce Marek re: CAMA Adjacent Property Owner Notification, relating to proposed Measures (Sandbags) the Shoals Club is proposing to place in front of their property. **I object to to this proposal.**

Please allow me to elaborate, I acknowledge and share the erosion concerns affecting the Shoals Club and adjacent beachfront property. My opposition is based on the risk the proposed solution will worsen the erosion impact on my property by redirecting water away from the property. In reviewing an aerial photograph provided in the Proposal package with Mr Marek, it appears the past efforts to manage the property have begun to destroy dune vegetation and promote erosion on my property. I am greatly concerned by this damage and certainly do not want to see the situation worsen for me and my neighbors to the west. I am open to a more unified solution which protects my property as well as the neighbors and would be interested in learning more about that approach.

Please confirm receipt of my response.

Sincerely,

Ron Peele
703.915.2455

On Sep 26, 2024, at 2:56 PM, marekyd@ec.rr.com wrote:

Hi Ron,

Thanks for getting back to me. I had multiple delays on the CAMA 91-14 sandbag permit over the last year, and it got to where our correspondence last year became a year old and thus out of date. Post office said you moved with no forwarding address, and my 9-15-24 e-mail to you was to a gmail address. I guess I had that wrong also. Here is what I said in the 9-15-24 e-mail.

“Attached please see my updated adjacent neighbor notification form and notification /waiver form. The form I sent last year has age dated, and I need a current response for the permit application.

This is the same proposed project from last spring that went from being a Minor Mod request to a Major Mod Request. And after a somewhat neighbors discussion at the Bald Head Island Club, the scope was limited to larger stack sandbags at just the Village Beach Nourishment perpetual easement at the Shoals Club and Lot 3210. There was not enough neighbor (financial) concurrence for doing a continuous temporary sandbagging along the Shoals Watch Way beach.

Not sure if you are aware, the Village is doing a major beach renourishment this Fall/Winter, with sand being placed all the way eastward to beyond the Shoals Club.

I certified mailed my letter /the form on August 6, 2024 to your New Smyrna Beach address. It shows up on August 24 that you have moved, no forwarding address. If you could please print and sign the Notification form, and indicate if you have objections, or no objections, and return to me and/or Tara MacPherson, I would appreciate it.

Are you back living in McLean? My son bought a house there on Churchill Rd last fall, but is now deployed for the Navy at the Embassy in Nigeria.”

I will text you a couple of pictures from after last week’s Tropical Depression 8/major rain event. We actually gained some sand back rather than losing.

The biggest change with the larger stack sandbags is that rather than the waterward point being 20’ waterward of the Shoals Club Pool Boundary fence, it will be 40’. i.e. adding 20’ more of bags. I also have a bit more of standard stack along lot 3210, into the August 2024 escarpment. Throughout the winter of 2023, the existing sandbags were alternately covered and then partially uncovered through about April. Then summers stay pretty steady. With the Village beach nourishment coming all of the way down to east of the Shoals Club, hopefully with the larger stack we will start creating an actual dune line, just like the sandbags added in front of the Bald Head Island Club, which is now a healthy 14’ dune height.

Bruce

Bruce Marek, P.E.
5489 Eastwind Rd
Wilmington, NC 28403
Cell 910-228-2484

<CAMA 91-14 VBHI MAJOR MOD Adjacent Neighbor Notification Forms & Tracking Peele 8-6-24 Certified Mailing Copy.pdf>



January 17,2024

Mr. Gregg Bodnar
Major Permit Coordinator
North Carolina Division of Coastal Management
400 Commerce Ave.
Morehead City, NC 28557

Subject: Response to Comments re: Shoals Club Request to Enlarge Their Sandbag Revetment

Dear Mr. Bodnar,

As you know, Kathy Matthews, the North Carolina Renewable Energy Coordinator for the USFWS, submitted comments to DCM via email on December 24, 2024 regarding the Shoals Club's request to enlarge their existing sandbag revetment. After a review of her comments, we would like to provide the following response regarding the proposed sandbag enlargement and its potential impacts. While we understand her concerns, we believe the project's scope and temporary nature mitigate potential adverse effects. Specifically, we would like to address the following points:

1. Existing Habitat Conditions

- The existing conditions within the project area has minimal, if any, viable habitat for intertidal foraging, roosting for shorebirds, or sea turtle nesting. Years of natural and anthropogenic influences have significantly reduced the habitat's suitability. Surveys conducted in collaboration with the Bald Head Island Conservancy have shown limited wildlife activity in the immediate vicinity. Therefore, the proposed modifications will have negligible impact on existing habitats.

2. Localized and Minimal Impact

- Enlarging the sandbags seaward, as proposed, will impact only a small, localized area. This incremental adjustment is essential to stabilize the shoreline and protect frontal and primary dunes and structures at the Shoals Club. Importantly, this section of shoreline has already been subjected to considerable erosion, and the enlargement is expected to provide a temporary reprieve while longer-term solutions are developed.

3. Temporary Measure Supporting Managed Retreat

- The proposed sandbag enhancement is explicitly intended as a temporary measure. This approach will allow the Shoals Club the necessary time to evaluate and implement a managed retreat strategy, as outlined in coordination with local and state agencies. This forward-thinking plan prioritizes a sustainable approach to shoreline management while balancing the need for short-term stabilization.

4. Monitoring and Mitigation Measures

- In collaboration with the Bald Head Island Conservancy, the Shoals Club is committed to continuing existing monitoring efforts to prevent and mitigate potential impacts to wildlife. Specific measures



include identifying and marking sea turtle nests, relocating nests if necessary, and scheduling work to avoid nesting seasons. These proactive steps will ensure that impacts to sea turtles, piping plovers, red knots, and other biological resources are minimized.

Thank you for your attention to this matter. Please do not hesitate to reach out if additional information or discussion is needed.

Sincerely,

COASTAL PROTECTION ENGINEERING OF NORTH CAROLINA, INC.

Brad Rosov
Senior Marine Biologist



NORTH CAROLINA
Environmental Quality

ROY COOPER

Governor

MARY PENNY KELLEY

Secretary

TANCRED MILLER

Director

December 11, 2024

Village of Bald Head Island
PO Box 3009
Bald Head Island, NC 28461

Dear Sir/Madam:

The enclosed permit constitutes authorization under the Coastal Area Management Act, and where applicable, the State Dredge and Fill Law, for you to proceed with your project proposal. The original (buff-colored form) is retained by you and it must be available on site when the project is inspected for compliance. Please sign both the original and the copy and return the copy to this office in the enclosed envelope. Signing the permit and proceeding means you have waived your right of appeal described below.

If you wish to appeal this permit decision, you are entitled to a contested case hearing. The hearing will involve appearing before an Administrative Law Judge who listens to evidence and arguments of both parties before making a final decision on the appeal. Your request for a hearing must be in the form of a written petition, complying with the requirements of §150B of the General Statutes of North Carolina, and must be filed with the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, NC 27699-6714, within twenty (20) days from the date of this decision. The requirements for filing a contested case can be found at <http://www.oah.state.nc.us/hearings>. Although OAH cannot give legal advice, any questions regarding this process should be directed to OAH at 6714 Mail Service Center, Raleigh, NC 27699-6714 or via telephone at 919-431-3000, including questions regarding the filing fee (if a filing fee is required) and/or the details of the filing process.

A copy of your petition filed at OAH must be served on with DEQ's agent for service of process at the following address:

William F. Lane, General Counsel
Dept. of Environmental Quality
1601 Mail Service Center Raleigh, NC 27699-1601

Please also send a copy of the petition to the attention of Tancred Miller, Director, N.C. Division of Coastal Management, 400 Commerce Avenue, Morehead City, NC 28557, so that your petition may be forwarded to the attorney who will be representing the Respondent in the contested case proceeding.

In the alternative, you may petition the N.C. Coastal Resources Commission for a variance to undertake development that is prohibited by the Commission's rules (Note- a Commission variance cannot be granted if your project was denied due to an inconsistency with a CAMA Land Use Plan or other statutory provisions of the CAMA or NC D&F Law). Applying for a variance requires that you first stipulate that the Division of Coastal Management applied the Rules properly in issuing this permit decision. Applying for a variance



North Carolina Department of Environmental Quality | Division of Coastal Management
Morehead City Office | 400 Commerce Avenue | Morehead City, North Carolina 28557
252.515.5400

means that you agree that the legal restrictions are valid but request an exception to the restrictions because of hardships resulting from unusual conditions of the property. In seeking a variance, you are requesting that the Commission vary the rules at issue and you must state how you believe your request meets the four criteria found at N.C.G.S. § 113A-120.1. To apply for a variance, you must file a petition for a variance with the Director of the Division of Coastal Management and the State Attorney General's Office on a standard form, which must be accompanied by additional information on the nature of the project and the reasons for requesting a variance. The variance request may be filed at any time but must be filed a minimum of six weeks before a scheduled Commission meeting to be eligible to be heard at that meeting.

You may either appeal the permit decision or seek a variance. These are two separate paths and cannot be pursued simultaneously. If the appeal of the permit decision is denied, you may still seek a variance. However, you may not first seek a variance and if that is denied attempt to challenge the decision to deny the permit. Information about both a permit appeal in the Office of Administrative Hearings and the Variance process may be obtained at <https://deq.nc.gov/about/divisions/coastal-management/coastal-management-permits/variances-appeals>.

The project plan is subject to those conditions appearing on the permit form. Otherwise, all work must be carried out in accordance with your application. Modifications, time extensions, and future maintenance requires additional approval. Please read your permit carefully prior to starting work and review all project plans, as approved. If you are having the work done by a contractor, it would be to your benefit to be sure that he fully understands all permit requirements.

From time to time, Department personnel will visit the project site. To facilitate this review, we request that contact your field representative to review the project and permit conditions. However, if questions arise concerning permit conditions, environmental safeguards, or problem areas, you may contact Department personnel at any time for assistance. By working in accordance with the permit, you will be helping to protect our vitally important coastal resources.

Respectfully yours,



Gregg Bodnar
Major Permits Manager
N.C. Division of Coastal Management

Enclosure



Permit Class

MODIFICATION/MAJOR

Permit Number

91-14

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 Village of Bald Head Island, PO Box 3009, Bald Head Island, NC 28461

Authorizing development in Brunswick County adj to the Atlantic Ocean, at 100 Station House Way & 3210 Shoals Watch Way, on BHI, as requested in the permittee's application submitted 8/2/24 (PA-1477), incl att workplan drawings (3), C3, C2R3, C1REV1 all dtd 8/29/24 and Sandbag Removal Notice dtd 9/25/24.

This permit, issued on December 9, 2024, 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 civil or criminal penalties; or may cause the permit to be null and void.

State Ports Inlet Management Area

Sandbags at 3210 Shoals Watch Way

- 1) The sandbags shall be constructed in accordance with the alignment depicted on the attached workplan drawings. [07H .0313(c)]
- 2) The sandbags shall be tan in color and 3 to 5 feet wide and 7 to 15 feet long when measured flat with a base width that shall not exceed 20 feet and a total height not to exceed 6 feet, as measured from the bottom bag. [07H .0313(d)]

(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 Chair 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 9, 2029

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



 for Tancred Miller, Director
 Division of Coastal Management

This permit and its conditions are hereby accepted.



