



PAT McCRORY  
Governor

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Secretary

TO: The Coastal Resources Commission

FROM: Christine A. Goebel, Assistant General Counsel **CAG**

DATE: August 31, 2016 (for the September 13-14, 2016 CRC Meeting)

RE: **Variance Request by Coastal Yacht Hangers, LLC (CRC-VR-16-08)**

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Petitioner Coastal Yacht Hangers, LLC (“Petitioner” or “CYH”) has an existing CAMA Major Permit issued in 2008 (and modified twice since) authorizing the development of a marina with 30 wet slips, 330 covered dry stack spaces, 685 boat rack storage facilities and associated amenities. In June of 2016, following significant consultation between Petitioner and the various resource agency staff, Petitioner applied to extend two of the existing docks by about 85 feet to span one-third of the width of the waterbody, and to reconfigure and combine two permitted 6-foot accessways into one 14-foot accessway. On August 1, 2016, DCM denied Petitioner’s modification request due to its inconsistency with 15A NCAC 7H .0208(b)(6)(G)(iii) the “one-quarter width rule” and with 15A NCAC 7H .0208(b)(6)(C) which limits pier and docking facility width over coastal wetlands to 6-feet. On August 3, 2016, Petitioner filed this variance petition seeking a variance from the Commission’s pier length and width rules in order to construct its marina as proposed in its 2016 major modification permit application.

The following additional information is attached to this memorandum:

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

cc(w/enc.): I Clark Wright, Jr., Petitioner’s Attorney, electronically  
Mary Lucasse, Special Deputy AG and CRC Counsel, electronically  
Gene Foxworth, Carteret County CAMA LPO, electronically

**RELEVANT STATUTES OR RULES****APPENDIX A****15A NCAC 07H .0201 ESTUARINE AND OCEAN SYSTEM CATEGORIES**

Included within the estuarine and ocean system are the following AEC categories: estuarine waters, coastal wetlands, public trust areas, and estuarine and public trust shorelines. Each of the AECs is either geographically within the estuary or, because of its location and nature, may significantly affect the estuarine and ocean system.

**15A NCAC 07H .0202 SIGNIFICANCE OF THE SYSTEMS APPROACH IN ESTUARIES**

The management program must embrace all characteristics, processes, and features of the whole system and not characterize individually any one component of an estuary. The AECs are interdependent and ultimately require management as a unit. Any alteration, however slight, in a given component of the estuarine and ocean system may result in unforeseen consequences in what may appear as totally unrelated areas of the estuary. For example, destruction of wetlands may have harmful effects on estuarine waters which are also areas within the public trust. As a unified system, changes in one AEC category may affect the function and use within another category.

**15A NCAC 07H .0203 MANAGEMENT OBJECTIVE OF THE ESTUARINE AND OCEAN SYSTEM**

It is the objective of the Coastal Resources Commission to conserve and manage estuarine waters, coastal wetlands, public trust areas, and estuarine and public trust shorelines, as an interrelated group of AECs, so as to safeguard and perpetuate their biological, social, economic, and aesthetic values and to ensure that development occurring within these AECs is compatible with natural characteristics so as to minimize the likelihood of significant loss of private property and public resources. Furthermore, it is the objective of the Coastal Resources Commission to protect present common law and statutory public rights of access to the lands and waters of the coastal area.

**15A NCAC 07H .0204 AECS WITHIN THE ESTUARINE AND OCEAN SYSTEM**

The following regulations in this Section define each AEC within the estuarine and ocean system, describe its significance, articulate the policies regarding development, and state the standards for development within each AEC.

**15A NCAC 07H .0205 COASTAL WETLANDS**

(a) Description. Coastal wetlands are defined as any salt marsh or other marsh subject to regular or occasional flooding by tides, including wind tides, that reach the marshland areas through natural or artificial watercourses, provided this does not include hurricane or tropical storm tides. Regular or occasional flooding shall be established through field indicators, including the observation of tidal water on the site, changes in elevation, presence of periwinkle (*littoraria* spp.), presence of crab burrows, staining, or wrack lines. Coastal wetlands may contain one or more of the following marsh plant species:

- (1) Cord Grass (*Spartina, alterniflora*);

- (2) Black Needlerush (*Juncus roemerianus*);
- (3) Glasswort (*Salicornia* spp.);
- (4) Salt Grass (*Distichlis spicata*);
- (5) Sea Lavender (*Limonium* spp.);
- (6) Bulrush (*Scirpus* spp.);
- (7) Saw Grass (*Cladium jamaicense*);
- (8) Cat tail (*Typha* spp.);
- (9) Salt Meadow Grass (*Spartina patens*);or
- (10) Salt Reed Grass (*Spartina cynosuroides*).

The coastal wetlands AEC includes any contiguous lands designated by the Secretary of DEQ pursuant to G.S. 113-230(a).

(b) Significance. The unique productivity of the estuarine and ocean system is supported by detritus (decayed plant material) and nutrients that are exported from the coastal wetlands. Without the wetlands, the high productivity levels and complex food chains typically found in the estuaries could not be maintained. Additionally, coastal wetlands serve as barriers against flood damage and control erosion between the estuary and the uplands.

(c) Management Objective. It is the objective of the Coastal Resources Commission to conserve and manage coastal wetlands so as to safeguard and perpetuate their biological, social, economic and aesthetic values, and to coordinate and establish a management system capable of conserving and utilizing coastal wetlands as a natural resource necessary to the functioning of the entire estuarine system.

(d) Use Standards. Suitable land uses are those consistent with the management objective in this Rule. First priority of use shall be allocated to the conservation of existing coastal wetlands. **Secondary priority of coastal wetland use shall be given to those types of development activities that require water access and cannot function elsewhere.**

Unacceptable land uses include restaurants, businesses, residences, apartments, motels, hotels, trailer parks, parking lots, private roads, highways, and factories. Acceptable land uses include utility easements, fishing piers, docks, wildlife habitat management activities, and agricultural uses such as farming and forestry drainage as permitted under North Carolina's Dredge and Fill Law, G.S. 113-229, or applicable local, state, and federal laws.

In every instance, the particular location, use, and design characteristics shall be in accord with the general use standards for coastal wetlands, estuarine waters, and public trust areas described in Rule .0208 of this Section.

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## **15A NCAC 07H .0206 ESTUARINE WATERS**

(a) Description. Estuarine waters are defined in G.S. 113A-113(b)(2) to include all the waters of the Atlantic Ocean within the boundary of North Carolina and all the waters of the bays, sounds, rivers and tributaries thereto seaward of the dividing line between coastal fishing waters and inland fishing waters. The boundaries between inland and coastal fishing waters are set forth in an

agreement adopted by the Wildlife Resources Commission and the Department of Environment and Natural Resources and in the most current revision of the North Carolina Marine Fisheries Regulations for Coastal Waters, codified at 15A NCAC 3Q .0200.

(b) Significance. Estuarine waters are the dominant component and bonding element of the entire estuarine and ocean system, integrating aquatic influences from both the land and the sea. Estuaries are among the most productive natural environments of North Carolina. They support the valuable commercial and sports fisheries of the coastal area which are comprised of estuarine dependent species such as menhaden, flounder, shrimp, crabs, and oysters. These species must spend all or some part of their life cycle within the estuarine waters to mature and reproduce. Of the 10 leading species in the commercial catch, all but one are dependent on the estuary.

This high productivity associated with the estuary results from its unique circulation patterns caused by tidal energy, fresh water flow, and shallow depth; nutrient trapping mechanisms; and protection to the many organisms. The circulation of estuarine waters transports nutrients, propels plankton, spreads seed stages of fish and shellfish, flushes wastes from animal and plant life, cleanses the system of pollutants, controls salinity, shifts sediments, and mixes the water to create a multitude of habitats. Some important features of the estuary include mud and sand flats, eel grass beds, salt marshes, submerged vegetation flats, clam and oyster beds, and important nursery areas.

Secondary benefits include the stimulation of the coastal economy from the spin off operations required to service commercial and sports fisheries, waterfowl hunting, marinas, boatyards, repairs and supplies, processing operations, and tourist related industries. In addition, there is considerable nonmonetary value associated with aesthetics, recreation, and education.

(c) Management Objective. To conserve and manage the important features of estuarine waters so as to safeguard and perpetuate their biological, social, aesthetic, and economic values; to coordinate and establish a management system capable of conserving and utilizing estuarine waters so as to maximize their benefits to man and the estuarine and ocean system.

(d) Use Standards. Suitable land/water uses shall be those consistent with the management objectives in this Rule. Highest priority of use shall be allocated to the conservation of estuarine waters and their vital components. **Second priority of estuarine waters use shall be given to those types of development activities that require water access and use which cannot function elsewhere such as simple access channels; structures to prevent erosion; navigation channels; boat docks, marinas, piers, wharfs, and mooring pilings.**

In every instance, the particular location, use, and design characteristics shall be in accord with the general use standards for coastal wetlands, estuarine waters, and public trust areas described in Rule .0208 of this Section.

## **15A NCAC 07H .0207 PUBLIC TRUST AREAS**

(a) Description. Public trust areas are all waters of the Atlantic Ocean and the lands thereunder from the mean high water mark to the seaward limit of state jurisdiction; all natural bodies of water subject to measurable lunar tides and lands thereunder to the normal high water or normal water

level; all navigable natural bodies of water and lands thereunder to the normal high water or normal water level as the case may be, except privately-owned lakes to which the public has no right of access; all water in artificially created bodies of water containing public fishing resources or other public resources which are accessible to the public by navigation from bodies of water in which the public has rights of navigation; and all waters in artificially created bodies of water in which the public has acquired rights by prescription, custom, usage, dedication, or any other means. In determining whether the public has acquired rights in artificially created bodies of water, the following factors shall be considered:

- (1) the use of the body of water by the public;
- (2) the length of time the public has used the area;
- (3) the value of public resources in the body of water;
- (4) whether the public resources in the body of water are mobile to the extent that they can move into natural bodies of water;
- (5) whether the creation of the artificial body of water required permission from the state; and
- (6) the value of the body of water to the public for navigation from one public area to another public area.

(b) Significance. The public has rights in these areas, including navigation and recreation. In addition, these areas support commercial and sports fisheries, have aesthetic value, and are important resources for economic development.

(c) Management Objective. To protect public rights for navigation and recreation and to conserve and manage the public trust areas so as to safeguard and perpetuate their biological, economic and aesthetic value.

(d) Use Standards. Acceptable uses shall be those consistent with the management objectives in Paragraph (c) of this Rule. In the absence of overriding public benefit, any use which jeopardizes the capability of the waters to be used by the public for navigation or other public trust rights which the public may be found to have in these areas shall not be allowed. The development of navigational channels or drainage ditches, the use of bulkheads to prevent erosion, and the building of piers, wharfs, or marinas are examples of uses that may be acceptable within public trust areas, provided that such uses shall not be detrimental to the public trust rights and the biological and physical functions of the estuary. Projects which would directly or indirectly block or impair existing navigation channels, increase shoreline erosion, deposit spoils below normal high water, cause adverse water circulation patterns, violate water quality standards, or cause degradation of shellfish waters are considered incompatible with the management policies of public trust areas. In every instance, the particular location, use, and design characteristics shall be in accord with the general use standards for coastal wetlands, estuarine waters, and public trust areas.

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**15A NCAC 07H .0208 USE STANDARDS**

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**(b) Specific Use Standards**

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**(6) Piers and Docking Facilities.**

(A) Piers shall not exceed six feet in width. Piers greater than six feet in width shall be permitted only if the greater width is necessary for safe use, to improve public access, or to support a water dependent use that cannot otherwise occur;

(B) The total square footage of shaded impact for docks and mooring facilities (excluding the pier) allowed shall be eight square feet per linear foot of shoreline with a maximum of 2,000 square feet. In calculating the shaded impact, uncovered open water slips shall not be counted in the total. Projects requiring dimensions greater than those stated in this Rule shall be permitted only if the greater dimensions are necessary for safe use, to improve public access, or to support a water dependent use that cannot otherwise occur. Size restrictions shall not apply to marinas;

**(C) Piers and docking facilities over coastal wetlands shall be no wider than six feet and shall be elevated at least three feet above any coastal wetland substrate as measured from the bottom of the decking;**

(D) A boathouse shall not exceed 400 square feet except to accommodate a documented need for a larger boathouse and shall have sides extending no farther than one-half the height of the walls and covering only the top half of the walls. Measurements of square footage shall be taken of the greatest exterior dimensions. Boathouses shall not be allowed on lots with less than 75 linear feet of shoreline. Size restrictions do not apply to marinas;

(E) The total area enclosed by an individual boat lift shall not exceed 400 square feet except to accommodate a documented need for a larger boat lift;

(F) Piers and docking facilities shall be single story. They may be roofed but shall not be designed to allow second story use;

(G) Pier and docking facility length shall be limited by:

(i) not extending beyond the established pier or docking facility length along the same shoreline for similar use; (This restriction does not apply to piers 100 feet or less in length unless necessary to avoid unreasonable interference with navigation or other uses of the waters by the public);

(ii) not extending into the channel portion of the water body; and

**(iii) not extending more than one-fourth the width of a natural water body, or human-made canal or basin. Measurements to determine widths of the water body, canals or basins shall be made from the waterward edge of any coastal wetland vegetation that borders the water body.** The one-fourth length limitation does not apply in areas where the U.S. Army Corps

of Engineers, or a local government in consultation with the Corps of Engineers, has established an official pier head line. The one-fourth length limitation shall not apply when the proposed pier is located between longer piers or docking facilities within 200 feet of the applicant's property. However, the proposed pier or docking facility shall not be longer than the pier head line established by the adjacent piers or docking facilities, nor longer than one-third the width of the water body.

(H) Piers or docking facilities longer than 400 feet shall be permitted only if the proposed length gives access to deeper water at a rate of at least 1 foot each 100 foot increment of length longer than 400 feet, or, if the additional length is necessary to span some obstruction to navigation. Measurements to determine lengths shall be made from the waterward edge of any coastal wetland vegetation that borders the water body;

(I) Piers and docking facilities shall not interfere with the access to any riparian property and shall have a minimum setback of 15 feet between any part of the pier or docking facility and the adjacent property owner's areas of riparian access. The line of division of areas of riparian access shall be established by drawing a line along the channel or deep water in front of the properties, then drawing a line perpendicular to the line of the channel so that it intersects with the shore at the point the upland property line meets the water's edge. The minimum setback provided in the rule may be waived by the written agreement of the adjacent riparian owner(s) or when two adjoining riparian owners are co applicants. If the adjacent property is sold before construction of the pier or docking facility commences, the applicant shall obtain a written agreement with the new owner waiving the minimum setback and submit it to the permitting agency prior to initiating any development of the pier. Application of this Rule may be aided by reference to the approved diagram in 15A NCAC 07H .1205(t) illustrating the rule as applied to various shoreline configurations. Copies of the diagram may be obtained from the Division of Coastal Management. When shoreline configuration is such that a perpendicular alignment cannot be achieved, the pier shall be aligned to meet the intent of this Rule to the maximum extent practicable as determined by the Director of the Division of Coastal Management; and

(J) Applicants for authorization to construct a pier or docking facility shall provide notice of the permit application to the owner of any part of a shellfish franchise or lease over which the proposed dock or pier would extend. The applicant shall allow the lease holder the opportunity to mark a navigation route from the pier to the edge of the lease.

**STIPULATED FACTS****ATTACHMENT B**

1. Petitioner is Coastal Yacht Hangar, LLC, a duly created North Carolina Limited Liability Company. Petitioner purchased the property at issue in this variance in 2005 through a deed recorded in Book 1110, Page 375, of the Carteret County Public Registry. It is described as Lot 9 of Jarrett Bay Marine Industrial Park South and is located at 1301 Sensation Weight Road in Beaufort (“The Property”). A copy of the deed is attached as a Stipulated Exhibit.
2. The Property is the last undeveloped parcel in the Jarrett Bay Marine Park (JBMP), located on the shores of Core Creek, immediately adjacent to and east of the federally maintained Atlantic Intracoastal Waterway (“AIWW”). Petitioner’s property also is bounded to the south by Eastman Creek, to the east by the Smith Moores, LLC boat repair business, and to the north by the True World, Inc. boat repair business.
3. JBMP is a long standing public-private partnership designed to foster economic growth in the region of marine related businesses. The history of the JBMP is described in a letter from Mike Bradley, attached as a Stipulated Exhibit.
4. The Environmental Management Commission has designated the waters of Core Creek and Eastman Creek as SA waters. The waters of Core Creek and Eastman Creek are conditionally approved as open to the harvest of shellfish; the sanitary survey indicated that these areas will meet classification criteria for a reasonable period of time, and that the factors determining these periods are known and predictable, as defined in 15A NCAC 18A .0905. These areas are the subject of a written management plan, and while they are generally open to shell fishing, they can be closed after significant rainfall until water sampling shows a return to acceptable bacteria levels based on the management plan.
5. The width of Core Creek in the project area varies from approximately 691 feet to 932 feet, with an approximate average width of 800 feet.
6. The Property currently has been partially cleared in uplands areas but otherwise remains undeveloped. Significant portions of The Property contain Coastal Wetlands and 404 wetlands.
7. Petitioner currently holds Major Development CAMA Permit 05-08 (“2008 Permit”), first issued on January 17, 2008. This permit was modified on August 6, 2008 for a minor facility reconfiguration. It was again modified on September 14, 2015, currently authorizing development of 30 wet slips, boat staging areas, 330 covered dry stack boat storage, and 685 boat rack storage facilities, mechanized boat launch and retrieval system, pump out and fuel docks, clubhouse, swimming pool, ships store, observation deck, kayak launch, fishing platform, access walkways and related retaining wall, USTs, upland parking and elevated roadway. A copy of the 2008 Permit and the site plans referenced in the 2008 Permit are attached as a Stipulated Exhibit.
8. Portions of the permitted and proposed development are located within the Coastal Wetlands, Estuarine Waters, and Public Trust Waters Areas of Environmental Concern (“AECs”). As such, N.C.G.S. § 113A-118 requires that any development on the Lot requires a permit issued pursuant to the Coastal Area Management Act (“CAMA”).



9. The permitted development also involves dredging of the public trust waters within which boat piers and docks are proposed. These activities previously were authorized by issuance of a Dredge and Fill approval, contained in the 2008 Permit.

10. Modifications to the development initially authorized by the 2008 Permit have been authorized since the 2008 Permit issuance, including a new site plan designed to increase the amenities offered to boat owners, the number of wet slips and vehicle parking. The docks are currently authorized at the maximum allowed one-fourth width of the adjacent waterbody. The currently authorized access walkways consist of dual six-foot-wide, parallel walkways, separated by five feet of open space.

11. This variance request seeks to extend two of the three permitted boat piers and a second retrieval and staging dock to one third width of the waterbody. It also seeks to combine the two six-foot-wide parallel access walkways into a single, fourteen-foot-wide structure, using two feet of translucent structured fiberglass grating material in the middle to allow sunlight through to minimize shading of coastal wetlands.

12. On or about June 27, 2016, Petitioner applied to DCM for an additional major modification to the 2008 Permit in order to implement its proposed modifications to the permitted facilities. The requested modifications are described by Petitioner as needed for safety and functionality reasons. Copies of the permit modification requests are attached as Stipulated Exhibits.

13. Prior to submitting its June 27, 2016 major permit modification application, Petitioner and its engineers and consultants participated in scoping meetings with state and federal resource and permit agency staff. During these scoping meetings, Petitioner responded to concerns raised by agency staff regarding shellfish closures, navigation concerns at the entrance to Eastman Creek, and shading of coastal wetlands. In response to these stated concerns, Petitioner agreed to reduce the number of desired wet slips shown on its preliminary drawings from 85 to 30; reduce the number of boat piers from four to three; shorten the pier length of the pier closest to the entrance to Eastman Creek back to one-quarter width, and utilize the translucent structured fiberglass grating material between the two six-foot-wide access walkways.

14. As noted above, Petitioner abandoned its efforts to increase the number of permitted wet slips from 30 to 85; however, Petitioner still seeks to increase the length of two of the three boat piers and the boat retrieval/staging dock to the one-third width. Petitioner contends that this is to improve safety, improve the functionality of the remaining wet slips, to allow for wave attenuation, and to increase the amount of pier space for boat staging, launch and retrieval. Petitioner and its consultants assert that the requested changes will significantly improve boat safety, personnel safety, and facility efficiencies and functionality – especially during peak use time periods, or periods where impending inclement weather necessitates expedited boat retrieval and docking.

15. Petitioner proposes to extend its already permitted boat piers and docks by approximately 85 feet, but no further than one third the width of Core Creek as determined by DCM staff.

16. The proposed modification will not result in a permanent closure of the conditionally approved shellfish waters, which would be a violation of both the CRC's rules and the EMC's water quality rules.

17. Potential coastal wetland shading impacts to 17,412 square feet already have been permitted. Existing approvals also allow for the filling of approximately .49 acres of Section 404 (freshwater) wetlands. By eliminating the center pier, the modified project will shade 10,080 square feet of coastal wetlands, resulting in an overall reduction of shading impacts to Coastal Wetlands by over 7,000 square feet. Shading impacts are further minimized due to use of light permeable fiberglass grate materials in the middle two feet of the proposed fourteen-foot-wide access walkways. See Stipulated Exhibits containing site plans and a photograph of representative light permeable decking similar to what is proposed for use.

18. In connection with Petitioner's CAMA Major Permit Modification Request, DCM Field Staff prepared a Field Investigation Report, dated June 29, 2016, summarizing the project, a copy of which is attached as a Stipulated Exhibit.

19. Prior to its amendment in 1998, 15A NCAC 07H.0208(b)(6) allowed for piers and docks to extend to a maximum of one-third the width of the adjacent waterbody.

20. Petitioner's proposed pier and dock extensions do not extend into the channel portion of the AIWW, nor within the USACE AIWW setback at this location.

21. As part of the CAMA Major Permit Process, information regarding the project including the application materials and the field investigation report were forwarded to several state and federal resource agencies. DCM received comments from:

- The State Property Office which indicated that a submerged lands easement might be required and asked for confirmation that the proposed structure is not within the 1000' AIWW right-of-way.
- The Division of Environmental Health which suggested conditions be included which attempt to prevent docking in non-boat slip areas, which could lead to a shellfish closure, and to prohibit human waste discharges from boats.
- The Wildlife Resources Commission indicated that while it didn't object, if any future design changes closed shellfish waters, its position would change.
- The Division of Water Resources which indicated that it would be issuing the 401 Water Quality Certification shortly.
- The DCM Fisheries Resource Specialist indicated that the moratorium on dredging should be observed and that if any future modifications were proposed which caused a shellfish closure or if the dredging footprint expanded, there would likely be significant concerns.
- The Army Corps of Engineers which indicated that the docks could not encroach into the navigation setback area and that the Corps would never approve a no wake zone in this area.

Copies of these comments are attached as stipulated exhibits. No state or federal agency objects to Petitioner's proposed requests as amended.

22. No member of the public submitted objections to DCM or any federal agency during the permit review process, or as of the date of the variance petition submission.

23. Notice of the modification request was provided to both adjacent riparian property owners, True World Marina and Smith Moores, LLC, copies of which are attached as Stipulated Facts. Both adjacent property owners are in the boat repair business. Both adjacent property owners have communicated in writing to Petitioner that they do not object to issuance of the requested variance, copies of which are attached as Stipulated Exhibits.

24. On August 1, 2016, DCM denied Petitioner's major modification application for the reasons set forth in the agency's denial letter, a copy of which is attached as a Stipulated Exhibit.

