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TO: The Coastal Resources Commission

FROM: Christine A. Goebel, DEQ Assistant General Counsel

DATE: May 27, 2020 (for the June 10-11, 2020 CRC Meeting)

RE: **Variance Request by Charles E. Walters, Jr. (CRC-VR-20-04)**

Petitioner Charles E. Walters, Jr. (“Petitioner”) owns property at 9269 Peakwood Drive SW in Calabash, Brunswick County (the “Site”) and within the bounds of the Town of Sunset Beach. The Site is riparian property adjacent to the Atlantic Intracoastal Waterway (“AIWW”), which at this location is a designated Primary Nursery Area (“PNA”). In November of 2019, Petitioner applied for a CAMA Major Permit which proposed the development of a 194’ pier, which at this location spans approximately 32% across the AIWW. On March 16, 2019, DCM denied Petitioner’s application due to the pier’s inconsistency with the commission’s quarter-width rule at 15A NCAC 7H .0208(G)(i) requiring piers not to extend beyond the established pier length and 15A NCAC 7H .0208(G)(iii) requiring piers not to extend past one-fourth of the width of the natural water body. Petitioner now seeks a variance to allow the pier to exceed the quarter-width and extend beyond the established pier head line in the located proposed.

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.): Charles E. Walters, Jr., Petitioner, electronically
Mary Lucasse, Special Deputy AG and CRC Counsel, electronically
Stanley Dills, Town of Sunset Beach CAMA LPO, electronically to
sdills@sunsetbeach.gov



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 .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.

15A NCAC 07H .0208 USE STANDARDS

(b) Specific Use Standards

(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, Charles E. Walters, Jr., with his spouse Carol D. Walters, owns a 1.80 acre lot located at 9269 Peakwood Drive SW in Calabash (Sunset Beach), Brunswick County, North Carolina. The acreage figure is derived from the Brunswick County Charles E. Walters Jr. 2020 tax card attached as an Exhibit.
2. Petitioner, with his spouse, purchased the property on March 21, 2019, as evidenced by a deed recorded at Book 4169, Pages 0021-0023 of the Brunswick County Registry. A copy of the deed is attached as an Exhibit.
3. The closest major road leading to the property is Peakwood Drive SW. The property can be seen on the attached PowerPoint presentation of photographs of the property and surrounding area. A copy of the PowerPoint presentation is attached as an Exhibit.
4. The Petitioner's property is located adjacent to the U.S. Army Corps of Engineers (USACE) Atlantic Intracoastal Waterway (AIWW) 80-foot setback, approximately 1.45 miles east of the intersection of Little River Inlet Channel with an approximate shoreline length of 167 feet along the AIWW.
5. On Petitioner's property, there is an area of coastal wetlands with shoreline frontage of approximately 167 feet, extending outward approximately 275 feet in width, part of which the Project would pass over. Generally, over the range of the site, depths varied from 0.5 feet to 5.6 feet at mean low water.
6. The AIWW is approximately 600 feet wide from the waterward edges of the coastal wetlands bordering each side of the waterbody at the location of the Project. 15A NCAC 7H .0208(b)(6)(H) of the rules of the Coastal Resources Commission (CRC) provides, in part, that "measurements to determine lengths shall be made from the waterward edge of any coastal wetland vegetation that borders the water body . . ."
7. The surrounding waters are classified as SA, HQW by North Carolina Environmental Management Commission rule, and a Primary Nursery Area (PNA) by North Carolina Marine Fisheries Commission rule. These waters are closed to shellfish harvesting.
8. 15A NCAC 07H .0208(a)(4) of the rules of the CRC further define PNA's as "Primary nursery areas are those areas in the estuarine and ocean system where initial post larval development of finfish and crustaceans takes place. They are usually located in the uppermost sections of a system where populations are uniformly early juvenile stages. They are designated and described by the N.C. Marine Fisheries Commission and by the N.C. Wildlife Resources Commission (WRC)."
9. The proposed Project would involve development within the Estuarine Waters, the Coastal Wetlands, and the Estuarine Shoreline sub-category of the Coastal Shorelines Areas of Environmental Concern (AECs).

10. The Petitioner submitted a Coastal Area Management Act (CAMA) Major Permit application to construct a pier, gazebo, covered boatlift and floating dock within the riparian corridor of his property on November 13, 2019. A copy of the CAMA Major Permit Application is attached as an Exhibit.
11. The Petitioner proposed construction of a contiguous elevated wooden walkway and pier 6 feet wide and approximately 495 feet long (as measured from the high ground). The elevated walkway is that portion of the Project located upland of and in the coastal wetland adjacent to Petitioner's property. The pier portion of the Project is that part of the Project that extends from the waterward edge of the coastal wetland adjacent to Petitioner's property.
12. A proposed T-head platform would measure 12 feet by 24 feet of which 12 feet by 12 feet will be covered and a hinged ramp extending to the east will connect the floating dock to the platform.
13. A proposed floating dock would be 8 feet by 16 feet and provide two (2) wet slips. A proposed 15 feet by 26 feet covered boatlift would be connected to the platform to the west and would provide one slip for a total of three (3) boat slips.
14. Depths at the one-quarter width were noted in the application as approximately 1.3 feet to 1.5 feet at mean low water.
15. Depths located at the 80-foot USACE setback were noted in the application at 2.6 feet to 5.6 feet at mean low water.
16. The proposed Project would involve the incorporation of 806 square feet of open water.
17. The opposite shoreline is owned by the State of North Carolina and is part of a vast salt marsh complex that extends to Little River Inlet, known as the Bird Island Nature Preserve, which precludes construction of piers extending from the shoreline opposite the project.
18. There are existing private piers located to the southwest and northeast of the property. Immediately adjacent to Petitioners' property to the southwest is a pier owned by Locke and Mary Newlin (9271 Peakwood Drive SW). The Newlin pier was permitted in 1997 and measures 135 feet in length from the waterward edge of the adjacent coastal wetland. A copy of the 1997 Major CAMA permit (# 135-97) is attached as an Exhibit. Two properties to the northeast of Petitioner's property is a pier owned by Chris and Melody Bryant (9263 Peakwood Drive SW). The Bryant pier was permitted in 2010 and measures approximately 100 feet in length from the waterward edge of the adjacent coastal wetland (of a total 340 feet pier length). A copy of the 2010 Major CAMA permit (# 55890) is attached as an Exhibit. Staff review of the DCM database indicates this is the only Major CAMA permit on record for the Bryant property.
19. The Petitioner's proposed docking facility would extend 194 feet (170 feet of length and 24 feet of T-head platform) beyond the waterward edge of the adjacent coastal wetland into the AIWW and 44 feet beyond the one-quarter width of the AIWW, to approximately 32% of the width of the waterbody.

20. One-quarter the width of the water body at this location is 150 feet.
21. CRC rule 15A NCAC 07H .0208 (G)(iii) (“Specific Use Standards”) provides, in part, that a pier and docking facility length shall be limited by, "not extending more than one-fourth the width of a natural water body."
22. The proposed Project would also exceed the existing pier-head line and extend to the edge of the USACE 80-foot channel setback.
23. CRC rule 15A NCAC 07H .0208 (G)(i) (“Specific Use Standards”) provides, in part, that a pier and docking facility length shall be limited by "not extending beyond the established pier or docking facility length along the same shoreline for similar use."
24. As part of the CAMA Major Permit review process, Division of Coastal Management (DCM) Staff wrote a Field Investigation Report concerning the Project. A copy that report is attached as an Exhibit.
25. During the course of the joint State and Federal review, the Division of Marine Fisheries' (DMF) noted that as proposed, DMF did not per se object to the project. However, the DMF Habitat Assessment Manager commented: "The current proposal to extend past the ¼ width and to the USACE setback line would aid in achieving sufficient water depths for the proposed floating structures and formalized slips, thus being the preferred location of the terminus. However, CRC rule language limits development to the ¼ width of the waterbody. If DCM rule language or other methods allow this project to move forward even though the proposed project is exceeding the ¼ width of the waterbody and extending beyond the pier headline of adjacent properties, DMF would not object to the proposed project. However, if the project is required to conform to the ¼ width or pier headline, DMF has determined based on the drawings that the applicant cannot achieve the necessary depths for floating structure in order to avoid bottom damages to soft bottom PNA habitat. . ." A copy of two comment letters from DMF are attached as an Exhibit.
26. The N.C. Division of Water Resources approved the Project as proposed under a 401 Water Quality Certification and General Certification 4175.
27. During the CAMA Major Permit review process, no other state or federal agency objected to the proposed Project.
28. As part of the CAMA Major Permit review process, notice was given to the public through on-site posting and notice in the local newspaper. Notice was also sent to the adjacent riparian property owners (Shell and Newlin). A signed certified mail receipt (Newlin) and USPS tracking intranet delivery signature and address (Shell) are attached as an Exhibit. No other comments from the public were received in connection with the permit application.
29. DCM field staff recommended denial of the permit based upon the inconsistency with rules of the CRC regarding exceeding the one-quarter width requirement and established pier or docking facility length along the same shoreline for similar use.

30. The DCM Director denied Petitioner's CAMA Major Permit application on March 16, 2020. A copy of the denial letter is attached as an Exhibit.

31. As required by the variance rules of the Commission, Petitioner stipulates that his request as submitted to DCM does not comply with strict application of the pier head line rule in 15A NCAC 07H .0208(b)(6)(G)(i) and the quarter width rule in 15A NCAC 07H .0208(b)(6)(G)(iii).

32. CAMA provides that "[a]ny person may petition the Commission for a variance granting permission to use the person's land in a manner otherwise prohibited by rules or standards prescribed by the Commission, or orders issued by the Commission, pursuant to this Article." N.C. Gen Stat. § 120.1(a).

STIPULATED EXHIBITS

1. Charles E. Walters Jr. 2020 tax card
2. Petitioners' General Warranty Deed Book 4169, Pages 0021-0023
3. PowerPoint presentation
4. CAMA Major Permit Application
5. Newlin pier permit
6. Bryant pier permit
7. DCM Field Investigation Report
8. DMF comment letters
9. Certified Mail Receipt/USPS intranet tracking
10. DCM denial letter

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.**

Strict application of CRC Rule 15A NCAC 07H.0208(G)(iii) which states in part that a pier and docking facility length shall be limited by "not extending more than one-fourth the width of the water body" results in a hardship by restricting the length of the pier to water depths that range from -0.5 feet to -1.5 feet at mean low water. This would restrict the use of the docking facility to several hours surrounding high tide cycle. This hardship is unnecessary because the distance between the one-fourth width distance and the one-third width distance, as requested in this variance, is not useful for public navigation due to shallow water depths. Public navigation would not be adversely affected by the docking facility as requested.

Strict application of CRC Rule 15A NCAC 07H.0208 (G) (i) that states pier and docking facility length shall be limited by "not extending beyond the established pier or docking facility length along the same shoreline for similar use" results in a hardship by restricting the length of the docking facility to the distance measurement established by the existing adjacent docking facilities. This hardship is unnecessary because the docking facilities along the same shoreline for similar use vary in length, some extending to and beyond one-fourth the width of the waterbody. The existing docking facilities adjacent to the Petitioner's property are the shortest piers along the same shoreline for similar use. The length of the existing adjacent docking facilities results in an unnecessary hardship to the Petitioner by restricting the ability to extend beyond the established pier or docking facility length along the same shoreline for similar use.

Staff's Position: Yes.

Staff agrees that a strict application of the quarter-width rule would result in unnecessary hardships for the Petitioner where strict compliance of the rule would result in water depths of approximately -0.5 to -1.5 at MLW, which could result in impacts to the substrate and shallow bottom habitat in an area designated as a Primary Nursery Area (PNA) by the N.C. Marine Fisheries Commission. Staff agrees that strict application of the quarter-width rule in this area is not essential to protect public navigation, in part due to the presence of the state-owned Bird Island Coastal Reserve located across the AIWW, which is unlikely to be developed with a pier.

Staff disagrees in part that strict application of the "established pier or docking facility length" rule causes Petitioner unnecessary hardships where there is approximately 44' between the quarter-width distance and the third-width distance, which is about double the width of Petitioner's 26' deep proposed boathouse. The depth change over that 44' span is from -1.5' to -4.5' MLW. While the depth at the quarter-width distance raises PNA bottom habitat concerns from DMF, these are generally alleviated beyond the -2.0' depth, which in this case is at approximately 162' from edge of Coastal Wetlands or 12' waterward of ¼ width. If the back side of the proposed boathouse were pulled back landward to the -2.0' MLW contour around 162' from edge of Coastal Wetlands or

12' waterward of $\frac{1}{4}$ width, this pier would be more in line with the established pier length along the same shoreline.

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 shoreline of the Petitioner's property has a marsh fringe that is uneven. Distances were determined using the average water ward edge of marsh grass which oscillates as much as 15 feet in width along the shoreline of the Petitioner's property. The shoreline located directly across from the Petitioner's property has a protrusion of marsh grass that extends approximately 30 feet into the water body. This protrusion of marsh grass on the opposite shoreline is the measurement point for the one-fourth width of the waterbody determination. This protrusion of marsh grass is not present across from the properties adjacent to the Petitioner's shoreline and results in a one-fourth width measurement distance more landward than the adjacent shorelines. The opposite shoreline and vast expanse of marsh extending to Little River Inlet is owned by the State of North Carolina as part of the Bird Island Nature Preserve which eliminates the possibility of a structure extending from the shoreline. An unusually wide expanse of mud flat is present on the site beyond the coastal wetlands and the mean low water mark that results in a waterbody width measurement point being unusually far from deep water. This mud flat also accounts for the water depths that range from -0.5 feet to -1.5 feet at mean low water in the location of one-fourth the width of the waterbody. The existing adjacent docking facility lengths restrict the Petitioner's ability to extend beyond the established pier or docking facility length along the same shoreline for similar use. The existing adjacent docking facility lengths are the most landward of all of the existing docking facilities along this shoreline within a half mile to the east and west. As a result of these conditions peculiar to the site only a slight extension to the one-third width is required to reach adequate water depths for a docking facility that can be used throughout the tidal cycle.

Staff's Position: Yes.

Staff agree that Petitioner's hardship is a result from conditions peculiar to the Petitioner's property. The location on the AIWW across from the state-owned Bird Island Coastal Reserve, which is unlikely to be developed, reduces the need for strict application of the quarter-width rule to protect public navigation. Strict application of the quarter-width rule would result in Petitioner's pier being located in shallow PNA habitat and would likely lead to significant resource impacts, limiting riparian use, but extending the pier length out just 12' from the quarter-width line would result in the ability to locate the slips to water deeper than -2.0' MLW without significantly adding pier length and keeping the pier more in line with the established pier length along this shoreline. Staff contend that the large marsh fringes and mud-flat areas on both sides of the AIWW in this area between the Sunset Beach Bridge and the state line are not peculiar, as can be seen in the aerial photographs in the powerpoint.

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

Petitioner's Position: No.

The lack of sufficient water depths at the one-fourth width of the water body distance, the presence of the marsh protrusion on the opposite shoreline from which the distance is measured and the shortness of the adjacent docking facilities are conditions over which the Petitioner has no control.

Staff's Position: No to -2.0' MLW, but Yes past that.

Staff agrees that Petitioner's hardships would not have resulted from Petitioner's actions if he proposed that his pier extend past the quarter-width rule only enough to have the landward end of the slips at -2.0' in order to reduce impacts to shallow-bottom PNA habitat. However, to the extent that Petitioner has proposed to extend his pier to the third-width line which is at the Army Corps of Engineers' 80' AIWW Setback line, and that this additional length is not needed to avoid the bottom habitat impacts, Staff contend Petitioner has created his hardships through his choice of design and extended pier length.

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.

1) Consistent with the spirit, purpose and intent of the rules:

The docking facility as requested is consistent with the spirit purpose and intent of the rules as stated in 15A NCAC 07H.0208 (G) (i) that states pier and docking facility length shall be limited by "*not extending beyond the established pier or docking facility length along the same shoreline for similar use*" and 15A NCAC 07H.0208(G)(iii) which states in part that a pier and docking facility length shall be limited by "*not extending more than one-fourth the width of the water body.*" The purpose of the one-fourth width and similar length limitation is to ensure that docking facilities do not jeopardize the use of waters for navigation or for other public trust rights in public trust areas including estuarine waters. Application of these rules generally ensures that the middle half of the waterbody remains open to public use while allowing for riparian property owners to have access to deep water. Based on the public ownership of the opposite shoreline in this area, two-thirds of the of the waterbody would remain open for public use if a variance is granted to extend to one-third the width of the waterbody. A slight extension of the docking facility would allow the Petitioner to gain access to deep water without unduly infringing on public trust rights in public trust areas nor infringing on the public's rights to navigation along the shoreline.

The docking facility as requested is consistent with the spirit purpose and intent of the rules as stated in 15A NCAC 07H.0208(a)(2)(A) which states in part that "*the location, design, need for development, as well as construction activities involved shall be consistent with the management objective of the Estuarine and Ocean System AEC and shall be sited and designed to avoid significant adverse impacts upon the productivity and biological integrity of coastal*

wetlands, shellfish beds, submerged aquatic vegetation as defined by the Marine Fisheries Commission, and spawning and nursery areas.” One of the purposes of this rule is to ensure that projects are sited and designed to avoid significant adverse impacts to designated Primary Nursery Areas. If the Petitioner were restricted to one-fourth the width of the waterbody water depths would range from -0.5 feet to -1.5 feet at low water, this would severely restrict the use of the facility to high tide cycles and would likely result in the inevitable disturbance to the soft bottom habitat of the Primary Nursery Area from utilization of a docking facility located in shallow water depths. Water depths located at one-third the width of the waterbody range from -2.8 feet to -4.4 feet at mean low water, thus being the preferred location of the terminus of the docking facility according to NC Division of Marine Fisheries, Habitat Assessment Manager, Anne Deaton. A variance to extend the docking facility approximately 44 feet to the one-third the width of the waterbody and to the USACE 80-foot setback line would achieve sufficient water depths would avoid any and all adverse impacts to the soft bottom of the PNA.

A slight extension in docking facility length to edge of the 80- foot setback from the AIWW channel and the one-third width of the waterbody will preserve the public trust rights in public trust areas, preserve public navigation, avoid significant adverse impacts to the Primary Nursery Area and preserve traditional riparian access rights to deep water.