 Signature of Permittee

ADDITIONAL CONDITIONS**Sandbags at 100 Station House Way**

- 3) The base width of the authorized temporary erosion control structure shall not exceed 20 feet, and the height shall not exceed six feet. This permit does not authorize the placement of additional sandbags in areas where existing temporary erosion control structures already exist. [07H .0313(d)]

Cultural and Natural Resources

- 4) If cultural resources are encountered during construction, the permittee shall stop work and contact the Division of Coastal Management for guidance. [07H .0306(b)]

General

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

- 5) In order to protect threatened and endangered species and to minimize adverse impacts to sea turtle and shorebirds during sandbag installation activities, including mobilization and demobilization, shall occur from April 1 to November 15 of any year without prior approval from the Division of Coastal Management in consultation with the appropriate resource agency personnel. [G.S. 113- 229(e); G.S. 113A-120; 07H .0312(4)(a)]
- 6) Soldier pilings or other types of anchor devices for the sandbags shall not be allowed. [07H .0308(b)(2)(M)]
- 7) The alignment of the authorized sandbags shall be staked by the permittee and verified by a representative of the Division of Coastal Management within a maximum of 30 days prior to the start of construction. Failure to initiate construction within 30 days, or erosion of the shoreline by adverse weather conditions, shall require the alignment to be re-staked by permittee and verified by DCM within a maximum of 30 days prior to the new expected start of construction. [G.S. 113-229(c1)]
- 8) In accordance with commitments made by the permittee, the sand source for the authorized sandbags will be from an upland source and all machinery will be removed from the dry sand beach at night. [07J .0202(c)]
- 9) All work shall be accomplished in such a manner that damage to existing vegetation is minimized. [07H .0308(a)(2)]
- 10) The sandbag fill material shall be clean and free of any pollutants except in trace quantities. Sand shall be beach quality. [07H .0208(a)(2)(A); 07H .0209(d)(3); 07H .0308(B)(3)]

ADDITIONAL CONDITIONS

- 11) Once the temporary sandbag structure within the State Ports Inlet Management Area is determined by the Division of Coastal Management to be unnecessary due to a change in the imminently threatened determination under 07H .0313(c), the temporary sandbag structure must be removed by the permittee within 30 days of official notification from the Division. [07H .0308(b)(2)(I); 07H .0313(f)]
- 12) The permittee shall be responsible for the removal of remnants of all portions of any damaged sandbag. [07H .0308(b)(2)(K)]
- 13) All mechanized equipment will be regularly inspected and maintained to prevent contamination of waters and wetlands from fuels, lubricants, hydraulic fluids, or other toxic materials. In the event of a spill of petroleum products or any other hazardous waste, the permittee shall immediately report it to the National Response Center at (800) 424-8802 and provisions of the North Carolina Oil Pollution and Hazardous Substances Control Act will be followed. [07H.0208(a)(2)(B)]
- 14) 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. [07K.0406(b)]
- 15) The permittee and/or their contractor shall meet with a representative of the Division prior to project initiation. [07J.0209(a)]
- 16) All construction debris associated with the removal or construction of the permitted development shall be contained within the authorized project area and disposed of in an approved upland location. [07J.0209(a); G.S.113A-120(b)]

NOTE: This Major Modification shall be attached to the original Permit No. 91-14, which was issued on 10/21/14, as well as all subsequent renewals, refinements, and modifications, and copies of all documents must be readily available on site when Division personnel inspect the project for compliance.

- 17) All conditions and stipulations of the active permit remain in force, under this Major Modification, unless specifically altered herein. [07J .0209(a)]

NOTE: A CAMA/Dredge and Fill Permit is a determination that the proposed development meets the CAMA/Dredge and Fill laws and CRC's rules for coastal development. It is not a determination of private property ownership or an authorization to trespass onto property owned by someone other than the Permittee.

NOTE: This permit action may be appealed by the permittee or other qualified persons within twenty (20) days of the issuing date. Any development authorized under this permit that occurs prior to the expiration of the twenty (20) day appeal period or completion of an appeal process, shall be done at the permittee's risk.

ADDITIONAL CONDITIONS

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 U.S. Army Corps of Engineers assigned the proposed project COE Action Id. No. SAW-2022-01123.

NOTE: The Division of Water Resources assigned the proposed project DWR Project No. 2012-0288 v7.

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.



February 18, 2025

Via Electronic Mail

Renee Cahoon
Coastal Resources Commission, Chair
Email: Renee.Cahoon@ncdenr.gov

Re: Bald Head Island Limited, LLC's Support of CAMA Variance Request by The Shoals Club on Bald Head Island, LLC

Dear Chair Cahoon:

I am writing to notify you on behalf of Bald Head Island Limited, LLC ("BHI Limited"). Since 1983, BHI Limited, owned by the George P. Mitchell Family, has been entrusted with the stewardship and master development of Bald Head Island. Today, BHI Limited remains true to its original vision statement: To create a viable premier island community where people may live in harmony with nature and each other.

It is our understanding that The Shoals Club on Bald Head Island, LLC (the "Shoals Club") has petitioned the Coastal Resources Commission to enlarge an existing sandbag revetment seaward of the Shoals Club on Bald Head Island. This area of the island's beach has experienced significant erosion since the Shoals Club was constructed in 2004. It is my understanding that since the existing sandbag revetment was constructed in May 2022, it has been inundated multiple times causing further erosion landward of the sandbags.

BHI Limited supports the Shoals Club's petition for a variance in connection with the proposed enlarging of the existing sandbag revetment located seaward of the Shoals Club.

Sincerely,

Charles A. Paul, III
Chief Executive Officer

cc: Christy Goebel (via email)
David Sawyer (via email)



direct dial 919 420 1726
direct fax 919 510 6121
TROessler@ktslaw.com

January 14, 2025

Via Certified Mail – Return Receipt Requested

State Property Office
1321 Mail Service Center
Raleigh, NC 27699-1321

Re: CAMA Variance Petition by Bald Head Island Club Limited, LLC

Dear Property Owner:

I am writing to notify you that Bald Head Island Club Limited, LLC is applying for a variance from the North Carolina Coastal Resources Commission to enlarge the existing sandbag revetment by increasing the width by twenty (20) feet (a new width of 40-feet) and the height by six (6) feet (a new height of 12-feet). The project site is located waterward of the Shoals Club at 100 Station House Way on Bald Head Island. A copy of the proposed structure is enclosed for your information.

The variance is projected to be heard at the February 26-27, 2025 meeting of the Coastal Resources Commission location to be determined. If you would like to receive more information about the variance request, you may contact me. If you would like to provide comments on the variance request, you may direct your comments to the North Carolina Division of Coastal Management, Wilmington District, 127 Cardinal Drive Extension, Wilmington, North Carolina, 28405-3845. You may also call the Division of Coastal Management to talk to a representative at (910) 796-7215.

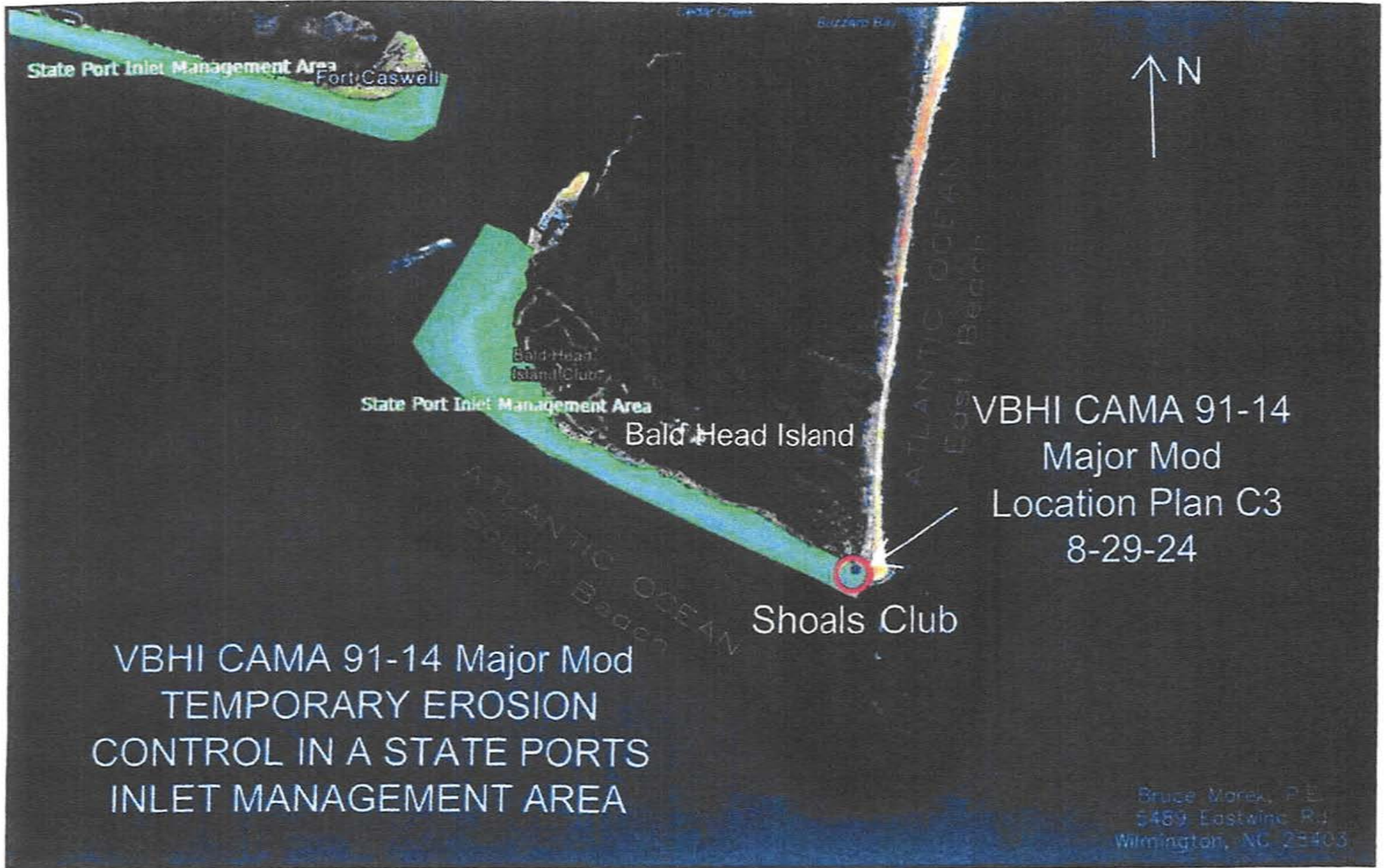
Sincerely,

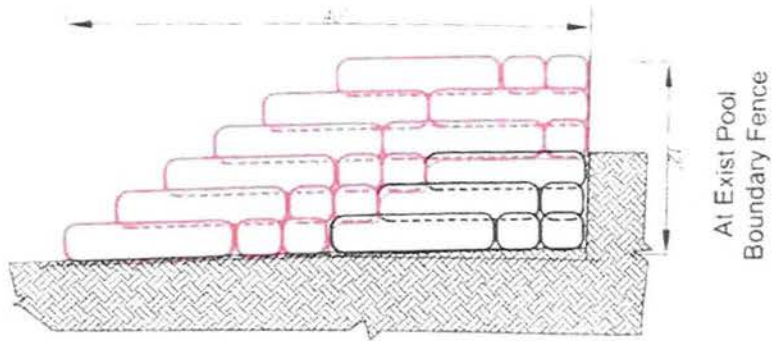
KILPATRICK TOWNSEND & STOCKTON LLP

Todd S. Roessler
Attorney for BHI Club

Enclosure

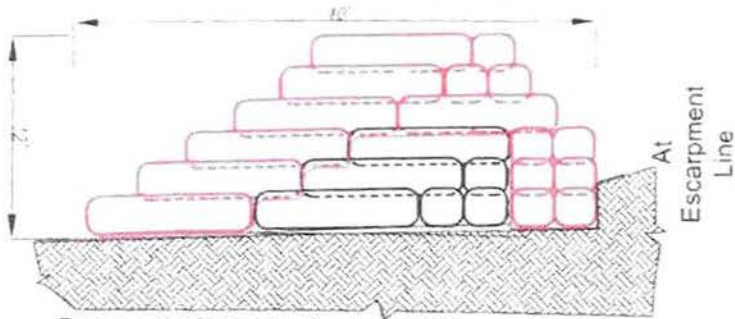
US2008 30932108 1





At Exist Pool Boundary Fence

Proposed 12' Height Stack = 40' base x 12' ht
 (includes existing 20'x6' ht Standard Stack)
 New Sandbags in Red
 Geotextile Fabric indicated in Magenta

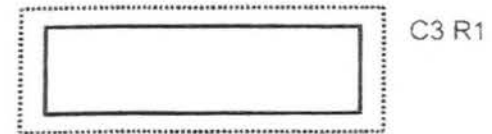


At Escarpment Line

Proposed 12' Height Stack = 40' base x 12' ht
 (includes existing 20'x6' Standard Stack)
 New Sandbags in Red At Escarpment(s) East & West
 of Pool Boundary Fence
 Geotextile Fabric is indicated in Magenta

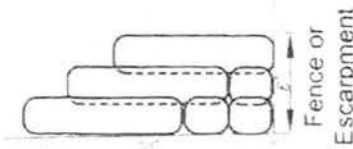
Diagrammatic
 Not To Scale

CAMA 91-14 Mod Detail - Sandbag Placement Per 15A
 NCAC 07H .0313
 Use Standards for State Ports Inlet Management Areas



Flat Bag = 5'x15'

Filled Bag = Squished 3.5'Wide x Appx 2.5 ish' High x 13'
 Note that it takes 3 levels of sandbags for 6' height as
 alternate rows of bags settle into prior row's gaps.