25. On August 3, 2016, Petitioner filed its Variance Request and supporting materials through counsel, requesting that the Commission hear this matter at its September 2016 meeting.

26. In its variance petition, Petitioner has included statements and qualifications for some of its principals and consultants as follows:

- July 27, 2016 letter from NC licensed Professional Engineer Charles Cullipher, addressing safety and functionality issues;
- July 31, 2016 Memo from Gary Johnson of Coastal Yacht Hangar to CYH Owner Richard McGough, addressing safety and functionality issues associated with the need for a second launch and retrieval system, and need for additional staging and navigation spaces;
- July 28, 2016 letter from Mike Bradley to CYH Owner Rick McGough describing the unique public-private partnership and history of the JBMP, as well as the safety and functionality concerns addressed by the proposed improvements sought by variance;
- August 2, 2016 Letter to CRC Members from CYH Owner Richard D. McGough addressing safety and functionality issues tied to the requested project improvements, especially during peak use time periods; and
- August 2, 2016 letter to CYH Owner Rick McGough from CYH President and experienced marina developer Alton Herndon addressing time-sensitive financing, logistics and safety concerns associated with the requested project improvements.

Copies of these letters and memos are attached as Stipulated Exhibits.

27. On August 3, 2016, adjacent riparian property owner True World Marine sent an e-mail to CYH's engineer indicating that it does not oppose Petitioner's variance request. A copy of this e-mail is attached as a Stipulated Exhibit.

28. On August 3, 2016, adjacent riparian property owner Smith Moores Marine sent an e-mail to CYH's engineer indicating that it does not oppose Petitioner's variance request. A copy of this e-mail is attached as a Stipulated Exhibit.

29. Petitioner previously received other needed permits and approvals from other state and local regulators, including: (a) recorded Carteret County special use permit; (b) DWR 401

certification; (c) NCDOT driveway permit; (d) DWR stormwater permit; and (e) DEMLR sedimentation and erosion control permit. Copies of these approvals are attached as Stipulated Exhibits.

30. On August 11, 2016, The U.S. Army Corps of Engineers denied Petitioner's application to modify its Section 404 permit associated with the instant variance request facility modifications. The sole basis stated for the Corps' denial was the DCM August 1, 2016 denial of Petitioner's requested CAMA Permit modification. The Corps' denial letter states that it is without prejudice, thereby indicating that should the Commission grant Petitioner's variance request, thus resulting in issuance by DCM of the requested modified CAMA Permit, Petitioner may be able to obtain Corps approval. A copy of the Corps' August 11, 2016 denial letter is attached as a Stipulated Exhibit.

31. A PowerPoint presentation with vicinity map, aerial photographs and copies of existing, permitted development and proposed revisions to same is attached as a Stipulated Exhibit.

32. The Petitioner stipulates that the proposed project is inconsistent with those rules cited in DCM's August 1, 2016 denial letter.

33. Petitioner is represented by Clark Wright of Davis, Hartman, Wright, PLLC of New Bern. The Respondent is represented by Assistant General Counsel Christine Goebel.

Stipulated Exhibits

1. June 27, 2016 Major Modification CAMA Permit Application
2. June 29, 2016 DCM Field Investigation Report
3. July 27, 2016 Charles “Chase” Cullipher, P.E. Evaluation Letter
4. Cullipher Resume
5. July 28, 2016 Mike Bradley Letter
6. July 31, 2016 Gary Johnson Memo to Richard McGough
7. August 2, 2016 Letter to CRC from CYH’s Owner, Richard McGough
8. August 2, 2016 Letter to McGough from Alton Herndon
9. Alton Herndon Resume
10. August 1, 2016 DCM Permit Denial Letter
11. September 14, 2015 DCM Major CAMA Permit 5-08, as currently modified
12. CAMA Adjacent Riparian Notice forms – True World, Inc. and Smith Moores, LLC
13. Other issued permits:
  - a. State Property Office
  - b. Division of Environmental Health
  - c. Wildlife Resources Commission
  - d. DWR-401
  - e. DCM-Fisheries
  - f. Army Corps of Engineers
14. May 10, 2005 Deed from White Water Development Group, LLC to Coastal Yacht Hangar, LLC – Lot 9 of Jarrett Bay Marine Industrial Park South
15. August 3, 2016 No objection e-mail from Smith Moores, LLC
16. August 3, 2016 no objection e-mail from True World, Inc.
17. August 11, 2016 Denial Without Prejudice Letter from Corps of Engineers
18. Photograph of example of light permeable structural fiberglass grate walkway material
19. Plan/drawing depicting existing, permitted facilities
20. Plan/drawing depicting proposed modifications to existing facilities
21. Powerpoint Presentation

**PETITIONER'S and STAFF'S POSITIONS****ATTACHMENT C****I. Will strict application of the applicable development rules, standards, or orders issued by the Commission cause the petitioner unnecessary hardships? If so, the petitioner must identify the hardships.****Petitioner's Position: Yes.****Introduction**

Coastal Yacht Hangar, LLC (CYH) owns the last, significant parcel of undeveloped land within the Jarret Bay Marine Park (JBMP) complex. Originally conceived over twenty years ago, the JBMP represents a long standing public-private partnership that seeks to stimulate economic development in an environmentally sound manner in marine related businesses and activities. [See letter of Mike Bradley, attached as a Stipulated Exhibit; see also other stipulated facts and exhibits addressing the background and history of the land and prior permits for development on this land.] After many years of meetings, negotiations, permitting and revisions to its site plans, CYH now seeks a variance from the Commission to improve the safety and functionality of its dry and wet boat storage, launch and retrieval and related destination facilities, located immediately adjacent to the federally authorized and maintained Intracoastal Waterway. The improvements that CYH seek to implement by means of the variance process are: (a) extension of the wet slip boat piers outward from one fourth the width of Core Creek to one third width (no increase in the number of permitted boat slips), allowing addition of a second launch and retrieval area and increased temporary boat docking areas, thereby greatly improving safety and functionality for the entire 1,191 maximum capacity boat storage facility; and (b) increased width in the access walkways, accomplished by combining the two (currently permitted) six foot wide walkways (separated by five feet of open space) into a single, fourteen foot wide walkway, with the innermost two feet constructed of light permeable structural fiberglass grate material to mitigate against coastal wetlands shading concerns, while greatly improving walkway safety and functionality.

**Factor 1:**

The CAMA use standards from which CHY seeks a variance are: (1) the so-called one quarter rule, which limits the length of piers and docks based on the width of the waterbody – 15A NCAC 07H.0208(b)(6)(G)(iii); and (2) the use standard limiting the width and height of access walkways located over coastal wetlands to no more than six feet wide, with a minimum elevation of three feet – 15A NCAC 07H.0208(b)(6)(C). Both variance requests are made to significantly improve safety and functionality; there will be no additional wet slips created beyond those already permitted pursuant to the terms of Major Development CAMA Permit 5-08, as currently issued. [See attached Stipulated Facts and professional opinion letters attached as Stipulated Exhibits; see also plans and drawings attached in the CAMA Major Modification Application package that serves as the basis for the requested variance, also attached as a Stipulated Exhibit.] Petitioner CYH has worked diligently with state and federal review agencies to modify its site plans to eliminate and mitigate environmental impact concerns. Given the unique history of the JBMP and the prior site plan revisions made by Petitioner, coupled with the critical importance of improved boater and personnel safety and functionality, Petitioner respectfully requests that the Commission

find that strict application of the relevant CAMA use standards, under all the circumstances of this case, will cause Petitioner unnecessary hardships.

For these and other facts and reasons as documented in the attached Stipulated Facts and Exhibits, Petitioner CYH respectfully requests that the Commission answer this variance factor question in the affirmative.

**Staff's Position: Yes.**

Staff does not disagree that strict application of the quarter-width rule and the 6-foot width rule to this site would cause Petitioner unnecessary hardships. Though Petitioner has a currently-permitted design which can service the boats utilizing the permitted slips, Petitioner's stated purpose for the redesign is to increase safety and functionality. This proposed design could benefit navigation in and around Petitioner's marina, without negatively impacting navigation in the AIWW. Additionally, the reconfigured walkway and its increased width would allow boaters to traverse the distance from the upland facilities to the slips, the pump out and the fuel dock both by foot and by golf cart, while the use of innovative light-permeable grate material in the middle of the walkway and the general reduction in walkway area will reduce the overall shading impacts of the walkways on coastal wetlands.

**II. Do such hardships result from conditions peculiar to the petitioner's property such as the location, size, or topography of the property? Explain.**

**Petitioner's Position: Yes.**

The hardships described above and in the attached variance request materials result in part from the unique conditions of Petitioner's property. Those conditions are unique and peculiar in a number of respects, including: (a) the irregular shape of the parcel; (b) the amount of coastal wetlands on the parcel; (c) the parcel being located within the unique JBMP, with a long history of being part of this unique public-private partnership designed to further marine businesses and related economic development; (d) the unique and peculiar safety and functionality concerns facing Petitioner; (e) the substantial prior concessions made by Petitioner in response to state and federal review agency comments; (f) the unique shoreline angle of the property, which allows for extension of the boat piers to one third the width of Core Creek with no intrusion into the federal navigation channel boundaries, and allowing for proper turning radii for the relatively small number and sized boats entering and exiting the adjacent Eastman Creek; (g) the historical fact that for many decades the CAMA use standard for location of piers and docks within waterbodies such as Core Creek allowed such piers and docks to extend out to one third the width of such water bodies; (h) the fact that the adjacent boat repair facility located immediately to the north (True World, Inc.) establishes a pier head line much closer to the federal channel than essentially all of Petitioner's proposed piers and docks; (i) the fact that the opposite shoreline is not suitable for development on the scale and size of that contained in the JBMP complex; and (j) the fact that Petitioner's adjacent property owners (both comprised of existing boat repair businesses located within JBMP) did not object to Petitioner's permit modification requests when submitted to DCM.

For these and other facts and reasons as documented in the attached Stipulated Facts and Exhibits, Petitioner CYH respectfully requests that the Commission answer this variance factor question in the affirmative.

**Staff's Position: Yes.**

While Staff does not agree with all of Petitioner's listed points arguing for this factor, Staff agrees that the location of this parcel within the specially designated JBMP for marine business uses, as well as the parcel's unique shoreline angle allows for extension of the boat piers to one third the width of Core Creek with no intrusion into the federal navigation channel combine to cause Petitioner's hardships. Given the size of the facility and its primary purpose as a dry-stack marina (necessity of larger number of boaters accessing limited temporary docking facilities), Staff agrees that the six-foot limitation on piers and accessways presents a unique hardship. Petitioner addresses shading impacts through the use of innovative light permeable grating in the larger width accessways.

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

**Petitioner's Position: No.**

Petitioner has not taken any action to create the hardships from which it seeks relief. To the contrary, Petitioner's actions represent a consistent pattern of partnership, negotiation and compromise. Petitioner and its consultants always have sought to work with DCM staff (who have been extremely helpful) and with officials from all other involved state and federal review agencies. Petitioner has modified its plans and designs on numerous occasions to its financial detriment; however, with the granting of the requested variance, Petitioner believes that the sum total of project modifications will operate for the overall benefit of the project taken as a whole – especially in the context of the multi-decades long history of the JBMP as a unique public-private partnership designed to benefit the entire coastal region.

Petitioner's continued efforts to work with DCM staff and other state and federal agencies has taken a great deal of time, and Petitioner now faces critically important time deadlines, including financing agreement deadlines and the critically important upcoming October 1, 2016 – April 1, 2017 dredging window within which Petitioner must accomplish the (already permitted) dredging associated with project construction. Petitioner respectfully requests that the Commission hear its variance request as soon as possible, and no later than the Commission's September 2016 meeting. Should the Commission grant Petitioner's variance request, Petitioner hopes that the issuance of its requested Major Modification to CAMA Permit 05-08 can take place prior to October 1, 2016. Even though dredging already has been permitted, the location of dredging and subsequent spoil and piling placement depends in part on the requested variance items that will impact piling locations and spoil placement.

For these and other facts and reasons as documented in the attached Stipulated Facts and Exhibits, Petitioner CYH respectfully requests that the Commission answer this variance factor question in the affirmative.



**Staff's Position: No.**

While Petitioner has had a CAMA permit for a marina development since 2008 which could be constructed without a variance, Petitioner's stated concerns about safety and functionality have caused them to propose the redesign in their modification request. Petitioner consulted and negotiated with resource and permitting agency staff in order to design the currently proposed plan which addresses agency concerns as much as possible, reducing the variance request only from the Commission's pier size limitation and quarter-width rules, but not shellfish closure rules.

**IV. 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 justice? Explain.**

**Petitioner's Position: Yes.**

As discussed above and in the attached Stipulated Facts and Exhibits supporting its requested variance, especially the facts and exhibits discussing the safety and functionality reasons for the requested variance, Petitioner believes that its requested variances from the one quarter water body width and access walkway width rules not only are consistent with the spirit, purpose and intent of the Commission's rules, but also further the decades old, unique public-private partnership at JBMP, as well as the overall project purpose and intent as already permitted by DCM and a host of other state and federal regulatory agencies. Moreover, Petitioner is aware of no objections of any kind from any adjacent property owner or any other person or entity to its requested variances. Moreover, it is Petitioner's understanding that DCM staff support an affirmative finding as to this variance factor, and as to overall issuance of Petitioner's requested variance. For these and other facts and reasons as documented above and in the accompanying variance request materials, Petitioner Coastal Yacht Hangar, LLC respectfully requests that the Commission find in its favor and issue the requested variance. Given the time critical nature of Petitioner's permit expiration dates, financing obligations, and the very critical October 1, 2016 – April 1, 2017 dredging time window, Petitioner respectfully requests that the Commission hear its variance request no later than the Commission's September 2016 meeting and that, should the Commission find in its favor, that DCM issue the related modified CAMA Permit on or before October 1, 2016 to allow Petitioner and its contractors to carry out the time critical dredging work needed to begin project implementation.

Petitioner, its consultants and legal counsel would like to publicly thank DCM Director Braxton Davis, Acting Director Mike Lopazanski, Doug Huggett and the numerous other DCM staff who provided invaluable assistance and guidance to Petitioner during the multi-year process leading to this point.

**Staff's Position: Yes.**

Staff agrees that a variance from the Commission's quarter-width rule and its 6-foot pier width limitation are within the spirit, purpose, and intent of the Commission's rules limiting pier size. While the Commission's rules manage navigation issues by reserving the middle-half of a waterbody free of structures, the location of the federal AIWW channel and setback in relation to the riparian area for this site and its location within the specially designated JBMP combine to make the site suitable for use out to the one-third width of the waterbody. The proposed configuration preserves navigation in Core Creek and Eastman Creek, while creating access for marina users to access public trust waters. A variance from the 6-foot width limits for piers meets the spirit, purpose, and intent of the rules where the redesign has an overall reduction of square foot area over the coastal wetlands compared to the two six-foot wide walkways. A variance will protect public safety and welfare by increasing the ability of more marina users to return to the marina in case of inclement weather while still allowing for safe navigation of the AIWW and Eastman Creek. Additionally, public safety and welfare will be protected by reducing overall shading impacts and square footage of the walkways while allowing efficient access to the piers.

**ATTACHMENT D:  
PETITIONER'S VARIANCE REQUEST MATERIALS**

**CAMA VARIANCE REQUEST FORM**

**DCM FORM 11**

**DCM FILE No.:** \_\_\_\_\_

PETITIONER'S NAME: **Coastal Yacht Hangar, LLC**

COUNTY WHERE THE DEVELOPMENT IS PROPOSED: **CARTERET**

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.***

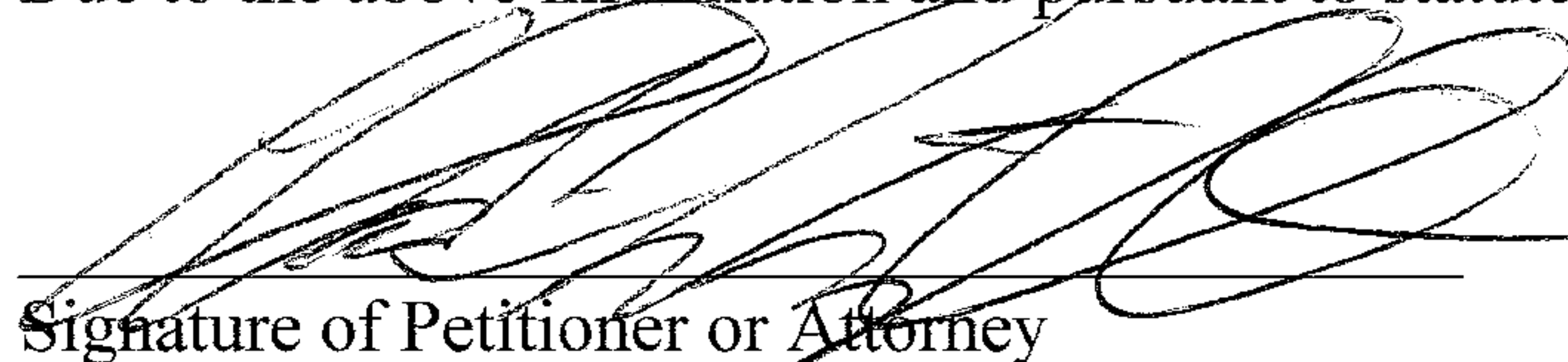
*The Commission notes that there are some opinions of the State Bar which indicate that non-attorneys may not represent others at quasi-judicial proceedings such as a variance hearing before the Commission. These opinions note that the practice of professionals, such as engineers, surveyors or contractors, 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:**

- The name and location of the development as identified on the permit application;
- A copy of the permit decision for the development in question;
- A copy of the deed to the property on which the proposed development would be located;
- A complete description of the proposed development including a site plan;
- A stipulation that the proposed development is inconsistent with the rule at issue;
- 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;
- Petitioner's written reasons and arguments about why the Petitioner meets the four variance criteria, listed above;
- 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.
- 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.

  
Signature of Petitioner or Attorney \_\_\_\_\_ Date August 2, 2016

Clark Wright  
Printed Name of Petitioner or Attorney \_\_\_\_\_ Email address of Petitioner or Attorney \_\_\_\_\_

209 Pollock Street  
Mailing Address \_\_\_\_\_ Telephone Number of Petitioner or Attorney ( 252 ) 229-5900

New Bern NC 28560 ( 252 ) 514-9878  
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](http://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

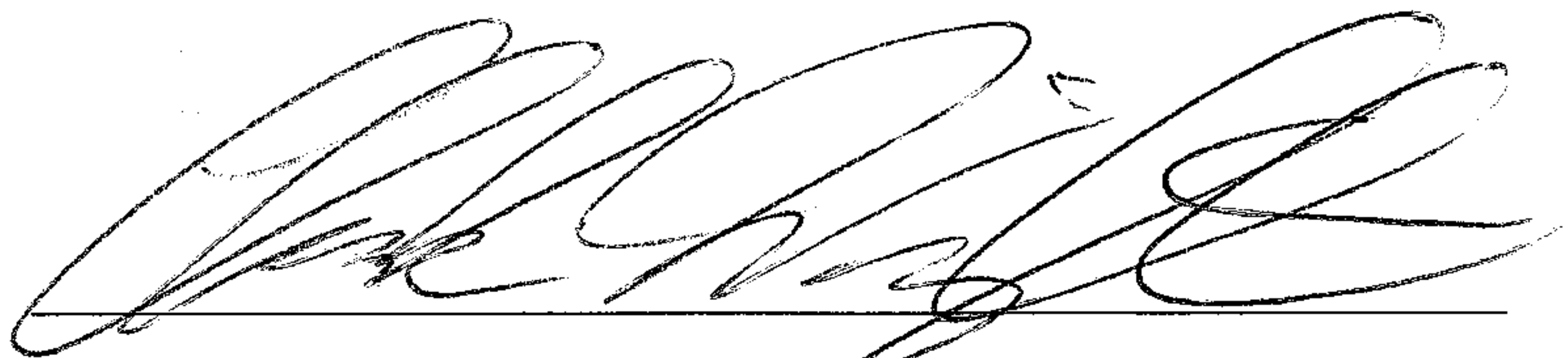
**Coastal Yacht Hangar, LLC Variance Request**

**August 3, 2016**

Stipulation re Non-compliance with CAMA Rules

Pursuant to 15A NCAC 07J.0701(c)(6), and for purposes of this variance request only, Petitioner Coastal Yacht Hangar, LLC stipulates that the development activities described in its previously submitted Application For Major Modification of CAMA Permit 05-08 do not comply with the use standards cited in DCM's August 1, 2016 denial letter.

This the 3rd day of August, 2016.

A handwritten signature in black ink, appearing to read 'Clark Wright', is written over a horizontal line. The signature is fluid and cursive.

Clark Wright, Esq. – Attorney for Coastal Yacht Hangar, LLC



**STROUD ENGINEERING, P.A.**

CONSULTING ENGINEERS  
HESTRON PLAZA TWO  
151-A HWY. 24  
MOREHEAD CITY, NC 28557  
(252) 247-7479

August 3, 2016

Smith Moores, LLC  
1201 Sensation Weigh  
Beaufort, NC 28516

Dear Ms. Stephanie Smith and Mr. James Moores,

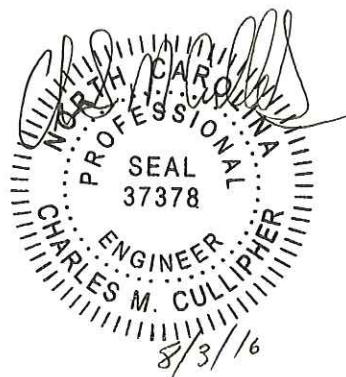
“The Coastal Yacht Hangar, LLC” is applying to the Coastal Resource Commission (CRC) to request a Variance to carry out proposed dock and boardwalk construction. One of the documents that must be filed with the CRC is notification of neighboring property owners that such a Variance is being sought. The specifics of the proposed work are in the enclosed drawings and outlined below.

The Coastal Yacht Hangar, LLC is requesting two variances from the CRC. The first is for the proposed dockage to be allowed to extend beyond the current 25% channel width in a manner that provides greater safety and maneuverability within the Launch and Retrieval Wharf. The second is for the boardwalks extending to the dockage to be single, 14’ wide boardwalks as opposed to the currently approved dual, 6’ wide boardwalks. This too is being requested to provide safer waterward access for golf cart and pedestrian traffic.

Please accept this letter as the required notification of The Coastal Yacht Hangar, LLC’s efforts to obtain a Variance for the work that was previously described to you. If you have any questions on this project please call me at 252-247-7479 or email me at [ccullipher@stroudengineer.com](mailto:ccullipher@stroudengineer.com)

Sincerely,

Charles M. Cullipher, PE  
PE License No. 37378



107 COMMERCE ST.  
SUITE B  
GREENVILLE, NC 27858  
(252) 756-9352

102-D CINEMA DRIVE  
WILMINGTON, NC 28403  
(910) 815-0775

HESTRON PLAZA TWO  
151-A HWY. 24  
MOREHEAD CITY, NC 28557  
(252) 247-7479





**STROUD ENGINEERING, P.A.**

CONSULTING ENGINEERS  
HESTRON PLAZA TWO  
151-A HWY. 24  
MOREHEAD CITY, NC 28557  
(252) 247-7479

August 3, 2016

True World Marine  
1145 Sensation Weigh  
Beaufort, NC 28516

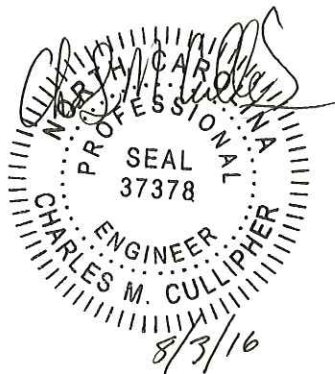
Dear True World Marine, LLC,

“The Coastal Yacht Hangar, LLC” is applying to the Coastal Resource Commission (CRC) to request a Variance to carry out proposed dock and boardwalk construction. One of the documents that must be filed with the CRC is notification of neighboring property owners that such a Variance is being sought. The specifics of the proposed work are in the enclosed drawings and outlined below.