2) Secure the public safety and welfare:

The Petitioner’s request will secure the public safety and welfare by allowing the docking facility to extend to the setback established by the US ACE. The Petitioner’s request will not jeopardize the use of waters for navigation or for other public trust rights in public trust areas. As requested the docking facility extension to the US ACE setback will serve as a beneficial navigation aid by preventing vessels from traveling near shore in shallow waters.

3) Preserve substantial justice:

The Petitioner’s request will preserve substantial justice by preserving the public trust rights in public trust areas, by preserving public navigation, by avoiding significant adverse impacts to the Primary Nursery Area and by preserving traditional riparian access rights to deep water. Substantial justice will also be preserved by allowing access to water depths sufficient to support the facility during all periods of the tidal cycle while preventing significant adverse impacts to the soft bottom of the Primary Nursery Area. Approval of this variance request would enable the Petitioner to construct a docking facility along the same shoreline for similar use as the nearby property owners to the east and west.

Staff's Position: Yes.

Staff agrees that the requested variance is consistent with the spirit, purpose and intent of the quarter-width rule where a proposed pier some distance longer than the quarter-width allows Petitioner to exercise his riparian rights while avoiding significant impacts to the shallow-bottom PNA habitat.

In 1998, the Commission changed its one-third width pier length restriction to the current quarter-width rule in order to better protect public navigation by ensuring that, if both sides of the waterbody were developed, at least half the width of the waterbody would be unobstructed by piers. Staff are comfortable with piers up to a third-width where there are not impacts to public navigation, but there is no automatic right to a third-width pier or a pier extending to the edge of the Corps' 80-foot AIWW channel setback.

The DMF comments evaluated the current proposal and contrasted it with a pier located at the quarter-width, and given these choices, indicated that the current proposal "would aid in achieving sufficient water depths for the proposed floating structures and formalized slips, thus being the preferred location of the terminus." The DMF's charge is the protection of fisheries habitats and resources, and given the choices, prefers depths greater than -2.0' MLW (which is the guidance from DMF as the minimum depth where DCM can issue a General Permit for docks and piers in PNA waters. DCM must also balance concerns for fisheries resources with public trust rights and impacts to navigation of public waters, and believes there is a location between the quarter-width and the third-width which can better balance these interests.

In this case, there are sufficient depths in the 44' between the quarter-width and the third-width for Petitioner to have the waterward edge of the proposed boathouse to be sited in at least -2.0' MLW depth. Such a location would limit the project's nonconformity with the Commission's "established pier or docking facility length" rule. Staff contends that a variance at this pier length, extending 12' past the quarter-width or 162' overall (as measured from the waterward edge of coastal wetlands to the waterward edge of the structure), there would be at least -2.0' MLW for all of the structures/slips proposed. Staff believe this location would strike a reasonable balance between Petitioner's right to pier out, the public's right to navigate, and the protection of public trust resources and PNA habitats.

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

April 26, 2020

Mr. Braxton C. Davis
Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557

Re: Variance Petition – Charles E. Walters, Jr.
9269 Peakwood Drive SW
Calabash, Brunswick County

Dear Mr. Davis,

Enclosed is my variance petition regarding the above referenced project. I would like to schedule this variance for the June meeting of the Coastal Resources Commission if possible. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles E. Walters, Jr.", written in a cursive style.

Charles E. Walters, Jr.

CAMA VARIANCE REQUEST FORM

DCM FORM 11

DCM FILE No.: _____

PETITIONER'S NAME _____ **Charles E. Walters, Jr.** _____
 COUNTY WHERE THE DEVELOPMENT IS PROPOSED _____ **Brunswick** _____

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

VARIANCE HEARING PROCEDURES

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

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

VARIANCE CRITERIA

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

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

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

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

- 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.
- N/A_ 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

4.26.2020

 Date

Charles E. Walters, Jr.

 Printed Name of Petitioner or Attorney

eddie@sunsetproperties.travel

 Email address of Petitioner or Attorney

P.O. 7838
Mailing Address

(910)443-1264
Telephone Number of Petitioner or Attorney

Ocean Isle Beach, NC 28469
City State Zip

(910)579-0172
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:

Contact Information for Attorney General's Office:

By mail, express mail or hand delivery:

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

By mail:

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

By Fax:

(252) 247-3330

By express mail:

Environmental Division
114 W. Edenton Street
Raleigh, NC 27603

By Email:

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

By Fax:

(919) 716-6767

Revised: July 2014

Project Narrative
Proposed Pier, Gazebo, Floating Dock and Boat Lift
On the
Intracoastal Waterway
For
Charles E. Walters, Jr.
9269 Peakwood Dive SW
Calabash
Brunswick County

The applicant wishes to construct a private 3-slip docking facility at his single family residence located at 9269 Peakwood Drive SW in the Town of Calabash.

The private docking facility will consist of a partially covered t-head platform, covered boatlift and floating dock for recreational use. The proposed pier will be approximately 440 feet in length from mean high water to reach navigable water depths at low tide and the width will be 6 feet. The proposed pier would be elevated 3 feet above the marsh. The proposed t-head platform will measure 12 feet wide by 24 feet long of which 12 feet in width by 12 feet in length will be covered by a roof. The proposed floating dock will be 8 feet wide by 16 feet long. The proposed covered boat lift will measure 15 feet wide by 26 feet long.

Standard construction methods will be used during construction of the proposed facility including but not limited to the use of a barge mounted piling drive, water jet for piling installation and power and hand tools for carpentry.

The proposed outboard distance of the proposed pier is necessary to reach navigable water depths throughout the tidal range and to avoid bottom impacts to the Primary Nursery Area. The outer edge of the docking facility is proposed to extend to the US Army Corps of Engineers 80-foot setback from the edge of the federal navigation channel. Depths at the edge of the 80-foot setback range from approximately -2.8 feet to -4.4 feet at mean low water. Depths at the one-quarter width of the waterbody distance range from approximately -0.5 feet to -1.5 feet at mean low water. As proposed the docking facility is 32% of the width of the waterbody.

7017 1450 0001 2183 4888

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OFFICIAL USE

Certified Mail Fee	\$3.55	0470 95
Extra Services & Fees (check box, add fee as appropriate)		
<input type="checkbox"/> Return Receipt (hardcopy)	\$1.70	Postmark Here
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$3.80	04/23/2020
Total Postage and Fees	\$11.90	

Sent To: MR & MRS LOCKE NEWLIN
 Street and Apt. No., or PO Box No. 9271 PEARWOOD DR, SW
 City, State, ZIP+4® CALABASH, NC 28467

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7017 1450 0001 2183 4871

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OFFICIAL USE

Certified Mail Fee	\$3.55	0470 95
Extra Services & Fees (check box, add fee as appropriate)		
<input type="checkbox"/> Return Receipt (hardcopy)	\$1.70	Postmark Here
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$3.90	04/23/2020
Total Postage and Fees	\$12.00	

Sent To: Mrs Rhonda Shell
 Street and Apt. No., or PO Box No. 1010 LAKEVIEWWARD OVERLOOK
 City, State, ZIP+4® ALPHARETTA GA 30005

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

=====

SOUTH BRUNSWICK
 1587 SEASIDE RD SW
 OCEAN ISLE BEACH, NC 28469-1029
 366993-0470
 (800)275-8777
 04/23/2020 12:22 PM

=====

Product	Qty	Unit Price	Price
PM 2-Day (Domestic) — (SMITHFIELD, VA 23430) (Weight:1 Lb 4.40 Oz) (Expected Delivery Day) — (Monday 04/27/2020) (USPS Tracking #) (9505 5134 3317 0114 5388 59)	1	\$8.70	\$8.70
Insurance (Up to \$50.00 included)			\$0.00
Illinois	1	\$0.55	\$0.55
First-Class Mail® Large Envelope (Domestic) — (LITTLE RIVER, SC 29566) (Weight:0 Lb 2.80 Oz) (Estimated Delivery Date) — (Monday 04/27/2020)	1	\$1.40	\$1.40
First-Class Package Service 2 Days (Domestic) — (SHALLOTTE, NC 28470) (Weight:0 Lb 4.60 Oz) (Estimated Delivery Date) — (Monday 04/27/2020) (USPS Tracking #) (9500 1134 3317 0114 5388 63)	1	\$4.60	\$4.60
DocMtr 6x10	1	\$1.79	\$1.79
First-Class Package Service 2 Days (Domestic) — (ALPHARETTA, GA 30005) (Weight:0 Lb 1.30 Oz) (Estimated Delivery Date) — (Monday 04/27/2020)	1	\$3.90	\$3.90
Certified (USPS Certified Mail #) (70171450000121834871)			\$3.55
Return Receipt (elec)			\$1.70
Return Receipt (USPS Return Receipt #) (9590940241528092888306)			\$2.85
First-Class Package Service 2 Days (Domestic) — (CALABASH, NC 28467) (Weight:0 Lb 1.40 Oz) (Estimated Delivery Date) — (Monday 04/27/2020)	1	\$3.80	\$3.80
Certified (USPS Certified Mail #) (70171450000121834888)			\$3.55
Return Receipt (elec)			\$1.70
Return Receipt (USPS Return Receipt #) (9590940241528092888290)			\$2.85

SHELL

NEWLIN

Total:

024

Credit Card Remitd \$40.94
(Card Name:VISA)
(Account #:XXXXXXXXXXXX2681)
(Approval #:102644)
(Transaction #:341)
(AID:A0000000031010 Chip)
(AL:Visa Credit)
(PIN:Not Required)

Use label # for inquiry
on Return Receipt (Electronic).

Text your tracking number to 28777
(2USPS) to get the latest status.
Standard Message and Data rates may
apply. You may also visit www.usps.com
USPS Tracking or call 1-800-222-1811.

For Return Receipt (by email), visit
USPS.com, click on Track & Manage and
enter Tracking number; click on
drop-down arrow under Return Receipt
Electronic; enter name and email
address and click on Request Email.

Save this receipt as evidence of
insurance. For information on filing
an insurance claim go to
<https://www.usps.com/help/claims.htm>

Preview your Mail
Track your Packages
Sign up for FREE @
www.informedelivery.com

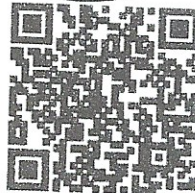
All sales final on stamps and postage.
Refunds for guaranteed services only.
Thank you for your business.

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or call 1-800-410-7420.

YOUR OPINION COUNTS

Receipt #: 840-52800570-2-4418872-2
Clerk: 95

April 21, 2020

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Locke and Mary Ann Newlin
9271 Peakwood Drive SW
Calabash, NC 28467

To Whom it May Concern,

This is to notify you as an adjacent riparian property owner that I, Charles E. Walters, Jr. am applying for a variance from the North Carolina Coastal Resources Commission to construct a private residential docking facility that extends approximately 44 feet beyond what is normally allowed by Rule. The residential docking facility would be located at 9269 Peakwood Drive SW adjacent to the Atlantic Intracoastal Waterway, in Calabash, Brunswick County.

It is my hope to be heard by the Commission at the June 10/11, 2020 meeting. If you require additional information, please refer to the application you received by certified mail in November 2019 or contact me directly at (910)443-1264. Should you have any comments on the variance request, please send your written comments to the District Manager of the Division of Coastal Management, Tara MacPherson, at 127 Cardinal Drive Extension, Wilmington, NC, 28405. You may also contact Brendan Brock, Field Representative with the Division of Coastal Management at 910-796-7215.

Sincerely,



Charles (Eddie) Walters, Jr.

April 27, 2020

Dear Charles Walters:

The following is in response to your request for proof of delivery on your item with the tracking number:
7017 1450 0001 2183 4888.



Item Details

Status: Delivered to Agent for Final Delivery
Status Date / Time: April 24, 2020, 3:17 pm
Location: CALABASH, NC 28467
Postal Product: First-Class Mail®
Extra Services: Certified Mail™
Return Receipt Electronic

Shipment Details

Weight: 2.0oz

Recipient Signature

Signature of Recipient: (Authorized Agent)	Signature	X 
	Printed Name	PO 2412 CIA
Address of Recipient:	Delivery Address	

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

027

USPS Tracking®

[FAQs >](#)

Track Another Package +

NEWLIN

Tracking Number: 70171450000121834888

[Remove X](#)

Your item has been delivered to an agent for final delivery in CALABASH, NC 28467 on April 24, 2020 at 3:17 pm.

Delivered to Agent

April 24, 2020 at 3:17 pm
Delivered to Agent for Final Delivery
CALABASH, NC 28467

Feedback

Get Updates 

Text & Email Updates 

Return Receipt Electronic 

Tracking History 

April 24, 2020, 3:17 pm
Delivered to Agent for Final Delivery
CALABASH, NC 28467

Your item has been delivered to an agent for final delivery in CALABASH, NC 28467 on April 24, 2020 at 3:17 pm.

April 24, 2020, 1:03 pm
Arrived at Unit
OCEAN ISLE BEACH, NC 28469

028

April 24, 2020
In Transit to Next Facility

April 23, 2020, 8:51 pm
Departed USPS Regional Facility
FAYETTEVILLE NC DISTRIBUTION CENTER ANNEX

April 23, 2020, 8:45 pm
Arrived at USPS Regional Facility
FAYETTEVILLE NC DISTRIBUTION CENTER ANNEX

April 23, 2020, 5:30 pm
Departed Post Office
OCEAN ISLE BEACH, NC 28469

April 23, 2020, 12:18 pm
USPS in possession of item
OCEAN ISLE BEACH, NC 28469

Feedback

Product Information



Postal Product:
First-Class Mail®

Features:
Certified Mail™
Return Receipt Electronic

See tracking for related item: 9590940241528092888290
(/go/TrackConfirmAction? tLabels=9590940241528092888290)

See Less ^

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

April 21, 2020

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Rhonda Shell
1010 Lake Windward Overlook
Alpharetta, GA 30005

To Whom it May Concern,

This is to notify you as an adjacent riparian property owner that I, Charles E. Walters, Jr. am applying for a variance from the North Carolina Coastal Resources Commission to construct a private residential docking facility that extends approximately 44 feet beyond what is normally allowed by Rule. The residential docking facility would be located at 9269 Peakwood Drive SW adjacent to the Atlantic Intracoastal Waterway, in Calabash, Brunswick County.

It is my hope to be heard by the Commission at the June 10/11, 2020 meeting. If you require additional information, please refer to the application you received by certified mail in November 2019 or contact me directly at (910)443-1264. Should you have any comments on the variance request, please send your written comments to the District Manager of the Division of Coastal Management, Tara MacPherson, at 127 Cardinal Drive Extension, Wilmington, NC, 28405. You may also contact Brendan Brock, Field Representative with the Division of Coastal Management at 910-796-7215.

Sincerely,



Charles (Eddie) Walters, Jr.

April 27, 2020

Dear Carles Walters:

The following is in response to your request for proof of delivery on your item with the tracking number:
7017 1450 0001 2183 4871.

Item Details

Status:	Delivered, Left with Individual
Status Date / Time:	April 25, 2020, 1:57 pm
Location:	ALPHARETTA, GA 30005
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic

Shipment Details

Weight:	2.0oz
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Recipient Signature

Signature of Recipient:	<i>ABCord19</i> <i>ALS Cord 9</i>
Address of Recipient:	<i>IDR Lakewood</i> <i>LDK</i>

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

031

USPS Tracking®

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Track Another Package +

SHELL

Tracking Number: 70171450000121834871

[Remove X](#)

Your item was delivered to an individual at the address at 1:57 pm on April 25, 2020 in ALPHARETTA, GA 30005.

Delivered

April 25, 2020 at 1:57 pm
Delivered, Left with Individual
ALPHARETTA, GA 30005

Feedback

Get Updates v

Text & Email Updates v

Return Receipt Electronic v

Tracking History ^

April 25, 2020, 1:57 pm

Delivered, Left with Individual
ALPHARETTA, GA 30005

Your item was delivered to an individual at the address at 1:57 pm on April 25, 2020 in ALPHARETTA, GA 30005.

April 25, 2020, 7:10 am

Out for Delivery
ALPHARETTA, GA 30005

032

April 25, 2020, 6:45 am
Arrived at Unit
ALPHARETTA, GA 30005

April 24, 2020, 3:50 pm
Arrived at USPS Facility
ATLANTA, GA 30354

April 24, 2020, 6:28 am
Departed USPS Regional Facility
GREENSBORO NC DISTRIBUTION CENTER

April 24, 2020, 3:33 am
Arrived at USPS Regional Facility
GREENSBORO NC DISTRIBUTION CENTER

April 24, 2020, 1:48 am
Departed USPS Regional Facility
RALEIGH NC DISTRIBUTION CENTER

April 23, 2020, 9:22 pm
Arrived at USPS Regional Origin Facility
RALEIGH NC DISTRIBUTION CENTER

April 23, 2020, 5:30 pm
Departed Post Office
OCEAN ISLE BEACH, NC 28469

April 23, 2020, 12:18 pm
USPS in possession of item
OCEAN ISLE BEACH, NC 28469

Feedback

Product Information



Postal Features:
Product:

See tracking for related item: 9590940241528092888306

PETITIONER'S POSITION ON VARIANCE CRITERIA

1. Will unnecessary hardships result from strict application of the rules, standards or orders?

Petitioner's Position: Yes

Strict application of CRC Rule 15A NCAC 07H.0208(G)(iii) which states in part that a pier and docking facility length shall be limited by "*not extending more than one-fourth the width of the water body*" results in a hardship by restricting the length of the pier to water depths that range from -0.5 feet to -1.5 feet at mean low water. This would restrict the use of the docking facility to several hours surrounding high tide cycle. This hardship is unnecessary because the distance between the one-fourth width distance and the one-third width distance, as requested in this variance, is not useful for public navigation due to shallow water depths. Public navigation would not be adversely affected by the docking facility as requested.

Strict application of CRC Rule 15A NCAC 07H.0208 (G) (i) that states pier and docking facility length shall be limited by "*not extending beyond the established pier or docking facility length along the same shoreline for similar use*" results in a hardship by restricting the length of the docking facility to the distance measurement established by the existing adjacent docking facilities. This hardship is unnecessary because the docking facilities along the same shoreline for similar use vary in length, some extending to and beyond one-fourth the width of the waterbody. The existing docking facilities adjacent to the Petitioner's property are the shortest piers along the same shoreline for similar use. The length of the existing adjacent docking facilities results in an unnecessary hardship to the Petitioner by restricting the ability to extend beyond the established pier or docking facility length along the same shoreline for similar use.