Existing Stacked = 20' base x 6' ht

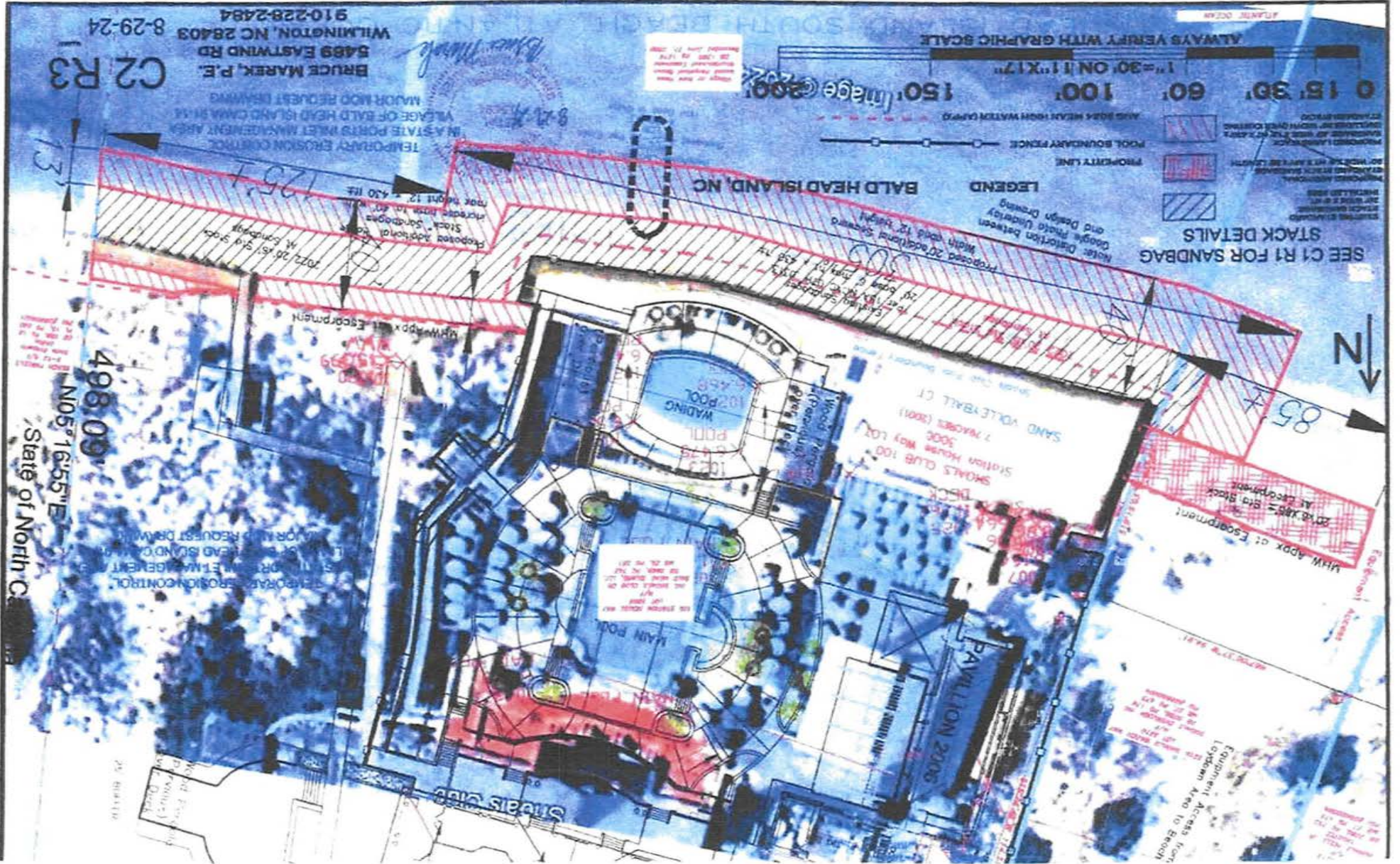
Beach Slope Appx 1V:30H

8-29-24

Bruce Marek

Bruce Marek, P.E.
 5489 Eastwind Rd
 Wilmington, NC 28403
 910-228-2484

C1 Rev 1
 8-29-24
 Update of C1
 5-19-23





151

**U.S. Postal Service
CERTIFIED MAIL**

package id
00561297

ship date
Tue, Jan 14 2025

to
State Property Office
1321 Mail Service Center
Raleigh, NC 27699-1321 US
919-420-1700

residential address
Yes

return label
No

from
Todd Roessler (01729)
Kilpatrick Townsend & Stockton
LLP
4208 Six Forks Road Suite 1400
Raleigh, NC 27609 US
919 420 1726

billing
BALD HEAD ISLAND
CLUB.COASTAL EROSION
ISSUES
(093328.1381519)

operator
Donna Knowles
919 420 1758
dknowles@kilpatricktownsend.com

create time
01/14/25, 11:46AM

vendor
Certified Mail
tracking number
CERT00561297
service
USPS Certified Mail™
options
Return Receipt



January 14, 2025

Via Certified Mail – Return Receipt Requested

Ronald Peele, Jr., Trustee
265 Minorca Beach Way, #402
New Smyrna, FL 32169-6054

Re: CAMA Variance Petition by Bald Head Island Club Limited, LLC

Dear Mr. Peele:

I am writing to notify you that Bald Head Island Club Limited, LLC is applying for a variance from the North Carolina Coastal Resources Commission to enlarge the existing sandbag revetment by increasing the width by twenty (20) feet (a new width of 40-feet) and the height by six (6) feet (a new height of 12-feet). The project site is located waterward of the Shoals Club at 100 Station House Way on Bald Head Island. A copy of the proposed structure is enclosed for your information.

The variance is projected to be heard at the February 26-27, 2025 meeting of the Coastal Resources Commission location to be determined. If you would like to receive more information about the variance request, you may contact me. If you would like to provide comments on the variance request, you may direct your comments to the North Carolina Division of Coastal Management, Wilmington District, 127 Cardinal Drive Extension, Wilmington, North Carolina, 28405-3845. You may also call the Division of Coastal Management to talk to a representative at (910) 796-7215.

Sincerely,

KILPATRICK TOWNSEND & STOCKTON LLP

Todd S. Roessler
Attorney for BHI Club

Enclosure

US2008 30932341 1



153

**U.S. Postal Service
CERTIFIED MAIL**

package id
00561296

ship date
Tue, Jan 14 2025

to
Ronald Peele, Jr., Trustee
265 Minorca Beach Way #402
New Smyrna , FL 32169 US
919-420-1700

residential address
Yes

return label
No

from
Todd Roessler (01729)
Kilpatrick Townsend & Stockton
LLP
4208 Six Forks Road Suite 1400
Raleigh , NC 27609 US
919 420 1726

billing
BALD HEAD ISLAND
CLUB.COASTAL EROSION
ISSUES
(093328.1381519)

operator
Donna Knowles
919 420 1758
dknowles@kilpatricktownsend.com

create time
01/14/25, 11:37AM

vendor
Certified Mail
tracking number
CERT00561296
service
USPS Certified Mail™
options
Return Receipt



January 14, 2025

Via Certified Mail – Return Receipt Requested

Kathy Matthews
NC Renewable Energy Coordinator
U.S. Fish and Wildlife Service
3916 Sunset Ridge Rd.
Raleigh, NC 27607

Re: CAMA Variance Petition by Bald Head Island Club Limited, LLC

Dear Ms. Matthews:

I am writing to notify you that Bald Head Island Club Limited, LLC is applying for a variance from the North Carolina Coastal Resources Commission to enlarge the existing sandbag revetment by increasing the width by twenty (20) feet (a new width of 40-feet) and the height by six (6) feet (a new height of 12-feet). The project site is located waterward of the Shoals Club at 100 Station House Way on Bald Head Island. A copy of the proposed structure is enclosed for your information.

The variance is projected to be heard at the February 26-27, 2025 meeting of the Coastal Resources Commission location to be determined. If you would like to receive more information about the variance request, you may contact me. If you would like to provide comments on the variance request, you may direct your comments to the North Carolina Division of Coastal Management, Wilmington District, 127 Cardinal Drive Extension, Wilmington, North Carolina, 28405-3845. You may also call the Division of Coastal Management to talk to a representative at (910) 796-7215.

Sincerely,

KILPATRICK TOWNSEND & STOCKTON LLP

Todd S. Roessler
Attorney for BHI Club

Enclosure

US2008 30936537 1



155

**U.S. Postal Service
CERTIFIED MAIL**

package id
00561298

ship date
Tue, Jan 14 2025

to
Kathy Matthews
US Fish and Wildlife Service
3916 Sunset Ridge Rd
Raleigh , NC 27607 US
919-420-1700

residential address
Yes

return label
No

from
Todd Roessler (01729)
Kilpatrick Townsend & Stockton
LLP
4208 Six Forks Road Suite 1400
Raleigh , NC 27609 US
919 420 1726

billing
BALD HEAD ISLAND
CLUB.COASTAL EROSION
ISSUES
(093328.1381519)

operator
Donna Knowles
919 420 1758
dknowles@kilpatricktownsend.com

create time
01/14/25, 11:48AM

vendor
Certified Mail
tracking number
CERT00561298
service
USPS Certified Mail™
options
Return Receipt



January 23, 2025

Brian P. Mullins, CCM, CCE
General Manager
Shoals Club

Subject: Variance Support Letter

Dear Mr. Mullins:

This letter was developed at the request of the Shoal's Club (Club) in support of their submittal of a variance petition to the North Carolina Division of Coastal Management (NC DCM) to allow for additional sandbags to be placed along the Club's shorefront. Specifically, the submittal requested increasing the cross-sectional area of the sand bag structure from 20' wide x 6' high to 40' wide x 12' high. To that end, this letter addresses the recent evolution of beach conditions in the vicinity of the Club and the feasibility of short-term strategies to mitigate the ongoing erosion occurring in the area, including protection of imminently threatened primary and frontal dunes and structures.

In September 2023, Coastal Protection Engineering of North Carolina, Inc. (CPE) completed an erosion study that documented recent changes to the beach system on southern and eastern Bald Head Island and recommended several long-term strategies to mitigate the chronic erosion experienced by the shorefront in the vicinity of the Club. The 2023 report documented beach changes that occurred from November 1999 to May 2022. Prior to completing the report, the erosion in front of the Club had reduced the beach width to the point that the Club's structures and infrastructure were vulnerable to wave attack, prompting the Club to install sandbags seaward of the Club in June 2022. Since the completion of the report, beach conditions near the Club have continued to degrade while the implementation of longer-term mitigation strategies have continued in the planning phase.