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Charles M. Cullipher, PE  
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Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$7.57



Sent To **TRUE WORLD MARBLE**  
 Street, Apt. No.; or PO Box No. **1145 SENSATION WEAIGH**  
 City, State, ZIP+4 **BEAUFORT NC 28516**

PS Form 3800, August 2006 See Reverse for Instructions

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BEAUFORT, NC 28516

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Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$7.57



Sent To **SMITH MOORES LLC**  
 Street, Apt. No.; or PO Box No. **1201 SENSATION WEAIGH**  
 City, State, ZIP+4 **BEAUFORT NC 28516**

PS Form 3800, August 2006 See Reverse for Instructions

**ATTACHMENT E:**  
**STIPULATED EXHIBITS INCLUDING POWERPOINT**

1. June 27, 2016 Major Modification CAMA Permit Application
2. June 29, 2016 DCM Field Investigation Report
3. July 27, 2016 Charles "Chase" Cullipher, P.E. Evaluation Letter
4. Cullipher Resume
5. July 28, 2016 Mike Bradley Letter
6. July 31, 2016 Gary Johnson Memo to Richard McGough
7. August 2, 2016 Letter to CRC from CYH's Owner, Richard McGough
8. August 2, 2016 Letter to McGough from Alton Herndon
9. Alton Herndon Resume
10. August 1, 2016 DCM Permit Denial Letter
11. September 14, 2015 DCM Major CAMA Permit 5-08, as currently modified
12. CAMA Adjacent Riparian Notice forms – True World, Inc. and Smith Moores, LLC
13. Other issued permits:
  - a. State Property Office
  - b. Division of Environmental Health
  - c. Wildlife Resources Commission
  - d. DWR-401
  - e. DCM-Fisheries
  - f. Army Corps of Engineers
14. May 10, 2005 Deed from White Water Development Group, LLC to Coastal Yacht Hangar, LLC – Lot 9 of Jarrett Bay Marine Industrial Park South
15. August 3, 2016 No objection e-mail from Smith Moores, LLC
16. August 3, 2016 no objection e-mail from True World, Inc.
17. August 11, 2016 Denial Without Prejudice Letter from Corps of Engineers
18. Photograph of example of light permeable structural fiberglass grate walkway material
19. Plan/drawing depicting existing, permitted facilities
20. Plan/drawing depicting proposed modifications to existing facilities
21. Powerpoint Presentation

## Narrative

Major CAMA Application  
The Coastal Yacht Hangar, LLC

### Owner:

The Coastal Yacht Hangar, LLC  
362 Tyler Dr.  
Clearbrook, VA 22624  
(540)327-6713

### Engineer:

Stroud Engineering, P.A.  
Charles M. Cullipher, PE  
151-A Hwy 24  
Morehead City, NC 28557  
(252) 247-7479

Stroud Engineering, P.A. is requesting a Major Modification to a CAMA Major Permit. Permit #: 5-08 is a previous permit for the development of a marina and boat storage project. The subject property area is 28.85 acres with a significant portion being wetlands. The subject property is located in Jarrett Bay Marine Park on Sensation Weigh in Beaufort, NC. To the east of the subject property is an existing boat repair facility, Moore Smith Marine. To the north is an existing boat repair facility, True World, Inc. To the south is Eastman Creek and to the west is Core Creek. There are no current developed portions of the subject property although it has been cleared of trees.

The previous permit modification was approved in 2015 with the following:

- Indoor boat storage building with a capacity of 330 boats
- Outside dry rack boat storage with a capacity of 604 boats
- Launch and Retrieval wharf
- 30 wet slips
- Clubhouse, ship store, boat washing facility, 428 parking spaces and, vehicular bridge

The impacts permitted were:

- 7.81 acres of dredge area with approximately 40,000 cf of material to be dredged
- 0.4991 acres of 404 wetlands to be filled

Stroud Engineering and The Coastal Yacht Hangar, LLC had a scoping meeting Tuesday, June 21<sup>st</sup> with regulatory agencies at the DCM offices to discuss the proposed modification request. The request coming into the meeting is described in the previous scoping meeting narrative and is now hereby revised based upon the discussions of the scoping meeting. Below are the revised requests.

1. Extend docking facilities to a maximum of 32.5% of Channel Width (see Table 1).
2. Revise the docks connecting high ground to the water components from two side-by-side 6 ft. docks to a single 14 ft. wide dock. As consideration for this revision we are proposing the elimination of one of three docks from high ground to the water as shown on the attached site plan.

The proposed modification does not propose changes to any of the landward elements of the previous design nor is this a request to increase or decrease the amount of approved impacts. Per the scoping meeting, we are altering the proposed pier layouts (2<sup>nd</sup> Permit Modification Request) in a manner to avoid a regulatory shellfish

closure. This means retaining 200 ft. separation between piers and maintaining 10 or less wet slips per pier. As a result of the scoping meeting and as now reflected in our revised request, we have reduced the number of piers from a total of 5 to 4 and the proposed wet slips from 85 to 40 (each wet slip has an estimated value of \$50k-\$100k).

As discussed in the scoping meeting and reflected in this revised request we are maintaining the proposed extension of the Launch and Retrieval Wharf and T-heads of the piers out to a maximum 32.5% (the channel width varies due to the shoreline).

Table 1 – Pier Lengths

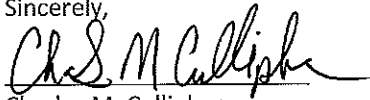
Description	Permitted Length at 25% Line (LF)	Proposed Length (LF)	Proposed Length (Channel Width %)
L&R Wharf	172.87	216.72	31.34
Pier A	198.68	258.06	32.47
Pier B	206.77	248.82	30.08
Pier C	234.69	234.69	25.00

The adjacent pier of True World Marine is 3.15 ft. away from the Army Corps Channel Setback. The nearest proposed pier (Launch and Retrieval Wharf) to the Corps Channel Setback for Coastal Yacht Hangar is 16.53 ft. away. This proposed distance allows for a safer Launch and Retrieval Wharf due to the structure’s ability to now have two wave attenuators. In addition, by having the two parallel attenuators this allows for increased protected area for maneuverability of vessels, increased area for boat staging and overall greater safety for staff, patrons and the public. Particularly in the event of a thunderstorm where a large number of returning vessels are occurring at the same time, this additional staging area allows for less congestion in the adjacent channel and more opportunity for the public to get off of their boat and seek shelter. Per the scoping meeting discussions, the pier closest to the confluence of Eastman Creek (Pier C) is being left at the 25% channel width line to aid in the navigation of boats coming from Eastman Creek traveling north. This eases the turning maneuver required by the boats compared to if Pier C were to extend further in line with Piers A and B. It was also noted in the meeting that the property across from The Coastal Yacht Hangar is wetlands along the water and row pine trees on the uplands and is not developed.

The final modification request is for the docks that allow access from high ground to the Launch & Retrieval Wharf/wet slips. The approved permit allows for two side-by-side, 6ft. wide docks with 5 ft. of separation between them. The modification request is for a single 14 ft. wide dock with a section that consists of a 6 ft. concrete hogslat paneling, a 2 ft. section of fiberglass grating that allows sunlight penetration and, another 6ft. concrete hogslat paneling. This 14 ft. section provides a substantially safer passageway for the proposed two-way electric golf cart traffic combined with pedestrian traffic. The proposed dock will meet the minimum separation of 3 ft. from the substrate to the bottom of the paneling for shade impacts. The specifications for the proposed fiberglass paneling is attached to this narrative.

If there are any questions or need for further discussion please contact Chase Cullipher, PE with Stroud Engineering, P.A. at 252-247-7479 ext 225 or [ccullipher@stroudengineer.com](mailto:ccullipher@stroudengineer.com)

Sincerely,

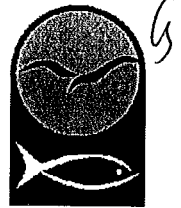


Charles M. Cullipher

PE License No. 037378

# APPLICATION for Major Development Permit

(last revised 12/27/06)



North Carolina DIVISION OF COASTAL MANAGEMENT

1. Primary Applicant/ Landowner Information				
Business Name The Coastal Yacht Hangar, Llc		Project Name (if applicable) Coastal Yacht Hangar		
Applicant 1: First Name Richard	MI	Last Name McGough		
Applicant 2: First Name Gary	MI	Last Name Johnson 252-622-5926		
<i>If additional applicants, please attach an additional page(s) with names listed.</i>				
Mailing Address 362 Tyler Dr.		PO Box	City Clearbrook	State VA
ZIP 22624	Country USA	Phone No. 540 - 327 - 6713 ext.		FAX No. 540 - 677 - 9551
Street Address (if different from above)		City	State	ZIP
Email rick@coastalyachthangar.com      2garyjohnson@gmail.com				

2. Agent/Contractor Information				
Business Name Stroud Engineering, Pa				
Agent/ Contractor 1: First Name Charles	MI M	Last Name Cullipher		
Agent/ Contractor 2: First Name Ronald	MI D	Last Name Cullipher		
Mailing Address 151A NC HWY 24		PO Box	City Morehead City	State NC
ZIP 28557		Phone No. 1 252 - 247 - 7479 ext.		Phone No. 2 - - ext.
FAX No. 252 247 4098	Contractor #			
Street Address (if different from above)		City	State	ZIP
Email ccullipher@stroudengineer.com				

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&lt;Form continues on back&gt;

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3. Project Location			
County (can be multiple) Carteret	Street Address 1301 Sensation Weigh	State Rd. # 1242	
Subdivision Name Jarrett Bay Marine Park	City Beaufort	State NC	Zip 28516 -
Phone No. - - ext.	Lot No.(s) (if many, attach additional page with list)		
a. In which NC river basin is the project located? White Oak	b. Name of body of water nearest to proposed project Core Creek		
c. Is the water body identified in (b) above, natural or manmade? <input type="checkbox"/> Natural <input checked="" type="checkbox"/> Manmade <input type="checkbox"/> Unknown	d. Name the closest major water body to the proposed project site. Newport River		
e. Is proposed work within city limits or planning jurisdiction? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	f. If applicable, list the planning jurisdiction or city limit the proposed work falls within. Carteret County		

4. Site Description	
a. Total length of shoreline on the tract (ft.) 2,881	b. Size of entire tract (sq.ft.) 1,197,900
c. Size of individual lot(s) (If many lot sizes, please attach additional page with a list)	d. Approximate elevation of tract above NHW (normal high water) or NWL (normal water level) 3.0' <input checked="" type="checkbox"/> NHW or <input type="checkbox"/> NWL
e. Vegetation on tract Marsh grass, shrubs, grass, weeds, small trees (hardwoods and pine)	
f. Man-made features and uses now on tract There are none	
g. Identify and describe the existing land uses <u>adjacent</u> to the proposed project site. To the north is True World, Inc. boat manufacturer and boat repair. To the east is Moores Marine, Inc. wood boat and yacht repair/restoration	
h. How does local government zone the tract? IW - Industrial & Wholesale	i. Is the proposed project consistent with the applicable zoning? (Attach zoning compliance certificate, if applicable) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
j. Is the proposed activity part of an urban waterfront redevelopment proposal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
k. Has a professional archaeological assessment been done for the tract? If yes, attach a copy. <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA If yes, by whom?	
l. Is the proposed project located in a National Registered Historic District or does it involve a National Register listed or eligible property? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA	

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&lt;Form continues on next page&gt;

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m. (i) Are there wetlands on the site?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
(ii) Are there coastal wetlands on the site?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
(iii) If yes to either (i) or (ii) above, has a delineation been conducted? <i>(Attach documentation, if available)</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
n. Describe existing wastewater treatment facilities. A sewer system exists in the marine park. It flows by gravity to a lift station that ties a force main for the marine park into the Town of Beaufort's collection system and is ultimately treated by the Town of Beaufort.	
o. Describe existing drinking water supply source. Potable water is provided by the Town of Beaufort to Sensation Weight	
p. Describe existing storm water management or treatment systems. There are no existing storm water facilities	

<b>5. Activities and Impacts</b>	
a. Will the project be for commercial, public, or private use?	<input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Public/Government <input type="checkbox"/> Private/Community
b. Give a brief description of purpose, use, and daily operations of the project when complete. This project consists of a wet slip marina, indoor and outdoor dry stack boat storage, a clubhouse, ship store, pool, patio, docks, recreational area and associated parking and infrastructure.	
c. Describe the proposed construction methodology, types of construction equipment to be used during construction, the number of each type of equipment and where it is to be stored. Hydraulic dredging will be used to transport dredge material to the site. A barge will also be used for dock construction. Excavators, bull dozers, cranes, etc will be used to grade, install utilities and construct the buildings. All equipment will be stored on-site.	
d. List all development activities you propose. Clearing & grubbing, grading (rough and fine), marine construction of bulkheads and docks, trenching for utilities, building construction, pervious pavers, concrete, pool, steel erection for dry stack building, wooden bridge construction over wetlands	
e. Are the proposed activities maintenance of an existing project, new work, or both?	New Work
f. What is the approximate total disturbed land area resulting from the proposed project?	9.66 <input type="checkbox"/> Sq.Ft or <input checked="" type="checkbox"/> Acres
g. Will the proposed project encroach on any public easement, public accessway or other area that the public has established use of?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
h. Describe location and type of existing and proposed discharges to waters of the state. Existing runoff sheet flows into the adjacent wetlands to the east, south and west of the site. The proposed runoff will collect water through pervious pavers for infiltration and/or sheet flow to the adjacent wetlands to the east, south and west of the site.	
i. Will wastewater or stormwater be discharged into a wetland?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
If yes, will this discharged water be of the same salinity as the receiving water?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
j. Is there any mitigation proposed?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
If yes, attach a mitigation proposal.	

<Form continues on back>

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**6. Additional Information**

In addition to this completed application form, (MP-1) the following items below, if applicable, must be submitted in order for the application package to be complete. Items (a) - (f) are always applicable to any major development application. Please consult the application instruction booklet on how to properly prepare the required items below.

- a. A project narrative.
- b. An accurate, dated work plat (including plan view and cross-sectional drawings) drawn to scale. Please give the present status of the proposed project. Is any portion already complete? If previously authorized work, clearly indicate on maps, plats, drawings to distinguish between work completed and proposed.
- c. A site or location map that is sufficiently detailed to guide agency personnel unfamiliar with the area to the site.
- d. A copy of the deed (with state application only) or other instrument under which the applicant claims title to the affected properties.
- e. The appropriate application fee. Check or money order made payable to DENR.

f. A list of the names and complete addresses of the adjacent waterfront (riparian) landowners and signed return receipts as proof that such owners have received a copy of the application and plats by certified mail. Such landowners must be advised that they have 30 days in which to submit comments on the proposed project to the Division of Coastal Management.

Name Smith Moores, LLC	Phone No. 252-504-7060
Address 1410 Avenue E Riveria Beach, FL 33404	
Name True World Marine	Phone No. 252-723-9370
Address 1145 Sensation Weigh Beaufort, NC 28516	
Name	Phone No.
Address	

- g. A list of previous state or federal permits issued for work on the project tract. Include permit numbers, permittee, and issuing dates.
- |                     |                |
|---------------------|----------------|
| CAMA Permit #: 5-08 | CARTE-2008-225 |
| SW8 071113          | GP:198000291   |

- h. Signed consultant or agent authorization form, if applicable.
- i. Wetland delineation, if necessary.
- j. A signed AEC hazard notice for projects in oceanfront and inlet areas. (Must be signed by property owner)
- k. A statement of compliance with the N.C. Environmental Policy Act (N.C.G.S. 113A 1-10), if necessary. If the project involves expenditure of public funds or use of public lands, attach a statement documenting compliance with the North Carolina Environmental Policy Act.

**7. Certification and Permission to Enter on Land**

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.

Date \_\_\_\_\_ Print Name \_\_\_\_\_

Signature \_\_\_\_\_

Please indicate application attachments pertaining to your proposed project.

- DCM MP-2 Excavation and Fill Information
- DCM MP-3 Upland Development
- DCM MP-4 Structures Information
- DCM MP-5 Bridges and Culverts

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# STRUCTURES

(Construction within Public Trust Areas)

Attach this form to Joint Application for CAMA Major Permit, Form DCM MP-1. Be sure to complete all other sections of the Joint Application that relate to this proposed project. Please include all supplemental information.

**1. DOCKING FACILITY/MARINA CHARACTERISTICS**  This section not applicable

a. (i) Is the docking facility/marina:  
 Commercial  Public/Government  Private/Community

b. (i) Will the facility be open to the general public?  
 Yes  No

c. (i) Dock(s) and/or pier(s)  
(ii) Number 7  
(iii) Length Piers 1 & 3 are 14' wide piers with 2' grates in the middle providing sunlight access to ground vegetation. Pier 1=293LF, Pier 3=561LF. Four separate 6' wide piers for boat transfer rails. All four transfer rail piers = 353LF  
(iv) Width 14  
(v) Floating  Yes  No

d. (i) Are Finger Piers included?  Yes  No  
If yes:  
(ii) Number 23  
(iii) Length Varies per Dock - See Site Plan  
(iv) Width 3.5'-4.0'  
(v) Floating  Yes  No

e. (i) Are Platforms included?  Yes  No  
If yes:  
(ii) Number 7  
(iii) Length Main Fixed Dock=14'wide x 1,373LF, Interior Launch and Retrieval Wharf=12'x385', Exterior Launch and Retrieval Wharf=12'x595', Pier A=10'x258.05', Pier B=10'x248.82', Pier C=10'x234.69', Kayak Launch =18.5'x20', (3) Golf Cart Stations = 24'x7', Fishing Pier=30'x16'  
(iv) Width Varies - See above  
(v) Floating  Yes  No

f. (i) Are Boatlifts included?  Yes  No  
If yes:  
(ii) Number \_\_\_\_\_  
(iii) Length \_\_\_\_\_  
(iv) Width \_\_\_\_\_

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Note: Roofed areas are calculated from dripline dimensions.

g. (i) Number of slips proposed  
40  
(ii) Number of slips existing  
0

h. Check all the types of services to be provided.  
 Full service, including travel lift and/or rail, repair or maintenance service  
 Dockage, fuel, and marine supplies  
 Dockage ("wet slips") only, number of slips: 40  
 Dry storage; number of boats: 934  
 Boat ramp(s); number of boat ramps: \_\_\_\_\_  
 Other, please describe:  
A ship store for boat provisions.

i. Check the proposed type of siting:  
 Land cut and access channel  
 Open water; dredging for basin and/or channel  
 Open water; no dredging required  
 Other; please describe:  
\_\_\_\_\_

j. Describe the typical boats to be served (e.g., open runabout, charter boats, sail boats, mixed types).  
Mixed

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k. Typical boat length: 20'-50'

l. (i) Will the facility be open to the general public?  
 Yes  No

m. (i) Will the facility have tie pilings?  
 Yes  No

(ii) If yes number of tie pilings?  
40

**2. DOCKING FACILITY/MARINA OPERATIONS**

This section not applicable

a. Check each of the following sanitary facilities that will be included in the proposed project.

Office Toilets

Toilets for patrons; Number: 10; Location: 3 per gender in clubhouse and 2 per gender in the ship store

Showers

Boatholding tank pumpout; Give type and location: Sewage pumpout located on Pier A and L&R Wharf

b. Describe treatment type and disposal location for all sanitary wastewater.

An on-site pressure sewer system will pump the wastewater to the Town of Beaufort collection system. There is a Town manhole located in the cul-de-sac near the site entrance on Sensation Weigh. Tie-in will occur there.

c. Describe the disposal of solid waste, fish offal and trash.

Fish waste to be discarded into waters at fish cleaning station. Other solid waste to be discarded into dumpster and picked up by private waste contractor.

d. How will overboard discharge of sewage from boats be controlled?

There are 2 sewage pumpouts proposed on the docks.

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e. (i) Give the location and number of "No Sewage Discharge" signs proposed.

4 signs. 1 at Pier A to C and at the Launch and Retrieval Wharf.

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(ii) Give the location and number of "Pumpout Available" signs proposed.

4 signs. 1 at Pier A to C and at the Launch and Retrieval Wharf.

f. Describe the special design, if applicable, for containing industrial type pollutants, such as paint, sandblasting waste and petroleum products.  
N/A

g. Where will residue from vessel maintenance be disposed of?

Individual contractors will dispose of their waste during maintenance off site.

h. Give the number of channel markers and "No Wake" signs proposed. N/A

i. Give the location of fuel-handling facilities, and describe the safety measures planned to protect area water quality.

1 dispenser at Pier A and 2 dispensers at the Launch and Retrieval Wharf. Storage tanks are on high ground.

j. What will be the marina policy on overnight and live-aboard dockage?

Transient boats are allowed for overnight and live-aboard dockage.

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- k. Describe design measures that promote boat basin flushing?  
N/A
- 
- l. If this project is an expansion of an existing marina, what types of services are currently provided?  
No
- 
- m. Is the marina/docking facility proposed within a primary or secondary nursery area?  
 Yes  No
- n. Is the marina/docking facility proposed within or adjacent to any shellfish harvesting area?  
 Yes  No
- 
- o. Is the marina/docking facility proposed within or adjacent to coastal wetlands/marsh (CW), submerged aquatic vegetation (SAV), shell bottom (SB), or other wetlands (WL)? If any boxes are checked, provide the number of square feet affected.  
 CW 0       SAV \_\_\_\_\_       SB 370,670 SF  
 WL 0       None
- 
- p. Is the proposed marina/docking facility located within or within close proximity to any shellfish leases?  Yes  No  
If yes, give the name and address of the leaseholder(s), and give the proximity to the lease.
- 

**3. BOATHOUSE** (including covered lifts)  This section not applicable

- a. (i) Is the boathouse structure(s):  
 Commercial     Public/Government     Private/Community
- (ii) Number \_\_\_\_\_  
 (iii) Length \_\_\_\_\_  
 (iv) Width \_\_\_\_\_
- Note: Roofed areas are calculated from dripline dimensions.*

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**4. GROIN** (e.g., wood, sheetpile, etc. If a rock groin, use MP-2, Excavation and Fill.)  This section not applicable

- a. (i) Number \_\_\_\_\_  
 (ii) Length \_\_\_\_\_  
 (iii) Width \_\_\_\_\_

**5. BREAKWATER** (e.g., wood, sheetpile, etc.)  This section not applicable

- a. Length Exterior L&R Pier = 595', Interior L&R = 385'  
Pier A T-head = 140', Piers B+C T-head = 120' each
- b. Average distance from NHW, NWL, or wetlands  
169' average from coastal wetlands
- c. Maximum distance beyond NHW, NWL or wetlands  
280'

**6. MOORING PILINGS and BUOYS**  This section not applicable

- a. Is the structure(s):  
 Commercial     Public/Government     Private/Community
- b. Number \_\_\_\_\_

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c. Distance to be placed beyond shoreline \_\_\_\_\_  
 Note: This should be measured from marsh edge, if present.

d. Description of buoy (color, inscription, size, anchor, etc.)