2. Do such hardships result from conditions peculiar the Petitioner's property such as location, size or topography of the property?

Petitioner's Position: Yes

The shoreline of the Petitioner's property has a marsh fringe that is uneven. Distances were determined using the average water ward edge of marsh grass which oscillates as much as 15 feet in width along the shoreline of the Petitioner's property. The shoreline located directly across from the Petitioner's property has a protrusion of marsh grass that extends approximately 30 feet into the water body. This protrusion of marsh grass on the opposite shoreline is the measurement point for the one-fourth width of the waterbody determination. This protrusion of marsh grass is not present across from the properties adjacent to the Petitioner's shoreline and results in a one-fourth width measurement distance more landward than the adjacent shorelines. The opposite shoreline and vast expanse of marsh extending to Little River Inlet is owned by the State of North Carolina as part of the Bird Island Nature Preserve which eliminates the possibility of a structure extending from the shoreline. An unusually wide expanse of mud flat is present on the site beyond the coastal wetlands and the mean low water mark that results in a

waterbody width measurement point being unusually far from deep water. This mud flat also accounts for the water depths that range from -0.5 feet to -1.5 feet at mean low water in the location of one-fourth the width of the waterbody. The existing adjacent docking facility lengths restrict the Petitioner's ability to extend beyond the established pier or docking facility length along the same shoreline for similar use. The existing adjacent docking facility lengths are the most landward of all of the existing docking facilities along this shoreline within a half mile to the east and west. As a result of these conditions peculiar to the site only a slight extension to the one-third width is required to reach adequate water depths for a docking facility that can be used throughout the tidal cycle.

3. Do the hardships result in action taken by the Petitioner?

Petitioner's position: No

The lack of sufficient water depths at the one-fourth width of the water body distance, the presence of the marsh protrusion on the opposite shoreline from which the distance is measured and the shortness of the adjacent docking facilities are conditions over which the Petitioner has no control.

4. Will the variance as requested by the Petitioner (1) be consistent with the spirit purpose and intent of the rules other standards and orders issued by the Commission; (2) secure the public safety and welfare; and (3) preserve substantial justice?

Petitioner's position: Yes

1) Consistent with the spirit, purpose and intent of the rules:

The docking facility as requested is consistent with the spirit purpose and intent of the rules as stated in 15A NCAC 07H.0208 (G) (i) that states pier and docking facility length shall be limited by "*not extending beyond the established pier or docking facility length along the same shoreline for similar use*" and 15A NCAC 07H.0208(G)(iii) which states in part that a pier and docking facility length shall be limited by "*not extending more than one-fourth the width of the water body.*" The purpose of the one-fourth width and similar length limitation is to ensure that docking facilities do not jeopardize the use of waters for navigation or for other public trust rights in public trust areas including estuarine waters. Application of these rules generally ensures that the middle half of the waterbody remains open to public use while allowing for riparian property owners to have access to deep water. Based on the public ownership of the opposite shoreline in this area, two-thirds of the of the waterbody would remain open for public use if a variance is granted to extend to one-third the width of the waterbody. A slight extension of the docking facility would allow the Petitioner to gain access to deep water without unduly infringing on public trust rights in public trust areas nor infringing on the public's rights to navigation along the shoreline.

The docking facility as requested is consistent with the spirit purpose and intent of the rules as stated in 15A NCAC 07H.0208(a)(2)(A) which states in part that *“the location, design, need for development, as well as construction activities involved shall be consistent with the management objective of the Estuarine and Ocean System AEC and shall be sited and designed to avoid significant adverse impacts upon the productivity and biological integrity of coastal wetlands, shellfish beds, submerged aquatic vegetation as defined by the Marine Fisheries Commission, and spawning and nursery areas.”* One of the purpose of this rule is to ensure that projects are sited and designed to avoid significant adverse impacts to designated Primary Nursery Areas. If the Petitioner were restricted to one-fourth the width of the waterbody water depths would range from -0.5 feet to -1.5 feet at low water, this would severely restrict the use of the facility to high tide cycles and would likely result in the inevitable disturbance to the soft bottom habitat of the Primary Nursery Area from utilization of a docking facility located in shallow water depths. Water depths located at one-third the width of the waterbody range from -2.8 feet to -4.4 feet at mean low water, thus being the preferred location of the terminus of the docking facility according to NC Division of Marine Fisheries, Habitat Assessment Manager, Anne Deaton. A variance to extend the docking facility approximately 44 feet to the one-third the width of the waterbody and to the USACE 80-foot setback line would achieve sufficient water depths would avoid any and all adverse impacts to the soft bottom of the PNA.

A slight extension in docking facility length to edge of the 80- foot setback from the AIWW channel and the one-third width of the waterbody will preserve the public trust rights in public trust areas, preserve public navigation, avoid significant adverse impacts to the Primary Nursery Area and preserve traditional riparian access rights to deep water.

2) Secure the public safety and welfare:

The Petitioner’s request will secure the public safety and welfare by allowing the docking facility to extend to the setback established by the US ACE. The Petitioner’s request will not jeopardize the use of waters for navigation or for other public trust rights in public trust areas. As requested the docking facility extension to the US ACE setback will serve as a beneficial navigation aid by preventing vessels from traveling near shore in shallow waters.

3) Preserve substantial justice:

The Petitioner’s request will preserve substantial justice by preserving the public trust rights in public trust areas, by preserving public navigation, by avoiding significant adverse impacts to the Primary Nursery Area and by preserving traditional riparian access rights to deep water. Substantial justice will also be preserved by allowing access to water depths sufficient to support the facility during all periods of the tidal cycle while preventing significant adverse impacts to the soft bottom of the Primary Nursery Area. Approval of this variance request would enable the Petitioner to construct a docking facility along the same shoreline for similar use as the nearby property owners to the east and west.

ATTACHMENT E:
STIPULATED EXHIBITS INCLUDING POWERPOINT

1. Charles E. Walters Jr. 2020 tax card
2. Petitioners' General Warranty Deed Book 4169, Pages 0021-0023
3. CAMA Major Permit Application with drawings
4. Newlin pier permit
5. Bryant pier permit
6. DCM Field Investigation Report
7. DMF comment letters
8. Certified Mail Receipt/USPS intranet tracking
9. DCM denial letter
10. Powerpoint presentation

BRUNSWICK COUNTY

WALTERS CHARLES E JR ETUX
9269 PEAKWOOD DR SW CO
80080890

WALTERS CAROL D

Return/Appeal Notes:

Parcel: 25500026

PLAT: 00112/00067 UNIQ ID 156475

ID NO: 103415644907

BRUNSWICK COUNTY (100), SUNSET BEACH FIRE (399)

CARD NO. 1 of 1

1.8000 AC

SRC= Owner

Reval Year: 2019 Tax Year: 2020 L-3A TR-1 PAR-A 1.80A PL-1112-67

TW-06

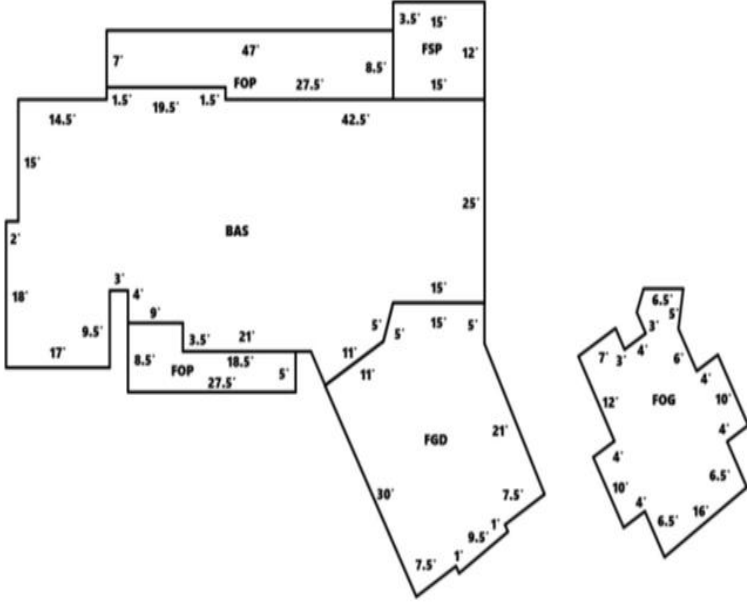
CI-00FR-16EX-

AT-

LAST ACTION 20200102

Appraised by 03 on 12/31/2019 604B OCEAN HARBOUR/SUNSET

CONSTRUCTION DETAIL		MARKET VALUE								DEPRECIATION			CORRELATION OF VALUE	
Foundation - 4 Con Ftg/Crawl	5.00	USE	MOD	Eff. Area	QUAL	BASE RATE	RCN	EYB	AYB	Standard	0.00000	CREDENCE TO MARKET		
Sub Floor System - 3 Slab Ab Grade	9.00	01	01	3,396	130	114.40	390482	2019	2019	% GOOD	100.0	DEPR. BUILDING VALUE - CARD 390,480		
Exterior Walls - 19 Hardy Plank	32.00	TYPE: SINGLE FAMILY RESIDENTIAL								SFR CONSTRUCTION			DEPR. OB/XF VALUE - CARD 5,320	
Roofing Structure - 03 Gable	7.00	STYLE: 2 - 1.5 Stories											MARKET LAND VALUE - CARD 550,000	
Roofing Cover - 06 Arch Shingle	5.00												TOTAL MARKET VALUE - CARD 945,800	
Interior Wall Construction - 5 Drywall/Sheetrock	28.00												TOTAL APPRAISED VALUE - CARD 945,800	
Interior Wall Construction - 6 Custom Interior	0.00												TOTAL APPRAISED VALUE - PARCEL 945,800	
Interior Floor Cover - 12 Hardwood	12.00												TOTAL PRESENT USE VALUE - PARCEL 0	
Heating Fuel - 04 Electric	1.00												TOTAL VALUE DEFERRED - PARCEL 0	
Heating Type - 09 Heat Pump Only	4.00												TOTAL TAXABLE VALUE - PARCEL \$ 945,800	
Air Conditioning Type - 03 Central	4.00													
Bedrooms/Bathrooms/Half-Bathrooms 4/4/0	17.000													
Bedrooms BAS - 3 FUS - 1 LL - 0														
Bathrooms BAS - 3 FUS - 1 LL - 0														
Half-Bathrooms BAS - 0 FUS - 0 LL - 0														
Office BAS - 0 FUS - 0 LL - 0	0													
TOTAL POINT VALUE	124.000													
BUILDING ADJUSTMENTS														
Market/Design	05	1.00	1.0000											
Quality	4	ABOVE AVERAGE	1.1000											
Size	Size	Size	0.9500											
TOTAL ADJUSTMENT FACTOR	1.050													
TOTAL QUALITY INDEX	130													




Click on image to enlarge

SUBAREA		CODE	DESCRIPTION	COUNT	LTH	WTH	UNITS	UNIT PRICE	ORIG % COND	BLDG#	AYB	EYB	ANN DEPR RATE	OVR	% COND	OB/XF DEPR. VALUE
TYPE	GS AREA															
BAS	2,335	100	267238													
FGD	768	050	43930													
FOG	530	085	51594													
FOP	539	030	18533													
FSP	180	035	7207													
FIREPLACE	7 - Prefab	1,980														
SUBAREA TOTALS	4,352		390,482													

TOTAL OB/XF VALUE 5,320																
--------------------------------	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

BUILDING DIMENSIONS BAS=W21N3.5W9N4W3S9.5W17N18E2N15E14.5N1.5E19.5S1.5E42.5S25W15SW@71.36-5SW@29.5-11NW@60.75-4.77Area:2335.63;FGD=NW@60.11-1SW@29.98-7.5NW@60-30NE@29.53-11NE@71.35-5E15S5SE@62-21SW@29.92-7.5SE@60.11-1SW@32.47-9.52Area:768.46;FOP=S8.5E27.5N5W18.5N3.5W9Area:169;FOP=W27.5N1.5W19.5N7E47S8.5Area:370.25;FOG=E6.5SW@80.88-5SE@60.02-6NE@29.96-4SE@60.08-10SW@29.92-4SE@ @60.11-6.5SW@32.47-16NW@60.11-6.5SW@29.98-4NW@60-10NE@29.53-4NW@60.49-12NE@29.53-7SE@60.44-3NE@29.51-4NW@60.44-3NE@68.71 1-3.11Area:530.52;FSP=N3.5E15S12W15N8.5Area:180;TotalArea:4353.87

LAND INFORMATION																				
HIGHEST AND BEST USE	USE CODE	LOCAL ZONING	FRON TAGE	DEPTH	DEPTH / SIZE	LND MOD	COND FACT	OTHER ADJUSTMENTS AND NOTES				ROAD TYPE	LAND UNIT PRICE	TOTAL LAND UNITS	UNT TYP	TOTAL ADJUST	ADJUSTED UNIT PRICE	LAND VALUE	OVERRIDE VALUE	LAND NOTES
SFR WATERW	0104	AF1	112	330	1.0000	0	1.1000	SIZE				PW	500,000.00	1.000	LT	1.100	550,000.00	550000	0	
TOTAL MARKET LAND DATA																				
TOTAL PRESENT USE DATA																				

		B4169 P0021	03-21-2019 12:34:46.000 PROP
Brunswick County, NC Register of Deeds		Brenda M. Clemmons page 1 of 3	
Brenda M. Clemmons 03-21-2019 12:34:46.000 NC REVENUE STAMP: \$880.00	Register of Deeds Brunswick County, NC (#623596)		

3 Turn to M. Lewis Type Buy
 Total 26 Rev 880 Int. Nil
 Ck \$ 906 Ck # 3087 Cash \$ _____
 Refund _____ Cash \$ _____ Finance _____
 Portions of document are illegible due to condition of original.
 Document contains seals verified by original instrument that cannot be reproduced or copied.

Revenue: \$880.00

Parcel ID: 25500026

This instrument prepared by **Cynthia D. Bridgers**, a licensed North Carolina attorney, Delinquent taxes, if any, to be paid by the closing attorney to the Brunswick County Tax Collector upon disbursement of closing proceeds.

WITHOUT OPINION ON TITLE BY PREPARER

The property herein conveyed is NOT the primary residence of Grantor

Brief Description for the Index: Lot 3A, Tract 1, Parcel A, PLAT Z/95

STATE OF NORTH CAROLINA

GENERAL WARRANTY DEED

COUNTY OF BRUNSWICK

THIS DEED made this 21 day of March, 2019 by and between **KAREN STANALAND SMALLS** and husband, **FRED SMALLS, II, GRANTOR**, whose permanent mailing address is 11070 22nd Place NE, Lake Stevens, Washington 98258 and, **CHARLES E. WALTERS, JR.** and wife, **CAROL D. WALTERS, GRANTEE**, whose permanent mailing address is P. O. Box 7838, Ocean Isle Beach, NC 28469.

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:

The Grantor, for a good and 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 the SHALLOTTE township, BRUNSWICK County, North Carolina and more particularly described as follows:

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BEING ALL of that parcel of land described as 1.80 acres as more particularly delineated on that certain survey prepared by Christopher D. Stanley, PLS entitled "Boundary Survey for Charles & Carol Walters", dated March 12, 2019 and duly recorded March 13, 2019 in Map Cabinet 112 at Page 67 of the Brunswick County Registry, which is hereby incorporated by reference for greater certainty of description.

This being a portion of the property conveyed to Karen Stanaland Smalls by deed in Book 4073 of the Brunswick County Registry in Book 4073 at Page 0318 and a portion of Tract E conveyed to Karen Stanaland Smalls and Douglas Wayne Stanaland by deed in Book 3352 at Page 1096, of the Brunswick County Registry.

Grantor FRED SMALLS, II joins in the execution of this deed solely to release and quitclaim his marital interest in the property and does not join in any of the warranties, covenants, or obligations contained herein.

NO OPINION ON TITLE HAS BEEN RENDERED BY THE PREPARER.

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.

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B4169 P0023 03-21-2019
12:34:46 PM
Brenda M. Clemmons PROP
Brunswick County, NC Register of Deeds page 3 of 3

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.

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

- 2019 Ad Valorem;
- all applicable governmental and land use regulations; and
- all applicable easements and rights of way of record.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

Karen Stanaland Smalls (SEAL)
KAREN STANALAND SMALLS

Fred Smalls II (SEAL)
FRED SMALLS, II

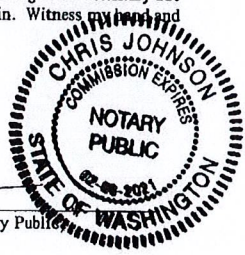
STATE: WASHINGTON

COUNTY: Snohomish

I, Chris Johnson, a Notary Public of the County and State aforesaid, do hereby certify that KAREN STANALAND SMALLS and husband, FRED SMALLS, II, either being personally known to me or proven by satisfactory evidence (said evidence being Washington Drivers License), personally appeared before me this day, and acknowledged the voluntary due execution of the foregoing instrument by he/she/them for the purposes stated therein. Witness my hand and Notarial stamp or seal, this 6 day of March, 2019.