Due to the degraded beach conditions, it is our understanding that the Club has already applied to the State to modify the permit to widen the sandbag placement area to the west (this has been approved) and to place additional sandbags landward of and above those already existing along the Club's shorefront (this request was denied). The purpose of his letter is to provide additional context regarding the need for a short-term erosion mitigation strategy as well as provide additional information to consider with respect to comments submitted by the USFWS.

[Shoals Club Erosion Study \(September 2023\)](#)

As previously stated, the 2023 report documented erosion that impacted the oceanfront property of the Shoals Club during the previous two decades. The report also offered long-term recommendations aimed at mitigating those erosional impacts. The study utilized beach profile survey data and aerial

imagery provided by the Village of Bald Head Island (Village) to quantify the evolution of the beach conditions from November 1999 to May 2022. Beach profile surveys have been conducted twice per year along Bald Head Island since the late '90s, and profiles B-54 and B-55 are located approximately 100 ft to the west and 65 ft to the east of the Club, respectively. The locations of these two beach profile stations are illustrated in **Figure 1**.



Since 1999, the mean high water (MHW) shoreline (equivalent to the +1.41 NAVD88 contour) has advanced and retreated at these two locations by hundreds of feet. **Figure 2** indicates that the MHW shoreline was located most seaward (widest beach) between around May 2006 and June 2007, but steadily retreated at a rate of approximately -43 ft/yr, on average, thereafter.

Figure 1: Location of beach profiles B-54 and B-55.

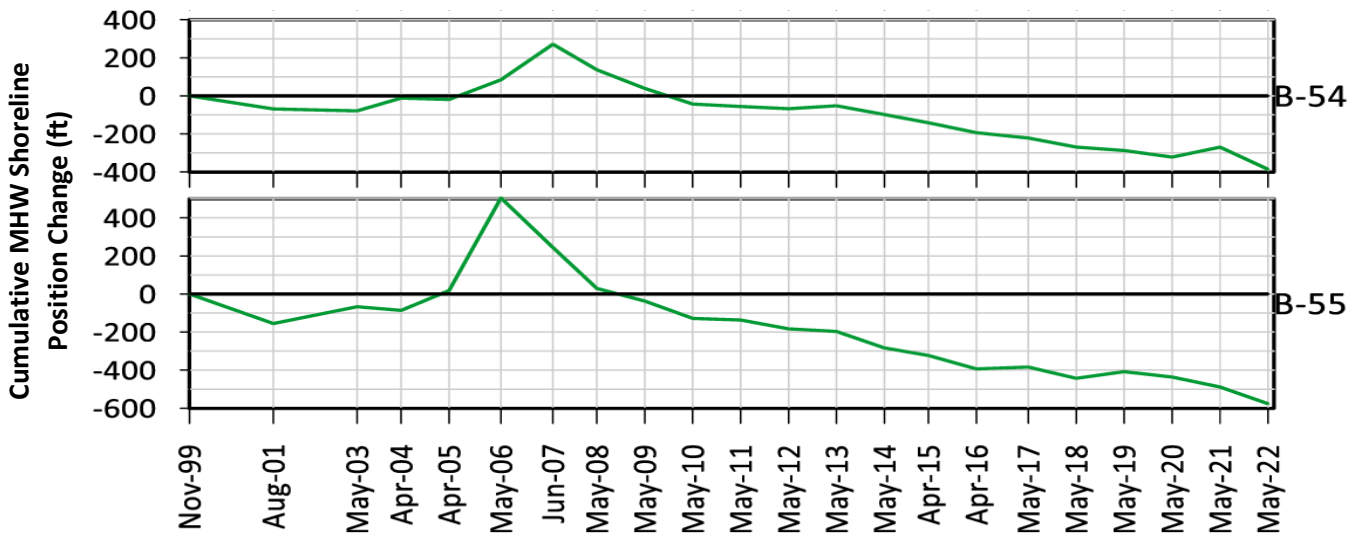


Figure 2: Cumulative MHW (+1.41 ft NAVD88) shoreline position change (ft) at stations B-54 and B-55 from November 1999 to May 2022 (CPE, 2023).

Through the various analyses conducted as part of the study, it was concluded that the meandering of strong currents flowing in the east-west direction across Frying Pan Shoals was the most likely mechanism that contributed to the erosion of the beach in front of the Club. To combat this erosion, six long-term alternatives were recommended to the Club. These alternatives and the approximate length of time estimated to implement the various alternatives are listed in **Table 1**. The estimated length of time to implement the alternatives ranged from one to five years. Short-term strategies to

combat the erosion that would likely occur prior to the implementation of these long-term strategies were not discussed in the CPE report.

Table 1: Summary of implementation schedule and approximate project cost.

Alternative	Strategy	Implementation Schedule (years)	Approximate Project Cost
1	Beach Renourishment	1-2	\$1,450,000
2	Dredge Cross-Shoal Channel	3-4	\$5,170,000
3	Point Sand Transfer	1-2	\$1,300,000
4	Geotube Groin Field	3-5	\$1,050,000
5	Terminal Groin	3-5	\$7,410,000
6	Managed Retreat	1	\$2,150,000

Beach Conditions Update – May 2022 to April 2024

Since completion of the CPE report, the beach conditions in the vicinity of the Club have both ephemerally improved and worsened depending on the prevailing weather conditions. **Figure 3** and **Figure 4** depict the surveyed beach profiles at B-55 from May 2022 to April 2024. Comparison of the location of the position of the MHW contour at each surveyed profile indicates minor shoreline retreat from May 2022 to May 2023, substantial shoreline advancement from May 2023 to November 2023, and shoreline retreat again until April 2024. These shoreline retreat and advance patterns were similar at beach profile B-54. In the net from May 2022 to April 2024, the MHW shoreline position at B-54 has retreated by approximately -10 ft and has advanced approximately +16 ft at B-55. These short-term fluctuations of shoreline position are considered typical for an energetic shoreline and are not necessarily indicative of long-term growth or reduction of the beach. Unfortunately for the Club however, the lack of growth of the beach has left the primary and frontal dunes and Club structures in a state of vulnerability to flooding and wave attack.

Figure 5 presents aerial imagery from May 2022 to October 2024. The May 2022 image depicts the initial installation of the sandbags in front of the Club. A high-water event likely occurred between May and October 2022, as evidenced by the large overwash patterns to the east and west of the Club. The sandbags remained exposed in May 2023 and were predominately covered in sand as of November 2023. By April 2024, the sandbags in front of the Club's wooden fence were again mostly exposed, while those to the east of the fence remained covered. Most recently in October 2024, the sandbags were partially exposed in front of the wooden fence and covered to the east of the fence.

Figure 6 through **Figure 11** depict the conditions of the sandbags from November 2022 through August 2024. Since the installation of the sandbags, it is our understanding that they have been inundated from the oceanside multiple times (see **Figure 7** and **Figure 8**), which has caused erosion escarpments landward of the sandbag revetment and settling into the beach. Comparison of the top of elevation of

the sandbags with the top of the wooden fence in the photos reveals the slow settling of the sandbags between two to four feet in some locations, most notably at the western corner of the fence. The variation in color of the wooden fence also reveals the previous elevation of the sandbags, with the recently exposed fence characterized by a lighter tone. The recent settling of the sandbags decreases their efficacy at preventing wave impacts from further damaging the frontal and primary dunes in the project area and damaging Club structures, exposing the dunes and Club structures to greater risk from elevated wave conditions.

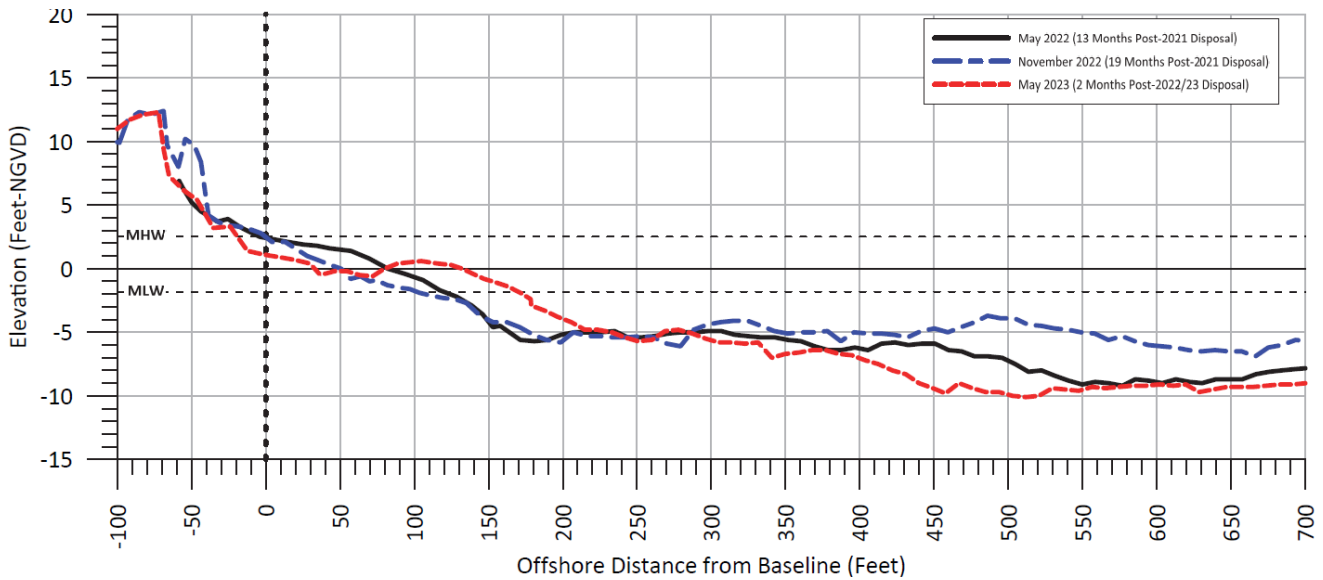


Figure 3: Beach profile B-55 from May 2022 to May 2023. Figure A-72 from Olsen (2023).

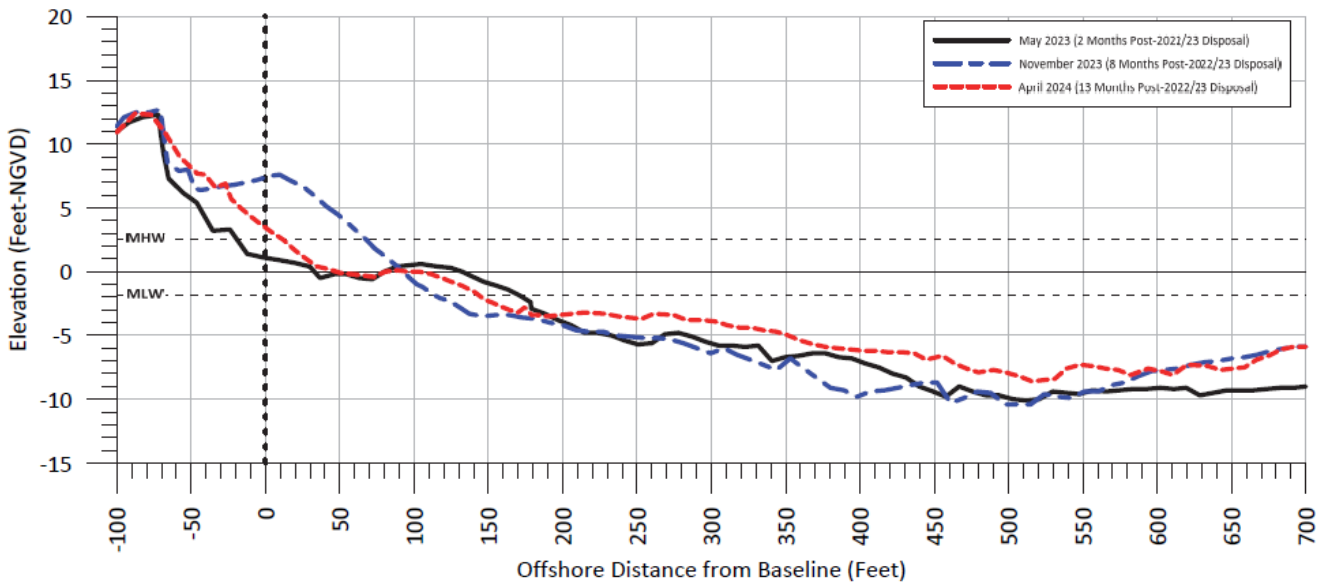


Figure 4: Beach profile B-55 from May 2023 to April 2024. Figure A-72 from Olsen (2024).