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

e. Arc of the swing \_\_\_\_\_

**7. GENERAL**

a. Proximity of structure(s) to adjacent riparian property lines  
 15.74' minimum from True World, 21.8' average

b. Proximity of structure(s) to adjacent docking facilities.  
 291.67' minimum

Note: For buoy or mooring piling, use arc of swing including length of vessel.

c. Width of water body  
Varies - 677.53' to 956.72' across Core Creek  
Varies - 228.35' to 380.75' across Eastman Creek

d. Water depth at waterward end of structure at NLW or NWL  
Varies - 2.4' to 5.7' depth at NLW


e. (i) Will navigational aids be required as a result of the project?  
 Yes  No  NA  
 (ii) If yes, explain what type and how they will be implemented.

**8. OTHER**

This section not applicable

a. Give complete description:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Date	6/27/16
Coastal Yacht Hangar	
Project Name	Coastal Yacht Hangar, LLC
Applicant Name	Charles Cullipher Agent of Coastal Yacht Hangar, LLC
Applicant Signature	

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7014 0150 0000 4788 2849

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BEAUFORT, NC 28516 HEADHOUSE

Postage	\$3.36	\$2.70	0557
Certified Fee		\$0.00	13
Return Receipt Fee (Endorsement Required)		\$0.00	
Restricted Delivery Fee (Endorsement Required)		\$0.00	
Total Postage & Fees	\$1.36	\$7.36	

Postmark Here: MAY 27 2016

05/27/2016  
NC 28551 P111676-002

Sent To: TRUE WORLD MARINE  
 Street, Apt. No., or PO Box No.: 1145 SENSATION WEAH  
 City, State, ZIP+4: BEAUFORT, NC 28557

PS Form 3800, August 2006 See Reverse for Instructions

7014 0150 0000 4788 2832

**U.S. Postal Service™**  
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(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

WEST PALM BEACH, FL 33404 HEADHOUSE

Postage	\$3.36	\$2.70	0557
Certified Fee		\$0.00	13
Return Receipt Fee (Endorsement Required)		\$0.00	
Restricted Delivery Fee (Endorsement Required)		\$0.00	
Total Postage & Fees	\$1.36	\$7.36	

Postmark Here: MAY 27 2016

05/27/2016  
NC 28551 P111676-002

Sent To: SMITH MOORES LLC  
 Street, Apt. No., or PO Box No.: 1410 AVENUE E  
 City, State, ZIP+4: RIVIERA BEACH, NC 33404

PS Form 3800, August 2006 See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- 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:

TRUE WORLD MARINE  
1145 SENSATION NEIGH  
BEAUFORT, NC 28516

2. Article Number

7014 0150 0000 4788 2849

(Transfer from service label)

PS Form 3811, July 2013

Domestic Return Receipt

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X *Syrm Hasebe*

Agent

Addressee

B. Received by (Printed Name)

*Syrm Hasebe*

C. Date of Delivery

D. Is delivery address different from item 1?  Yes

If YES, enter delivery address below:  No

3. Service Type

Certified Mail®  Priority Mail Express™

Registered  Return Receipt for Merchandise

Insured Mail  Collect on Delivery

4. Restricted Delivery? (Extra Fee)

Yes

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- 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:

SMITH REPAIRS LLC  
1410 AVENUE  
RIVIERA BEACH FL

*REASON CHECKED*  
*Unclaimed*  
*Attempted*  
*Insufficient - Not Known*  
*No Such Address*  
*No Such Street*  
*No Such Office*  
*No Such State*

2. Article Number

7014 0150 0000 4788 2832

(Transfer from service label)

PS Form 3811, July 2013

Domestic Return Receipt

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X *Stephanie Smith*

Agent

Addressee

B. Received by (Printed Name)

*Stephanie Smith*

C. Date of Delivery

D. Is delivery address different from item 1?  Yes

If YES, enter delivery address below:  No

3. Service Type

Certified Mail®  Priority Mail Express™

Registered  Return Receipt for Merchandise

Insured Mail  Collect on Delivery

4. Restricted Delivery? (Extra Fee)

Yes

746 Ardmore Rd  
West Palm Beach FL  
33401

**DIVISION OF COASTAL MANAGEMENT  
FIELD INVESTIGATION REPORT**

- 1. **APPLICANT'S NAME:** Coastal Yacht Hangar, LLC
- 2. **LOCATION OF PROJECT SITE:** On Core Creek, north side of the mouth of Eastman Creek, in Carteret County. Site is at 1301 Sensation Weigh Road in the Jarrett Bay Marine Industrial Park off of Highway 101 in Beaufort.  
**State Plane Coordinates - X: 2695200 Y: 390100**  
**Longitude: 34 48 16.00 Latitude: 76 40 57.60**
- 3. **INVESTIGATION TYPE:** CAMA
- 4. **INVESTIGATIVE PROCEDURE:** Dates of Site Visit – several since 5/30/07  
Was Applicant Present – No
- 5. **PROCESSING PROCEDURE:** Application Received – 6/27/16  
Office - MHC
- 6. **SITE DESCRIPTION:**
  - (A) Local Land Use Plan – Carteret County  
Land Classification From LUP – Rural with Services
  - (B) AEC(s) Involved: CW, EW, PTA, ES
  - (C) Water Dependent: Yes
  - (D) Intended Use: Commercial
  - (E) Wastewater Treatment: Existing – Town of Beaufort  
Planned - Sewer lift station to connect to existing
  - (F) Type of Structures: Existing – None  
Planned - marina, hydraulic boat lift & rail system, dry stack storage buildings, club house & pool, office building, fuel tanks, bulkheads, sewer pump out station
  - (G) Estimated Annual Rate of Erosion: N/A  
Source – N/A
- 7. **HABITAT DESCRIPTION:**

	<u>DREDGED</u>	<u>FILLED</u>	<u>OTHER</u>
(A) Vegetated Wetlands			10,080 sf shaded
(B) Open Water			326,250 sf incorporated 40,781 sf shaded

- (D) Total Area Disturbed: 336,330 sf
- (E) Primary Nursery Area: No
- (F) Water Classification: SA Open: Conditionally Approved



- 5
8. **PROJECT SUMMARY:** *This is a request to modify State Permit #5-08. It authorized a 30-slip marina, dry stack and haul out facility, clubhouse, excavation, vehicular bridge, and parking lot.* The applicant is currently requesting to widen the pier accesses, extend the marina waterward, expand the haul out wharf, and install wave attenuators at the terminus of the authorized docks.

9. **Narrative Description:**

The property is a 27.5-acre parcel in Jarrett Bay Marine Industrial Park, Carteret County. The Carteret County Land Use Plan has classified this area as Rural with Services, with CAMA AEC's classified as Conservation. The applicant wishes to develop the property with a commercial ten-slip docking facility, and a dry stack storage facility with a clubhouse and parking area for clients.

The parcel is located at 1301 Sensation Weigh, Lot 9, in Beaufort off of Highway 101. It is located on the north corner of Eastman Creek and Core Creek, to the south of the Highway 101 high rise bridge. The proposed project will be on the Core Creek side of the property. This waterbody is approximately 692' across at this location.

This site is undeveloped with uplands consisting of juvenile pine forest bordered by Section 404 wetlands and coastal wetlands along the shoreline. Upland elevations range from +3 to +6 feet msl.

Core Creek waters are classified as SA. None of the project area is within PNA; it does not have submerged aquatic vegetation, and is conditionally closed to the harvest of shellfish. Clam relaying is allowed in Core Creek and indicates the presence of a shellfish resource. Bottom elevations within the project area range from -1 to -11 feet nlw. The bottom substrate is fine silt and lends easily to resuspension. These waters have an approximate +/-3' lunar tidal amplitude.

10. **Proposed Development:**

The applicant is requesting to modify CAMA Major Permit #5-08 to widen the permitted pier accesses, extend the marina docks farther waterward, install wave attenuators, and expand the haul out wharf docks. State Permit #5-08 authorizes six pier accesses to traverse Coastal Wetlands. Each of these six walkways is 6' wide, elevated at least 3' above the Coastal Wetlands substrate, and has at least 2' of separation between the pier structures. The applicant is proposing to reconfigure to two pier accesses, each being 14' wide and 3' above the Coastal Wetland substrate.

The main haul out wharf staging area is proposed to be increased by extending out to within 15' of the ICW setback line and include the addition of a second staging dock. The interior second staging dock will be 12' wide and 385' long, parallel to the shoreline. The exterior staging dock will be extended to approximately 220' waterward of the shoreline.

6

At each of the three 10-slip docking facilities, wave attenuators are proposed to be installed beneath the floating "T" platforms. Two of the 10-slip docking facilities are proposed to extend further waterward. Each is proposed to extend approximately 270' waterward of the shoreline.

**11. Anticipated Impacts:**

The proposed modification would shade 10,080 sf of Coastal Wetlands and 40,781 sf of open water, which incorporates 326,250 sf along 2,368' of shoreline. The pier access proposed exceeds 6' in width over the Coastal Wetlands.

Proposed dock structures would be 15 feet outside of the 80' USACE setback from the AIWW, at the closest point. The proposed modification would encroach the docking facilities approximately 260' waterward into Core Creek. This waterbody is approximately 692' across at the most constrictive point adjacent to the property. This would increase the encroachment from the authorized 170' to the proposed 225' into the waterbody and would increase usurpation of the Public Trust Area to a total of 326,250 square feet.

No SAV were observed in the area. The Division of Marine Fisheries conditionally allows harvesting of shellfish from this area of Core Creek. The proposed development would be at least 325' from the adjacent development at True World Marine and sufficient spacing between the 10-slip docking facilities that it should not result in a permanent shellfish closure.



**STROUD ENGINEERING, P.A.**

CONSULTING ENGINEERS  
HESTRON PLAZA TWO  
151-A HWY. 24  
MOREHEAD CITY, NC 28557  
(252) 247-7479

July 27, 2016

Rick McGough, Owner  
Coastal Yacht Hangar, LLC  
1301 Sensation Weight  
Beaufort, North Carolina 28516

Re: Engineering Opinion Regarding Safety of Launch & Retrieval Wharf and Boardwalks

Dear Mr. McGough,

I have reviewed the proposed Coastal Resource Commission (CRC) Variance Request for The Coastal Yacht Hangar project. The extension of the Launch & Retrieval Wharf (LRW) and wet slip dockage out to the 33.33% channel width provides a substantially safer environment for staff and public alike.

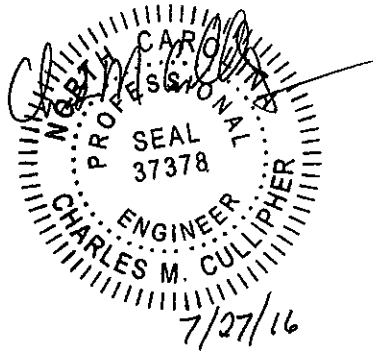
1. Extending to the 33% line allows for two LRW docks as opposed to the single LRW dock as approved in the current permit. Having this second dock allows for greater separation of staff maneuvering boats and the public entering/exiting the facility.
2. Also provided in the additional space within the LRW is an additional floating finger pier, providing safer staff/public access to vessels where the current version does not have room for this finger pier due to the need for boat maneuverability.
3. By extending the wet slip T-heads to remain linear with the LRW, this aids in prevention of navigation errors where boaters typically would expect an even pier head line.
4. In the event of inclement weather, where a surge of boaters are in search of safe harbor, having this second dock creates more staging area for said boaters and increases the number of the public who have access to safety.
5. This second dock helps prevent congestion within the Intracoastal Waterway by the public who are awaiting to return to land at your facility. This is even more relevant in the event of inclement weather where some boats are trying to get to another destination and are passing through. Thus, increasing the safety within the Intracoastal Waterway as well as the LRW.

I have also reviewed the CRC Variance request for the increased width of boardwalk that accesses the waterward components of your project. It appears to be an appropriate compromise to utilize the structural fiberglass grate to allow for sunlight to pass through to the vegetation substrate while providing safe passage for golf carts and pedestrians in the proposed manner.

1. The currently approved boardwalks range approximately from 300 lf to 570 lf with only one or two, 5'x5', locations for pedestrian safe haven in the event of traveling conflict with a golf cart.
2. The currently approved boardwalks also are only 6' in width, leaving a small margin of error for golf cart operators.
3. The CRC Variance Request for the 14' wide boardwalk is superior in personal and material safety by allowing more space to operate for both golf carts traveling in two directions and pedestrians at the same time for the entire length of the boardwalk.

Sincerely,

Chase Cullipher, P.E.





## Charles M. Cullipher, PE

CIVIL ENGINEER



### Office Location

Morehead City, NC

### Education

B.S. Civil Engineering, North Carolina State University, 2006

### Years of Experience

Joined Stroud Engineering, P. A. in June 2014 with 8 Years of Previous Experience

### Professional Registrations

PE, NC, 2010, #37378

Mr. Cullipher began with Stroud Engineering in June of 2014 after 8+ years as a civil engineer with multiple firms in the Raleigh-Durham area. He obtained his Professional Engineer registration in 2010.

Mr. Cullipher has performed civil engineering designs for a wide variety of projects throughout North Carolina. He has completed residential, commercial and university land development projects of varying levels of size and complexity. He also has 3 years of experience working within a transportation group where he developed NCDOT roadway plans for bridge replacement projects as well as 30+ miles of greenway trail design. He has acquired a diverse knowledge of the North Carolina Department of Environmental Quality and the permitting processes associated with the Department of Coastal Management, Stormwater and Land Quality requirements for development projects. Project types that Mr. Cullipher has experience with include emergency facilities, mixed use development, subdivision development, marinas, restaurants, banks, office complexes, UNC System universities, solar farms, utility extensions and relocations, NCDOT roadway design, and municipal greenways.

**Michael P. Bradley**  
**President, MB Connects, Inc.**  
**319 Fayetteville Street, Suite 416**  
**Raleigh, NC 27601**

July 28, 2016

Rick McGough, Owner  
Coastal Yacht Hangar, LLC.  
1301 Sensation Weigh  
Beaufort, North Carolina 28516

Dear Mr. McGough:

You asked me for background on the Jarrett Bay Marine Park (JBMP) as it relates to the Coastal Yacht Hangar project and, specifically, efforts to assure safety, maritime productivity and positive economic impacts for the project. Here are some of the relevant factors I believe are important.

I began boating the waters around Beaufort starting in 1972. I then oversaw all of the USCG safety and vessel activities for the Duke Marine Lab for about fifteen years. In 1990, Carteret County and four other NC coastal counties hired me as director of the NC Marine Crescent program. I was tasked with maritime economic development in these counties. Three years later I was hired as the statewide director of the NC Marine Trades Services Program.

My background with the JBMP started when the stressed concrete facility at the site closed down and moved to Wilmington. I was asked to help promote the site for the marine industry. The original concept was to have a single set of master permits for the entire site. Subsequent events made this original design process unattainable, as individual businesses came into the Park over extended periods of time.

Jarrett Bay boats independently researched the site and I began the process of working with them, the Carteret Economic Development, the NC Department of Commerce, the Division of Coastal Management, the Township of Beaufort and the Carteret County Electric Cooperative to develop the Park. Collectively, we obtained electric, water and sewage utility services. This allowed marine related businesses to begin coming to the Park.

We were successful in our recruitment efforts with companies like Moore's Marine and True World, but along the way and over the years, each new company that bought property in the park became a stand-alone entity in the eyes of the various state and federal regulatory agencies. Despite the growing number of separately permitted businesses, the Park continues to function for the most part as originally intended: a collection of marine industry-related businesses that complement each other.

The Coastal Yacht Hangar project represents the final, key piece in bringing the JBMP vision to complete reality. This project will add a comprehensive boat storage facility and related services for vessels up to 50 feet or greater in length. With the capacity of storing over 1,100 vessels, the Coastal Yacht Hangar facility will provide a significant amount of complementary business for the existing marine businesses located in the Park. The total economic impact for the area will be substantial.

The project's requested extension of the boat piers out to one third the width of the narrowest portion of the waterbody width is consistent with what the previous CAMA use standards allowed for decades. In addition, the requested extension remains well outside the boundaries of the Corps-maintained channel, and is consistent with the existing, adjacent pier structures. I commend you on responding positively to agency comments and concerns regarding pier separation, and respecting vessel traffic coming in and out of the adjacent creek. Adding the second boat retrieval area also is important in terms of overall functionality and safety. The same is true for the requested extra width in the access walkway, which is well thought out using light permeable, structural fiberglass grate decking in the center.

I look forward to continuing to provide information and advice to help bring this final piece of the JBMP puzzle to reality. While it has taken several decades, the Coastal Yacht Hangar project will indeed bring the vision for this site forward into a complete marine park reality that will serve the region well for many decades to come.

Sincerely,


A handwritten signature in cursive script that reads "Michael P. Bradley". The signature is written in black ink and extends across the width of the page.

Michael P. Bradley  
President, MB Connects, Inc.



July 31, 2016

MEMO TO: Richard McGough  
Coastal Yacht Hangar Members

FROM: Gary P. Johnson 

TOPIC: Functionality of the Launch and Retrieval (L&R) Area

The most active area in Coastal Yacht Hangar's business plan is the L&R area. At this point, only one dock system of 314 feet has been permitted. It is out of necessity that we are requesting a second dock system to be approved for several reasons:

1. One dock system to handle the L&R functions for 330 boats (critical mass) and having fueling operations and pump out operations would be a severe hardship and handicap on both Coastal Yacht Hangar personnel and its customers. This area could easily become overloaded and present numerous safety issues.
2. Ease of access and egress when you are dealing with larger boats in a small area can become a navigational nightmare.
3. The L&R area is the only place in our business plan where human interaction and our boating clientele come together, thus space becomes a priority.
4. We have studied numerous alternatives, but none have proven to be feasible. The secondary L&R wharf is an absolute necessity. The additional 415 feet of dock system would allow for much more functionality. It would also help secure the basin from water movement caused by wake action. The L&R basin needs very calm water to function well for the Coastal Yacht Hangar personnel cueing up a boat of L&R and for the boat owner to take position for either launching or returning from a day of boating activity.
5. The biggest mistake in design criteria for dry stake boat facilities is a lack of space for L&R. The combination of two L&R systems would lead to a total of 1450 linear feet of dock space. Without this amount of linear dock space, the operation of the L&R area would be severely handicapped.

In our attempt to address environmental concerns raised by reviewing agencies, we have removed over forty wet boat slips. The extension of our boat piers out to one-third of the width of the channel is an absolute necessity, for safety and functionality, both for our customers and facility personnel. This is especially important regarding separation of the T&L function, the fueling component and the pump out operation.





August 2, 2016

TO: The Members of the Coastal Resource Commission

As the property owner of the parcel known as "The Coastal Yacht Hangar" within the Jarrett Bay Marine Industrial Park complex, I have always desired to stay within the constraints of the regulatory requirements of US Corp. of Engineers, the State and of course our local county CAMA policies. Moreover, I must add that all the departments that assisted in my major permits and changes through the years were helpful in making the process as streamlined as possible given the scope and character of the project. For that, I am very grateful.

While always considering those constraints, I am sure you can understand that I am also looking for both form and function for this major marine project. The few additional changes that we seek for consideration as a variance are presented very succinctly in the denial letter as presented by the Braxton Davis, the Director of the NC Division of Coastal Management.

The request for variance on our facility walks-ways and the expansion into the ICW with wave attenuators into one third the distance of the ICW all come down to operating at peak safety potential at all times. In this case, function and safety are one in the same.

Future phases for our project will then consider us one of the larger Marine facilities in the area. Even with just our first phase of operation, we still will have similar safety concerns without the expansion we are attempting to receive as a variance.

Regardless of how good we are with the time management of our operation placing many boats into the smaller launch and retrieval area along with facilities for fuel and pump out creates a safety situation that does not have to exist if we can expand into the one-third distance into the ICW. There is a similar issue with the access piers. Time management of our access piers will be less critical if we can provide two-way traffic along the same approach. This will allow us to transport owners to and from their boats without causing a stoppage due to potential heavy traffic. This of course will allow us to keep both our launch and our retrieval at a steady pace without conflict that could occur by not having the wider pier access.

I appreciate the consideration of this variance and hope that we can work together to make our project successful for myself and the team of The Coastal Yacht Hangar as well as the state of North Carolina and the eastern shore.

Respectfully,

Richard D. McGough  
Owner/Manager  
The Coastal Yacht Hangar LLC



August 2, 2016

Rick McGough, Owner  
Coastal Yacht Hangar, LLC.  
1301 Sensation Weigh  
Beaufort, North Carolina 28516

Dear Mr. McGough,

We are now at a critical point in the financing, development, construction start and permitting approval process for The Coastal Yacht Hangar project. Working with Stroud Engineering and our management team we have participated in multiple meetings, and have made multiple presentations to the many state and federal agencies that must review and approve our various proposed project plans. Due to the size and scope of The Coastal Yacht Hangar project, this has been an arduous task to get us to our current status, where we have obtained multiple state and federal agency permits and approvals, including the current major modified CAMA permit. The agencies working with us have greatly assisted in revisions, modifications and development of the current, permitted project plans. As you know, in order to get to this point, we have made a number of major concessions and improvements often based on input and recommendations from the agencies. We are now at a critical juncture in terms of our financing and upcoming federal wetlands permit expiration dates.

In order to address important logistics and safety concerns, we just completed a CAMA permit modification request and as expected, have received CAMA's denial letter. This is what we had to do in order to now apply for a variance from the Coastal Resources Commission. Based on our latest discussions, we believe that we have support for the two requests we are making to slightly exceed the CAMA rules to implement our need to improve boat handling and safety, especially during peak use times and any time the weather changes and triggers a large number of incoming boats.

The first variance request to extend our Launch and Retrieval docks out to one third of the waterway width gives Coastal Yacht Hangar the additional space to add a second dock in the wave attenuated area of Launch and Retrieval. The additional space and second dock increases safe launch and retrieval and increased dockage opportunities for public use of our facility and for additional docking for all boats that are seeking shelter from inclement weather. This additional dock would not be used for permanent berthing.

The second variance request to increase the width of our two boardwalks from shore to the docks would increase the width of the boardwalks to two adjacent six-foot wide boardwalks with a two-foot sunlight permeable grate in the center separating them. This would allow two-way traffic for golf carts (typically 4 - 4.5 feet wide) to travel to and from the shore to the dock. It would also allow safe space for pedestrians on the walkway to step out of the way of any golf cart traffic. The two boardwalks are approximately 300 ft. and 570 ft. long. The opportunity for carts and pedestrians to meet on the boardwalks is great and the requested variance will create safe passage.

Boating families pay special attention to safety. The additional safety these requested variances give to Coastal Yacht Hangar will be recognized and respected on the waterfront, increase the financial viability of our project and address potential liability insurance concerns. It is very important that we finalize our documentation for the variance request so that it can be heard by the CRC at the commission's September 2016 meeting. That way we will be assured of completing our permitting and financing needs well in advance of the upcoming October 1, 2016 – April 1, 2017 dredging window, and in time to meet our financing requirements.

I will keep you informed as this final, time sensitive process moves forward.

Sincerely,

A handwritten signature in black ink, appearing to read "Alton Herndon". The signature is fluid and cursive, with a large initial "A" and "H".

Alton Herndon

President

The Coastal Yacht Hangar

## BIOGRAPHY OF ALTON HERNDON

August 1, 2016

D. Alton Herndon  
President  
Coastal Yacht Hangar

910-297-2213

[altonherndon@yahoo.com](mailto:altonherndon@yahoo.com)

Wilmington, NC

Alton Herndon is the President of Coastal Yacht Hangar. Herndon is a North Carolina native who studied business at High Point College and is a graduate of The University of North Carolina Executive Program at Chapel Hill. Herndon has extensive experience in executive management in the marine industry. Herndon was President of Hatteras Yachts from 1985 to 1996, served in senior management positions at Palmer Johnson Yacht, KCS International (Rampage/Cruisers Yachts) Tiara Yachts, and Mako/Sea Craft. Herndon was Co-Founder and Managing Partner of Southport Boatworks 2003-2009 and President of Bertram Yachts and Chief Operating Officer of Ferretti Group of America 2010-2014.