My commission expires: 02/08/21

Chris Johnson
(Notary Public)



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DCM MP-1

APPLICATION for Major Development Permit

(last revised 12/27/06)



North Carolina DIVISION OF COASTAL MANAGEMENT

1. Primary Applicant/ Landowner Information					
Business Name			Project Name (if applicable)		
Applicant 1: First Name Charles		MI E.	Last Name Walters, Jr.		
Applicant 2: First Name		MI	Last Name		
<i>If additional applicants, please attach an additional page(s) with names listed.</i>					
Mailing Address			PO Box 7838	City Ocean Isle Beach	State NC
ZIP 28469	Country	Phone No. 910 - 443 - 1264 ext.		FAX No. 910 - 579 - 0172	
Street Address (if different from above) 419 Sunset Blvd. S.			City Sunset Beach	State NC	ZIP 28468-
Email eddie@sunsetproperties.travel					

2. Agent/Contractor Information					
Business Name N/A					
Agent/ Contractor 1: First Name		MI	Last Name		
Agent/ Contractor 2: First Name		MI	Last Name		
Mailing Address			PO Box	City	State
ZIP		Phone No. 1 - - ext.		Phone No. 2 - - ext.	
FAX No.		Contractor #			
Street Address (if different from above)			City	State	ZIP -
Email RECEIVED RECEIVED					

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3. Project Location			
County (can be multiple) Brunswick	Street Address 9269 Peakwood Drive		State Rd. #
Subdivision Name N/A	City Colebrook	State NC	Zip 28467 -
Phone No. 910 - 443 - 1264 ext.	Lot No.(s) (if many, attach additional page with list) 3A Tract 1 parcel A (survey attached),		
a. In which NC river basin is the project located? Lumber River	b. Name of body of water nearest to proposed project Atlantic Intracoastal Waterway		
c. Is the water body identified in (b) above, natural or manmade? <input checked="" type="checkbox"/> Natural <input type="checkbox"/> Manmade <input type="checkbox"/> Unknown	d. Name the closest major water body to the proposed project site. Atlantic Intracoastal Waterway		
e. Is proposed work within city limits or planning jurisdiction? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	f. If applicable, list the planning jurisdiction or city limit the proposed work falls within. Sunset Beach		

4. Site Description	
a. Total length of shoreline on the tract (ft.) 167	b. Size of entire tract (sq.ft.) approx. 36,848
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) 25 <input checked="" type="checkbox"/> NHW or <input type="checkbox"/> NWL
e. Vegetation on tract Mixed hardwoods, pine trees, native grasses and coastal wetlands.	
f. Man-made features and uses now on tract Single Family Residence	
g. Identify and describe the existing land uses adjacent to the proposed project site. single family residential	
h. How does local government zone the tract? agricultural-forestry AF-1	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 checked="" type="checkbox"/> No <input 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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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? (Attach documentation, if available)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
n. Describe existing wastewater treatment facilities. onsite septic (bruswick county permit #2019073516)	
o. Describe existing drinking water supply source. Brunswick County Public Utilities	
p. Describe existing storm water management or treatment systems. NONE	

5. Activities and Impacts

a. Will the project be for commercial, public, or private use?	<input type="checkbox"/> Commercial <input type="checkbox"/> Public/Government <input checked="" type="checkbox"/> Private/Community
b. Give a brief description of purpose, use, and daily operations of the project when complete. private residential docking facility for recreational use.	
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. Standard marine construction methods using a barge mounted pile driver stored onsite.	
d. List all development activities you propose. construction of a private residential docking facility	
e. Are the proposed activities maintenance of an existing project, new work, or both?	new
f. What is the approximate total disturbed land area resulting from the proposed project?	0 <input checked="" type="checkbox"/> Sq.Ft or <input 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. NONE	
i. Will wastewater or stormwater be discharged into a wetland?	<input type="checkbox"/> Yes <input checked="" 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 type="checkbox"/> No <input checked="" type="checkbox"/> NA
j. Is there any mitigation proposed? If yes, attach a mitigation proposal.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA

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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 Rhonda Shell	Phone No. 678-576-1914
Address 1010 Lake Windward Overlook Alpharetta, GA 30005	
Name Locke & Mary Ann Newlin	Phone No. 910-579-4626
Address 9271 Peakwood Drive SW Calabash, NC 28467	
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.

- 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 10-29-2019 Print Name Charles Edwards Jr
 Signature [Handwritten 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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Form DCM MP-4

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 2
(iii) Length 440, 8
(iv) Width 6, 16
(v) Floating Yes No
- d. (i) Are Finger Piers included? Yes No
If yes:
(ii) Number _____
(iii) Length _____
(iv) Width _____
(v) Floating Yes No
- e. (i) Are Platforms included? Yes No
If yes:
(ii) Number 1
(iii) Length 12
(iv) Width 24
(v) Floating Yes No
Note: Roofed areas are calculated from dripline dimensions.
- f. (i) Are Boatlifts included? Yes No
If yes:
(ii) Number 1
(iii) Length 13
(iv) Width 13
- g. (i) Number of slips proposed
3
(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: 3
 Dry storage; number of boats: _____
 Boat ramp(s); number of boat ramps: _____
 Other, please describe:

- 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).
open runabout
- k. Typical boat length. 24
- m. (i) Will the facility have tie pilings?
 Yes No
(ii) If yes number of tie pilings?

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

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Form DCM MP-4 (Structures, Page 2 of 4)

- m. (i) Will the facility have tie pilings?
 Yes No
- (ii) If yes number of tie pilings?

Yes No

2. DOCKING FACILITY/MARINA OPERATIONS	<input checked="" type="checkbox"/> 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: _____; Location: _____
 - Showers
 - Boatholding tank pumpout; Give type and location: _____
- b. Describe treatment type and disposal location for all sanitary wastewater.

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

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

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

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

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

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

- h. Give the number of channel markers and "No Wake" signs proposed. _____
- i. Give the location of fuel-handling facilities, and describe the safety measures planned to protect area water quality.

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

- k. Describe design measures that promote boat basin flushing?

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Form DCM MP-4 (Structures, Page 3 of 4)

l. If this project is an expansion of an existing marina, what types of services are currently provided?

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 _____ SAV _____ SB _____
 WL _____ 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 1

(iii) Length 26

(iv) Width 15

Note: Roofed areas are calculated from dripline dimensions.

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 _____

b. Average distance from NHW, NWL, or wetlands _____

c. Maximum distance beyond NHW, NWL or wetlands _____

6. MOORING PILINGS and BUOYS

This section not applicable

a. Is the structure(s):

Commercial Public/Government Private/Community

b. Number _____

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.)

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NOV 13 0'9

DCM-MHD CITY

DCM WILMINGTON, NC

Form DCM MP-4 (Structures, Page 4 of 4)

e. Arc of the swing _____

7. GENERAL

a. Proximity of structure(s) to adjacent riparian property lines
approx. 23' to the west and approx. 25' to the east

b. Proximity of structure(s) to adjacent docking facilities.
approx. 65' to the west and approx. 170' to the east

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

c. Width of water body
600'

d. Water depth at waterward end of structure at NLW or NWL
-4.0' at MLW

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

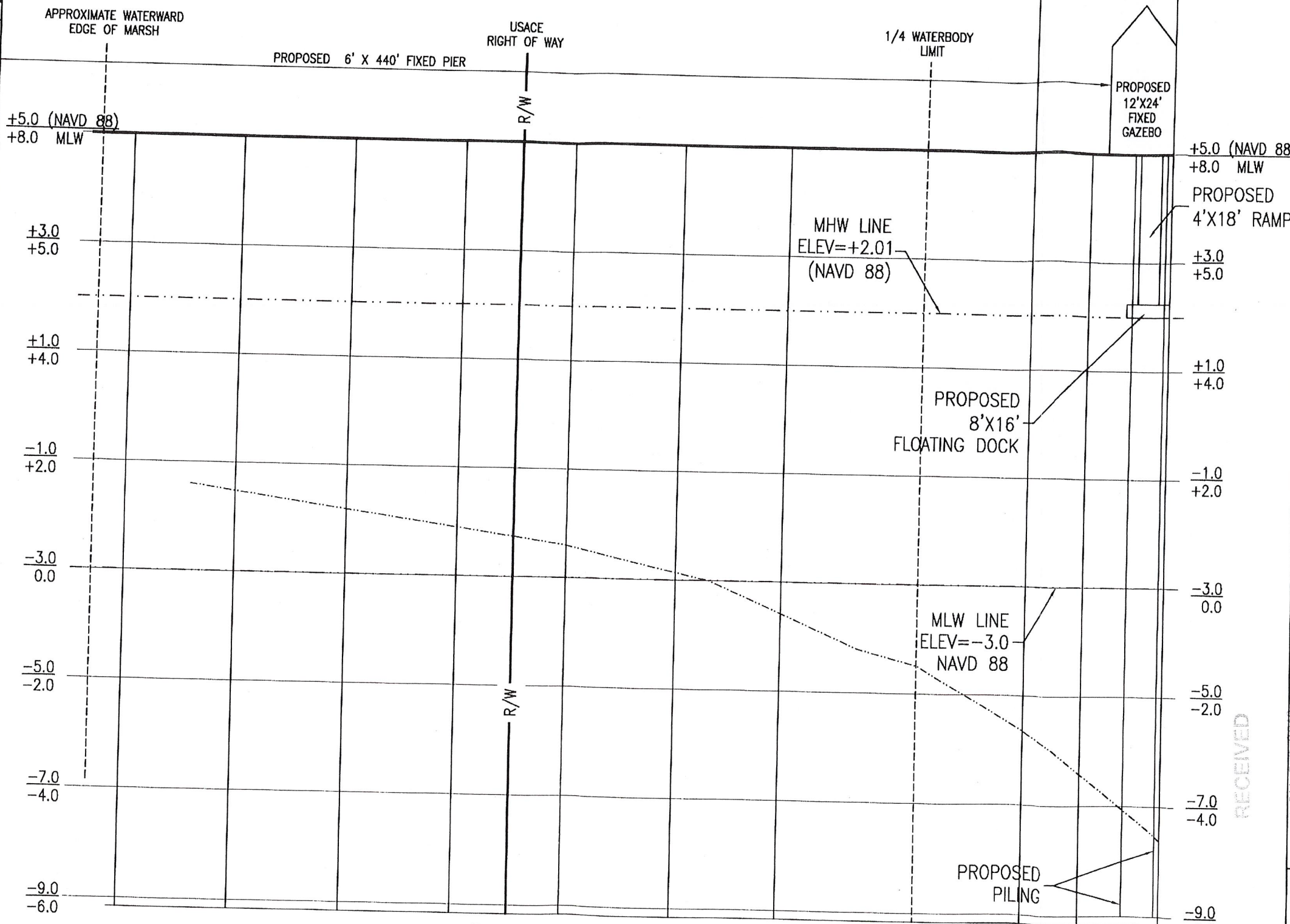
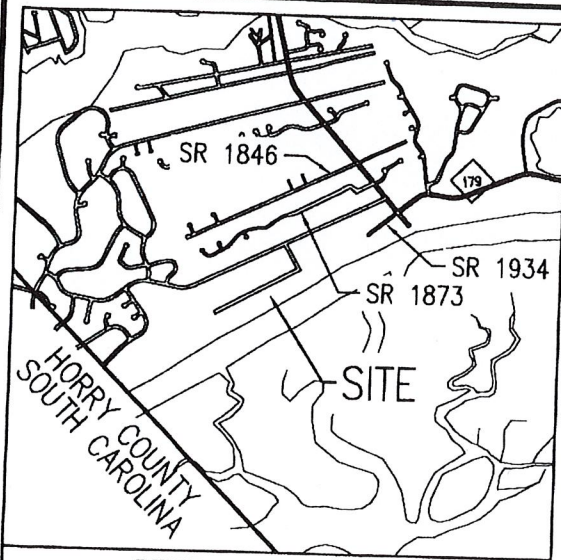
a. Give complete description:

The applicant is proposing to construct a private 3-slip residential docking facility. As proposed the docking facility would consist of a 6' wide by 440' long fixed pier with 12' x 24' T-head platform connected by a 4' x 18' ramp to a 8' x 16' floating dock. A 15' x 26' covered boatlift is also proposed.

11-11-19
Date
Waters Family Dock
Project Name
Charles E. Waters Jr
Applicant Name
[Signature]
Applicant Signature

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PROFILE

SCALE: 1" = 20' (HORIZONTAL)
SCALE: 1" = 2' (VERTICAL)

GB

LEGEND

LABEL	SYM.	DESCRIPTION
IPF/IRF	●	IRON PIPE /ROD FOUND
IRS	○	1/2" REBAR SET
GS	×23.5	SPOT ELEVATION (NAVD 88)
AEC		AREA OF ENVIRONMENTAL CONCERN
R/W		RIGHT OF WAY
SQ.FT.		SQUARE FEET

LEGEND:
-3.1 = N.A.V.D. ELEVATION
-0.1 = DEPTH AT M.L.W.

REVISION 10/02/2019: REVISED PROPOSED PIER LOCATION AND PROFILE AS PER CLIENTS REQUEST.
REVISION 11/12/2019: REVISED PER DIVISION OF COASTAL MANAGEMENT COMMENTS.

NC GRID NORTH
NAD 83-2011



CAMA SURVEY FOR:

CHARLES & CAROL WALTERS
BEING ALL OF LOT 3A, TRACT 1, PARCEL A,
AS RECORDED IN DEED BOOK 4073, PAGE 95
TOWN OF CALABASH, NORTH CAROLINA

DCM-WHD CITY
East Coast Engineering & Surveying, P.C.
ENGINEERS • PLANNERS • SURVEYORS
4918 Main Street
Post Office Box 2469
Shalotte, North Carolina 28459
Phone: 910.754.8029
Fax: 910.754.8049
Firm License Number C-3014

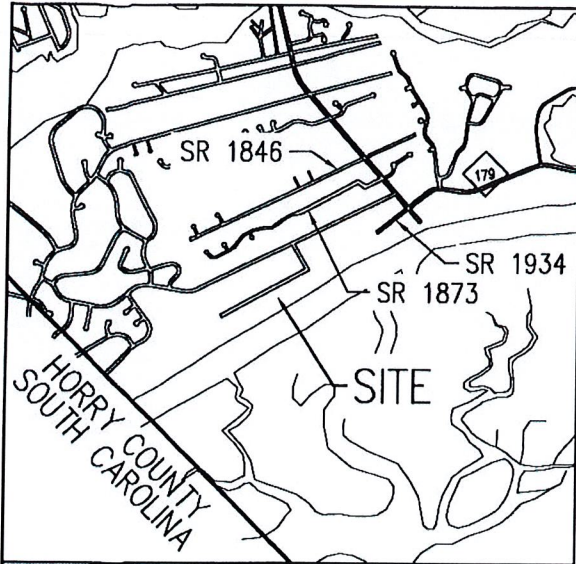
PROJECT#: 19-2113
DATE: 08-23-2019
TOWNSHIP: SHALLOTTE
COUNTY: BRUNSWICK
STATE: NC
SCALE: DL, IS
CREW: FILE
FB/PG: 25500026
TAX PID: CS/DML
DRAWN BY

ECES PROJECT NO. 19-2113
SHEET 2 OF 2

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NOV 1 2019

DCM WILMINGTON



VICINITY MAP
NO SCALE

NOTES:

- ADJOINING DEED REFERENCES BASED ON CURRENT INFORMATION FOUND IN THE BRUNSWICK COUNTY TAX OFFICE.
- THIS PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS, COVENANTS, RESTRICTIONS, RIGHT-OF-WAYS OF RECORD, GOVERNMENTAL ORDINANCES AND/OR REQUIREMENTS WHICH MAY LIMIT THE USE OF THIS PROPERTY.
- THIS SURVEY DOES NOT CERTIFY LEGAL TITLE TO THE LAND ITSELF OR TO THE BOUNDARIES SHOWN. USERS OF THIS PLAT SHOULD OBTAIN AN ACCURATE LEGAL OPINION AS TO OWNERSHIP WITHIN THE BOUNDARIES OF THIS PLAT.
- DOCKS, PIERS AND T-HEADS MUST BE ELEVATED AT LEAST THREE FEET OVER THE COASTAL WATER SUBSTRATE AS MEASURED FROM THE BOTTOM OF DECKING.
- ACCORDING TO CURRENT FEMA FLOOD MAP #3720103400K AND #3720109500J, THIS PARCEL APPEARS TO BE LOCATED IN THE FOLLOWING ZONES: SEE MAP
- AREA BY COORDINATE METHOD AND IS APPROXIMATE.
- TAX PARCEL NUMBER: 25500026
- ELEVATIONS ARE BASED ON NAVD 88 AND WERE OBTAINED FROM NC REAL TIME NETWORK.
- THIS SURVEY IS FOR THE PURPOSE OF OBTAINING A C.A.M.A. PERMIT IN ORDER TO CONSTRUCT A DOCK. IT IS NOT TO BE USED FOR BOUNDARY LINE DETERMINATION
- BEARING ARE BASED ON NC GRID NAD 83/2011, ALL HORIZONTAL DISTANCES ARE GROUND DISTANCES.
- TOTAL LENGTH OF SHORELINE AT MEAN HIGH WATER = 167'
- PROPERTY ADDRESS: 9269 PEAKWOOD DRVE, SW, CALABASH, NC 28467

DOCK COMPONENTS

- A= PROPOSED 15' X 26' COVERED BOAT LIFT (390 SF)
- B= PROPOSED 12' X 24' STATIONARY DOCK (T-HEAD)
(12' X 12' COVERED=144 SF)
(12' X 12' OPEN)
- C= PROPOSED 4' X 18' RAMP
- D= PROPOSED 8' X 16' FLOATING DOCK

SCALE: 1" = 50'



REVISION 10/02/2019: REVISED PROPOSED PIER LOCATION AND PROFILE AS PER CLIENTS REQUEST.
REVISION 11/12/2019: REVISED PER DIVISION OF COASTAL MANagements COMMENTS.



NC GRID NORTH
NAD 83-2011

051
MEAN HIGH WATER LINE AS DETERMINED
BY NOAA TIDAL BENCHMARK
ELEVATION 2.01' MSL (NAVD 1988)

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S56° 28' 52"W	40.27
L2	S57° 02' 54"W	48.87
L3	S12° 29' 03"E	28.13
L4	S43° 23' 16"W	12.82
L5	N42° 28' 09"W	12.95
L6	N44° 53' 25"W	7.05

LEGEND		
LABEL	SYM.	DESCRIPTION
IPF/IRF	●	IRON PIPE /ROD FOUND
IRS	○	1/2" REBAR SET
GS	×23.5	SPOT ELEVATION (NAVD 88)
AEC		AREA OF ENVIRONMENTAL CONCERN
R/W		RIGHT OF WAY
SQ.FT.		SQUARE FEET

LEGEND:
-3.1 = N.A.V.D. ELEVATION
-0.1 = DEPTH AT M.L.W.

CAMA SURVEY FOR:

East Coast Engineering & Surveying, P.C.