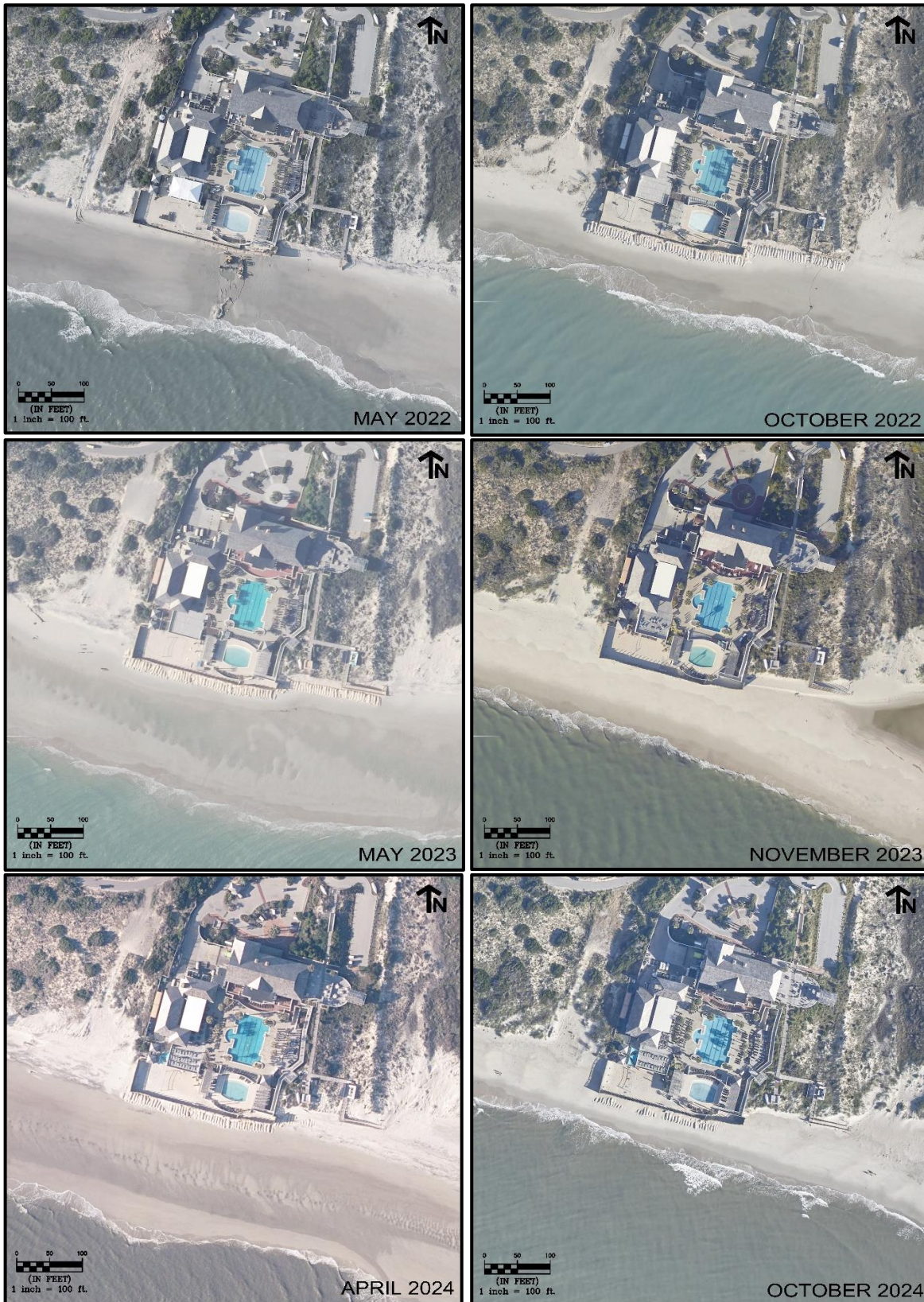


Figure 5: Aerial imagery illustrating beach conditions from May 2022 to October 2024. Imagery provided by Olsen Associates, Inc.



Figure 6: Drone imagery from November 1, 2022, 6-months post-installation of the sandbags. Note the height of the bags relative to the top of the wooden fence. Image courtesy of Olsen Associates, Inc.



Figure 7: March 2023 drone imagery of a high-water event impacting the sandbags approximately 10-months post-installation. Image courtesy of the Shoals Club.



Figure 8: March 2023 imagery of a high-water event impacting the sandbags approximately 10-months post-installation. Image courtesy of the Shoals Club.



Figure 9: Drone imagery from April 13, 2023, approximately 11-months post-installation of the sandbags. Image courtesy of Olsen Associates, Inc.



Figure 10: Drone imagery from November 8, 2023, approximately 1.5 years post-installation of the sandbags. Potential settling of the sandbags and an accretional event resulted in temporary covering of the sandbags. Image courtesy of Olsen Associates, Inc.

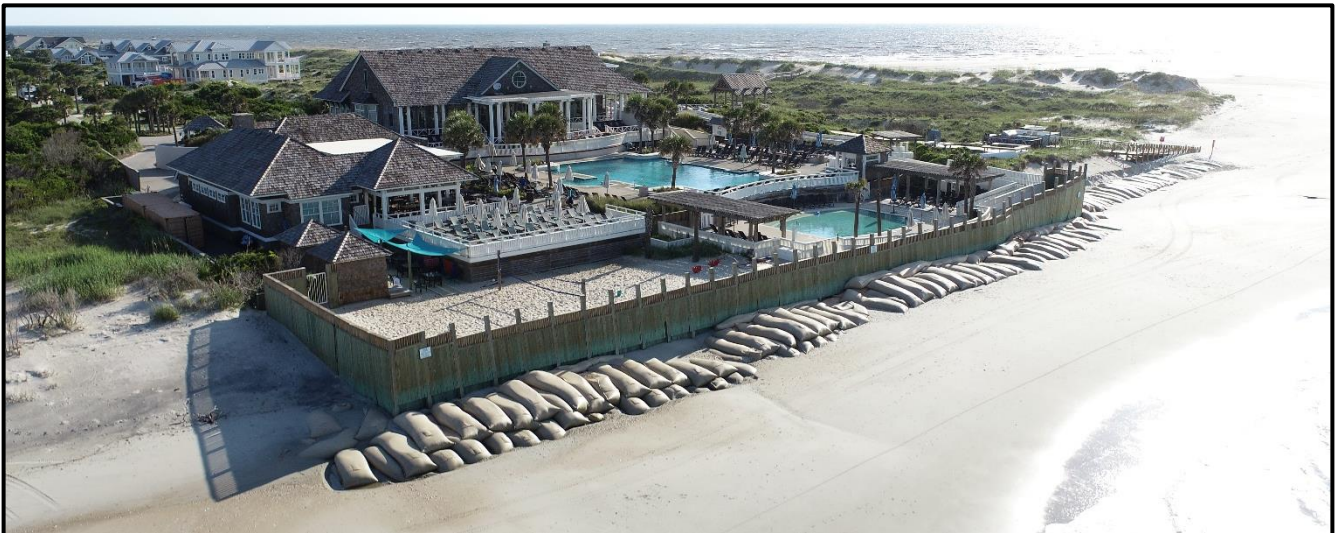


Figure 11: Drone imagery from August 15, 2024, approximately 2-years and 3-months post-installation of the sandbags. The degree of settling of the sandbags is evidenced by the top of the sandbags being located at the bottom of the wooden fence. Image courtesy of Olsen Associates, Inc.

Short-Term Mitigation Strategies

The continued shoreline retreat in the vicinity of the Club along with amount of time required to implement a longer-term erosion mitigation strategy requires that a short-term strategy be implemented to prevent any immediate damage from occurring to the dunes or the Club structures. The Club has attempted to protect the dunes and its structures through numerous methods during the past decade including numerous beach “pushes,” or scraping sand from a lower elevation and placing it at higher elevations in front of the Club’s infrastructure, reconstruction of the wooden fence surrounding the Club, spraying expanding foam underneath the seawardmost pool to prevent continued undermining from waves, and most recently, the placement of sandbags in May 2022. These efforts have mostly prevented significant damage from occurring at the Club. However, as the condition of the sandbags continues to deteriorate, the Club becomes more vulnerable to wave attack and scouring of sand from the landward side of the sandbags, and the need to implement an additional short-term strategy becomes increasingly important. This section describes strategies that the Club can consider for future implementation and their appropriateness given the current beach and sandbag conditions.

The previously used beach push method is one strategy to consider implementing again. The availability of sand in the area along with the ease of constructing the push makes this method a viable option in an emergency type situation (e.g. prior to a forecasted high-water/wave event). Based on images of previous beach pushes conducted at the Club, approximately two to three cubic yards (cy) per foot of sand were relocated from the lower beach to the upper beach in front of the Club. However, the beach pushes typically provided very temporary protection. During high-water events following the beach pushes, the sand that was pushed up to higher elevations on the profile was typically redistributed back to the lower parts of the profile, resulting in a return of the beach to conditions prior to the beach push. Furthermore, the ability to perform a beach push is highly dependent on having sufficient sand on the lower beach to push up to the upper beach. Given the low elevation of the beach surrounding the Club and the low volume of sand moved by this effort, this option would not likely last any substantial duration of time, and, therefore, its utility would be limited.

The proposed placement of additional sandbags along the Club’s shorefront, as illustrated in **Figure 12** and **Figure 13** and submitted for a permit modification on December 9, 2024, would provide enhanced protection of the primary and frontal dunes and Club structures as compared to an additional beach push. Due to the settling of the existing sandbags and the resulting exposure of the wooden fence to incident wave attack, the placement of additional sandbags on top of the existing sandbags would provide improved protection to the dunes and Club structures. The exact design dimensions and elevations of the additional sandbags were not considered in the preparation of this letter.

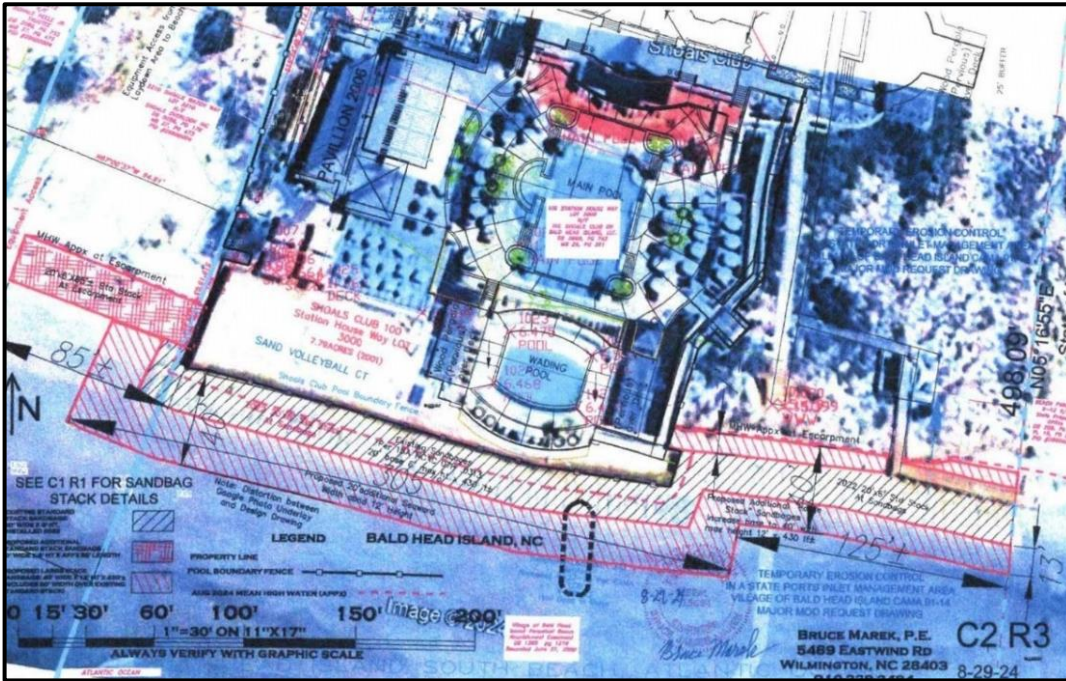


Figure 12: Plan view of the proposed placement of additional sandbags in front of the Shoals Club as submitted under permit modification dated December 9, 2024.