During these periods Herndon expanded “in North Carolina” Hatteras Yachts in High Point and New Bern, renovated and started Tiara Yachts in Swansboro, designed, built and started a new boat facility for Rampage/Cruisers in Navassa, renovated and started Mako/Sea Craft in Forest City, and renovated and started Southport Boatworks in Navassa. He also relocated Bertram Yachts from Miami, Florida to Merritt Island, Florida in a facility he renovated.

During his career in the Marine Industry Herndon served in the NCNG 113<sup>th</sup> Artillery as a Battery (Company) Commander and in professional and community organizations as Chairman of the National Association of Boat Manufacturers, Executive Board committee of the National Marine Manufacturers Association, President of the New Bern Craven County Chamber of Commerce, board positions of The United Way, YMCA, Craven Community College Foundation, and The North Carolina Governor’s Blue Ribbon Commission. He is married, has three children and three grandchildren, all residing in NC.



Coastal Management  
ENVIRONMENTAL QUALITY

PAT MCCRORY  
*Governor*

DONALD R. VAN DER VAART  
*Secretary*

BRAXTON DAVIS  
*Director*

August 1, 2016

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

The Coastal Yacht Hangar, LLC  
c/o Richard McGough and Gary Johnson  
362 Tyler Drive  
Clearbrook, VA 22624

Dear Mr. McGough & Mr. Johnson:

This letter is in response to your application for a Major Modification to Permit No. 05-08 under the Coastal Area Management Act (CAMA), in which authorization was requested to widen pier access, extend the marina docking facility waterward, expand the haul out wharf, and install wave attenuators at the terminus of the authorized marina docks adjacent to Core Creek at 1301 Sensation Weigh Road, in Carteret County. Processing of the application, which was received as complete by the Division of Coastal Management's Morehead City Office on June 27, 2016 is now complete. Based on the state's review, the Division of Coastal Management has made the following findings:

- 1) The proposed project is a Major Modification to CAMA Major Permit No. 05-08. Major Permit No. 05-08 was originally issued on January 16, 2008. The permit was modified through a Minor Modification on August 6, 2008 for facility reconfiguration. An additional Major Modification was issued on September 14, 2015, authorizing the construction of a 40-slip marina, dry stack and haul out facility, clubhouse, excavation, vehicular bridge, and parking lot. The authorized marina docks were permitted to extend no more than one-quarter of the width of the waterbody at the site. The authorized access piers were permitted to a maximum width of 6', and were required to be elevated at least 3' above coastal wetland substrate. At least 5' of separation between each pair of access pier structures was also required.
- 2) The subject property is located adjacent to Core Creek and is located within an area Conditionally Approved to the harvesting of shellfish, as designated by the North Carolina Marine Fisheries Commission.
- 3) The proposed project would extend the previously authorized marina facility docks to a maximum distance of approximately 260 feet into Core Creek, as measured from the outer edge of the coastal wetlands at the project location.

Coastal Yacht Hangar, LLC

August 1, 2016

Page 2

- 4) The width of the natural waterbody in this project vicinity varies a distance of approximately 691' to 932', with an average width of approximately 800'.
- 5) Proposed docks A and B and the launch and retrieval docks would all extend into the waters of Core Creek more than one-quarter of the width of the waterbody, with a maximum exceedance of approximately 85 feet.
- 6) The proposed marina facility docks would extend to approximately one-third the width of Core Creek.
- 7) The proposed single access pier would be 14' wide, consisting of a 6' section of concrete "hogslat" paneling, a 2' section of fiberglass grating in the middle, and another 6' section of concrete hogslat paneling. The proposed access pier would be elevated a minimum of 3' above the coastal wetland substrate.
- 8) Based upon the above referenced findings, the Division has determined that the proposed project is inconsistent with the following Rules of the Coastal Resources Commission:
  - a) 15A NCAC 07H.0208(b)(6)(G)(iii), which states that pier length shall be limited by: "not extending more than one-fourth the width of a natural water body, or human-made canal or basin. Measurements to determine widths of the water body, canals or basins shall be made from the waterward edge of any coastal wetland vegetation which borders the water body..."
  - b) 15A NCAC 07H.0208(b)(6)(C), which states: "Piers and docking facilities over coastal wetlands shall be no wider than six feet and shall be elevated at least three feet above any coastal wetland substrate as measured from the bottom of the decking;"

Given the preceding findings, it is necessary that your request for issuance of a CAMA Major Permit under the Coastal Area Management Act be denied. This denial is made pursuant to N.C.G.S. 113A-120(a)(8) which requires denial for projects inconsistent with the state guidelines for Areas of Environmental Concern or local land use plans.

If you wish to appeal this denial, 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 denial letter. A copy of this petition should be filed with this office.

Coastal Yacht Hangar, LLC  
August 1, 2016  
Page 3

Another response to a permit denial available to you is to petition the Coastal Resources Commission for a variance to undertake a project that is prohibited by the Rules of the Coastal Resources Commission. Applying for a variance requires that you first acknowledge and recognize that the Division of Coastal Management applied the Rules of the Coastal Resources Commission properly in processing and issuing this denial. You may then request an exception to the Commission's Rules based on hardships to you resulting from unusual conditions of the property. 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 for the variance request to be eligible to be heard at that meeting. The standard variance forms may be obtained by contacting a member of my staff, or by visiting the Division's web page at: <http://deq.nc.gov/about/divisions/coastal-management/coastal-management-permits/variances-appeals>.

Members of my staff are available to assist you should you desire to modify your proposal in the future. If you have any questions concerning this matter, please contact Mrs. Courtney Spears at (252) 808-2808 extension 215.

Sincerely,



Braxton C. Davis  
Director, NC Division of Coastal Management

cc: Col. Kevin P. Landers – U.S. Army Corps of Engineers, Wilmington, NC  
OCRM/NOAA, Silver Spring, MD

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 The Coastal Yacht Hangar, LLC., 362 Tyler Dr., Clearbook, VA 22624

Authorizing development in Carteret County at adj. to Core Creek, at 1301 Sensation Weigh, Beaufort, as requested in the permittee's application dated 3/18/15 including the attached workplan drawings (11), as referenced in condition No. 1 of this permit.

This permit, issued on September 14, 2015, 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 compliance with the attached list of workplan drawings: 2 dated revised 3/27/15, 2 dated revised 4/8/15, 2 dated revised 6/11/15, 1 dated revised 7/22/15, 2 dated revised 8/6/15, 1 dated revised 8/7/15, and 1 dated revised 9/1/15.

Marina

- 2) Unless specifically altered herein, this permit authorizes only the, docks, piers, wave attenuator, and other structures and uses located in or over the water that are expressly and specifically set forth in the permit application. No other structure, whether floating or stationary, shall become a permanent part of this expanded marina facility without permit modification. No non-water dependent uses of structures shall be conducted on, in or over public trust waters without permit modification.

**(See attached sheets for Additional Conditions)**

**RECEIVED**

**JUN 27 2016**

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, 2018**

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 the State  
Chairman of the Coastal Resources Commission.

*Joseph V. Huggitt*  
for **Braxton C. Davis, Director**  
Division of Coastal Management

This permit and its conditions are hereby accepted.

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



**ADDITIONAL CONDITIONS**

- 3) Prior to occupancy of any new slips authorized under this permit, a marine pumpout sewage disposal facility shall be installed, operable, easily accessible, and maintained for the life of the marina.
- 4) Prior to the occupancy of any slips authorized by this permit, the permittee shall meet on-site with a representative of the Division to ensure that the required pumpout facility is in place and operable.
- 5) No attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the authorized work.
- 6) The permittee shall maintain the authorized work in good condition and in conformance with the terms and conditions of this permit. The permittee is not relieved of this requirement if he abandons the permitted activity without having it transferred to a third party.
- 7) This permit does not authorize the interference with any existing or proposed Federal project, and the permittee shall not be entitled to compensation for damage to the authorized structure or work, or injury which may be caused from existing or future operations undertaken by the United States in the public interest.
- 8) The permittee shall install and maintain at his expense any signal lights or signals prescribed by the U.S. Coast Guard, through regulation or otherwise, on the authorized facilities. At a minimum, permanent reflectors shall be attached to the structure in order to make it more visible during hours of darkness or inclement weather.
- 9) This permit authorizes 40 formalized boat slips.
- 10) The construction and/or operation of the authorized marina facilities shall not directly result in any permanent closure of waters that are open or conditionally approved for the taking of shellfish. Any such permanent closure directly attributable to the marina facility shall require that the permittee undertake remedial actions to remedy the situation. Such actions may include, but are not limited to, a removal of any unauthorized slips or mitigative measures to reduce or eliminate the cause(s) of the closure.
- 11) The authorized fuel and sewage pumpout area at the end of Dock A shall not be used for permanent or transient dockage and shall solely be for the immediate use of fueling or sewage pump out.

**Excavation**

- 12) Unless specifically altered herein, the dimensions of the area to be excavated shall not exceed the area that is expressly and specifically set forth in the attached permit application and workplan drawings. Any proposal to change the area to be excavated shall require permit modification.
- 13) The temporary placement or doubling handling of excavated materials within waters or wetlands is not authorized.
- 14) No excavation shall take place outside the area indicated on the attached workplan drawings. Excavation shall not exceed -10.0 feet below the normal low water level. In no case shall the depth of excavation exceed the depth of the connecting waters.

RECEIVED

JUN 27 2016

DCM-MHD CITY

**ADDITIONAL CONDITIONS**

**Spoil Disposal**

- 15) All excavated materials shall be confined above normal high water and landward of regularly or irregularly flooded marsh behind adequate dikes or other retaining structures to prevent spillover of solids into any marsh or surrounding waters.
- 16) The spoil area shall be inspected and approved by the Division of Coastal Management prior to the beginning of any dredge activities.

**Upland Development**

- 17) Unless specifically altered herein, this permit authorizes the grading and other land disturbing activities associated with the development of the above referenced property, including but not limited the construction dry stack storage facility, parking area, road, utilities, and infrastructure associated with the development of the above referenced property, all as expressly and specifically set forth in the attached permit application and workplan drawings. Any additional land disturbing activities and/or construction may require a modification of this permit. Contact a Division of Coastal Management representative at (910) 796-7215 for this determination.

**Easement**

- 18) Prior to construction of any new boat slips under this permit, the permittee may need to apply for and receive an **Easement** from the Department of Administration's State Property Office as required under N.C.G.S. 146-12(e). If required, this Easement shall be obtained, and a copy provided to the Division, prior to construction of the new slips.

**Erosion & Sedimentation Control**

**Note:** A revised Erosion and Sedimentation Control Plan will be required for this project. This plan must be filed at least thirty (30) days prior to the beginning of any land disturbing activity. Submit this plan to the Division of Energy, Mineral and Land resources (DEMLR), 127 Cardinal Drive Extension, Wilmington, NC 28405.

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**JUN 27 2016**

**DCM- MHD CITY**

**ADDITIONAL CONDITIONS**

**General**

- 21) The permittee understands and agrees that, if future operations by the United States requires the removal, relocation, or other alteration of the structure or work authorized by this permit, or if in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate or alter the structural work or obstructions caused thereby, without expense to the United States or the state of North Carolina. No claim shall be made against the United States or the state of North Carolina on account of any such removal or alteration.
- 22) In order to further protect the endangered West Indian Manatee, *Trichechus manatus*, the applicant must implement the U.S. Fish & Wildlife Service's Guidelines, and strictly adhere to all requirements therein. The guidelines can be found at [http://www.fws.gov/nc-es/mammal/manatee\\_guidelines.pdf](http://www.fws.gov/nc-es/mammal/manatee_guidelines.pdf).
- 23) No open water areas or vegetated wetlands shall be excavated or filled outside the area indicated in the attached workplan drawings.
- 24) All portions of the access pier/walkway and rail system located over Coastal Wetlands shall not exceed a width of 6 ft. and shall be elevated a minimum of 3 feet above the marsh substrate as measured from the bottom of the decking.
- 23) This Major Modification shall be attached to the original Permit No. 5-08, which was issued on 1/17/08, and copies of both documents shall be readily available on site when Division personnel inspect the project for compliance. All conditions and stipulations of the active permit remain in force under this Major Modification unless specifically altered herein.
- 24) This permit does not eliminate the need to obtain any additional state, federal or local permits, approvals or authorizations that may be required, including any authorization required from the DEMLR Stormwater Section.
- 25) The N.C. Division of Water Resources has authorized the proposed project under General Water Quality Certification No. 3900 (DWR Project No. 2007-1500v2), which was issued on 9/14/15. Any violation of the permit approved by the DWR shall be considered a violation of this CAMA permit.

**NOTE:** Future development of the permittee's property may require a modification of this permit; this includes any scientific monitoring stations. Contact a representative of the Division at (252) 808-2808 prior to the commencement of any such activity for this determination. The permittee is further advised that many non-water dependent activities are not authorized within 30 feet of the normal high water level.

**NOTE:** The U.S. Army Corps of Engineers authorized the proposed project under General Permit No. 1978000291 (COE Action Id. No. SAW-2007-02987).

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JUN 27 2016

**DCM- MHD CITY**

**ADJACENT RIPARIAN PROPERTY OWNER STATEMENT**

I hereby certify that I own property adjacent to The Coastal Yacht Hangar, LLC's  
(Name of Property Owner)  
property located at 1301 Sensation Weigh  
(Address, Lot, Block, Road, etc.)  
on Core Creek, in Carteret 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.

SCS I have no objection to this proposal.  
\_\_\_\_\_ I have objections to this proposal.

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

Please see the attached site drawing

**WAIVER SECTION**

I understand that a pier, dock, mooring pilings, boat ramp, breakwater, boathouse, lift, or groin must be set back a minimum distance of 15' from my area of riparian access unless waived by me. (If you wish to waive the setback, you **must initial** the appropriate blank below.)

\_\_\_\_\_ I do wish to waive the 15' setback requirement.  
SCS I do not wish to waive the 15' setback requirement.

**(Property Owner Information)**

\_\_\_\_\_  
Signature  
Charles Cullipher, Stroud Engineering, PA  
Print or Type Name  
151A NC HWY 24  
Mailing Address  
Morehead City, NC  
City/State/Zip  
252-247-7479  
Telephone Number / email address  
\_\_\_\_\_  
Date

**(Adjacent Property Owner Information)**

\_\_\_\_\_  
Signature\*  
SMITH MODRES LLC  
Print or Type Name  
~~1201 SENSATION~~  
Mailing Address  
RIVIERA BEACH, FL 33404  
City/State/Zip  
252-504-7060  
Telephone Number / email address  
7/7/2016  
Date\*

*1201 sensation Weigh Beautiful, NC 28516*

*myyachtcenter@gmail.com*  
(Revised Aug. 2014)

\*Valid for one calendar year after signature\*

**ADJACENT RIPARIAN PROPERTY OWNER STATEMENT**

I hereby certify that I own property adjacent to The Coastal Yacht Hangar, LLC's  
(Name of Property Owner)  
property located at 1301 Sensation Weigh  
(Address, Lot, Block, Road, etc.)  
on Core Creek, in Carteret 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.

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

Please see the attached site drawing

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MAY 27 2016

**WAIVER SECTION**

DCM- MHD CITY

I understand that a pier, dock, mooring pilings, boat ramp, breakwater, boathouse, lift, or groin must be set back a minimum distance of 15' from my area of riparian access unless waived by me. (If you wish to waive the setback, you **must initial** the appropriate blank below.)

\_\_\_\_\_ I do wish to waive the 15' setback requirement.

\_\_\_\_\_ I do not wish to waive the 15' setback requirement.

**(Property Owner Information)**

**(Adjacent Property Owner Information)**

\_\_\_\_\_  
*Signature*  
Charles Cullipher, Stroud Engineering, PA  
*Print or Type Name*  
151A NC HWY 24  
*Mailing Address*  
Morehead City, NC  
*City/State/Zip*  
252-247-7479  
*Telephone Number / email address*

\_\_\_\_\_  
*Signature\**  
True World Marine  
*Print or Type Name*  
1145 Sensation Weigh  
*Mailing Address*  
Beaufort, NC 28516  
*City/State/Zip*  
*Telephone Number / email address*

*Date*

*Date\**

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MAY 27 2016  
DCM- MHD CIT

\*Valid for one calendar year after signature\*

(Revised Aug. 2014)



Coastal Management  
ENVIRONMENTAL QUALITY

PAT MCCRORY

Governor

6

DONALD R. VAN DER VAART

Secretary

BRAXTON DAVIS

Director

July 7, 2016

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JUL 11 2016

DOA  
STATE PROPERTY  
OFFICE

**MEMORANDUM:**

**TO:** Tim Walton  
NC Office of State Property

**FROM:** Doug Huggett  
Major Permits Processing Coordinator

**SUBJECT:** CAMA/DREDGE & FILL Permit Application Review

**Applicant:** Coastal Yacht Hangar, LLC (Major Mod of #05-08)

**Project Location:** 1301 Sensation Weigh Road, Jarrett Bay Industrial Park, Beaufort

**Proposed Project:** Propose to modify CAMA/D&F Permit #05-08 to widen the pier accesses; extend the marina docks waterward; install wave attenuators; and expand the haul-out wharf docks.

Please indicate below your agency's position or viewpoint on the proposed project and return this form by July 29, 2016. If you have any questions regarding the proposed project, please contact Brad Connell at (252) 808-2808. When appropriate, in-depth comments with supporting data is requested.

**REPLY:** \_\_\_\_\_ This agency has no objection to the project as proposed.

*SEE memo* \_\_\_\_\_ This agency has no comment on the proposed project.

\_\_\_\_\_ This agency approves of the project only if the recommended changes are incorporated. See attached.

\_\_\_\_\_ This agency objects to the project for reasons described in the attached comments.

**SIGNED** \_\_\_\_\_

**DATE** \_\_\_\_\_

*7/14/16*

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JUL 20 2016

DCM- MHD CITY



North Carolina  
Department of Administration

Pat McCrory, Governor  
Bill Daughtride, Jr., Secretary

State Property Office

July 14, 2016

**TO:** Doug Huggett  
Major Permits Processing Coordinator

**FROM:** Everette Moore *(EM)*  
Real Property Agent

**RE:** CAMA Private Dock Construction Application Review  
Applicant – Coastal Yacht Hangar, LLC (Major Mod #05-08)  
30 to 40 Slip Marina

**REPLY:** The project will require a Submerged Land Easement provided that it is confirmed that the applicant is a riparian fee owner and can qualify for a submerged lands easement. Please confirm that the proposed construction is not located within the 1000' USACE AIWW easement area.

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JUL 20 2016

DCM- MHD CITY

**Mailing Address:**  
1321 Mail Service Center  
Raleigh, N.C. 27699-1321

**Telephone (919) 807-4650**  
Fax (919) 733-1431  
State Courier #52-71-78

**Location:**  
116 West Jones Street  
Raleigh, North Carolina

**Spears, Courtney**

---

**From:** Jenkins, Shannon  
**Sent:** Wednesday, June 29, 2016 8:54 AM  
**To:** Charles Cullipher  
**Cc:** Connell, Brad; Haines, Andrew; Spears, Courtney  
**Subject:** RE: Emailing: Coastal Yacht Hangar Scoping Sign in.doc

Chase,

This email is to follow up on our conversation yesterday. We discussed that as proposed on the revision (that you emailed to the group on 6/23/16), there is an issue at the staging area that would result in a shellfish reclassification based on having more than 10 slips in that section. We discussed an alternative to remove finger slips 31-40 in that section which would alleviate the issue which you indicated would likely be acceptable to the applicants. If you were to submit that option, here are additional comments/requests for conditions that we'd request from DCM (some of these are standard DCM comments, and some are carryovers from the current permit):

- The construction and/or operation of the authorized facility shall not directly result in any permanent closure of shellfish waters adjacent to the facility. Any such closure directly attributable to the facility will require that the permittee undertake remedial actions to remedy the situation.
- No sewage, whether treated or untreated, shall be discharged from any boats using the marina facility. Any sewage discharge at the facility shall be considered a violation of this permit for which the permittee is responsible. This prohibition shall be applied and enforced throughout the entire existence of the permitted facility.
- Docking should occur in numbered/designated spaces only, with the exception of the staging area. No permanent dockage or overnight dockage should occur at the launch and retrieval wharf area (staging area).
- Handrails and no docking signs shall be installed on the south side of Piers "A", "B" and "C" in order to prevent unintended dockage (the south side of docks 5,10,15,20,25, and 30). The handrails and signs shall remain in place for the entire existence of the permitted facility. Additionally, a minimum of 200' separation should be between docking structures of Piers "A", "B", "C" and the launch and retrieval area as shown on the site plan.

These comments are based on the "main boardwalk" being a raised boardwalk and not a floating dock where dockage could occur.

Please let me know if you have any questions.

Thanks

Shannon Jenkins

-----Original Message-----

**From:** Charles Cullipher [mailto:ccullipher@stroudengineer.com]  
**Sent:** Thursday, June 23, 2016 12:18 PM  
**To:** Weaver, Cameron <cameron.weaver@ncdenr.gov>; Coburn, Chad <chad.coburn@ncdenr.gov>; 'Hair, Sarah E SAW' <Sarah.E.Hair@usace.army.mil>; Brownlow, Roy <roy.brownlow@ncdenr.gov>; 'Matthews, Kathryn' <kathryn\_matthews@fws.gov>; 'Ken Riley' <ken.riley@noaa.gov>; Huggett, Doug <doug.huggett@ncdenr.gov>; Staples, Shane <shane.staples@ncdenr.gov>; Spears, Courtney <courtney.spears@ncdenr.gov>; Dunn, Maria T. <maria.dunn@ncwildlife.org>; Lopazanski, Mike <mike.lopezanski@ncdenr.gov>; Jenkins, Shannon



05  
<shannon.jenkins@ncdenr.gov>; mikebeaufort@gmail.com; Connell, Brad <brad.connell@ncdenr.gov>; 'altonherndon'  
<altonherndon@yahoo.com>; 'Gary Johnson' <2garyjohnson@gmail.com>; Davis, Braxton C  
<Braxton.Davis@NCDENR.Gov>  
Subject: RE: Emailing: Coastal Yacht Hangar Scoping Sign in.doc

All,  
Please see the revised Narrative, Site Plan and fiberglass grate information per our scoping meeting on Tuesday. I hope everyone can review these documents and let us know if this is in agreement with their recollection of the meeting or if there is something that needs to be changed. Once I have this completed to your satisfaction I will be able to sit down with Brad Connell and get the official paper work and supporting documents out for review. Thanks again for your help and feel free to call or email me with questions/comments.  
Brad - please let me know if you are available early next week for our meeting.