ENGINEERS • PLANNERS • SURVEYORS

4918 Main Street
Post Office Box 2469
Shalotte, North Carolina 28459
Phone: 910.754.8029
Fax: 910.754.8049
Firm License Number C-3014

CHARLES & CAROL WALTERS

BEING ALL OF LOT 3A, TRACT 1, PARCEL A,
AS RECORDED IN DEED BOOK 4073, PAGE 95
TOWN OF CALABASH, NORTH CAROLINA

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80' SETBACK FROM EDGE OF DREDGED CHANNEL
PER US ARMY CORP CORRIDOR INFORMATION

ATLANTIC INTRACOASTAL
WATERWAY

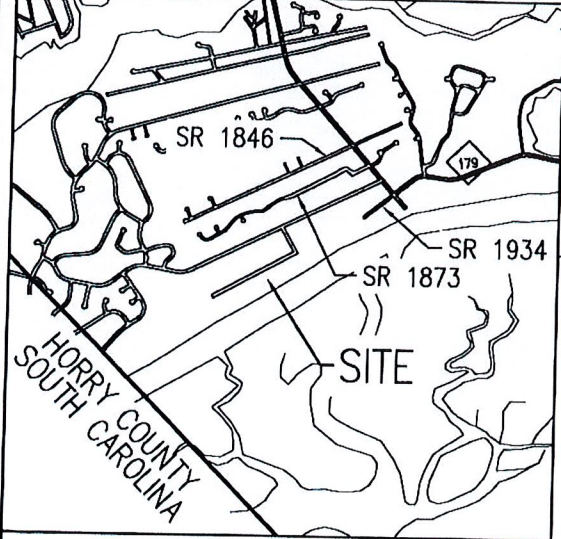
TOE OF SLOPE OF ANWW DREDGE CHANNEL

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DCM-MHD CITY

PROJECT#: 19-2113
DATE: 08-23-2019
TOWNSHIP: SHALLOTTE
COUNTY: BRUNSWICK
STATE: NC
SCALE: 1"=50'
CREW: DL, IS
FB/PG: FILE
TAX PID: 25500026
DRAWN BY: CS/DML

ECES PROJECT NO. 19-2113
SHEET 1 OF 2



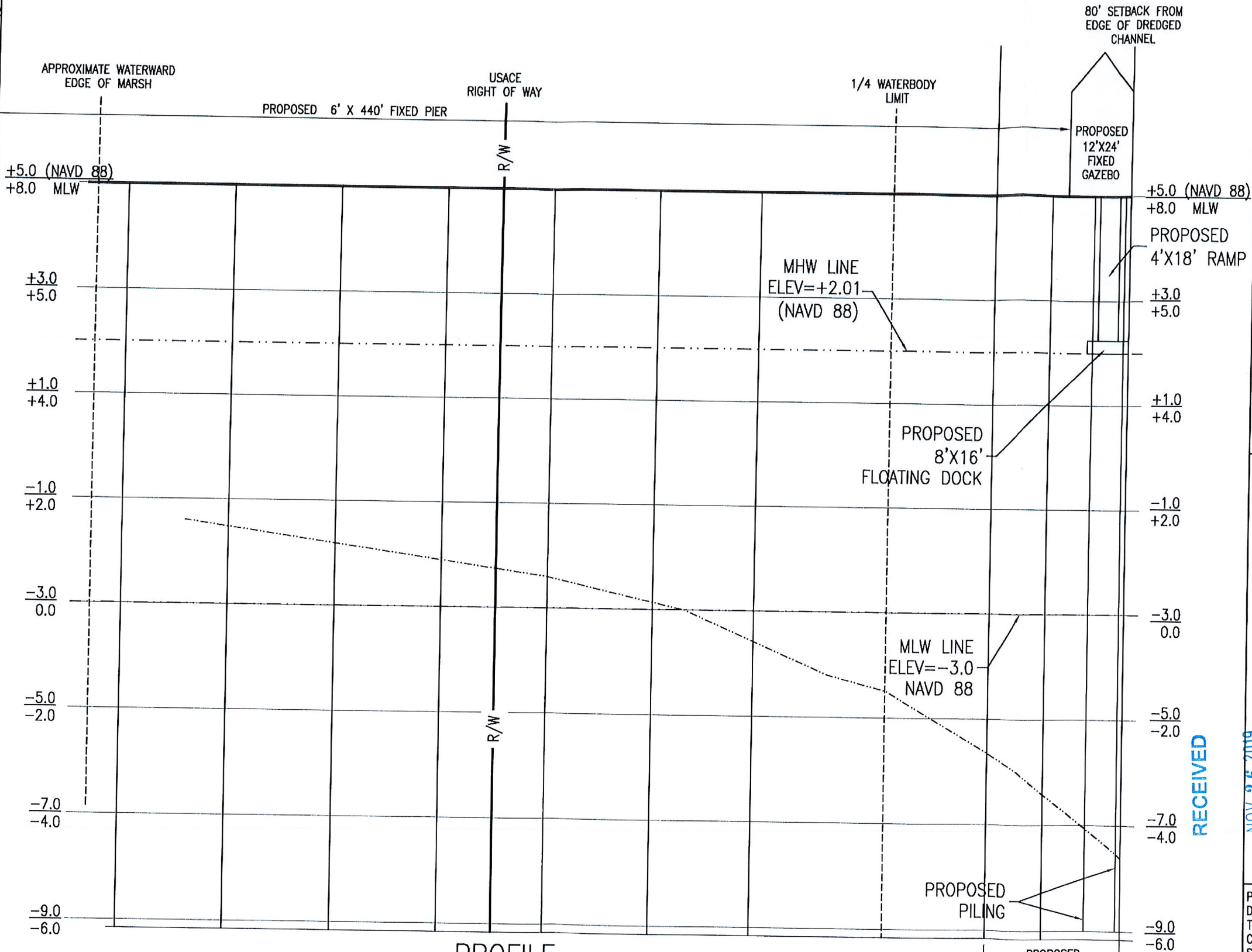
NC GRID NORTH
NAD 83-2011



LEGEND		
LABEL	SYM.	DESCRIPTION
IPF/IRF	●	IRON PIPE /ROD FOUND
IRS	○	1/2" REBAR SET
GS	x23.5	SPOT ELEVATION (NAVD 88)
AEC		AREA OF ENVIRONMENTAL CONCERN
R/W		RIGHT OF WAY
SQ.FT.		SQUARE FEET

LEGEND:
-3.1 = N.A.V.D. ELEVATION
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REVISION 10/02/2019: REVISED PROPOSED PIER LOCATION AND PROFILE AS PER CLIENTS REQUEST.
REVISION 11/12/2019: REVISED PER DIVISION OF COASTAL MANAGEMENT COMMENTS.



PROFILE

SCALE: 1" = 20' (HORIZONTAL)
SCALE: 1" = 2' (VERTICAL)

CAMA SURVEY FOR:

CHARLES & CAROL WALTERS
BEING ALL OF LOT 3A, TRACT 1, PARCEL A,
AS RECORDED IN DEED BOOK 4073, PAGE 95
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ECES PROJECT NO. 19-2113
SHEET 2 OF 2

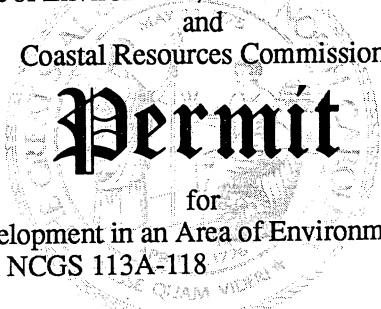
DCM WILMINGTON

Permit Class

NEW

135-97

STATE OF NORTH CAROLINA
Department of Environment, Health & Natural Resources
and
Coastal Resources Commission



Major Development in an Area of Environmental Concern
pursuant to NCGS 113A-118

Excavation and/or filling pursuant to NCGS 113-229

Issued to Locke M. Newlin, 5205 Huntscroft Court, Winston-Salem, NC 27106

authorizing development in Brunswick County at AIWW, at 9271 Peakwood Dr., near Sunset Beach
, as requested in the permittee's application dated 8/5/97 including attached workplan
drawing dated 12/4/96.

This permit, issued on 10-23-97, 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 a fine, imprisonment or civil action; or may cause the permit to be null and void.

Docking Facility

- 1) The proposed pier must be elevated a minimum of 48 inches above the substrate when crossing any area of coastal marsh.
- 2) No sewage, whether treated or untreated, shall be discharged at any time from any boats using the docking facility. Any sewage discharge at the docking 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 structure.

(See attached sheet for Additional Conditions)

This permit action may be appealed by the permittee or other qualified persons within twenty (20) days of the issuing date. An appeal requires resolution prior to work initiation or continuance, as the case may be.


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

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

All work must cease when the permit expires on
December 31, 2000

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 DEHNR and the Chairman of the Coastal Resources Commission.



Roger N. Schecter, Director
Division of Coastal Management

This permit and its conditions are hereby accepted.

Signature of Permittee

ADDITIONAL CONDITIONS

- 3) This permit authorizes only the docks, piers, 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, may become a permanent part of this docking facility without permit modification. No non-water dependent uses of structures may be conducted on, in or over public trust waters without permit modification.
- 4) No attempt will be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the authorized work.
- 5) The authorized structure and associated activity must not cause an unacceptable interference with navigation.
- 6) The permittee must 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 should be attached to the structure in order to make it more visible during hours of darkness or inclement weather.
- 7) This permit does not authorize the interference with any existing or proposed Federal project, and the permittee will not be entitled to compensation for damage to the authorized structure or work, or injury which may be caused from existing or future operations undertaken by the United States in the public interest.
- 8) It is possible that the authorized structure may be damaged by wavewash from passing vessels. The issuance of this permit does not relieve the permittee from taking all proper steps to ensure the integrity of the permitted structure and the safety of moored boats. The permittee shall not hold the United States liable for any such damage.

General

- 9) This permit does not eliminate the need to obtain any additional permits, approvals or authorizations that may be required.

NOTE: Future development of the permittee's property, including but not limited to the construction of a single family residence, may require a modification of this permit. Contact a representative of the Division at (910) 395-3900 prior to the commencement of any such activity for this determination.

APPLICATION

(To be completed by all applicants)

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1. APPLICANT

a. Landowner:

Name Locke M. Newlin

Address 5205 Huntscroft Court

City Winston Salem State NC

Zip 27106 Day Phone 910-768-4602

Fax _____

b. Authorized Agent:

Name Thomas W. Morgan

Address 1027 Sabbath Home Road, SW

City Supply State NC

Zip 28462 Day Phone 910-842-9392

Fax 910-842-8019

c. Project name (if any) _____

NOTE: Permit will be issued in name of landowner(s), and/or project name.

2. LOCATION OF PROPOSED PROJECT

a. County Brunswick

b. City, town, community or landmark
Near Sunset Beach

c. Street address or secondary road number
9271 Peakwood Drive, SW

d. Is proposed work within city limits or planning jurisdiction? _____ Yes No

e. Name of body of water nearest project (e.g. river, creek, sound, bay) Atlantic Intracoastal Waterway

3. DESCRIPTION AND PLANNED USE OF PROPOSED PROJECT

a. List all development activities you propose (e.g. building a home, motel, marina, bulkhead, pier, and excavation and/or filling activities.

6' ←
lmn
Construction of pier with 12' x 16' stationary dock, 8' x 16' floating dock and 12' x 12' uncovered boat lift.

b. Is the proposed activity maintenance of an existing project, new work, or both? New work

c. Will the project be for public, private or commercial use? Private

d. Give a brief description of purpose, use, methods of construction and daily operations of proposed project. If more space is needed, please attach additional pages. The purpose of the pier, docks and boat lift is for private recreational access to the Atlantic Intracoastal Waterway.

Construction Method: Pump and pile driver.

4. LAND AND WATER CHARACTERISTICS

a. Size of entire tract 0.9 Acres

b. Size of individual lot(s) 120' x 320'

c. Approximate elevation of tract above MHW 19 Feet

d. Soil type(s) and texture(s) of tract Coarse sand

e. Vegetation on tract Mowed woods

f. Man-made features now on tract Residential house

g. What is the CAMA Land Use Plan land classification of the site? *(Consult the local land use plan.)*

- Conservation Transitional
- Developed Community
- Rural Other
- Agricultural

h. How is the tract zoned by local government? AF-1

i. Is the proposed project consistent with the applicable zoning? Yes No
(Attach zoning compliance certificate, if applicable)

j. Has a professional archaeological assessment been done for the tract? Yes No
If yes, by whom? _____

k. Is the project located in a National Registered Historic District or does it involve a National Register listed or eligible property?
 Yes No

l. Are there wetlands on the site? Yes No
Coastal (marsh) _____ Other _____
If yes, has a delineation been conducted? _____
(Attach documentation, if available)

m. Describe existing wastewater treatment facilities.
Septic tank

Describe location and type of discharges to waters of the state. (For example, surface runoff, sanitary wastewater, industrial/commercial effluent, "wash down" and residential discharges.)

Surface runoff

o. Describe existing drinking water supply source.
Public water system

5. ADDITIONAL INFORMATION

In addition to the completed application form, the following items must be submitted:

- A copy of the deed (with state application only) or other instrument under which the applicant claims title to the affected properties. If the applicant is not claiming to be the owner of said property, then forward a copy of the deed or other instrument under which the owner claims title, plus written permission from the owner to carry out the project.
- An accurate, dated work plat (including plan view and cross-sectional drawings) drawn to scale in black ink on an 8 1/2" by 11" white paper. (Refer to Coastal Resources Commission Rule 7J.0203 for a detailed description.)

Please note that original drawings are preferred and only high quality copies will be accepted. Blue-line prints or other larger plats are acceptable only if an adequate number of quality copies are provided by applicant. (Contact the U.S. Army Corps of Engineers regarding that agency's use of larger drawings.) A site or location map is a part of plat requirements and it must be sufficiently detailed to guide agency personnel unfamiliar with the area to the

site. Include highway or secondary road (SR) numbers, landmarks, and the like.

- A Stormwater Certification, if one is necessary.
- 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. Upon signing this form, the applicant further certifies that such notice has been provided.

Name Douglas W. Stanaland
 Address 224 Fairford Rd. Castle Hayne, NC
 Phone 28429

Name Harry I. Robison
 Address 1990 Ocean Ridge Circle, Vero Beach,
 Phone FL 32963

Name _____
 Address _____
 Phone _____

- A list of previous state or federal permits issued for work on the project tract. Include permit numbers, permittee, and issuing dates.

- A check for \$250 made payable to the Department of Environment, Health, and Natural Resources (DEHNR) to cover the costs of processing the application.
- A signed AEC hazard notice for projects in oceanfront and inlet areas.
- A statement of compliance with the N.C. Environmental Policy Act (N.C.G.S. 113A - 1 to 10) If the project involves the expenditure of public funds or use of public lands, attach a statement documenting compliance with the North Carolina Environmental Policy Act.

6. 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 conditions and restrictions contained in the permit.

I certify that to the best of my knowledge, the proposed activity complies with the State of North Carolina's approved Coastal Management Program and will be conducted in a manner consistent with such program.

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.

This is the 5th day of August, 1997.

Print Name Locke M Newlin / Mary Ann S Newlin

Signature Locke M Newlin / Mary Ann S Newlin
 Landowner or Authorized Agent

Please indicate 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
- DCM MP-6 Marina Development

NOTE: Please sign and date each attachment in the space provided at the bottom of each form.

STRUCTURES

(Construction within Public Trust Areas)

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DIVISION OF
COASTAL MANAGEMENT

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 which relate to this proposed project.

a. Dock(s) and/or Pier(s)

- (1) Commercial Community Private
- (2) Number 1
- (3) Length 497 feet
- (4) Width 64 feet *l.m.r.*
- (5) Finger Piers Yes No
 - (i) Number _____
 - (ii) Length _____
 - (iii) Width _____
- (6) Platform(s) Yes No
 - (i) Number 2
 - (ii) Length 16 Feet each
 - (iii) Width 8 feet & 12 feet
- (7) Number of slips proposed 1
- (8) Proximity of structure to adjacent riparian property lines 35 feet
- (9) Width of water body 500 feet
- (10) Water depth at waterward end of pier at MLW or NWL 4 feet

e. Mooring buoys N/A

- (1) Commercial Community Private
- (2) Number _____
- (3) Description of buoy
(Color, inscription, size, anchor, etc.)

- (4) Width of water body _____
- (5) Distance buoy(s) to be placed beyond shoreline _____

f. Mooring structure (boatlift, ~~mooring pilings, etc.~~)

- (1) Commercial Community Private
- (2) Number 1
- (3) Length 12 feet
- (4) Width 12 feet

g. Other (Give complete description)

12' x 16' Stationary Dock and
8' x 16' Floating Dock

b. Boathouse (including covered lifts) N/A

- (1) Commercial Private
- (2) Length _____
- (3) Width _____

c. Groin (e.g. wood, sheetpile, etc.) N/A

- (1) Number _____
- (2) Length(s) _____

d. Breakwater (e.g. wood, sheetpile, etc.) N/A

- (1) Length _____
- (2) Average distance from MHW, NWL or wetlands _____
- (3) Maximum distance beyond MHW, NWL or wetlands _____

Applicant or Project Name

Locke M Newlin / Mary Ann S Newlin

Signature

Locke M Newlin / Mary Ann S. Newlin

Date

8/5/97



CAMA / DREDGE & FILL
GENERAL PERMIT

EXHIBIT 6
 059

Nº 55890-D

New Modification Complete Reissue Partial Reissue

Previous permit # _____
 Date previous permit issued _____

As authorized by the State of North Carolina, Department of Environment and Natural Resources and the Coastal Resources Commission in an area of environmental concern pursuant to 15A NCAC _____

7H.1200

Applicant Name Chris Bryant
 Address 9263 PEAKWOOD DR.
 City CALABASH State NC ZIP 28467
 Phone # (336) 362-7068 Fax # ()

Project Location: County Brunswick
 Street Address/ State Road/ Lot #(s) SAME

Authorized Agent Custom Designs Marine Contracting, Inc.