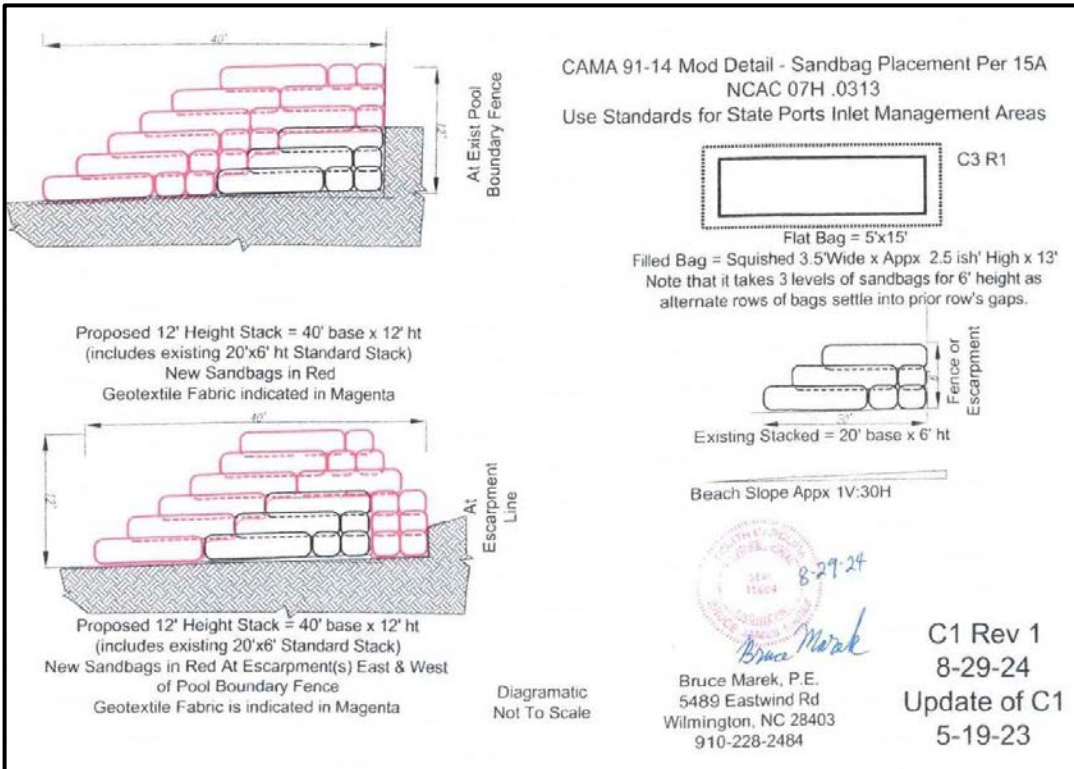


Figure 13: Cross-section view of the proposed placement of additional sandbags in front of the Shoals Club as submitted under permit modification dated December 9, 2024.

Additional Considerations

This section addresses considerations regarding the placement of the additional sandbags in front of the Shoals Club.

1. Ongoing beach renourishment project on Bald Head Island.

A beach renourishment project sponsored by the Village is expected to place approximately 1 million cubic yards of sand on South Beach. Originally, the project called for approximately 500,000 cy of sand to be placed between stations 162+00 to 222+00, as depicted in **Figure 14**. Based on recent conversations with the Village's coastal engineering consultants, Olsen Associates, Inc., approximately 400,000 cy of sand will be placed in this section, and the western extent of the fill placement will be shifted to the east. They estimate that approximately 100 cy/ft will be placed in front of the Shoals Club. Construction is expected to conclude by March 31st, 2025.



Figure 14: Original placement quantity and extents of ongoing beach renourishment project.

Based on this expected sand placement, the immediate need for the placement of additional sandbags may be reduced. However, the performance of the beach renourishment project is not entirely understood because (1) sand has never been placed in this area as part of a large beach renourishment project, and (2) the beach system in this area is highly dynamic, reducing the predictability of project performance. Sand has typically been placed on South Beach at a frequency of around every 2-4 years. However, sand has never been placed this far east on South

Beach in the vicinity of the Point, and the performance of this section of the beach fill is unknown. It is our understanding that as of now, neither the Village, the Corps, nor the Petitioners have additional beach renourishment projects planned along the Club's shorefront. Given the uncertainty of the performance of the renourishment project, the Club's request for authorization for the placement of the additional sandbags is warranted.

2. Managed retreat of Club facilities.

It is our understanding that the Club is in the process of developing a managed retreat plan that would relocate certain Club facilities due to the increasing risk of damage to infrastructure from the rising seas. **Figure 15** presents a conceptual plan of the proposed redevelopment. The Club has already purchased property to the north of Shoal's Watch Rd. However, the timeline to fully relocate facilities to the new location and remove the facilities from their existing location may take approximately two to three years. Placement of the additional sandbags in their requested location would decrease the risk to the existing structures while the managed retreat concept is being implemented in the coming years.

3. Comments from USFWS.

The USFWS submitted comments to NC DCM via email on December 24, 2024 regarding the Shoals Club's request to enlarge their existing sandbag revetment. The attached letter (Attachment 2) is addressed to the NC DCM and includes responses to the USFWS comments prepared by CPE on behalf of the Club. The responses generally indicate that due to the degraded beach conditions that currently exist seaward of the Club, there is minimal viable habitat for shorebirds and marine turtles, and the temporary nature of the proposed sandbags will avoid long-term impacts to these and other biological resources.

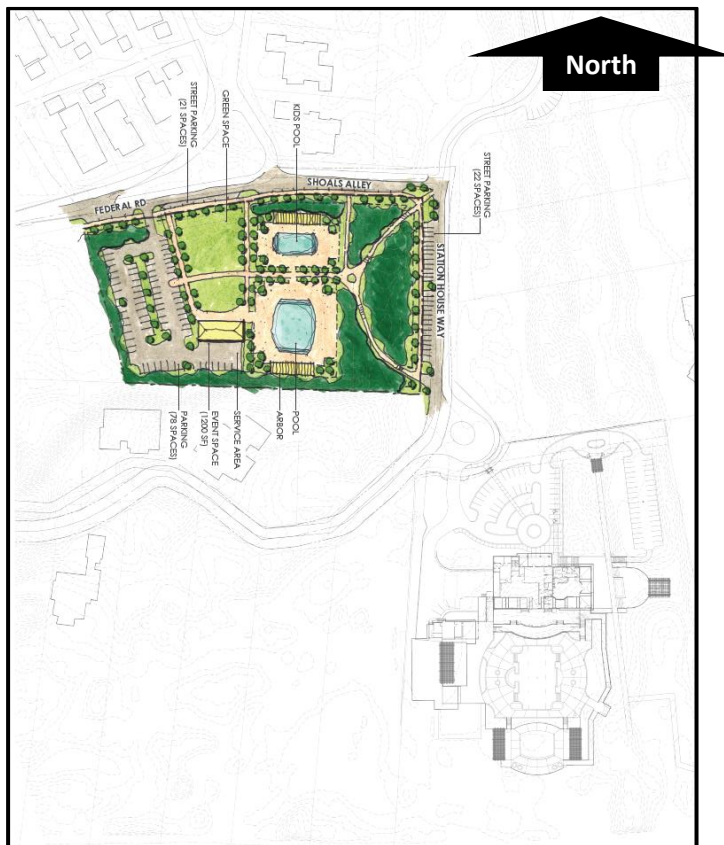
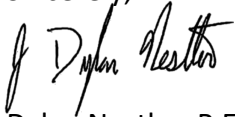


Figure 15: Conceptual plan of relocated Club facilities to the north.

In summary, given (1) the degraded conditions of the beach seaward of the Shoals Club in recent years, (2) the deteriorated conditions of the existing sandbags, (3) the uncertainty involved with the duration of the ongoing beach renourishment's protection, and (4) the amount of time required to implement the planned managed retreat of Club facilities to the north, the installation of additional sandbags in the configuration proposed in the permit modification dated December 9th, 2025 appears to be a reasonable method to achieve the temporary level of protection of primary and frontal dunes and Club structures from potential wave impacts.

If you have any additional questions, feel free to contact me with the information below.

Sincerely,



Dylan Nestler, P.E.

Coastal Protection Engineering of North Carolina, Inc

Office: 910-399-1905

dnestler@coastalprotectioneng.com

Attachments:

1. CPE, 2023. Shoals Club Erosion Study. Coastal Protection Engineering of North Carolina, Inc. September 2023
2. BHI CLUB - Response to USFWS Letter
3. Olsen, 2023. Bald Head Island Beach Monitoring Program: Monitoring Report No. 21 (May 2022 to May 2023). August 2023.
4. Olsen, 2024. Bald Head Island Beach Monitoring Program: Monitoring Report No. 22 (May 2023 to April 2024). September 2024.

Goebel, Christine A

From: Charles S. Baldwin, IV <CBaldwin@BrooksPierce.com>
Sent: Thursday, February 20, 2025 11:12 AM
To: Roessler, Todd
Subject: RE: Shoals Club - Sandbag Revetment - Local Variance

Todd: Apologies. The Village confirmed that a local variance is not needed.

Best regards

[Charles S. Baldwin, IV](#)



t: 910.444.2020
f: 910.444.2001

115 N. 3rd Street, Suite 301
Wilmington, NC 28401
P.O. Box 2460 (28402)

From: Roessler, Todd <TRoessler@ktslaw.com>
Sent: Thursday, February 20, 2025 10:45 AM
To: Charles S. Baldwin, IV <CBaldwin@BrooksPierce.com>
Subject: FW: Shoals Club - Sandbag Revetment - Local Variance

This Message Is From an External Sender

This email originated from outside the firm. Do not click links, open attachments or reply, unless you recognize the sender's email address and know the content is safe!

Hi Charles,

I did not receive a response to this email. When you get a chance, will you please respond. The variance hearing is next Wednesday, February 26.

Thanks,
Todd

Todd Roessler
TRoessler@ktslaw.com
Kilpatrick Townsend & Stockton LLP
4208 Six Forks Road | Suite 1400 | Raleigh, NC 27609
T 919 420 1726 | M 919 271 0595 | F 919 510 6121
[My Profile](#) | [vCard](#)

From: Roessler, Todd
Sent: Friday, January 10, 2025 6:54 PM
To: Charles S. Baldwin IV <cbaldwin@brookspierce.com>
Subject: Shoals Club - Sandbag Revetment - Local Variance

I represent the BHI Club and am in the process of preparing a variance petition. I need to submit the petition and supporting documents by next Wednesday, January 15. One of the issues that has come up is whether the BHI Club needs to seek a variance from the local government. The BHI Club intends to seek a variance from the CRC to expand an existing sandbag revetment by increasing its width 20-feet and the height by 6-feet. The sandbag revetment is intended to protect the dunes, the Shoals Club structures, and Village infrastructure (8-inch main waterline).