Thanks,  
Chase

Chase Cullipher, P.E.  
Stroud Engineering, P.A.  
Senior Engineer  
151A Hwy 24  
Morehead City, North Carolina 28557  
Office 252.247.7479  
Fax 252.247.4098  
[Click here to upload files.](#)

-----Original Message-----

From: Weaver, Cameron [mailto:cameron.weaver@ncdenr.gov]  
Sent: Wednesday, June 22, 2016 2:43 PM  
To: Weaver, Cameron <cameron.weaver@ncdenr.gov>; Coburn, Chad <chad.coburn@ncdenr.gov>; Hair, Sarah E SAW (Sarah.E.Hair@usace.army.mil) <Sarah.E.Hair@usace.army.mil>; Brownlow, Roy <roy.brownlow@ncdenr.gov>; Matthews, Kathryn (kathryn\_matthews@fws.gov) <kathryn\_matthews@fws.gov>; Ken Riley <ken.riley@noaa.gov>; Huggett, Doug <doug.huggett@ncdenr.gov>; Staples, Shane <shane.staples@ncdenr.gov>; Spears, Courtney <courtney.spears@ncdenr.gov>; Dunn, Maria T. <maria.dunn@ncwildlife.org>; Lopazanski, Mike <mike.lopezanski@ncdenr.gov>; Jenkins, Shannon <shannon.jenkins@ncdenr.gov>; mikebeaufort@gmail.com; Connell, Brad <brad.connell@ncdenr.gov>; altonherndon <altonherndon@yahoo.com>; Gary Johnson (2garyjohnson@gmail.com) <2garyjohnson@gmail.com>; Charles Cullipher (ccullipher@stroudengineer.com) <ccullipher@stroudengineer.com>; Davis, Braxton C <Braxton.Davis@ncdenr.gov>  
Subject: Emailing: Coastal Yacht Hangar Scoping Sign in.doc

Hi all.

Attached is the meeting sign-in sheet from this meeting held yesterday afternoon at the Morehead City DCM offices. Thank you all for your time and efforts and let me know of any issues.

Cameron





Marine Fisheries  
ENVIRONMENTAL QUALITY

PAT MCCRORY  
Governor

CS

DONALD R. VAN DER VAART  
Secretary

BRAXTON C. DAVIS  
Director

July 15, 2016

**MEMORANDUM**

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JUL 19 2016

DCM- MHD CITY

**TO:** Doug Huggett,  
Major Permits Processing Coordinator

**From:** Shannon Jenkins,  
Section Chief  
Shellfish Sanitation and Recreational Water Quality

**SUBJECT:** Coastal Yacht Hangar, LLC (Major Mod of #05-08)

The proposed major modification of Coastal Yacht Hangar #05-08 will not result in a classification change of shellfish waters provided the following conditions are included in the permit:

- The construction and/or operation of the authorized facility shall not directly result in any permanent closure of shellfish waters adjacent to the facility. Any such closure directly attributable to the facility will require that the permittee undertake remedial actions to remedy the situation.
- Docking should occur in numbered/designated spaces only, with the exception of the staging area. No permanent dockage or overnight dockage should occur at the launch and retrieval wharf area (staging area).
- Handrails and no docking signs shall be installed on the south side of Piers "A", "B" and "C" in order to prevent unintended dockage (the south side of docks 5, 10, 15, 20, 25, and 30). The handrails and signs shall remain in place for the entire existence of the permitted facility. Additionally, a minimum of 200' separation should be between docking structures of Piers "A", "B", "C" and the launch and retrieval area as shown on the site plan. These comments are based on the "main boardwalk" being a raised boardwalk and not a floating dock where dockage could occur.
- No sewage, whether treated or untreated, shall be discharged from any boats using the marina facility. Any sewage discharge at the facility shall be considered a violation of this permit for which the permittee is responsible. This prohibition shall be applied and enforced throughout the entire existence of the permitted facility.

Additionally, the application states that transient boats are allowed for overnight and live-aboard dockage. Although there are sewage pumpouts readily available, it is also requested as a condition of the permit that the facility establish and enforce a locked head policy.



PAT MCCRORY

Governor

DONALD R. VAN DER VAART

Secretary

BRAXTON DAVIS

Director

2.16.07.18.07

July 7, 2016

**MEMORANDUM:**

**TO:** Maria Dunn  
NC WRC

**FROM:** Doug Huggett  
Major Permits Processing Coordinator

**SUBJECT:** CAMA/DREDGE & FILL Permit Application Review

**Applicant:** Coastal Yacht Hangar, LLC (Major Mod of #05-08)

**Project Location:** 1301 Sensation Weigh Road, Jarrett Bay Industrial Park, Beaufort

**Proposed Project:** Propose to modify CAMA/D&F Permit #05-08 to widen the pier accesses; extend the marina docks waterward; install wave attenuators; and expand the haul-out wharf docks.



Please indicate below your agency's position or viewpoint on the proposed project and return this form by July 29, 2016. If you have any questions regarding the proposed project, please contact Brad Connell at (252) 808-2808. When appropriate, in-depth comments with supporting data is requested.

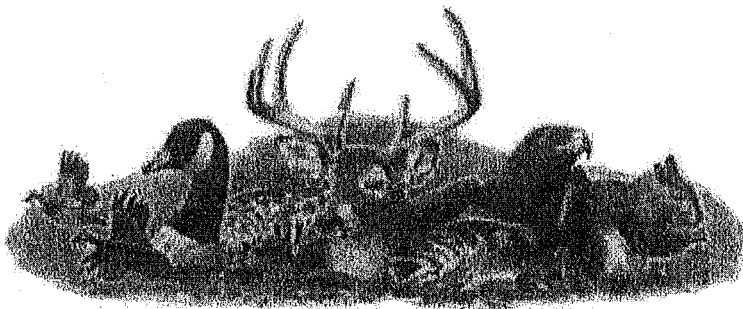
- REPLY:** \_\_\_\_\_ This agency has no objection to the project as proposed.
- \_\_\_\_\_ This agency has no comment on the proposed project.
- \_\_\_\_\_ This agency approves of the project only if the recommended changes are incorporated. See attached.
- \_\_\_\_\_ This agency objects to the project for reasons described in the attached comments.

**SIGNED**

**DATE**

7-22-2016

\* please see attached comments



## North Carolina Wildlife Resources Commission

Gordon Myers, Executive Director

### MEMORANDUM

**TO:** Courtney Spears  
Division of Coastal Management  
North Carolina Department of Environmental Quality

**FROM:** Maria T. Dunn, Coastal Coordinator  
Habitat Conservation Division *Maria T. Dunn*

**DATE:** July 22, 2016

**SUBJECT:** CAMA Dredge/Fill Permit Modification for Coastal Yacht Hangar, LLC, State Permit No. 05-08, Carteret County, North Carolina.

Biologists with the North Carolina Wildlife Resources Commission (NCWRC) reviewed the permit modification with regard to impacts on fish and wildlife resources. The project site is located at 1301 Sensation Weigh Road, Jarrett Bay Industrial Park adjacent Core Creek near Beaufort, NC. Our comments are provided in accordance with provisions of the Coastal Area Management Act (G.S. 113A-100 through 113A-128), as amended, Sections 401 and 404 of the Clean Water Act, as amended, and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.).

The applicant proposes modify State Permit No. 05-08 to widen pier accesses, extend the marina docks waterward the  $\frac{1}{4}$  line, install wave attenuators on the dock structures, and expand the haul-out wharf docks. A meeting with the applicant, state, and federal agencies was conducted on June 21, 2016 to discuss the applicant's proposal and agency concerns. As a result of the meeting, the current modification request was compiled and submitted. Within the package is a request to install wave attenuators on all three 10-slip docking facilities, and to extend the two facilities farthest from Eastman Creek to approximately 270' waterward the shoreline. The facility not extending farther into Core Creek will stay at the currently permitted distance so as to not hinder navigation out of Eastman Creek. To access the docking facilities, the six 6' wide accesses will be modified to have two 14' wide accesses with a transparent center to allow light penetration. The applicant states this allows better traffic flow and is a combination of access ways 1 and 2, 5 and 6 with the removal of the center accesses. The final modification request includes the extension of the haul-out wharf to within 15' of the ICW setback line and addition of a second staging dock. Core Creek at this location is classified SA by the Environmental Management Commission and is open, conditionally approved for shellfish harvest.

---

**Mailing Address:** Habitat Conservation • 1721 Mail Service Center • Raleigh, NC 27699-1721  
**Telephone:** (919) 707-0220 • **Fax:** (919) 707-0028

The NCWRC has reviewed the modification request and does not believe the modification as proposed would cause significant impacts to wildlife resources. We participated in the June 21, 2016 meeting and appreciate how our concerns were addressed and incorporated into the project design. This includes the removal of the two center accesses and keeping the docking facility closest to Eastman Creek at its current, permitted location. It should be noted, however, that if the modification would close open shellfish waters or further impact aquatic substrate, our position would change.

Thank you for the opportunity to review and comment on this permit modification. If you need further assistance or additional information, please contact me at (252) 948-3916 or at [maria.dunn@ncwildlife.org](mailto:maria.dunn@ncwildlife.org)

## Spears, Courtney

---

**From:** Coburn, Chad  
**Sent:** Monday, July 18, 2016 4:14 PM  
**To:** Spears, Courtney  
**Cc:** Jenkins, Shannon  
**Subject:** RE: Emailing: Coastal Yacht Hangar Scoping Sign in.doc

Courtney,

The Division of Waters Resources will have no objection to the Coastal Yacht Hangar, LLC project in Carteret County provided that the development will not cause a closure of the shellfish waters adjacent to the site. I plan on issuing the 401 Water Quality Certification (2007-1500v3) this week if time permits. If you have any questions let me know,

Chad

-----Original Message-----

**From:** Spears, Courtney  
**Sent:** Monday, July 18, 2016 4:01 PM  
**To:** Coburn, Chad <chad.coburn@ncdenr.gov>  
**Subject:** FW: Emailing: Coastal Yacht Hangar Scoping Sign in.doc

Courtney Spears  
Assistant Major Permits Coordinator  
Division of Coastal Management  
Department of Environmental Quality

252 808 2808 office  
courtney.spears@ncdenr.gov

400 Commerce Avenue  
Morehead City, NC 28557

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

-----Original Message-----

**From:** Jenkins, Shannon  
**Sent:** Wednesday, June 29, 2016 8:54 AM  
**To:** Charles Cullipher <ccullipher@stroudengineer.com>  
**Cc:** Connell, Brad <brad.connell@ncdenr.gov>; Haines, Andrew <andrew.haines@ncdenr.gov>; Spears, Courtney <courtney.spears@ncdenr.gov>



Coastal Management  
ENVIRONMENTAL QUALITY

PAT MCCRORY

Governor

DONALD R. VAN DER VAART

Secretary

BRAXTON DAVIS

Director

July 7, 2016

RECEIVED

JUL 11 2016

DCM-Fisheries  
WARO

**MEMORANDUM:**

**TO:** Shane Staples  
Coastal Management

**FROM:** Doug Huggett  
Major Permits Processing Coordinator

**SUBJECT:** CAMA/DREDGE & FILL Permit Application Review

**Applicant:** Coastal Yacht Hangar, LLC (Major Mod of #05-08)

**Project Location:** 1301 Sensation Weigh Road, Jarrett Bay Industrial Park, Beaufort

**Proposed Project:** Propose to modify CAMA/D&F Permit #05-08 to widen the pier accesses; extend the marina docks waterward; install wave attenuators; and expand the haul-out wharf docks.

Please indicate below your agency's position or viewpoint on the proposed project and return this form by July 29, 2016. If you have any questions regarding the proposed project, please contact Brad Connell at (252) 808-2808. When appropriate, in-depth comments with supporting data is requested.

- REPLY:**  This agency has no objection to the project as proposed.
- This agency has no comment on the proposed project.
- This agency approves of the project only if the recommended changes are incorporated. See attached.
- This agency objects to the project for reasons described in the attached comments.

**SIGNED** Shane Staples **DATE** 7/18/16





Coastal Management  
ENVIRONMENTAL QUALITY

PAT MCCRORY  
*Governor*

DONALD R. VAN DER VAART  
*Secretary*

BRAXTON DAVIS  
*Director*

**MEMORANDUM:**

**TO:** Courtney Spears, DCM Assistant Major Permit Coordinator  
**FROM:** Shane Staples, DCM Fisheries Resource Specialist  
**SUBJECT:** Coastal Yacht Hangar, LLC (Maj Mod Permit #05-08)  
**DATE:** 7/18/16

A North Carolina Division of Coastal Management (DCM) Fisheries Resource Specialist has reviewed the subject permit application for proposed actions that impact fish and fish habitats. The applicant proposes to modify state major permit #05-08 by converting the permitting the northern and southern side-by-side 6ft walkways into single 14ft wide walkways and remove the central walkways. The applicant also proposes to lengthen the two northern marina docks beyond the quarter width to extend 270ft from the shoreline. The haul out and wharf staging area is also proposed to be extended near the third width to 220ft from shoreline. All of these structures are outside of the USACE navigation setback.

These modifications are all presented as they were discussed in a scoping meeting held on June 21<sup>st</sup> 2016. The central walkway was removed as a mitigating factor to widening the other walkways, the marina dock nearest the mouth of Eastman's creek was left at its currently permitted length due to traditional use and navigation concerns, and proposed slips were removed from consideration to prevent the potential for a shellfish closure of the area. Upland development and current dredge footprint are remaining the same. As stated in comments from 8/26/15 the April 1 – Sept 30 moratorium on dredging should be observed to protect fisheries resources in the area. Future modifications that may cause a shellfish closure or expand the dredging footprint would likely be of significant concerns.

Contact Shane Staples at (252) 948-3950 or [shane.staples@ncdenr.gov](mailto:shane.staples@ncdenr.gov) with further questions or concerns.

**Spears, Courtney**

---

**From:** Hair, Sarah E SAW <Sarah.E.Hair@usace.army.mil>  
**Sent:** Friday, July 22, 2016 10:21 AM  
**To:** Spears, Courtney  
**Subject:** FW: Coastal Yacht Hangar proposed modification

Courtney,

Hope you are having a good morning. As a follow up to our conversation yesterday, below are comments from our Navigation Branch on the proposed changes to the Coastal Yacht Hangar project. Our recommendations will remain the same as in the previous authorization dated September 25, 2015.

Hope this is what you need. Please let me know if you have any questions.

FYI...we received the package on July 12.

Thanks,

Liz

-----Original Message-----

**From:** Arnette, Justin R SAW  
**Sent:** Friday, June 24, 2016 9:46 AM  
**To:** Hair, Sarah E SAW <Sarah.E.Hair@usace.army.mil>; Horton, James T SAW <James.T.Horton@usace.army.mil>  
**Subject:** RE: Coastal Yacht Hangar proposed modification

Navigation has no comments on the project provided that they follow the plans provided (the docks do not encroach into the setback but are close to it. We would request that you add a note stating that we will at no time approve a no wake zone in this area and for them to be aware before the project starts. Thanks and let me know if you have any questions.

Justin Arnette  
Land Use Coordinator/ Cartographer  
Wilmington District  
U.S. Army Corps of Engineers  
(910)-251-4196  
justin.r.arnette@usace.army.mil

-----Original Message-----

**From:** Hair, Sarah E SAW  
**Sent:** Thursday, June 23, 2016 4:47 PM  
**To:** Arnette, Justin R SAW <Justin.R.Arnette@usace.army.mil>; Horton, James T SAW <James.T.Horton@usace.army.mil>  
**Subject:** Coastal Yacht Hangar proposed modification

Todd and Justin,

I attended a scoping meeting on Tuesday for the Coastal Yacht Hangars project along Core Creek, in Morehead City, NC. Recall that RG issued a permit to the applicant last year. There was a dredging and docking facility component all located outside of the federal channel setback. The applicant has come back for a modification to the docking facility, specifically to move the staging area out to the 1/3 of channel width and closer to the federal channel setback. Please see the attached revised plans and narrative, along with the .kmz file for location.

Please let me know your comments as soon as possible or if you have any questions or need clarification.

Thank you,

Liz Hair  
Project Manager  
USACE-Wilmington District  
Wilmington Regulatory Field Office  
69 Darlington Avenue  
Wilmington, NC 28403  
910-251-4049  
Sarah.e.hair@usace.army.mil

65

Melanie Arthur  
CARTERET COUNTY RP  
JL Date 05/11/2005 Time 15:33:00  
GR 1110375 Page 1 of 2

NORTH CAROLINA, CARTERET COUNTY  
The foregoing certificate(s) of Notary Public(s) is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

Melanie Arthur, Register of Deeds  
By Melanie Arthur  
Notary Public, Register of Deeds

CARTERET COUNTY  
22219 05/11/2005  
\$1,260.00  
Real Estate  
Excise Tax

Parcel # 6399.04.50.3728  
Excise Tax \$1,260.00



Prepared by: The Harris Law Firm, PLLC

### NORTH CAROLINA GENERAL WARRANTY DEED

This DEED made this the 10<sup>th</sup> day of May, 2005, by and between WHITE WATER DEVELOPMENT GROUP, LLC, a LIMITED LIABILITY COMPANY, hereinafter "Grantor" and THE COASTAL YACHT HANGAR, LLC, whose address is 362 Tyler Drive, Clearbrook, VA 22624, hereinafter "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 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 lot or parcel of land situated in Beaufort Township, Carteret County, North Carolina and more particularly described as follows:

Being all of Lot Nine (9), as depicted on that plat entitled "Final Plat for Jarrett Bay Marine Industrial Park South", prepared by Atlantic Coast Professional Surveying, P.A, dated November 12, 1998 and recorded in Map Book 29, Page 428, Carteret County Registry.

TO HAVE AND TO HOLD the aforesaid lot or parcel 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 premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

BOOK 1110 PAGE 375

(2)

RECEIVED  
JUN 27 2016  
DCM- MHD CITY

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

1. Restrictive Covenants recorded in Book 845, Page 741; Book 845, page 743; and Book 863, Page 485, Carteret County Registry.
2. Public utility easements of record.

IN TESTIMONY WHEREOF, the above partnership Grantor, a Limited Liability Company, or Limited Liability Partnership has caused this instrument to be executed in the appropriate company name by duly authorized managers, and has adopted as its seal, the word "SEAL", appearing beside its name, this sealed instrument being executed and delivered on the date first above written.

WHITE WATER DEVELOPMENT GROUP, LLC

By: *[Signature]* (SEAL)  
RANDALL C. RAMSEY  
Manager/Member

STATE OF NORTH CAROLINA  
COUNTY OF CARTERET

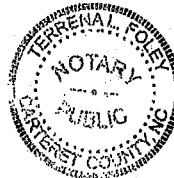
I, Jerrona L. Foley, a Notary Public of the aforesaid County and State, do hereby certify that RANDALL C. RAMSEY, personally came fore this day and acknowledged that he is the manger/member of WHITE WATER DEVELOPMENT GROUP, LLC, and further acknowledged the due execution of this Deed on behalf of the LLC.

WITNESS my hand and official stamp or seal, this the 10th day of May, 2005.

*Jerrona L. Foley*  
NOTARY PUBLIC

My Commission Expires: 7.27.2009

F:\MSOffice\documents\Jarrett Bay\coastal yacht.deed.DOC



BOOK 1110 PAGE 375

RECEIVED

JUN 27 2016

DCM- MHD CITY

## Clark Wright

---

**From:** Charles Cullipher <ccullipher@stroudengineer.com>  
**Sent:** Wednesday, August 3, 2016 12:12 PM  
**To:** 'Clark Wright'; 'altonherndon'; Gary Johnson; mike@mbconnects.com; William Gauger  
**Subject:** FW: CRC Variance

Mr. Moores with Moores Marine has responded just now regarding his lack of opposition. Please see below.

Thanks,  
Chase

Chase Cullipher, P.E.  
Stroud Engineering, P.A.  
Senior Engineer  
151A Hwy 24  
Morehead City, North Carolina 28557  
Office 252.247.7479  
Fax 252.247.4098  
[Click here to upload files.](#)

**From:** Moores Marine [mailto:mmyachtcenter@gmail.com]  
**Sent:** Wednesday, August 03, 2016 12:12 PM  
**To:** ccullipher@stroudengineer.com; mike@mbconnects.com  
**Subject:** CRC Variance

Dear Mr. Cullipher,

Moores Marine is not opposed the CRC Variance request of August 3<sup>rd</sup> submitted by the Coastal Yacht Hanger.

Thank you,

Jim Moores

**Moores Marine Yacht Center Inc.**  
1201 Sensation Weigh  
Beaufort, NC 28516  
252-504-7060, fax 252-504-7059  
[mooresmarine.com](http://mooresmarine.com)

Copyright © 2016 Moores Marine Yacht Center Inc. All rights reserved. Moores Marine Yacht Center Inc. is a registered trademark of Moores Marine Yacht Center Inc. All other trademarks are the property of their respective owners.

## Clark Wright

---

**From:** Charles Cullipher <ccullipher@stroudengineer.com>  
**Sent:** Wednesday, August 3, 2016 1:41 PM  
**To:** icw@dhwlegal.com  
**Subject:** FW: No opposition

**Importance:** High

**From:** Patrick Kirkbride [mailto:pckirkbride@msn.com]  
**Sent:** Wednesday, August 03, 2016 12:48 PM  
**To:** ccullipher@stroudengineer.com; mike@mbconnects.com  
**Subject:** No opposition  
**Importance:** High

To whom it may concern:

True World Marine is not opposed to the CRC Variance request of August 3rd, 2016 submitted by Coastal Yacht Hanger.

No virus found in this message.

Checked by AVG - [www.avg.com](http://www.avg.com)

Version: 2016.0.7690 / Virus Database: 4627/12739 - Release Date: 08/03/16



DEPARTMENT OF THE ARMY  
WILMINGTON DISTRICT, CORPS OF ENGINEERS  
69 DARLINGTON AVENUE  
WILMINGTON, NORTH CAROLINA 28403-1343

August 11, 2016

Wilmington District Regulatory Division

Action ID No. SAW-2007-02987

Coastal Yacht Hangar, LLC  
Mr. Richard McGough  
Mr. Gary Johnson  
362 Tyler Drive  
Clearbrook, Virginia 22624

Dear Messrs. McGough and Johnson:

This refers to the Department of the Army (DA) permit application to modify your existing authorization to construct a marina and docking facility within waters of Core Creek, located at 1301 Sensation Weigh Road, in Beaufort, Carteret County, North Carolina. The application has been assigned number SAW-2007-02987 under previous actions.

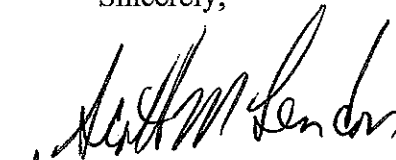
This office has received information that the State of North Carolina Division of Coastal Management (DCM) denied authorization for you to complete the above described work.

In accordance with 33 CFR Part 320.4(j), the District Engineer may deny permits when required State or local authorization and/or certification has been denied. Accordingly, your application for a DA permit is hereby denied without prejudice.

This denial without prejudice does not prohibit submittal of future applications. You must notify us in writing if your proposed work is approved by the DCM in the future. Further consideration will be given to your application at that time.

If you have any other questions concerning your application for a DA permit, please contact Ms. Liz Hair, at the above letterhead address, or by phone at 910-251-4049.

Sincerely,

  
Kevin P. Landers Sr.  
Colonel, U.S. Army  
District Commander



Copy Furnished:

Mr. Chase Cullipher, P.E.,  
Stroud Engineering, P.A.  
151 A Highway 24,  
Morehead City, North Carolina, 28557

Mr. Braxton Davis, Director,  
Division of Coastal Management  
400 Commerce Avenue  
Morehead City, North Carolina 28557

Ms. Courtney Spears  
Assistant Major Permits Coordinator  
Division of Coastal Management  
400 Commerce Avenue  
Morehead City, North Carolina 28557

Mr. Chad Coburn  
Division of Water Resources  
North Carolina Department of  
Environmental Quality  
127 Cardinal Drive Extension  
Wilmington, North Carolina 28405

Dr. Kenneth Riley, Ph.D.,  
Fishery Biologist, Habitat Conservation Division  
National Marine Fisheries Service Southeast Region  
101 Pivers Island Road  
Beaufort, North Carolina 28516

## Fibergrate Molded FRP Grating

Fibergrate Fiberglass Reinforced Plastic (FRP) Molded Grating sets the standard in FRP products for corrosion resistance, strength, long life and safety. Fibergrate is proud to offer more than 10 custom resins that deliver years of service in the most demanding conditions regardless of your application requirements.