Subdivision _____
 City _____ ZIP _____

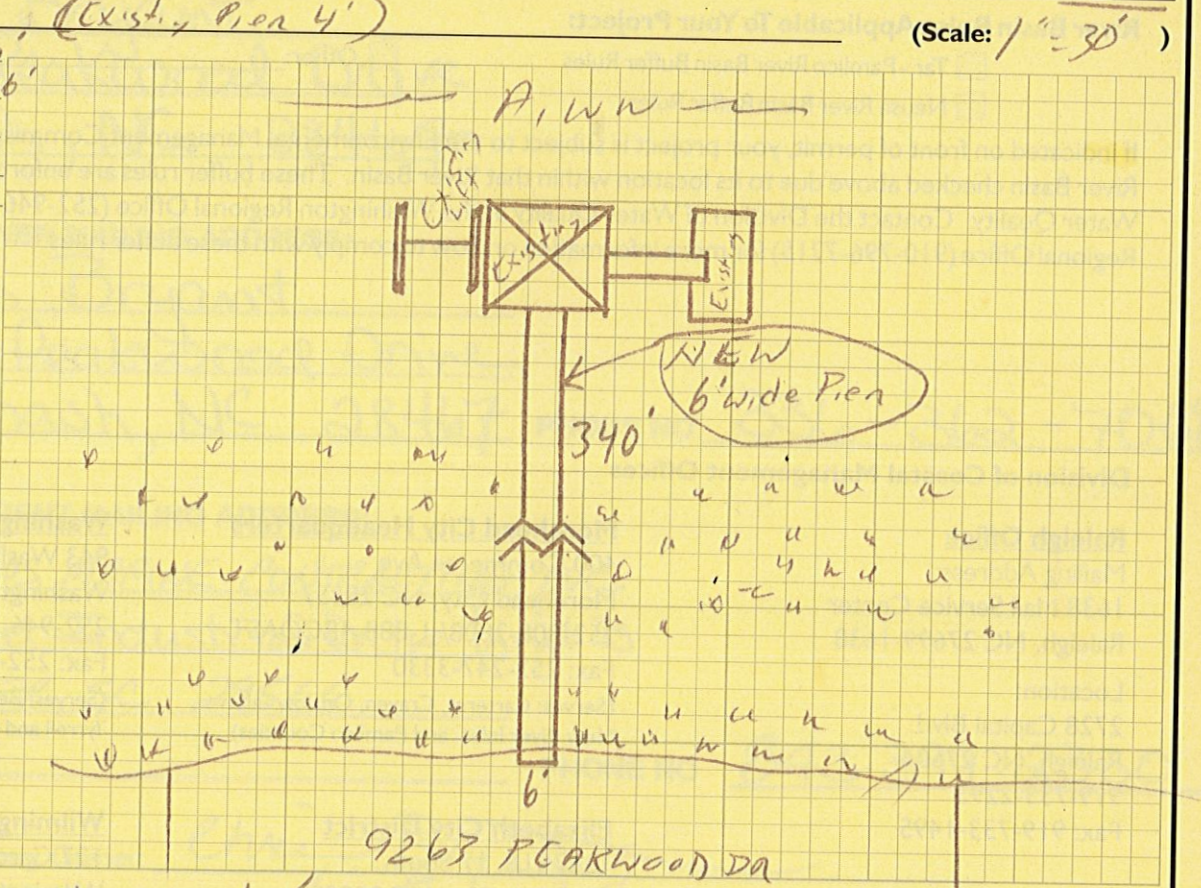
Affected CW EW PTA ES PTS
 AEC(s): OEA HHF IH UBA N/A
 PWS: _____ FC: _____

Phone # () _____ River Basin Lumber
 Adj. Wtr. Body AIWW (nat./man./unkn)
 Closest Maj. Wtr. Body AIWW

ORW: yes no PNA yes / no Crit.Hab. yes / no

Type of Project/ Activity Replace Existing Pier with new 6' wide Pier ONLY
 (Existing Pier 4')

Pier (dock) length 340' x 6'
 Platform(s) Existing 20' x 16'
 Finger pier(s) _____
 Groin length number _____
 Bulkhead/ Riprap length avg distance offshore _____ max distance offshore _____
 Basin, channel _____ cubic yards _____
 Boat ramp _____
 Boathouse/ Boatlift Existing
 Beach Bulldozing _____
 Other Existing FLCA @ 16' x 10'
 Shoreline Length 152'
 SAV: not sure yes no
 Sandbags: not sure yes no
 Moratorium: n/a yes no
 Photos: yes no
 Waiver Attached: yes no



A building permit may be required by: CALABASH/SUNSET BEACH See note on back regarding River Basin rules.

Notes/ Special Conditions ALL conditions of 7H.1200 as well as all other STATE, LOCAL + FEDERAL regulations shall apply.

MARY WILKINSON
 Agent or Applicant Printed Name

Debra A Wilson
 Permit Officer's Signature

Mary Wilkin
 Signature ** Please read compliance statement on back of permit **

10/5/10 Issuing Date 4/30/12 Expiration Date
 (Per Session LAW 2010-177)

\$200 Application Fee(s) H1219 Check #

CALABASH/SUNSET BEACH Local Planning Jurisdiction N100515A River File Name

**DIVISION OF COASTAL MANAGEMENT
FIELD INVESTIGATION REPORT**

1. **APPLICANT'S NAME:** Charles Walters Jr
PROJECT NAME: Walters' Family Docking Facility
2. **LOCATION OF PROJECT SITE:** 9269 Peakwood Dr. SW adjacent to the AIWW in Sunset Beach, Brunswick County

Coordinates: Latitude N 33°52'22.10" Longitude W 78°33'02.43"
3. **INVESTIGATION TYPE:** CAMA
4. **INVESTIGATIVE PROCEDURE:** Dates of Site Visit – 11-13-19
Was Applicant Present – No
5. **PROCESSING PROCEDURE:** Application Received – 6/26/19 Application Complete – 11-13-19
Office - Wilmington

6. **SITE DESCRIPTION:**

- (A) Local Land Use Plan - Town of Sunset Beach
Land Classification From LUP – Conservation Reserve
- (B) AEC(s) Involved: PT, CW
- (C) Water Dependent: Private Docking Facility – Yes
- (D) Intended Use: Residential
- (E) Water and Wastewater Treatment: Existing - None
Planned - N/A
- (F) Type of Structures: Existing - Single family residence
Planned - Three (3) slip docking facility
- (G) Estimated Annual Rate of Erosion: N/A

7. **HABITAT DESCRIPTION:**

	<u>DREDGED</u>	<u>[AREA] FILLED</u>	<u>OTHER</u>
(A) Uplands	N/A	N/A	N/A
(B) Vegetated Wetlands	N/A	N/A	N/A
(C) Open Water	N/A	N/A	806 sq. ft. (Incorporated)

- (D) Total Area Disturbed: 806 sq. ft. (.018 acres)
- (E) Primary Nursery Area: Yes
- (F) Water Classification: SA; HQW Open: No

8. **PROJECT SUMMARY:** The applicant proposes to install a private pier, covered platform, boathouse, and a floating dock for a total of 3 slips.

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DCM-MHD CITY

Walters' Family Docking Facility**November 21, 2019****Page 2****9. PROJECT DESCRIPTION**

The proposed project is located on the mainland side of the AIWW in Sunset Beach, Brunswick County. The property can be reached by traveling NC HWY 17 south towards Sunset Beach. Travel straight through the intersection of HWY 17 and NC 130 in Shallotte, and continue down HWY 17 until you reach Seaside Rd SW/ NC 904. Take a left onto Seaside Rd SW/ NC 904 and continue south until it intersects with NC 179/ Old Georgetown Rd SW. Take a right onto NC 179/ Old Georgetown Rd SW and continue for approximately 3.5 miles. Turn left onto Beach Dr./ NC 179 Business. Continue south for approximately 1.5 miles and then take a right onto Ocean Harbor Golf Club Rd. Take your first left onto Peakwood Dr. and continue until you reach 9269 Peakwood Dr. on the left-hand side.

The property consists of a single family residence located on a 1.8-acre high bluff parcel approximately 20-25' above normal high water (NHW) and is vegetated with typical coastal-plain tree species. The property has approximately 167' of shoreline frontage along the southern edge of the property and is stabilized with natural vegetation. 404-type wetlands extend upland approximately 5 feet above coastal wetlands. Coastal wetlands consisting primarily of Smooth Cord Grass (*Spartina alterniflora*) and patches of Black Needlerush (*Juncus romarianus* spp.) extend waterward approximately 275' beyond the 404-type wetlands. The width of the waterbody measures approximately 600' from marsh to marsh in the vicinity of the proposed pier.

The waters of the AIWW are classified SA by the Division of Water Quality and ARE designated as a Primary Nursery Area (PNA) by the N.C. Division of Marine Fisheries. They are **CLOSED** to the harvest of shellfish.

PROPOSED PROJECT

The applicant proposes to install a private pier, covered platform, boathouse, and a floating dock for a total of 3 slips.

The applicant proposes to build a 6' x 440' access pier (as measured from MHW) that would originate from an upland point and extend toward the southeast, terminating into a 12' x 24' half-covered fixed platform (approximately 194' beyond the outer edge of the marsh). A gangway connected to the fixed platform would give access to a 8' x 16' floating dock that would run parallel to the AIWW extending northward (Slip #2 & Slip #3). To the south of the 12' x 24' fixed platform would be a 15' x 26' boathouse with boat lift (Slip #1).

The property appears to have approximately 167 linear feet of shoreline and the facility's design appears to remain within the applicant's area of riparian access; no waivers would be required for the proposed project. Water depths in the vicinity of the proposed docking facility range from -2.6' at mean low water (MLW) to -5.6' MLW near the waterward end of the boathouse. The applicant's design extends beyond both the pier head line of adjacent docking facilities and the ¼ width limit and terminates at the edge of the USACOE 80' setback. The applicant proposes to extend beyond the pier head line and ¼ width to reach navigable water depths throughout the tidal range and to avoid bottom impacts to the Primary Nursery Area (PNA). Water depths measured at the pier head line range from -3' (-3.6") MLW to +.8' (+9.6") MLW. Water depths measured at the ¼ width limit range from -1.3' (-15.6") MLW to -1.5' (-18") MLW. As proposed, the docking facility would extend to 32% of the waterbody width.

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DCM-MHD CITY

Walters' Family Docking Facility
November 21, 2019
Page 3

10. ANTICIPATED IMPACTS

The proposed docking facility would result in the incorporation of approximately 806 square feet of Estuarine Waters and Public Trust Area. As proposed, the docking facility would be located with sufficiently deeper water at NLW than the required 18" - 24" at NLW in Primary Nursery Areas.

The proposed development would be located outside of the adjacent 15' riparian corridor setbacks on both sides and would be constructed outside of the federal channel setback. Turbidity associated with the piling installation would be kept to a minimum.

Submitted by: Brendan Brock Date: November 21, 2019 Office: Wilmington

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DCM-MHD CITY



ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

STEPHEN W. MURPHEY
Director

MEMORANDUM:

TO: Gregg Bodnar, DCM Assistant Major Permit Coordinator

FROM: Anne Deaton, NCDMF Habitat Assessment Manager

SUBJECT: Charles Walters Project

DATE: February 4, 2020

A North Carolina Division of Marine Fisheries (DMF) Fisheries Resource Specialist has reviewed the CAMA Major Permit application for proposed actions that impact fish and fish habitats. The applicant is proposing to construct a new private docking facility in the waters of the AIWW, Sunset Beach, Brunswick County. The waters in this area are classified as SA, high quality waters (HQW), designated as a primary nursery area (PNA) and closed to the harvest of shellfish. The proposed construction consists of an access pier, fixed platform, floating platform, and a covered boathouse with a boatlift inside. The proposed structure extends 32% into the waterway.

PNAs are estuarine waters where initial post-larval development occurs. Species within this area are early post-larval to juvenile and include finfish, crabs, and shrimp. Species inhabit PNAs because they afford food, protection, and proper environmental conditions during vulnerable periods of their life history, thus protection of these areas are imperative. Docking facilities have the potential to shoal after construction leading to decreased depths in slip areas and should be considered through the design process. Since this area is PNA, future requests to dredge will be opposed by the DMF Fisheries Resource Specialist.

It is the position of the DMF that all projects should be sited and configured to avoid negative impacts to fisheries resources and habitats. The current proposal to extend past the ¼ width and to the USACE setback line would aid in achieving sufficient water depths for the proposed floating structures and formalized slips, thus being the preferred location of the terminus. However, CRC rule language limits development to the ¼ width of the waterbody. If DCM rule language or other methods allow this project to move forward even though the proposed project is exceeding the ¼ width of the waterbody and extending beyond the pier headline of adjacent properties, **DMF would not object to the proposed project.** However, if the project is required to conform to the ¼ width or pier headline, DMF has determined based on the drawings that the applicant cannot achieve the necessary depths for floating structure in order to avoid bottom damages to soft bottom PNA habitat. Due to the insufficient depths, it is the recommendation of DMF that in the issuance of a permit where structure is terminating at the ¼ width, **only fixed platforms be authorized** or conditioned. Additionally, the drawings show that when restricted to the ¼ width, the depths are insufficient to avoid bottom impacts to PNA habitat from formalized slips. To avoid significant continuous bottom impacts to PNA habitat, it is the recommendation of the DMF that **all formalized slips identified in the application drawings be conditioned as boatlifts with physical stops at 18"**

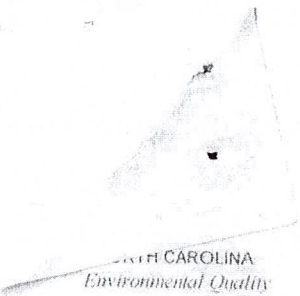
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Nothing Compares

State of North Carolina | Division of Marine Fisheries
3441 Arendell Street | P.O. Box 769 | Morehead City, North Carolina 28557
252-726-7021

FEB 5 2020

MP SECTION MHD



ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

BRAXTON DAVIS
Director, Division of Coastal Management

November 26, 2019

MEMORANDUM:

FROM: Gregg Bodnar, Assistant Major Permits Coordinator
NCDEQ - Division of Coastal Management
400 Commerce Avenue, Morehead City, NC 28557
Fax: 252-247-3330 (Courier 11-12-09)
gregg.bodnar@NCDENR.gov

SUBJECT: CAMA

Applicant: Charles Walters, Jr.

Project Location: 9269 Peakwood Dr. SW, adjacent to AIWW in Sunset Beach, Brunswick County

Proposed Project: Installation of new private docking facility with boathouse.

Please indicate below your agency's position or viewpoint on the proposed project and **return this form to Gregg Bodnar** at the address above by **December 19, 2019**. If you have any questions regarding the proposed project, contact Brendan Brock at (910) 796-7270 when appropriate, in-depth comments with supporting data is requested.

- REPLY:**
- This agency has no objection to the project as proposed.
Additional comments may be attached
 - 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.

PRINT NAME Curt Weychert

AGENCY NCDMF

SIGNATURE [Handwritten Signature]

DATE 1-2-20

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JAN 2 2020

MP SECTION MHD




ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

STEPHEN W. MURPHEY
Director

MEMORANDUM:

TO: Gregg Bodnar, DCM Assistant Major Permit Coordinator
 FROM: Curt Weychert, NCDMF Fisheries Resource Specialist 
 SUBJECT: Charles Walters Project
 DATE: January 2, 2020

A North Carolina Division of Marine Fisheries (DMF) Fisheries Resource Specialist has reviewed the CAMA Major Permit application for proposed actions that impact fish and fish habitats. The applicant is proposing to construct a new private docking facility in the waters of the AIWW, Sunset Beach, Brunswick County. The waters in this area are classified as SA, high quality waters (HQW), designated as a primary nursery area (PNA) and closed to the harvest of shellfish. The proposed construction consists of an access pier, fixed platform, floating platform, and a covered boathouse with a boatlift inside. The proposed structure extends 32% into the waterway.



PNAs are estuarine waters where initial post-larval development occurs. Species within this area are early post-larval to juvenile and include finfish, crabs, and shrimp. Species inhabit PNAs because they afford food, protection, and proper environmental conditions during vulnerable periods of their life history, thus protection of these areas are imperative. Docking facilities have the potential to shoal after construction leading to decreased depths in slip areas and should be considered through the design process. Since this area is PNA, future requests to dredge will be opposed by the DMF Fisheries Resource Specialist.

If DCM rule language or other methods allow this project to move forward even though the proposed project is exceeding the $\frac{1}{4}$ width of the waterbody and extending beyond the pier headline of adjacent properties, DMF would not object to the proposed project. However, if the project is required to conform to the $\frac{1}{4}$ width or pier headline, DMF would require that all floating structures over PA be sited in at least -24" NLW. DMF would also require that any boatlifts proposed over PNA be sited in waters deeper than -18" NLW and conditioned with stops at 18" as to remove the potential for bottom disturbance.

Contact Curt Weychert at (252) 808-8050 or Curt.Weychert@ncdenr.gov with further questions or concerns.

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JAN 2 2020

 Nothing Compares 

State of North Carolina | Division of Marine Fisheries
 3441 Arendell Street | P.O. Box 769 | Morehead City, North Carolina 28557
 252-726-7021

MP SECTION MHD

CERTIFIED MAIL- RETURN RECEIPT REQUESTED

October 27, 2019

Rhonda Shell
1010 Lake Windward Overlook
Alpharetta, GA 30005

To Whom It May Concern,

Charles E. Walters, Jr. is applying for a CAMA Major permit to construct a private residential docking facility located at 9269 Peakwood Drive SW adjacent to the Atlantic Intracoastal Waterway, in Calabash, Brunswick County. The specifics of the proposed work are in the attached application forms and drawings.

As the adjacent riparian property owner to the afore mentioned project, I am required to notify you of the development on order to give you the opportunity to comment on the project. Please review the attached permit application and drawings. If you choose you may sign the attached form and return in the pre-paid envelope enclosed.

Should you have any objections to this proposal, please send your written comments to the District Manager, at 127 Cardinal Drive Extension, Wilmington, NC, 28405, within 30 days of the receipt of this notice. Such comments will be considered by the Department in reaching a final decision on the application. No comment within 30 days of your receipt of this notice will be considered as no objection. Please note we are required by the Rules of the Division of Coastal Management to provide signature as acceptance of receipt of this letter. It would be appreciated if you could return any comments and your signature on the self-addressed stamped envelope provided. If you have any questions on this project, please call me at 910-443-1264

Sincerely,


Charles (Eddie) Walters, Jr.

Enclosures

7017 0190 0000 9526 9215

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For delivery information, visit our website at www.usps.com ®.	
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<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.70
Total Postage and Fees	\$7.00
Rhonda Shell	
1010 Lake Windward Overlook	
Alpharetta, GA 30005	
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Product Tracking & Reporting



Home Search Reports Manual Entry Rates/Commitments PTR/EDW USPS Corporate Accounts

November 05, 2019

USPS Tracking Intranet Delivery Signature and Address

Tracking Number: 7017 0190 0000 9526 9215

This item was delivered on 11/04/2019 at 14:24:00

[< Return to Tracking Number View](#)

Signature	Signature	<i>Gulla White</i>
	Printed Name	RHONDA STELL
Address	Delivery Address	100 LAKE WIND OVER

Enter up to 35 items separated by commas.