Are you aware of any local requirements that the petitioner would need to seek a variance from the Village? In other words, is the existing sandbag revetment being expanded into the CRC's jurisdiction as a result of local requirements? I'm not aware of any such local requirements. Will you please confirm.

Thanks,
Todd

Todd S. Roessler
Kilpatrick Townsend & Stockton LLP
919.420.1726 (office)
919.271.0595 (cell)



Todd Roessler
TRoessler@ktslaw.com
Kilpatrick Townsend & Stockton LLP
4208 Six Forks Road | Suite 1400 | Raleigh, NC 27609
T 919 420 1726 | M 919 271 0595 | F 919 510 6121
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NC COASTAL RESOURCES COMMISSION MEETING

February 26, 2025

The Shoals Club at Bald Head Island, LLC and Shoals Overlook, Inc.

(CRC-VR-25-02)

**Bald Head Island
Ocean Erodible & St. Ports AECs
Oversized Sandbags**





Midway

Coolvale

172

S Fort Fisher

The Basin

Members Club
at St. James
Plantation

Founders Club
at St. James
Plantation

Southport

Oak Island

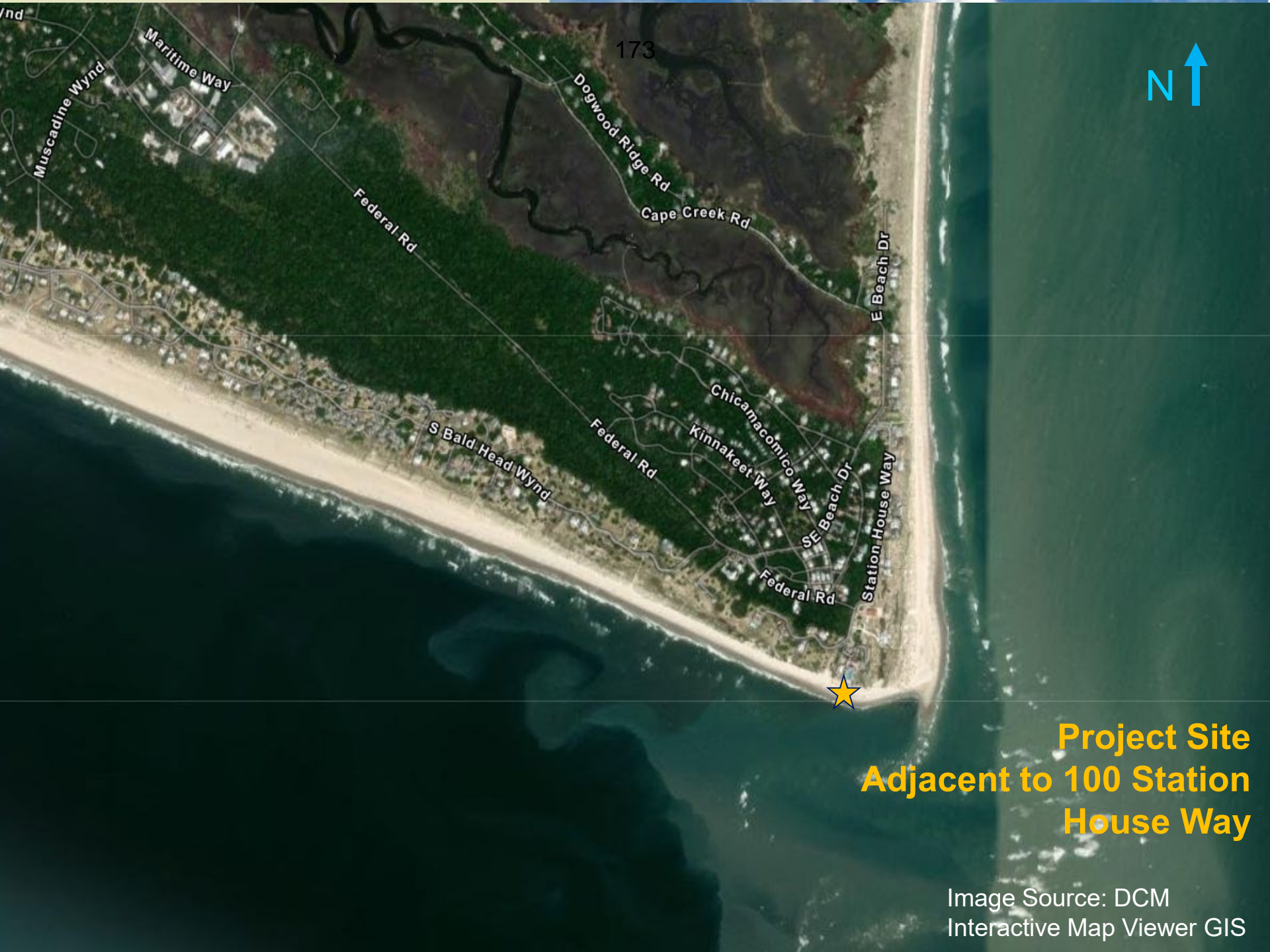
Baldhead
Island State
Natural Area

Bald Head
Island

Project area

Image Source: DCM Interactive
Map Viewer GIS





**Project Site
Adjacent to 100 Station
House Way**

Image Source: DCM
Interactive Map Viewer GIS



3210 Shoals Watch Way

Variance Project Site

Image Source: Brunswick County GIS

State Port Inlet Management Area

Fort Caswell

Bald Head Island Club

State Port Inlet Management Area

Bald Head Island

ATLANTIC OCEAN
East Beach

ATLANTIC OCEAN
South Beach

Shoals Club



VBHI CAMA 91-14
Major Mod
Location Plan C3
8-29-24

VBHI CAMA 91-14 Major Mod
TEMPORARY EROSION
CONTROL IN A STATE PORTS
INLET MANAGEMENT AREA



Bruce Marek, P.E.
5489 Eastwind Rd
Wilmington, NC 2840

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Shoals Club



Image © 2024 Airbus

Aerial View May/June 2022
Provided in application Narrative by Petitioner

Google Earth

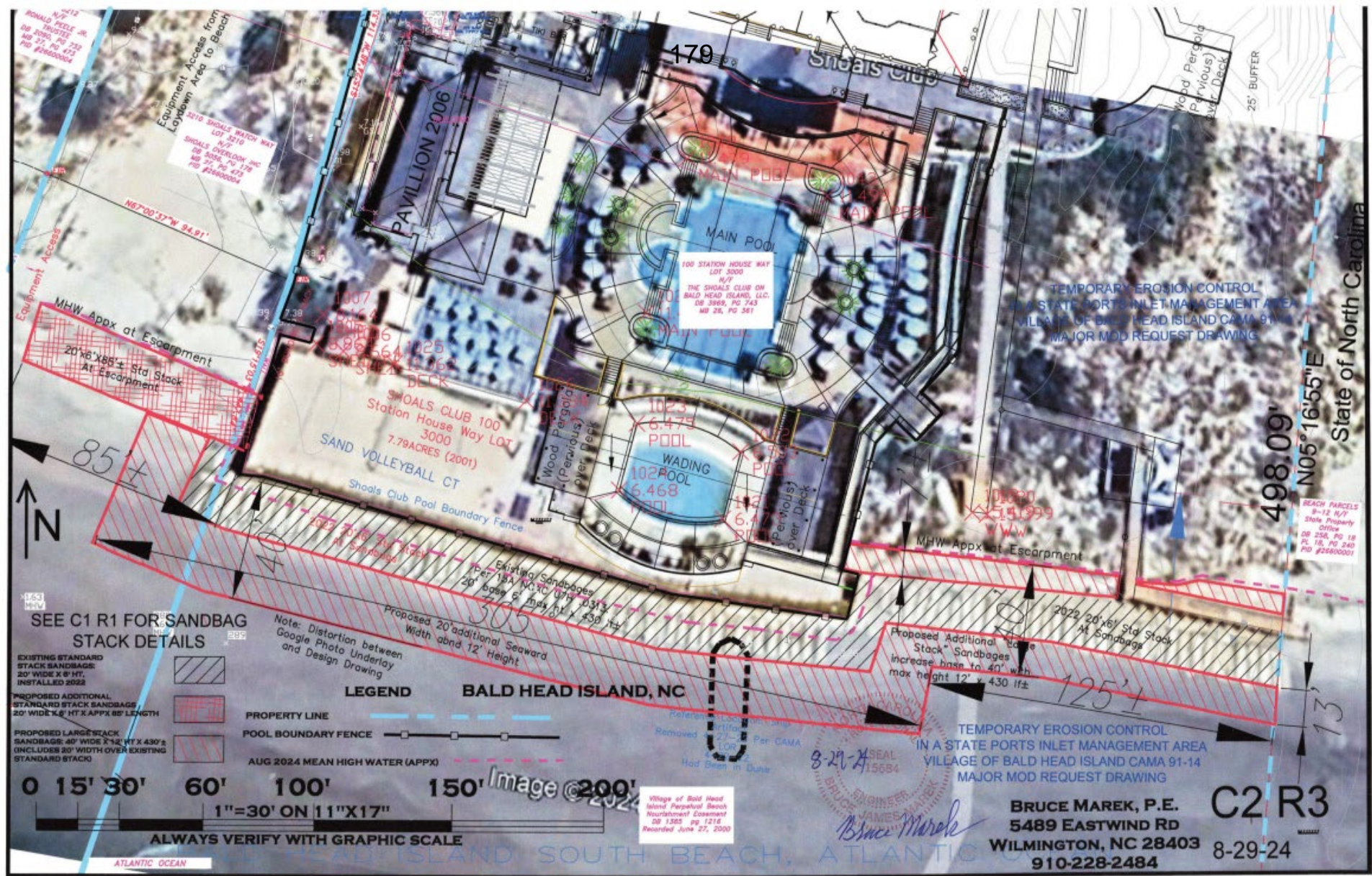
Imagery Date: 4/20/2023 33°50'37.27" N 77°57'45.24" W elev 7 ft eye alt 788 ft



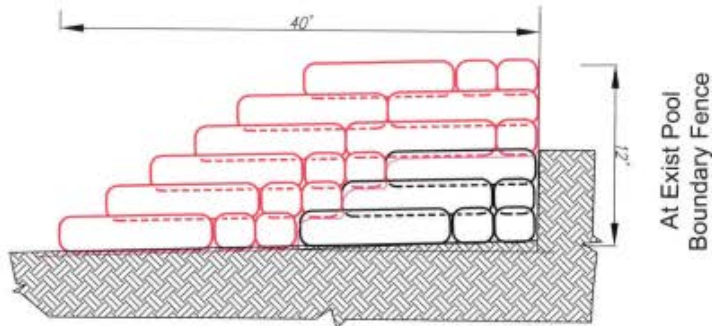
**Aerial View January 2024
Provided in application Narrative by Petitioner**



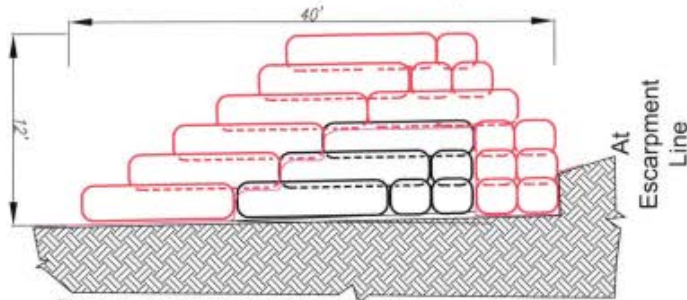
**History, From CAMA Website: Shorelines from 1849-2020.
Provided in application Narrative by Petitioner**



Overview drawing from submitted application (August 2024)



Proposed 12' Height Stack = 40' base x 12' ht
 (includes existing 20'x6' ht Standard Stack)
 New Sandbags in Red
 Geotextile Fabric indicated in Magenta



Proposed 12' Height Stack = 40' base x 12' ht
 (includes existing 20'x6' Standard Stack)
 New Sandbags in Red At Escarpment(s) East & West
 of Pool Boundary Fence
 Geotextile Fabric is indicated in Magenta

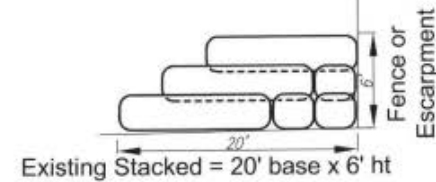
Diagrammatic
 Not To Scale

CAMA 91-14 Mod Detail - Sandbag Placement Per 15A
 NCAC 07H .0313
 Use Standards for State Ports Inlet Management Areas



Flat Bag = 5'x15'

Filled Bag = Squished 3.5'Wide x Appx 2.5 ish' High x 13'
 Note that it takes 3 levels of sandbags for 6' height as
 alternate rows of bags settle into prior row's gaps.