### Molded Grating Characteristics

- **CORROSION RESISTANCE:**

Ten premium-grade resin systems

- **SLIP RESISTANCE:**

Meniscus or applied grit surfaces

- **LOW MAINTENANCE:**

No scraping, sandblasting or painting required

- **FIRE RETARDANT:**

Flame spread rating of 25 or less (per ASTM E-84), meets extinguishing requirements of ASTM D-635

- **HIGH STRENGTH-TO-WEIGHT RATIO:**

Less than half the weight of steel grating

- **ELECTRICALLY AND THERMALLY NON-CONDUCTIVE**

- **IMPACT RESISTANT:**

Withstands common impacts with little structural damage and no failure

- **EASILY FABRICATED:**

Easy to cut in the field, easy to lift and install

- **ELECTRONICALLY TRANSPARENT:**

Does not affect electromagnetic or radio wave frequencies

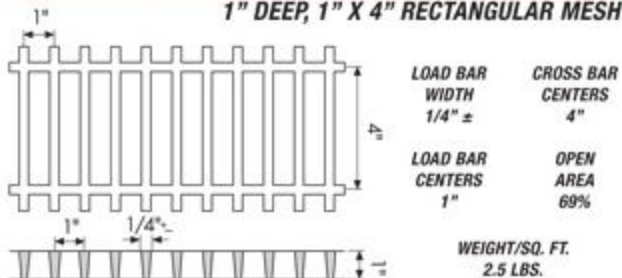


## Fibergrate Patterns & Details

The following details present our most popular Fibergrate products. In addition to the products illustrated, alternative depths and non-stock panel sizes are available on special order.

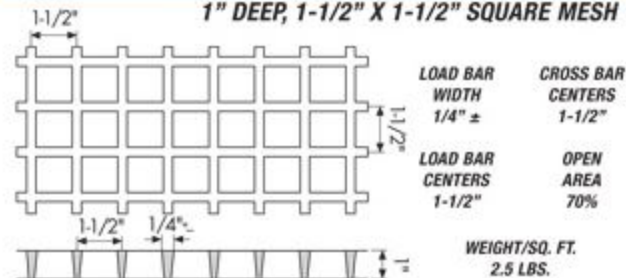
### 1" DEEP RECTANGULAR MESH

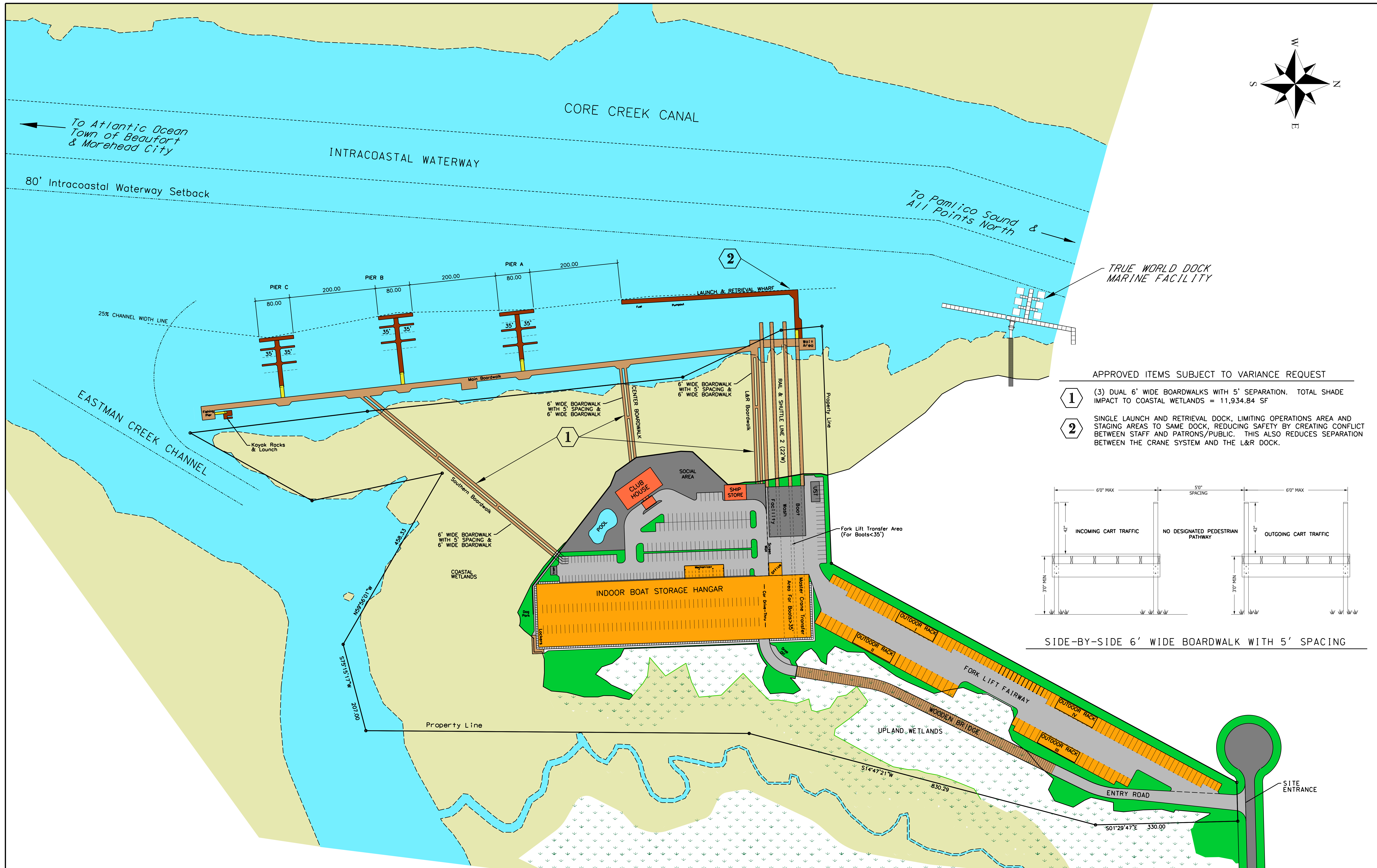
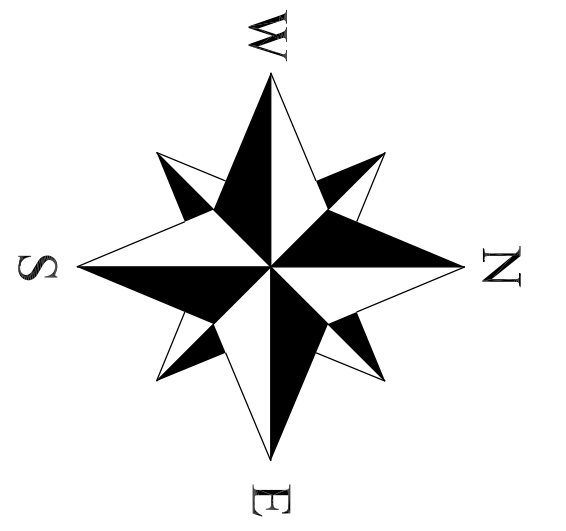
#### 1" DEEP, 1" X 4" RECTANGULAR MESH



### 1" DEEP SQUARE MESH

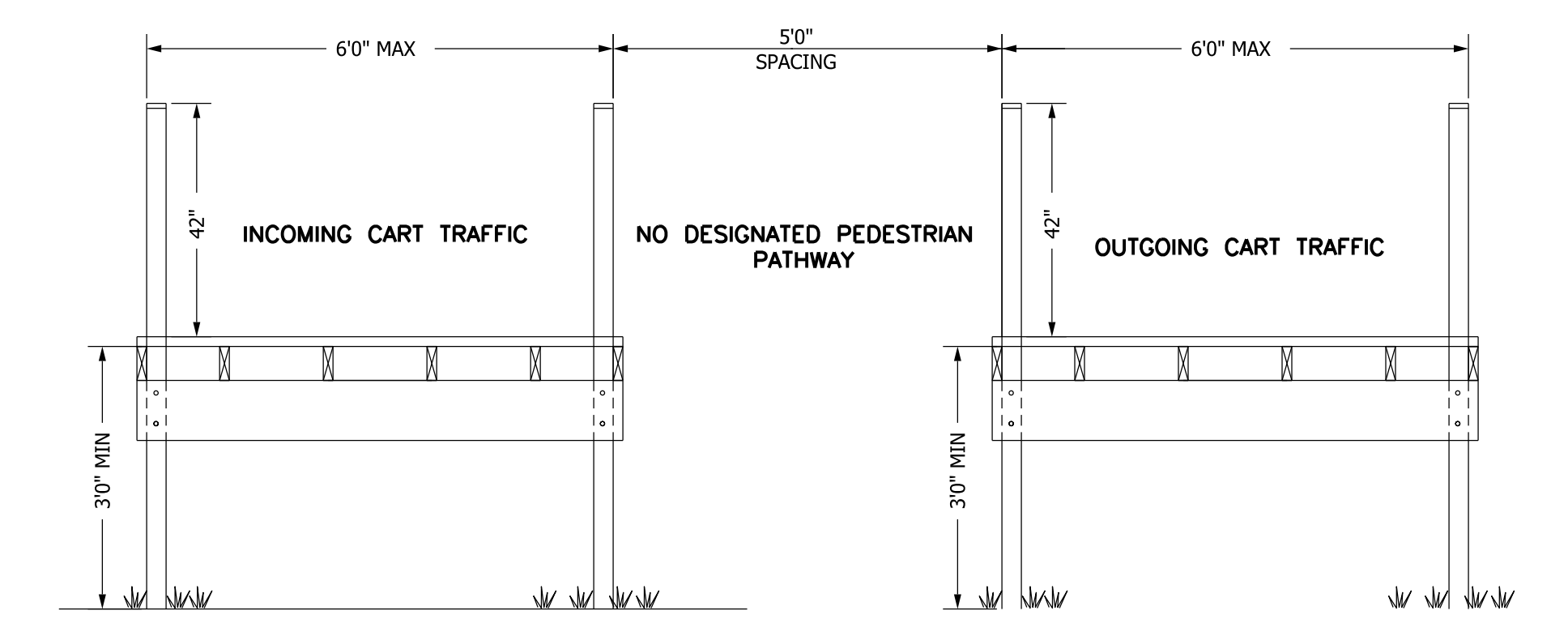
#### 1" DEEP, 1-1/2" X 1-1/2" SQUARE MESH





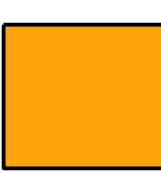



APPROVED ITEMS SUBJECT TO VARIANCE REQUEST

- 1 (3) DUAL 6' WIDE BOARDWALKS WITH 5' SEPARATION. TOTAL SHADE IMPACT TO COASTAL WETLANDS = 11,934.84 SF
- 2 SINGLE LAUNCH AND RETRIEVAL DOCK, LIMITING OPERATIONS AREA AND STAGING AREAS TO SAME DOCK, REDUCING SAFETY BY CREATING CONFLICT BETWEEN STAFF AND PATRONS/PUBLIC. THIS ALSO REDUCES SEPARATION BETWEEN THE CRANE SYSTEM AND THE L&R DOCK.



SIDE-BY-SIDE 6' WIDE BOARDWALK WITH 5' SPACING

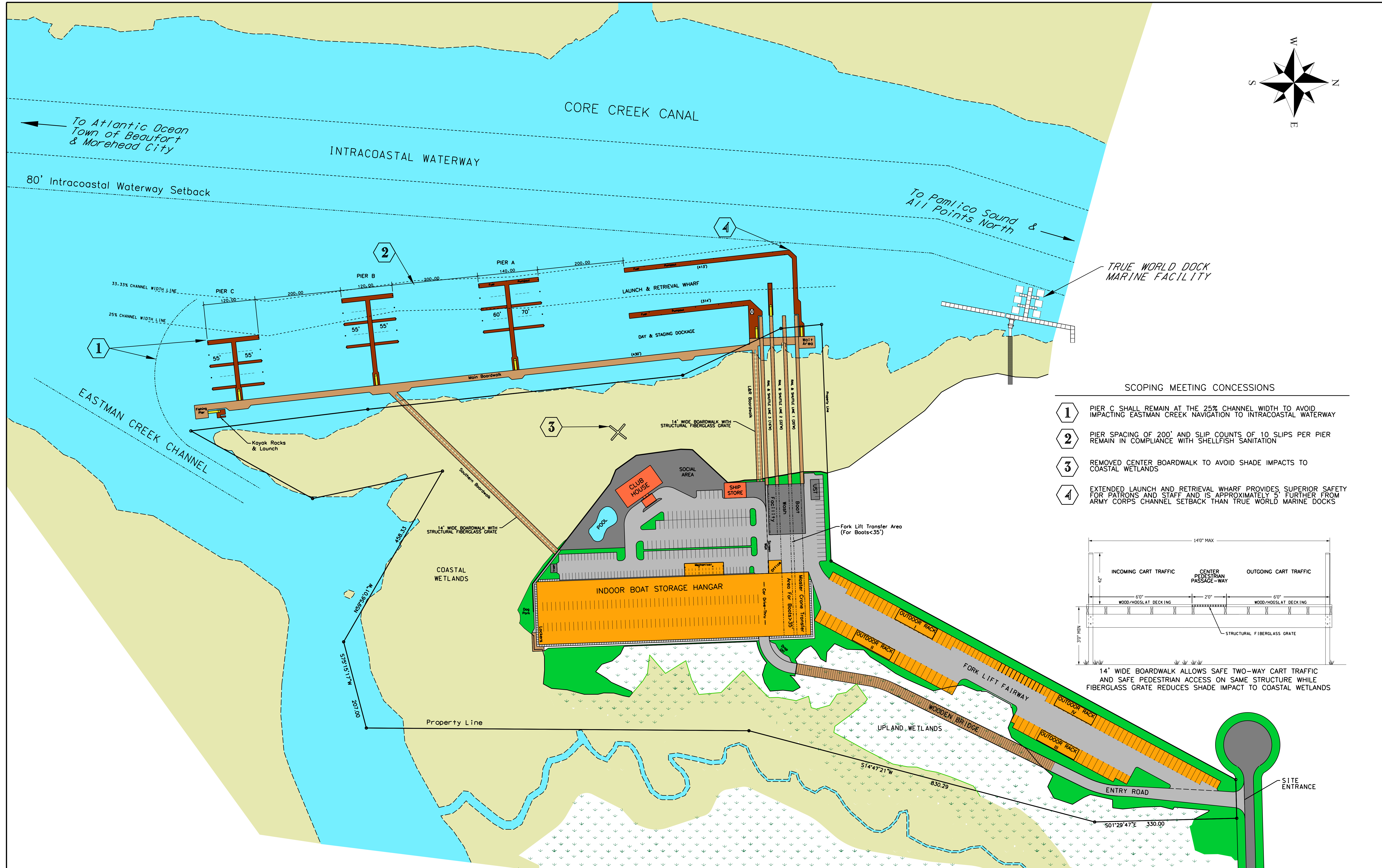
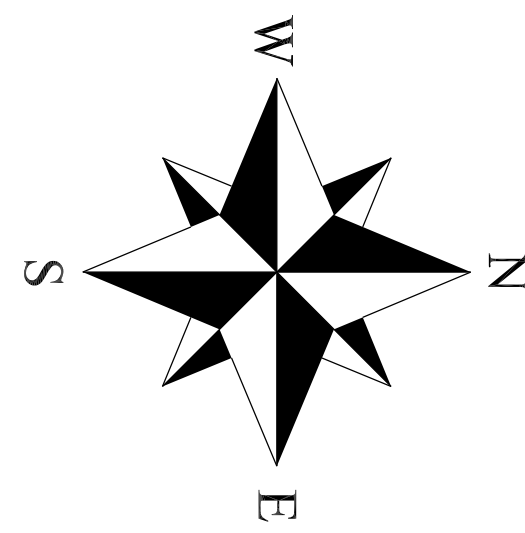
**LEGEND**

	= Dry Boat Storage		= Wet Slips (Floating Piers)
	= Wooden Fixed Structure		= Pervious Pavers

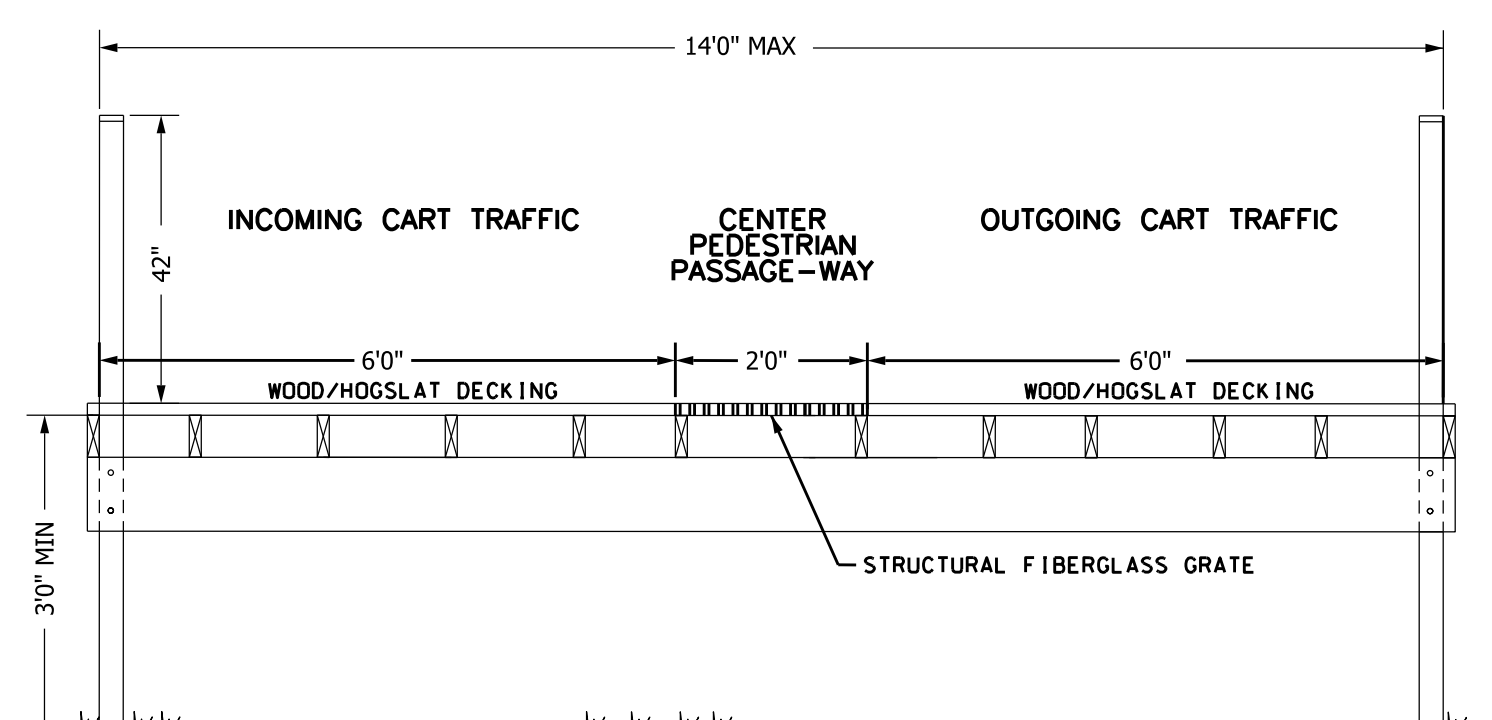
SCALE: 1" = 80'

**COASTAL YACHT HANGAR APPROVED SITE PLAN**  
**JARRETT BAY MARINE PARK, BEAUFORT, N.C.**  
**JULY 27th, 2016**









- SCOPING MEETING CONCESSIONS**
- 1** PIER C SHALL REMAIN AT THE 25% CHANNEL WIDTH TO AVOID IMPACTING EASTMAN CREEK NAVIGATION TO INTRACOASTAL WATERWAY
  - 2** PIER SPACING OF 200' AND SLIP COUNTS OF 10 SLIPS PER PIER REMAIN IN COMPLIANCE WITH SHELLFISH SANITATION
  - 3** REMOVED CENTER BOARDWALK TO AVOID SHADE IMPACTS TO COASTAL WETLANDS
  - 4** EXTENDED LAUNCH AND RETRIEVAL WHARF PROVIDES SUPERIOR SAFETY FOR PATRONS AND STAFF AND IS APPROXIMATELY 5' FURTHER FROM ARMY CORPS CHANNEL SETBACK THAN TRUE WORLD MARINE DOCKS



14' WIDE BOARDWALK ALLOWS SAFE TWO-WAY CART TRAFFIC AND SAFE PEDESTRIAN ACCESS ON SAME STRUCTURE WHILE FIBERGLASS GRATE REDUCES SHADE IMPACT TO COASTAL WETLANDS

**LEGEND**

	= Dry Boat Storage		= Wet Slips (Floating Piers)
	= Wooden Fixed Structure		= Pervious Pavers

SCALE: 1" = 80'

**COASTAL YACHT HANGAR C.R.C. VARIANCE PLAN**  
**JARRETT BAY MARINE PARK, BEAUFORT, N.C.**  
**JULY 27th, 2016**





The Coastal Yacht Hangar, LLC  
CRC-VR-16-08 Variance Request  
September 13, 2016