Select Search Type

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Product Tracking & Reporting



Home Search Reports Manual Entry Rates/Commitments PTR/EDW USPS Corporate Accounts

November 05, 2019

USPS Tracking Intranet

Delivery Signature and Address

Tracking Number: 7017 0190 0000 9526 8225

This item was delivered on 08/29/2019 at 14:08:00

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Signature	Signature X	<i>Warrin Shelle</i>
	Printed Name	
Address	Delivery Address	1010 LAKE W. OVERLOOK

Enter up to 35 items separated by commas

Select Search Type: Quick Search

Submit

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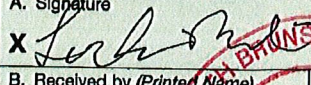

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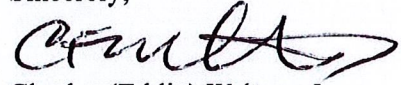
DCM WILMINGTON, NC

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY												
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature </p> <p>B. Received by (Printed Name) C. Date of Delivery</p>												
<p>1. Article Addressed to:</p> <p>Locke and Mary Ann Newlin 9271 Peakwood Drive SW Calabash, NC 28467</p>	<p>Do the delivery address differ from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Delivery address below:</p> <p>NOV 06 2019</p> <p>DCM WILMINGTON, NC</p>												
 9590 9402 4435 8248 4301 68	<p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> </table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
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<p>2. Article Number (Transfer from service label)</p> <p>7017 0190 0000 9526 9222</p>	<p>PS Form 3811, July 2015 PSN 7530-02-000-9053</p>												

you of the development in order to give you the opportunity to review the attached permit application and drawings. If you choose you may sign the attached form and return in the pre-paid envelope enclosed.

Should you have any objections to this proposal, please send your written comments to the District Manager, at 127 Cardinal Drive Extension, Wilmington, NC, 28405, within 30 days of the receipt of this notice. Such comments will be considered by the Department in reaching a final decision on the application. No comment within 30 days of your receipt of this notice will be considered as no objection. Please note we are required by the Rules of the Division of Coastal Management to provide signature as acceptance of receipt of this letter. It would be appreciated if you could return any comments and your signature on the self-addressed stamped envelope provided. If you have any questions on this project, please call me at 910-443-1264.

Sincerely,



Charles (Eddie) Walters, Jr.

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 project. Please

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DCM WILMINGTON, NC

Enclosures

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Postage \$0.70 Total Postage and Fees \$7.00	0400 20 Postmark Here 10/31/2019
Locke and Mary Ann Newlin 9271 Peakwood Drive SW Calabash, NC 28467	

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NOV 26 2019

DCM-MHD CITY



NORTH CAROLINA
Environmental Quality



ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

BRAXTON C. DAVIS
Director

March 16, 2020

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Charles E. Walters Jr.
PO Box 7838
Ocean Isle Beach, NC 28469

Dear Mr. Walters Jr.:

This letter is in response to your application for a Major Permit under the Coastal Area Management Act (CAMA), in which authorization was requested to construct a three slip docking facility along the Atlantic Intracoastal Waterway (AIWW) at 9269 Peakwood Dr. SW, near the Town of Sunset Beach, in Brunswick County. Processing of the application, which was received as complete by the N.C. Division of Coastal Management's Wilmington Office on November 13, 2019, and which was extended on January 24, 2020, is now complete. Based on the state's review, the Division of Coastal Management has made the following findings:

- 1) The subject property is located at 9269 Peakwood Dr. SW, Sunset Beach, in Brunswick County.
- 2) The proposed project would involve development within Public Trust and Coastal Wetland Areas of Environmental Concern (AEC).
- 3) The proposed project is located along the AIWW and adjacent to the U.S. Army Corps of Engineers (USACE) AIWW 80ft setback. The surrounding waters are classified as SA, HQW and are closed to shellfish harvest.
- 4) The waters in this location are designated as Primary Nursery Area (PNA) by the N.C. Division of Marine Fisheries' Marine Fisheries Commission (MFC). 15A NCAC 07H. 0208(a)(4) of the Rules of the Coastal Resources Commission further define PNA's as *"Primary nursery areas are those areas in the estuarine and ocean system where initial post larval development of finfish and crustaceans takes place. They are usually located in the uppermost sections of a system where populations are uniformly early juvenile stages. They are designated and described by the N.C. Marine Fisheries Commission (MFC) and by the N.C. Wildlife Resources Commission (WRC);"*



March 16, 2020

Page 2

- 5) The proposed project involves application under the Coastal Area Management Act requesting authorization to construct a three slip docking facility along the AIWW. The proposal consisted of a 400ft x 6ft pier and 12ft x 24ft partially covered platform, and 8ft x 16ft shore parallel floating dock, and a shore perpendicular 15ft x 26ft boathouse.
- 6) Depths at the $\frac{1}{4}$ width were noted in the application at approximately -0.5ft to -1.5ft at mean low water. Depths located at the 80ft USACE setback were noted in the application at -2.6ft to -5.6ft at mean low water.
- 7) The proposed project would involve the incorporation of 806 square feet of open water.
- 8) During the course of the joint State and Federal review, the Division of Marine Fisheries' (DMF) noted that as proposed, DMF does not object to the project. N.C. Division of Water Resources approved the project as proposed under General Certification 4175. The Division of Coastal Management field staff recommended denial of the permit based upon the inconsistency with rules of the Coastal Resources Commission regarding exceeding the $\frac{1}{4}$ width and established pier or docking facility length along the same shoreline for similar use.
- 9) Based upon the above referenced findings, the Division of Coastal Management has determined that the proposed project to construct a three slip docking facility along the AIWW is inconsistent with the following rules of the Coastal Resources Commission:
 - a) 15A NCAC 07H .0208 (G)(i) (Specific Use Standards), which states in part that a pier and docking facility length shall be limited by, "*not extending beyond the established pier or docking facility length along the same shoreline for similar use*".
 - b) 15A NCAC 07H .0208 (G)(iii) (Specific Use Standards), which states in part that a pier and docking facility length shall be limited by, "*not extending more than one-fourth the width of a natural water body.*"

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



March 16, 2020
Page 3

for Areas of Environmental Concern or local land use plans, and N.C.G.S. 113-229, which requires that a permit be denied for cases where a proposed development will lead to a significant adverse impact to fisheries resources.

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.

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: <https://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 Mr. Gregg Bodnar at (252) 808-2808 extension 215.

Sincerely,



Braxton C. Davis

cc: Col. Robert J. Clark - U.S. Army Corps of Engineers, Wilmington, NC
Greg Curry – U.S. Army Corps of Engineers, Wilmington, NC
Linda Culpepper – Director, NC Division of Water Resources, Raleigh, NC
Sheri Montalvo – NC Division of Water Resources, Raleigh, NC
Robb Mairs – NC Division of Water Resources, Wilmington, NC
Dan Sams - DEMLR, Wilmington, NC





Variance Request for: **Mr. Charles Walters Jr.**

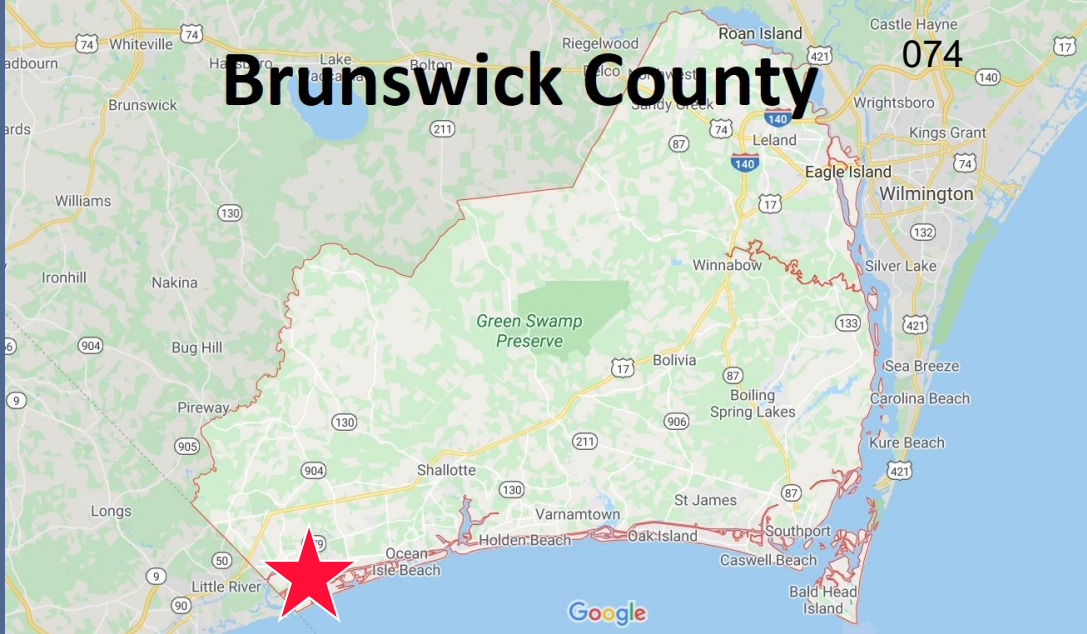
Project Location:
9269 Peakwood Drive SW
Calabash, NC 28467
Brunswick County, NC
June 10-11, 2020



Brunswick County

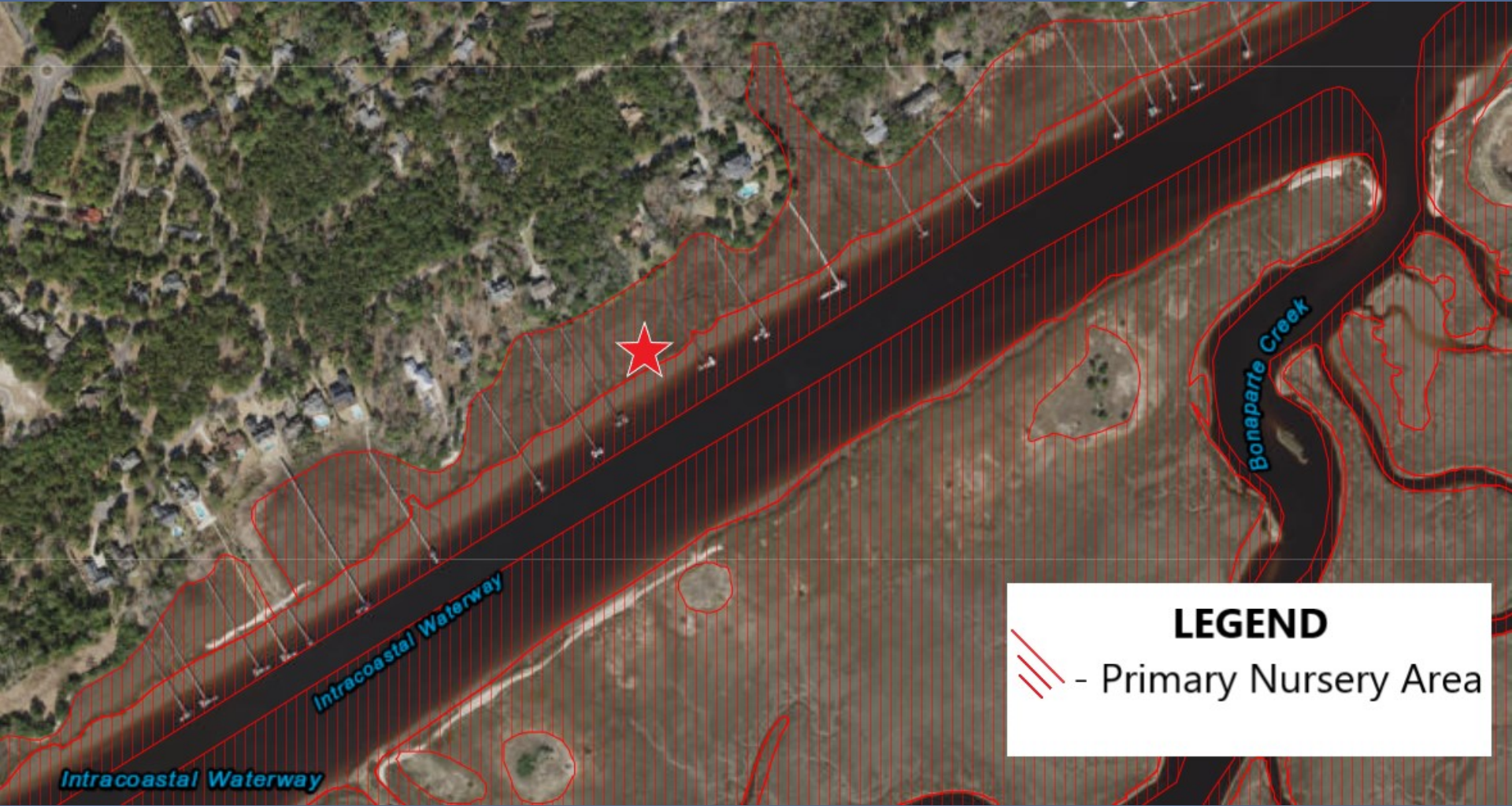
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Photos courtesy of Google Maps 2020




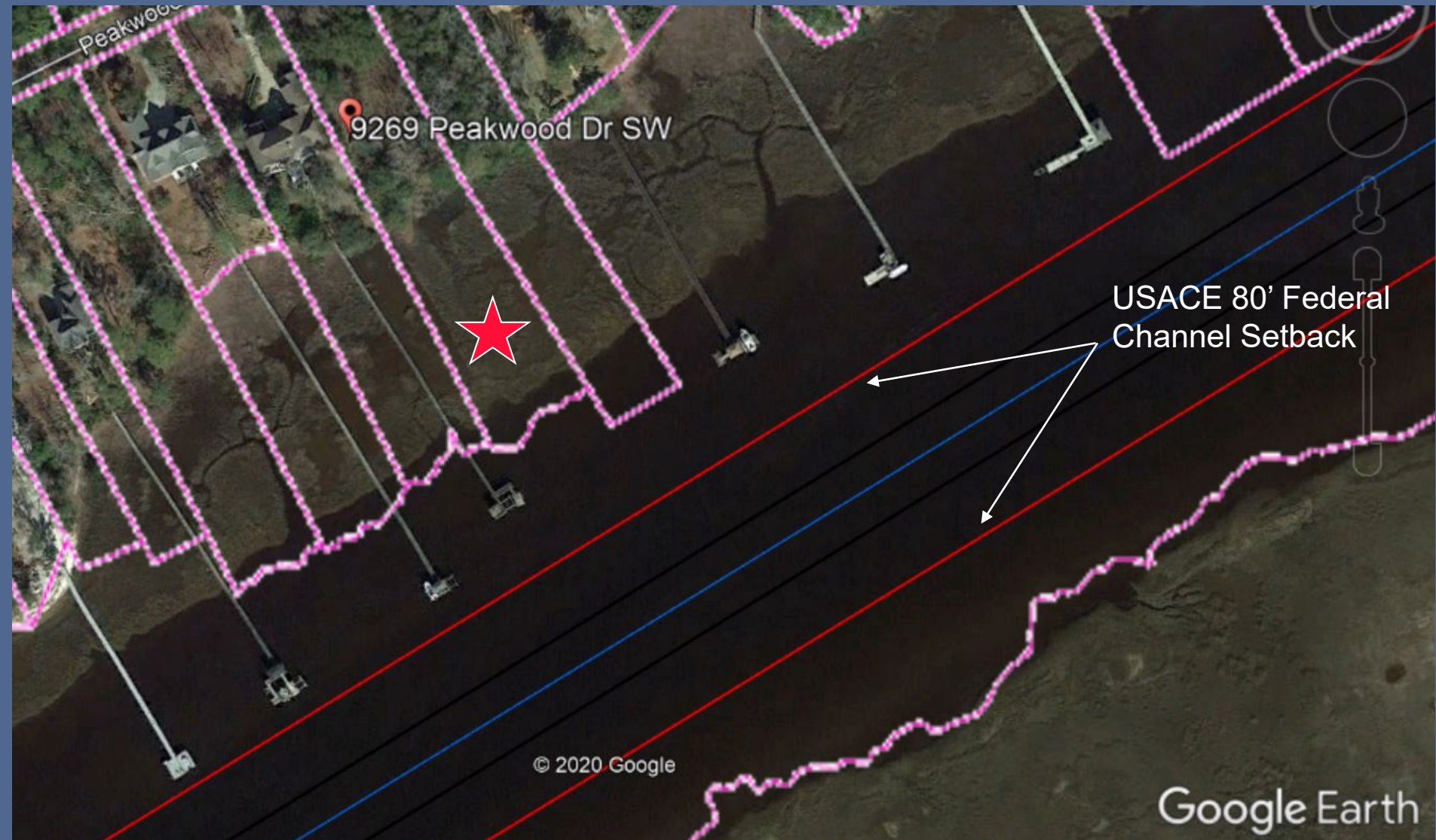
★ = 9269 Peakwood Dr. SW

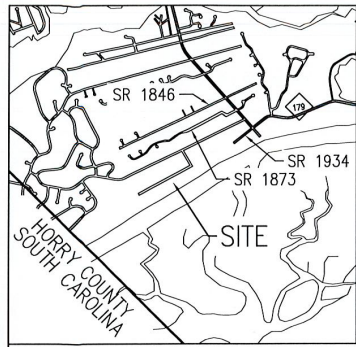




LEGEND

 - Primary Nursery Area





VICINITY MAP
NO SCALE

MEASUREMENTS

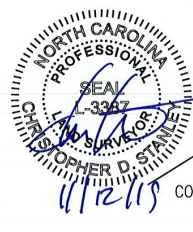
- 1/4 Waterbody Width ~ 150'
- 1/3 Waterbody Width ~ 200'
- Total Waterbody Width ~ 600'
- PROPOSED DISTANCE FROM EDGE OF MARSH ~ 194'
- 194'/600' = 32% of Waterbody Width

- DOCK COMPONENTS**
- A= PROPOSED 15' X 26' COVERED BOAT LIFT (390 SF)
 - B= PROPOSED 12' X 24' STATIONARY DOCK (T-HEAD) (12' X 12' COVERED=144 SF) (12' X 12' OPEN)
 - C= PROPOSED 4' X 18' RAMP
 - D= PROPOSED 8' X 16' FLOATING DOCK



REVISION 10/02/2019: REVISED PROPOSED PIER LOCATION AND PROFILE AS PER CLIENTS REQUEST.
REVISION 11/12/2019: REVISED PER DIVISION OF COASTAL MANagements COMMENTS.