Existing Stacked = 20' base x 6' ht

Beach Slope Appx 1V:30H



Bruce Marek, P.E.
 5489 Eastwind Rd
 Wilmington, NC 28403
 910-228-2484

C1 Rev 1
 8-29-24
 Update of C1
 5-19-23

**Cross section drawing from
 submitted application
 (August 2024)**



Drone Imagery
Image Source: Shoals Club
March 2023



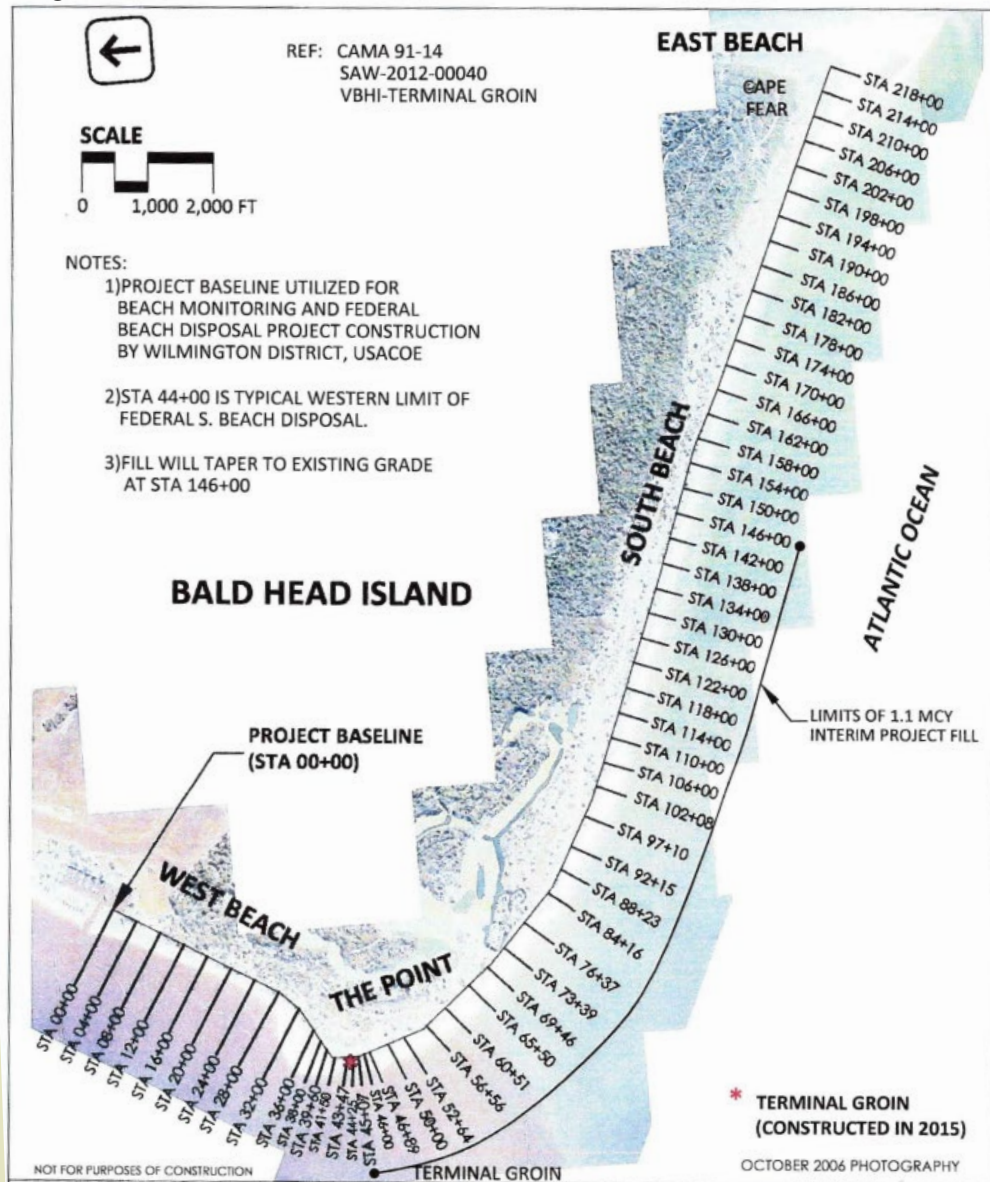
Drone Imagery
Image Source: Olsen Associates, Inc.
April 15, 2024
2 years post installation

183

North



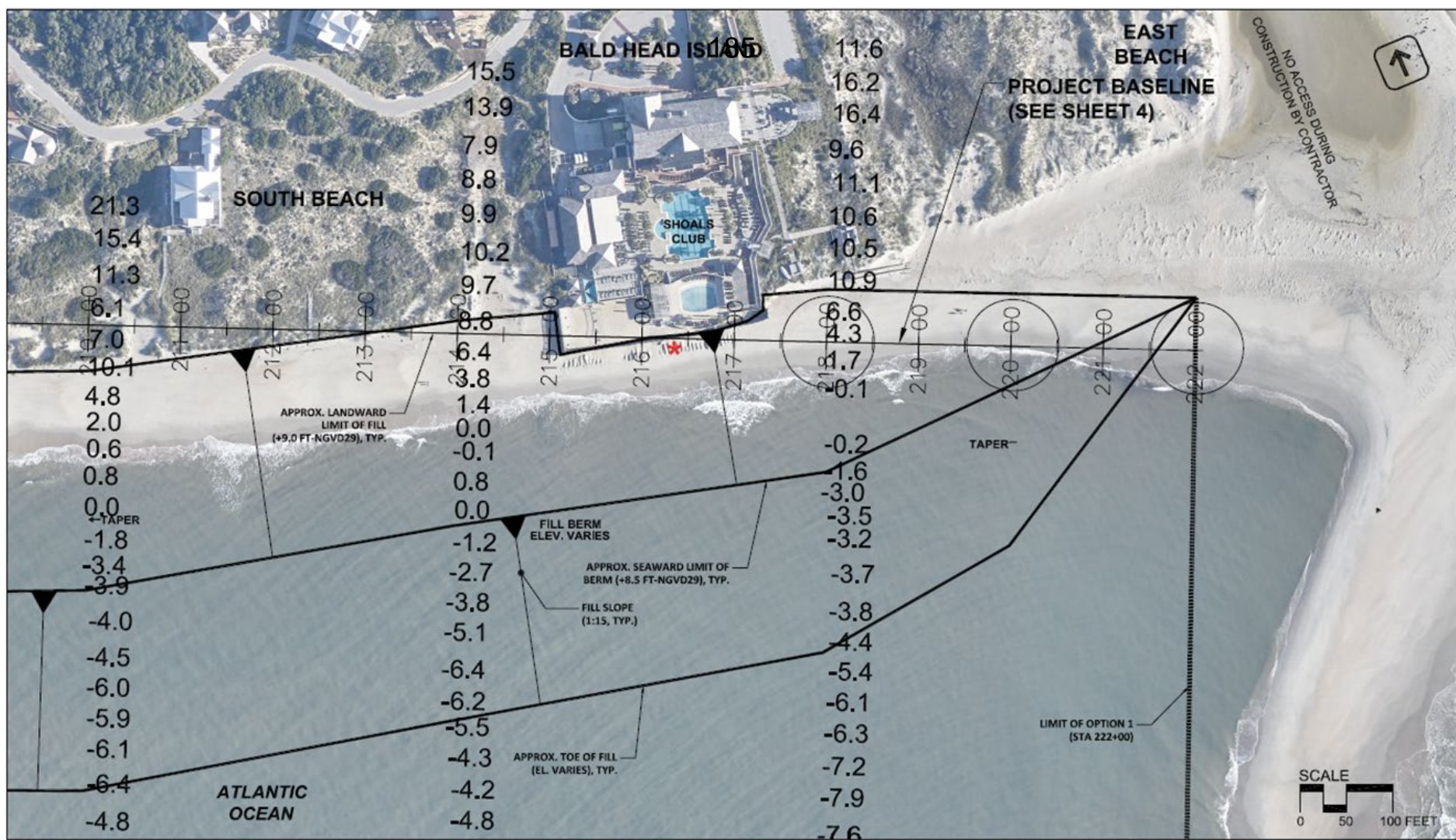
Conceptual Plan of
relocated Club facilities to
the north
Image Source: CP&E



olsen
associates, inc.
2618 Herschel Street
Jacksonville, FL 32204
(904) 387-6114
C-1468

VILLAGE OF BALD HEAD ISLAND
TERMINAL GROIN PROJECT
PROJECT BASELINE
AND LIMITS OF INTERIM BEACH FILL

DATE	APPROVED	REVISION	
12/05/2018	EJO	A	09/15/17
			DRAWN BY: ML
			SHEET 2 of 6



- NOTES:
1. DATE OF PHOTOGRAPHY: OCTOBER 2024
 2. SURVEY DATE: APRIL 2024
 3. PROJECT BASELINE - SEE SHEET 4
 4. SURVEY ELEVATIONS ARE IN FEET-NGVD29
 5. SAND-TUBE GROIN FIELD PROTECTION REQUIRED DURING WORK
 6. BEACH FILL TO BE REBALANCED BY ENGINEER PRIOR TO CONSTRUCTION BASED UPON CONTRACTOR'S SURVEY

* SAND BAG REVETMENT TO BE PROTECTED (SHOALS CLUB)

CAMA: 91-14
SAW: 2012-00040

REVISIONS			
LTR	DESCRIPTION	BY	DATE



SOUTH BEACH RENOURISHMENT PROJECT
BALD HEAD ISLAND, NORTH CAROLINA
BEACH FILL PLAN
(OPTION 1 / SEGMENT B)

DRAWN BY: WAH DATE: 6/6/2024
CHECKED BY: EJO DATE: 6/6/2024

SHEET
X
of X

Oceanfront beach adjacent to Shoals Club

facing west

Image Source: LPO

1/28/25



Oceanfront Beach adjacent to Shoals Club

facing west

Image Source: LPO

1/28/25



Oceanfront beach adjacent to Shoals Club

facing west

Image Source: LPO

1/28/25



Oceanfront beach adjacent to Shoals Club

facing east

Image Source: LPO

1/28/25



Oceanfront beach Lot 3210 Shoals Watch

Way adjacent to Shoals Club

Image Source: BHI Ltd

2/12/25





G.S. 113A-120.1

To grant a variance, the Commission must affirmatively find Petitioner must show each of the four factors listed in G.S. 113A-120.1(a).

- (1) that unnecessary hardships would result from strict application of the development rules, standards, or orders issued by the Commission;**
- (2) that such hardships result from conditions peculiar to the petitioner's property such as location, size, or topography;**
- (3) that such hardships did not result from actions taken by the petitioner; and**
- (4) that the requested variance is consistent with the spirit, purpose and intent of the Commission's rules, standards or orders; will secure the public safety and welfare; and will preserve substantial justice.**

(b) The Commission may impose reasonable and appropriate conditions and safeguards upon any variance it grants.