*Department of Environmental Quality*



# Coastal Yacht Hangar, LLC Variance Request

Vicinity Map, Carteret County

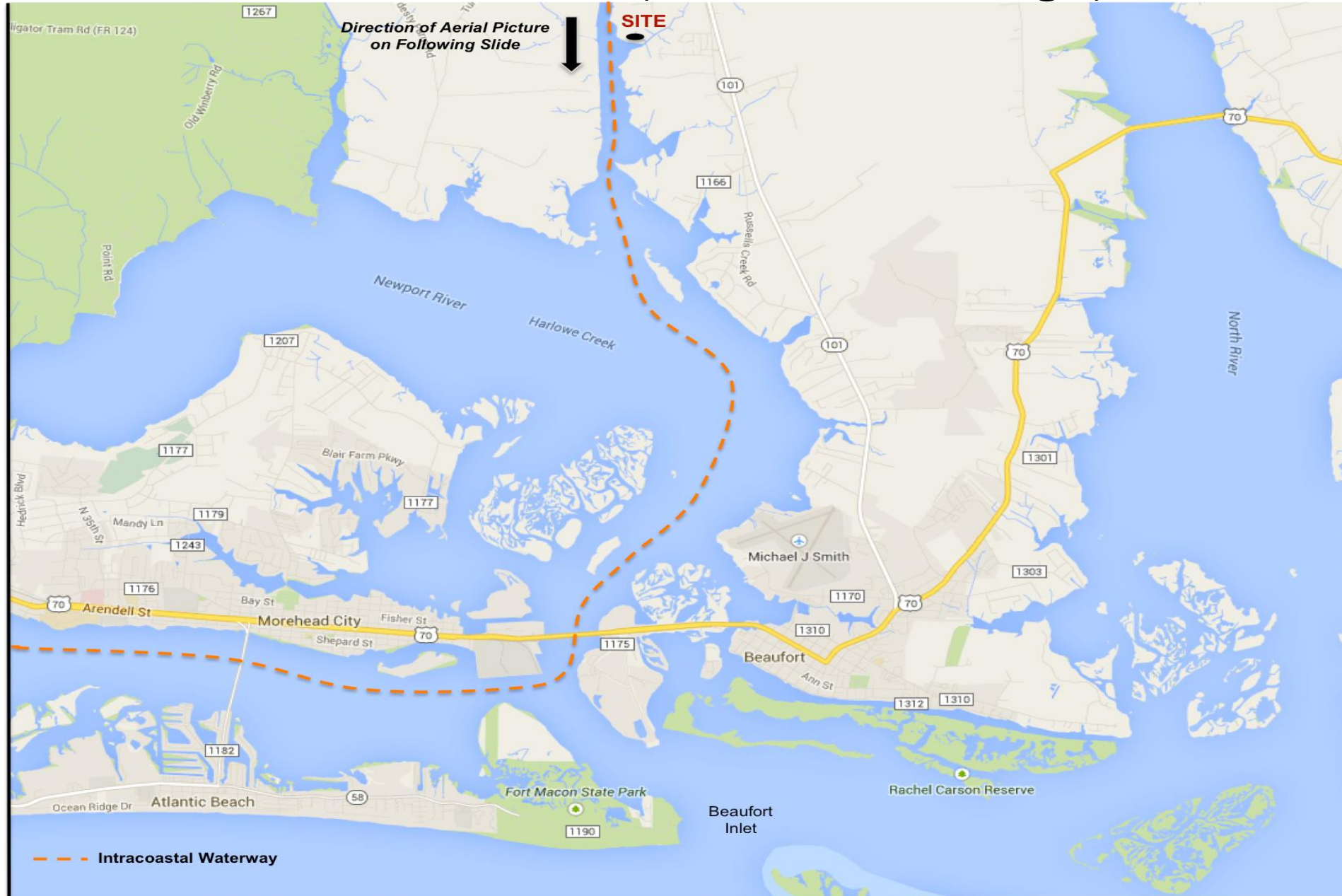
Department of Environmental Quality



CYH  
1301 Sensation Weigh  
Beaufort  
Carteret County



# VICINITY MAP (Petitioner's Image)



# Coastal Yacht Hangar Variance Request

Carteret County GIS Parcel Map

Department of Environmental Quality



Layers

**Information**

OWNER:	THE COASTAL YACHT HANGAR LLC
PIN15:	639904503728000
HOUSE NUMBER (7 Digits):	0001301
STREET NAME:	SENSATION WEIGH
STREET TYPE:	RD
CITY:	BEAUFORT
DEED BOOK:	1110
DEED PAGE:	375
TOTAL ACRES:	28.85
CITY LIMIT:	
BEDROOMS:	0
BATHROOMS:	0
NEIGHBORHOOD CODE:	110043
STRUCTURE VALUE:	0
LAND VALUE:	983690
OTHER VALUE:	0
TOTAL VALUE:	983690
SALE PRICE:	630000
CURRENT DEED DATE:	20050511
MAILING ADDRESS HOUSE NUMBER:	362
MAILING ADDRESS DIRECTION:	
MAILING ADDRESS STREET:	TYLER DR
MAILING ADDRESS CITY:	CLEARBROOK





# *Coastal Yacht Hangar Variance Request*

CRC-VR-16-08 Variance Request

*Department of Environmental Quality*



CYH  
March 2015  
Aerial View



# Coastal Yacht Hangar Variance Request

CRC-VR-16-08 Variance Request

Department of Environmental Quality

CYH  
March  
2015  
Looking  
South



# Coastal Yacht Hangar Variance Request

CRC-VR-16-08 Variance Request

Department of Environmental Quality



CYH  
March 2015  
Looking East



# Coastal Yacht Hangar Variance Request

March 2015 Aerial Overflight



CYH  
March 2015  
Looking West



Department of Environmental Quality

# Coastal Yacht Hangar Variance Request

CRC-VR-16-08 Variance Request

Department of Environmental Quality



CYH  
March 2015  
Looking North



# *Coastal Yacht Hangar Variance Request*

Existing conditions

*Department of Environmental Quality*



**Facing  
Southeast  
August 10, 2016**

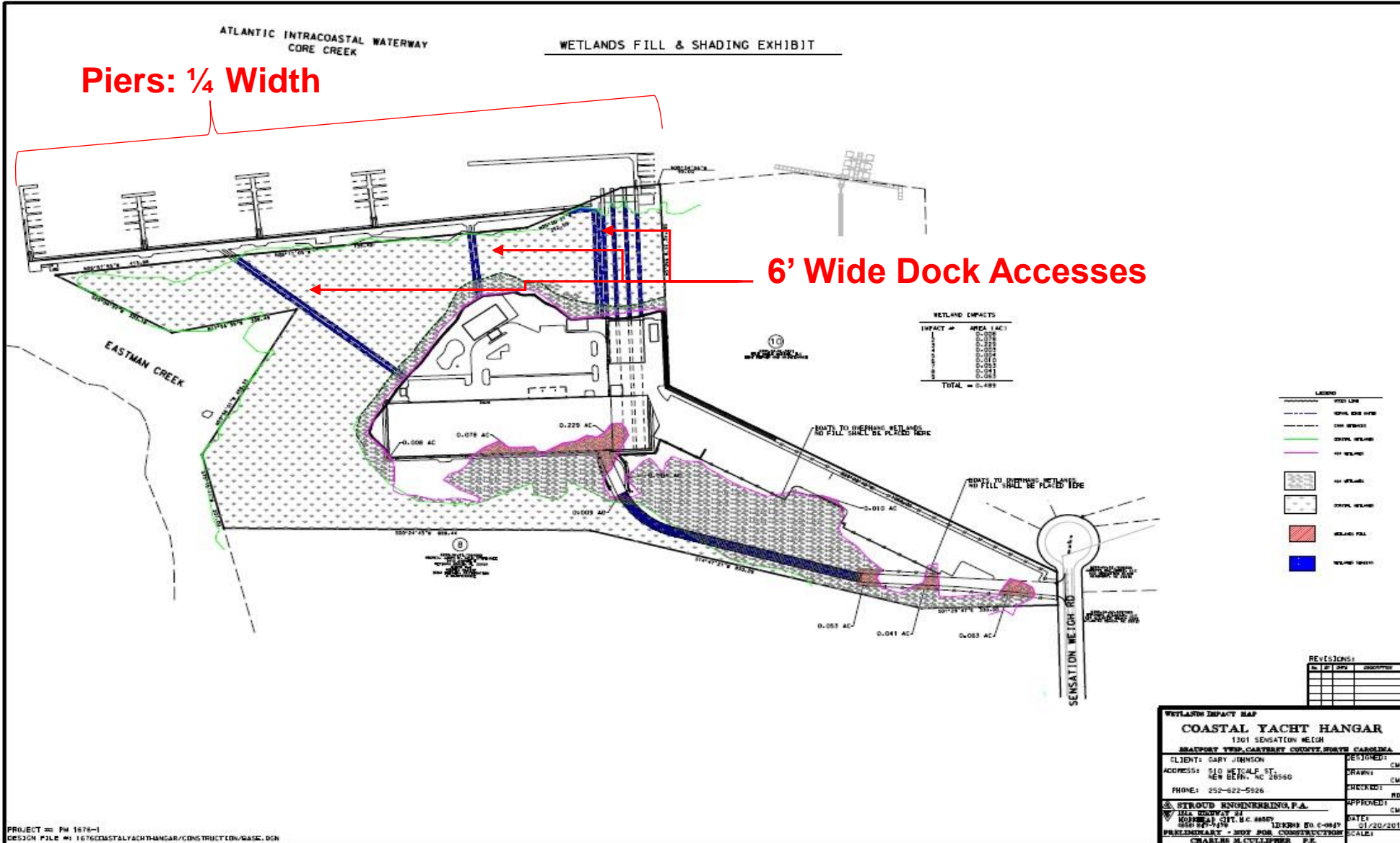


# Coastal Yacht Hangar Variance Request

CAMA Major Permit #05-08

Authorized  
Proposed  
Development

CAMA Major Permit  
#05-08



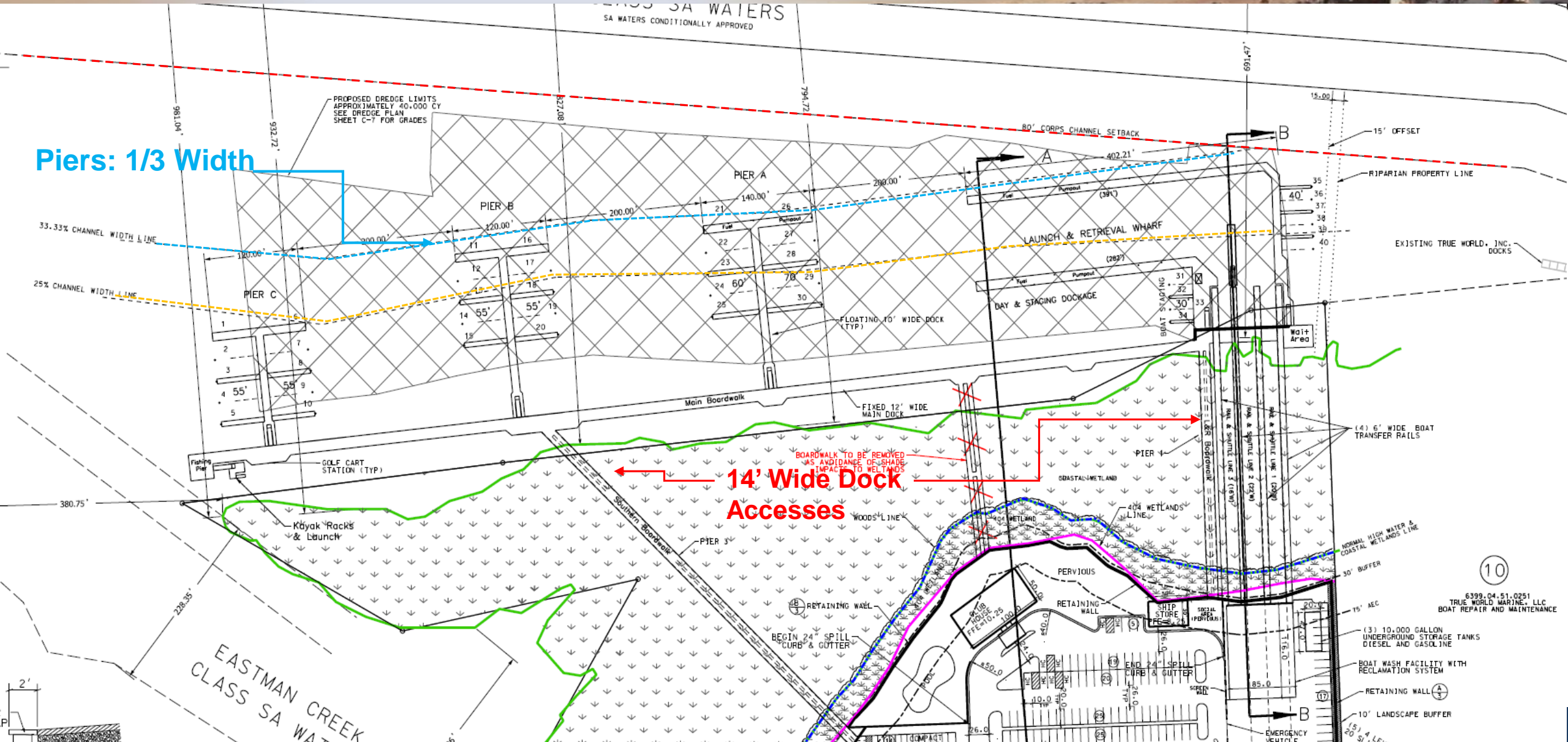
# Coastal Yacht Hangar Variance Request

Proposed Major Modification on August 1, 2016



Piers: 1/3 Width

14' Wide Dock  
Accesses



6399-04-51-0251  
TRUE WORLD MARINE, LLC  
BOAT REPAIR AND MAINTENANCE

EASTMAN CREEK  
CLASS SA WATERS





Project Land Area

Petitioner's Image

Atlantic Ocean

Beaufort

Morehead City

Airport

Intracoastal Waterway

Eastman Creek

Coastal Yacht Hangar Project Site

Jarrett Bay Marine Park

Approximate Army Corps Channel Setbacks

True World Marine Docks

Intracoastal Waterway

Aerial View Looking South Towards Beaufort & Morehead City



Project Land Area

Atlantic Ocean

Airport

Beaufort

Morehead City

Petitioner's Image

**APPROXIMATE 25% CHANNEL WIDTH LINE AND PREVIOUSLY PERMITTED LAUNCH & RETRIEVAL WHARF WITH WET SLIPS**

Intracoastal Waterway

25% Line

Approximate Army Corps Channel Setbacks

Eastman Creek

**Coastal Yacht Hangar Project Site**

True World Marine Docks

Jarrett Bay Marine Park

Intracoastal Waterway

Aerial View Looking South Towards Beaufort & Morehead City



Project Land Area

Atlantic Ocean

Airport

Beaufort

Morehead City

Petitioner's Image

**APPROXIMATE 33% CHANNEL WIDTH LINE AND  
C.R.C VARIANCE REQUEST LAUNCH & RETRIEVAL  
WHARF WITH WET SLIPS**

Intracoastal Waterway

Approximate Army  
Corps Channel Setbacks

Eastman Creek

33% Line

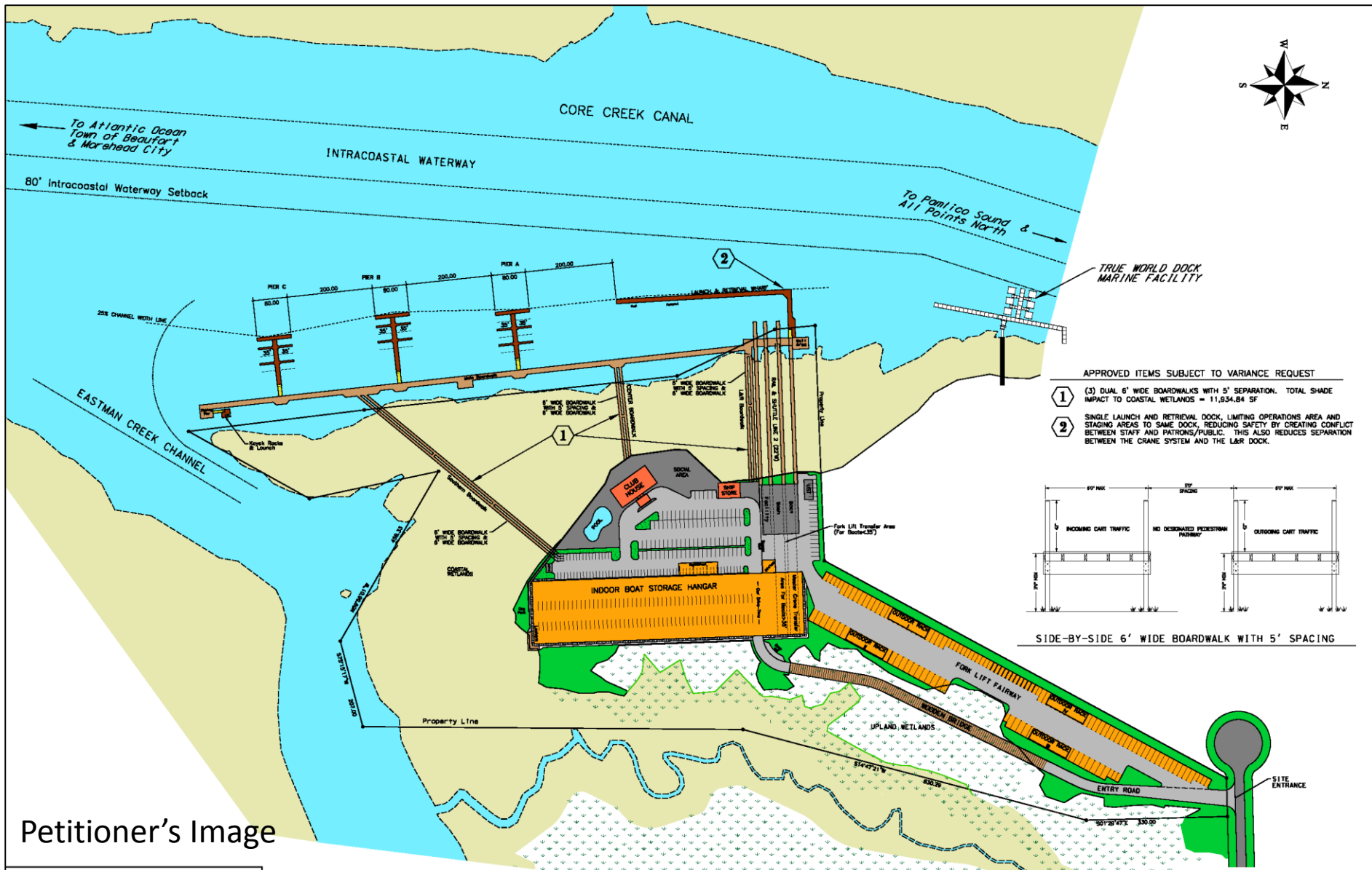
**Coastal Yacht  
Hangar Project  
Site**

True World Marine Docks

Jarrett Bay  
Marine Park





Intracoastal Waterway

Aerial View Looking  
South Towards Beaufort  
& Morehead City



Petitioner's Image

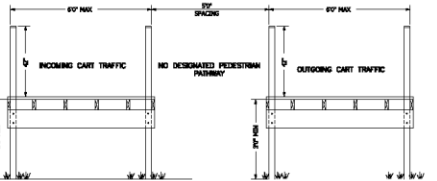
**LEGEND**

	= Dry Boat Storage		= Wet Slips (Floating Piers)
	= Wooden Fixed Structure		= Previous Piers

SCALE: 1" = 80'

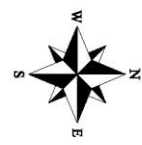
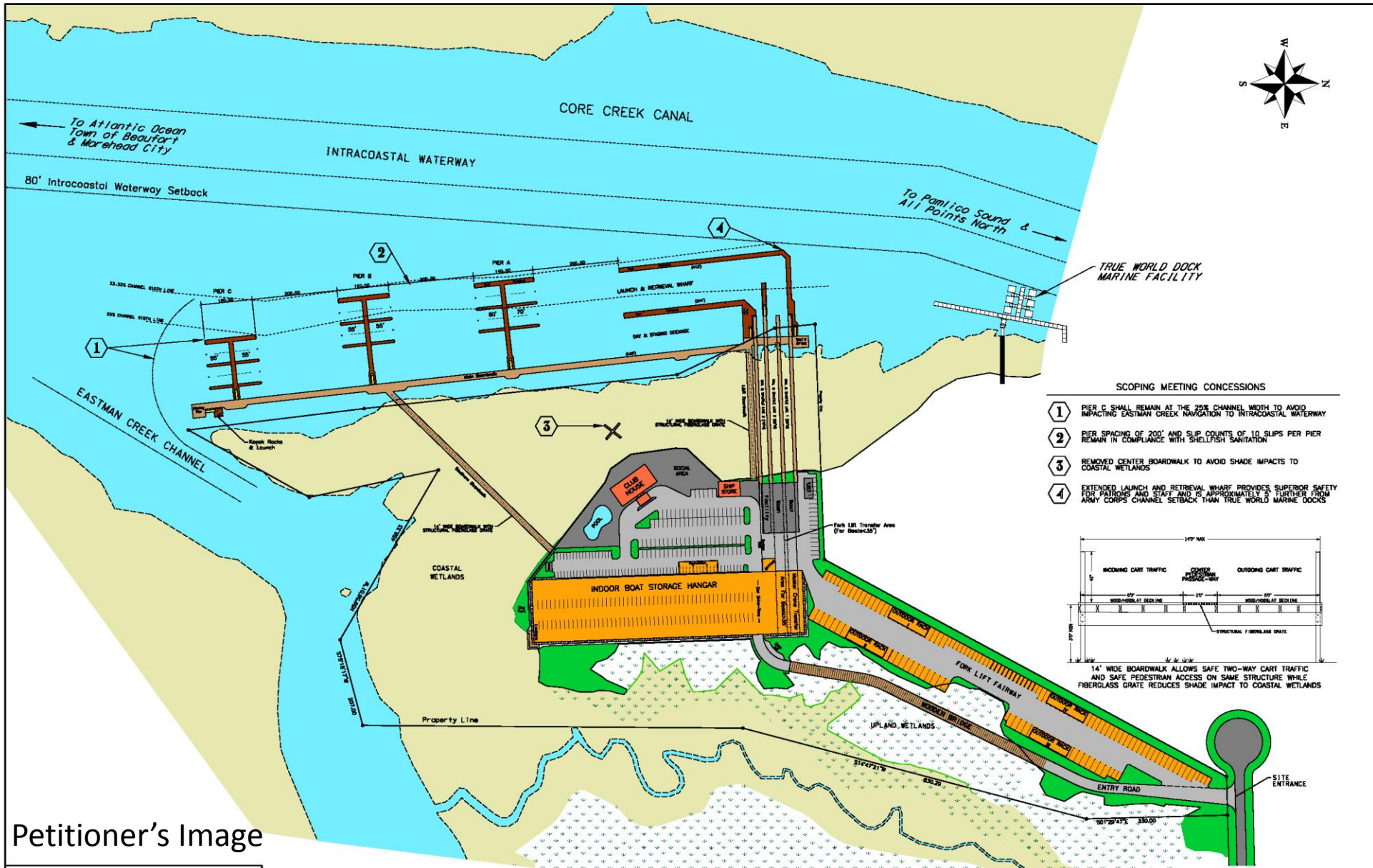
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- ① (3) DUAL 6' WIDE BOARDWALKS WITH 5' SEPARATION. TOTAL SHADE IMPACT TO COASTAL WETLANDS = 11,934.84 SF
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**SIDE-BY-SIDE 6' WIDE BOARDWALK WITH 5' SPACING**





To Atlantic Ocean  
Town of Beaufort  
& Morehead City

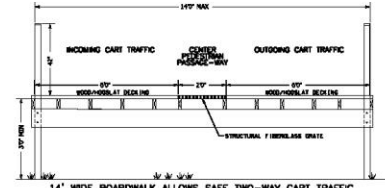
To Pamlico Sound &  
All Points North

80' Intracoastal Waterway Setback

TRUE WORLD DOCK  
MARINE FACILITY

SCOPING MEETING CONCESSIONS





- ① PIER C SHALL REMAIN AT THE 25% CHANNEL WIDTH TO AVOID IMPACTING EASTMAN CREEK NAVIGATION TO INTRACOASTAL WATERWAY
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Petitioner's Image

LEGEND

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 = Wooden Fixed Structure	 = Previous Pavers

SCALE: 1" = 80'

COASTAL YACHT HANGAR C.R.C. VARIANCE PLAN

JARRETT BAY MARINE PARK, BEAUFORT, N.C.

JULY 27th, 2016



# Coastal Yacht Hangar Variance Request



## **VARIANCE CRITERIA** 15A NCAC 07J.0703 (f)

-to grant a variance, the Commission must affirmatively find each of the following factors listed in G.S. 113A-120.1(a).

- (A) that unnecessary hardships would result from strict application of the development rules, standards, or orders issued by the Commission;
- (B) that such hardships result from conditions peculiar to the petitioner's property such as the location, size, or topography of the property;
- (C) that such hardships did not result from actions taken by the petitioner; and
- (D) 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.