NC GRID NORTH
NAD 83-2011

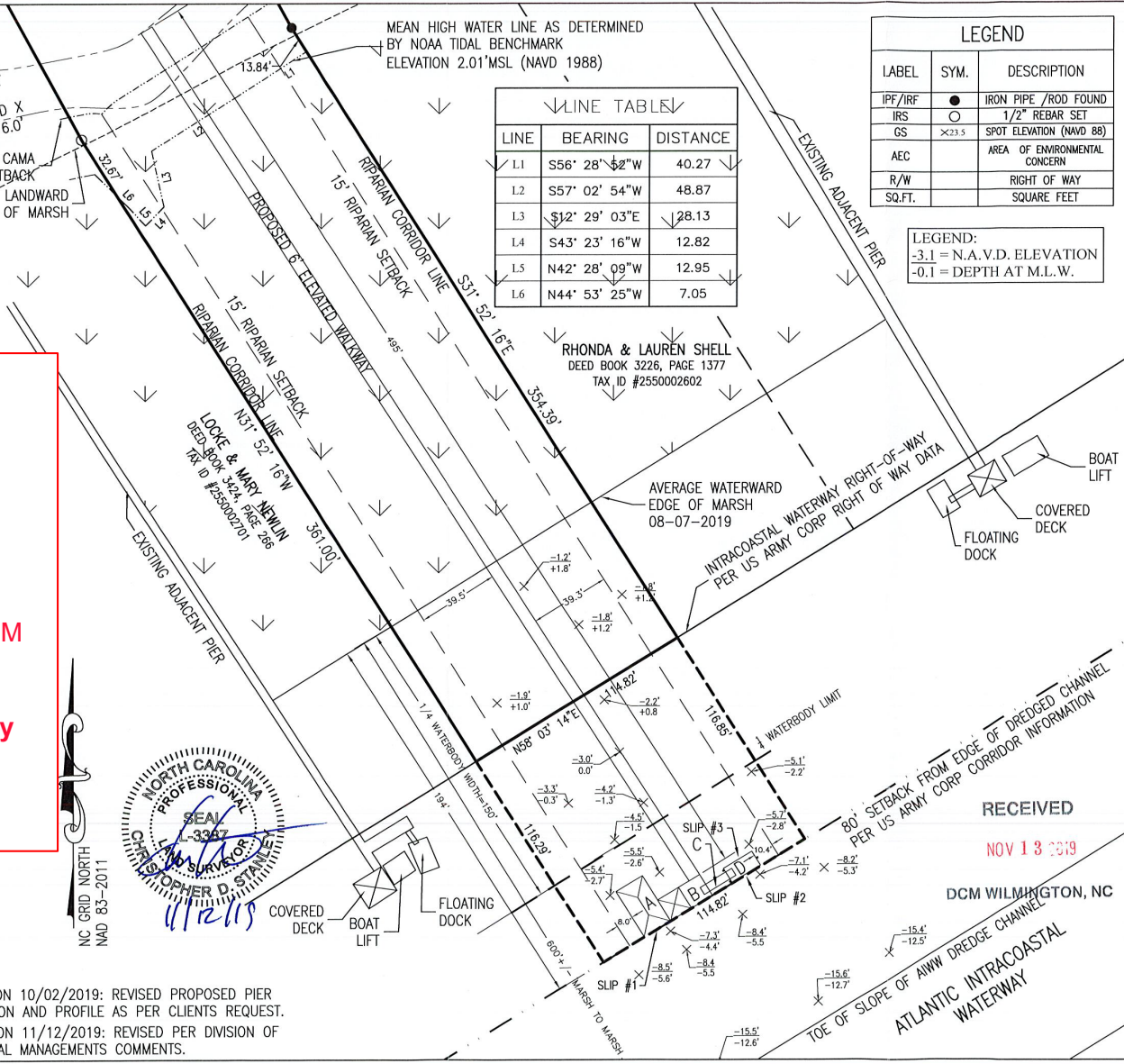


MEAN HIGH WATER LINE AS DETERMINED BY NOAA TIDAL BENCHMARK ELEVATION 2.01' MSL (NAVD 1988)

LINE	BEARING	DISTANCE
L1	S56° 28' 52" W	40.27
L2	S57° 02' 54" W	48.87
L3	S12° 29' 03" E	28.13
L4	S43° 23' 16" W	12.82
L5	N42° 28' 09" W	12.95
L6	N44° 53' 25" W	7.05

LEGEND		
LABEL	SYM.	DESCRIPTION
IPF/IRF	●	IRON PIPE / ROD FOUND
IRS	○	1/2" REBAR SET
GS	×23.5	SPOT ELEVATION (NAVD 88)
AEC		AREA OF ENVIRONMENTAL CONCERN
R/W		RIGHT OF WAY
SQ.FT.		SQUARE FEET

LEGEND:
-3.1 = N.A.V.D. ELEVATION
-0.1 = DEPTH AT M.L.W.

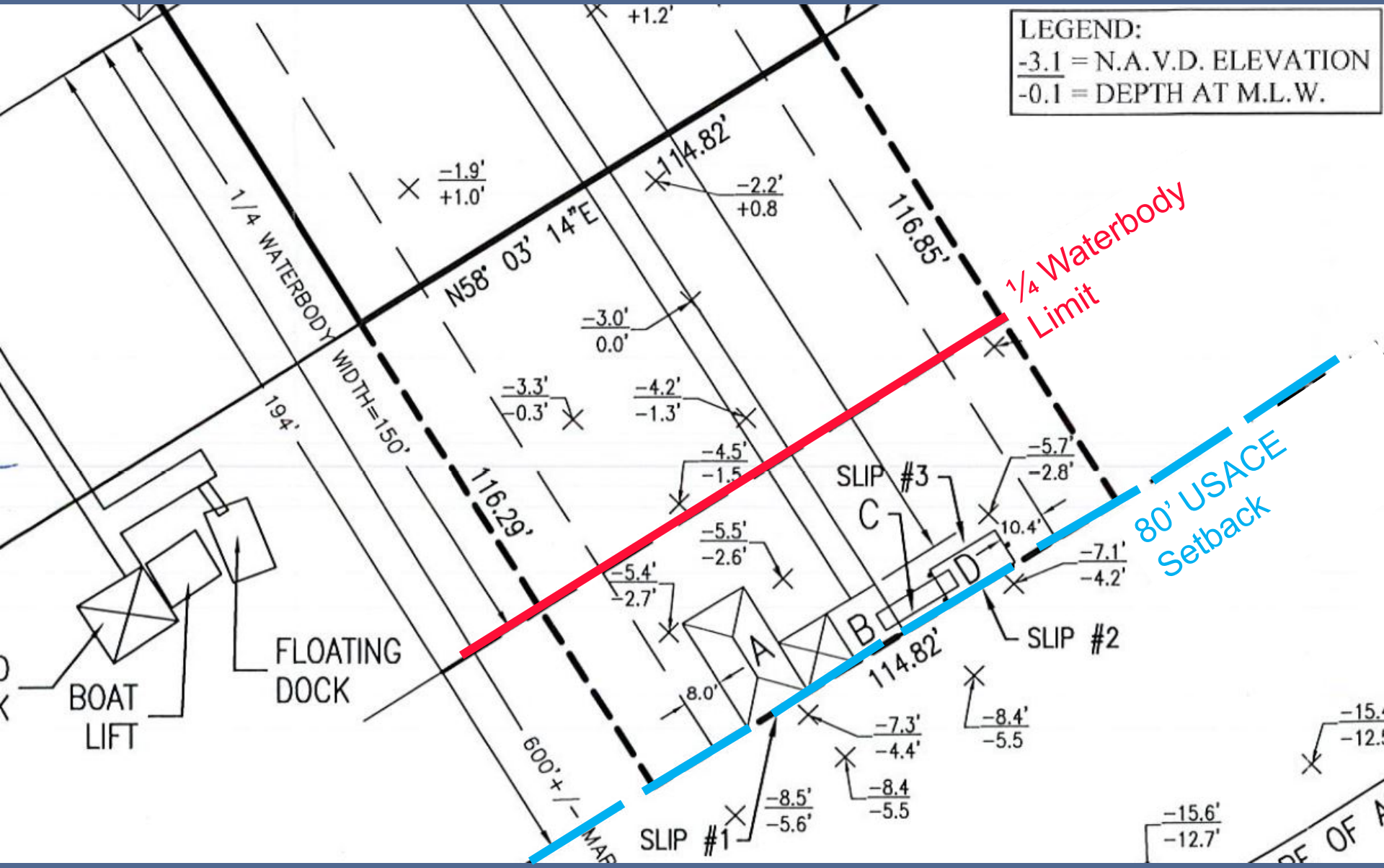


CAMA SURVEY FOR:
CHARLES & CAROL WALTERS
BEING ALL OF LOT 3A, TRACT 1, PARCEL A, AS RECORDED IN DEED BOOK 4073, PAGE 95 TOWN OF CALABASH, NORTH CAROLINA

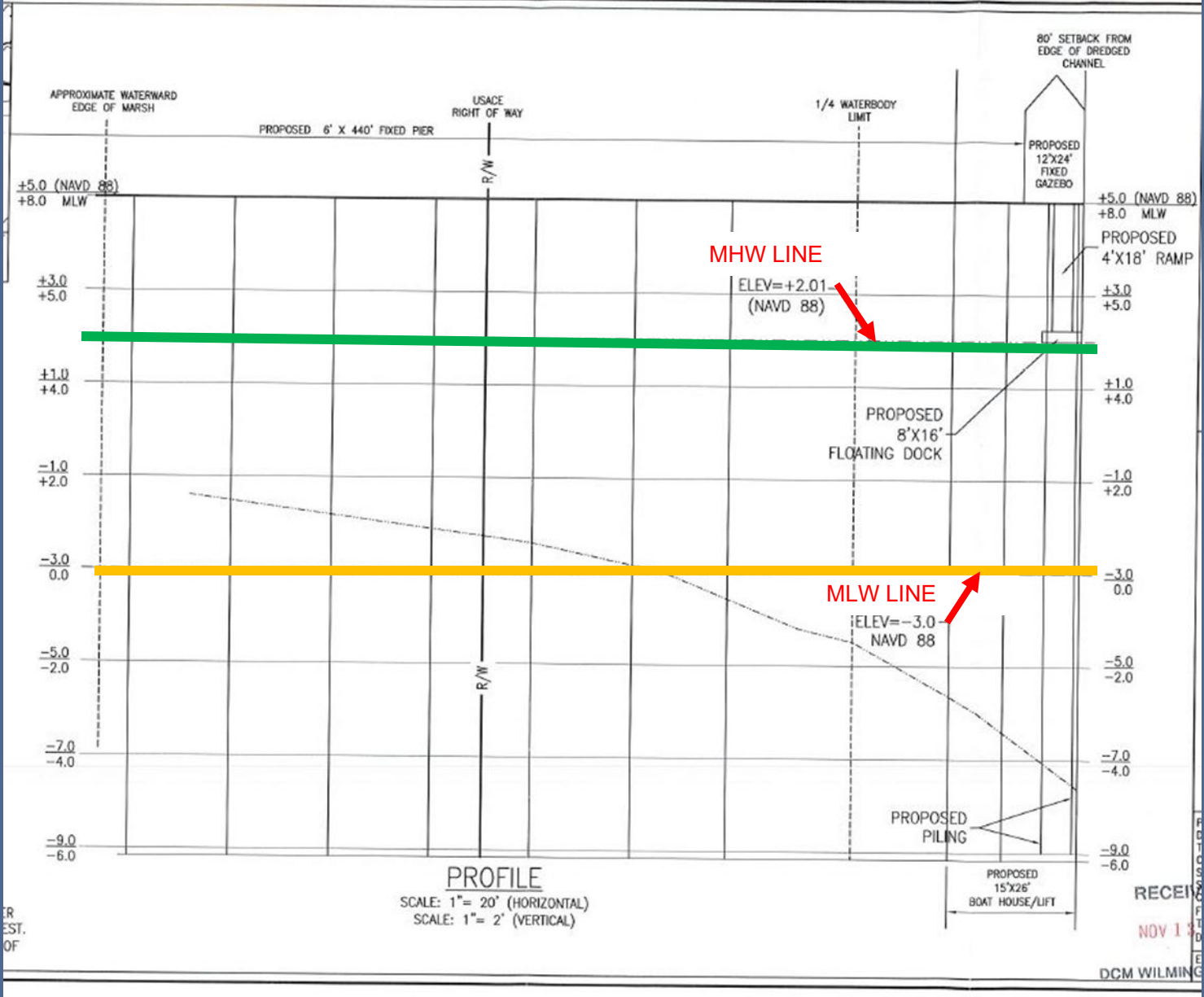
East Coast Engineering & Surveying, P.C.
ENGINEERS+PLANNERS+SURVEYORS
4918 Main Street
Shallotte, North Carolina 28459
Phone: 754.6629
Fax: 910.244.8099
Firm License Number: C-3014

RECEIVED
NOV 13 2019
DCM WILMINGTON, NC
80' SETBACK FROM EDGE OF DREDGED CHANNEL PER US ARMY CORP CORRIDOR INFORMATION
ATLANTIC INTRACOASTAL WATERWAY
TOE OF SLOPE OF AMW DREDGE CHANNEL

PROJECT#: 19-2113
DATE: 08-23-2019
TOWNSHIP: SHALLOTTE
COUNTY: BRUNSWICK
STATE: NC
SCALE: 1"=50'
CREW: DL, IS
FB/PG: FILE
TAX PID: 25500026
DRAWN BY: CS/DML
ECES PROJECT NO. 19-2113
SHEET 1 OF 2

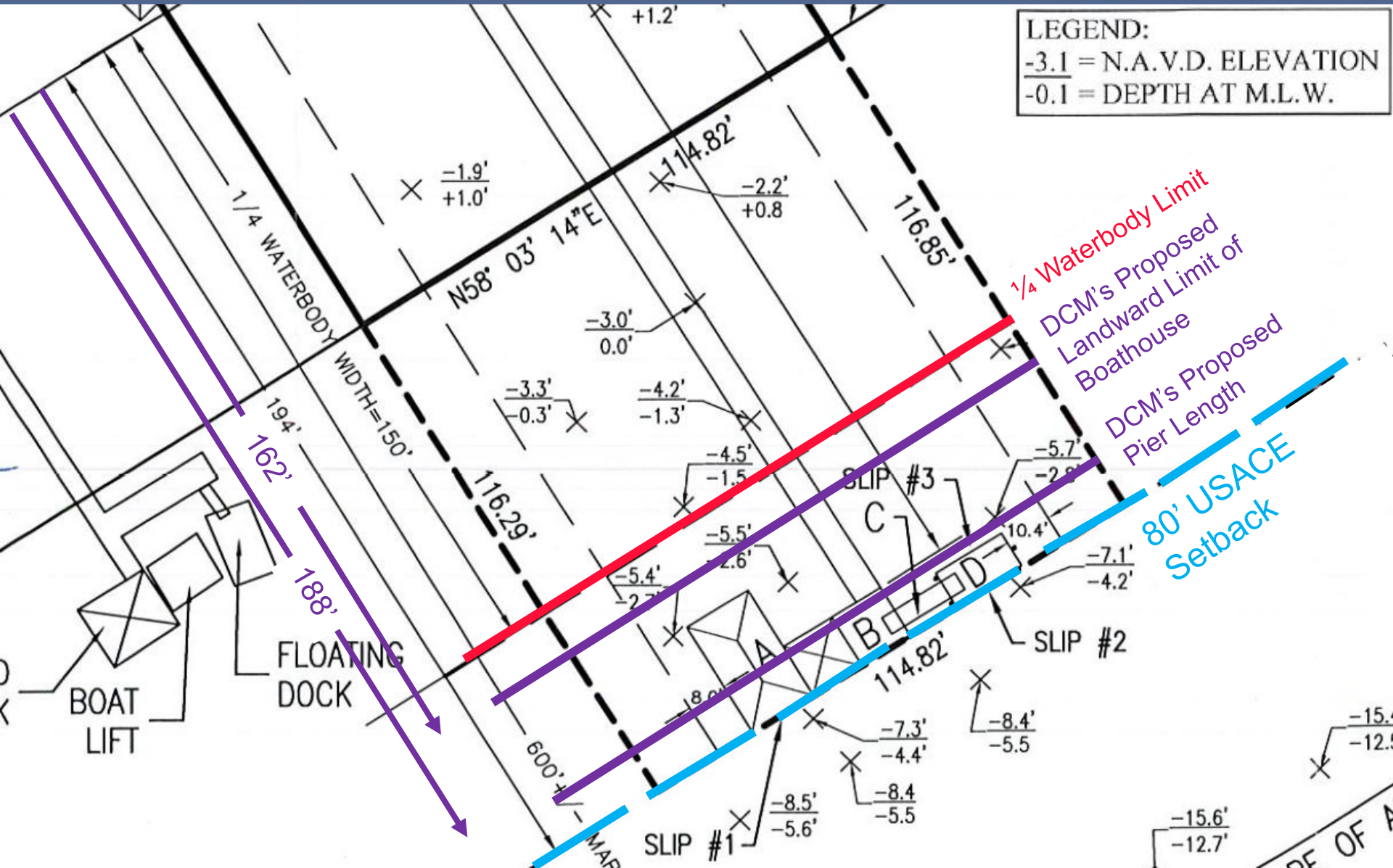


LEGEND:
-3.1 = N.A.V.D. ELEVATION
-0.1 = DEPTH AT M.L.W.



RECEIVED
NOV 1 11
DCM WILMING

DCM's Proposed Pier Length





VARIANCE CRITERIA

15A NCAC 07J.0703(f)

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

- (1) that unnecessary hardships would result from strict application of the development rules, standards, or orders issued by the Commission;**
- (2) that such hardships result from conditions peculiar to the petitioner's property such as location, size, or topography;**
- (3) that such hardships did not result from actions taken by the petitioner; and**
- (4) that the requested variance is consistent with the spirit, purpose and intent of the Commission's rules, standards or orders; will secure the public safety and welfare; and will preserve substantial justice.**