



Environmental Permit Review Program



DEPARTMENT OF ENVIRONMENTAL QUALITY

Marine Fisheries

Marine Fisheries Commission | Kimberlee Harding | 11/24/2024



Background

How we got here:

- Historical management: piecemeal habitat protection
- Shrimp FMP Amendment 2 – SAV issue paper (2022)
 - Developed concurrently with 2021 CHPP's focus on water quality
 - What we heard:
 - Serious concerns about water quality
 - SAV protection is important to all stakeholders
 - MFC approach needs to be holistic - avoid singling out individual stakeholder groups
 - *The Marine Fisheries Commission (MFC) requests the DMF work with the MFC's Habitat and Water Quality Advisory Committee to examine and develop more comprehensive options to protect identified SAV habitat related to all activities under the authority of the MFC, consistent with the N.C. Coastal Habitat Protection Plan.*
 - *Charlie Deaton presented to MFC in August 2024 to explain the science behind SAV research.*
- Where we are today: Environmental Review Program and DMF's goal to:
Avoid, Minimize, and Mitigate
- In February at the 2024 MFC, Habitat will be presenting on the importance of SAV to the commercial and recreational fisheries.



Outline

- Environmental Permit Review Program
- Roles of the Commissions
- DMF's goal: Avoid, Minimize, Mitigate
- Permit Review Process

Spot in Zostera marina bed, NCDMF



Outline

- **Environmental Permit Review Program**
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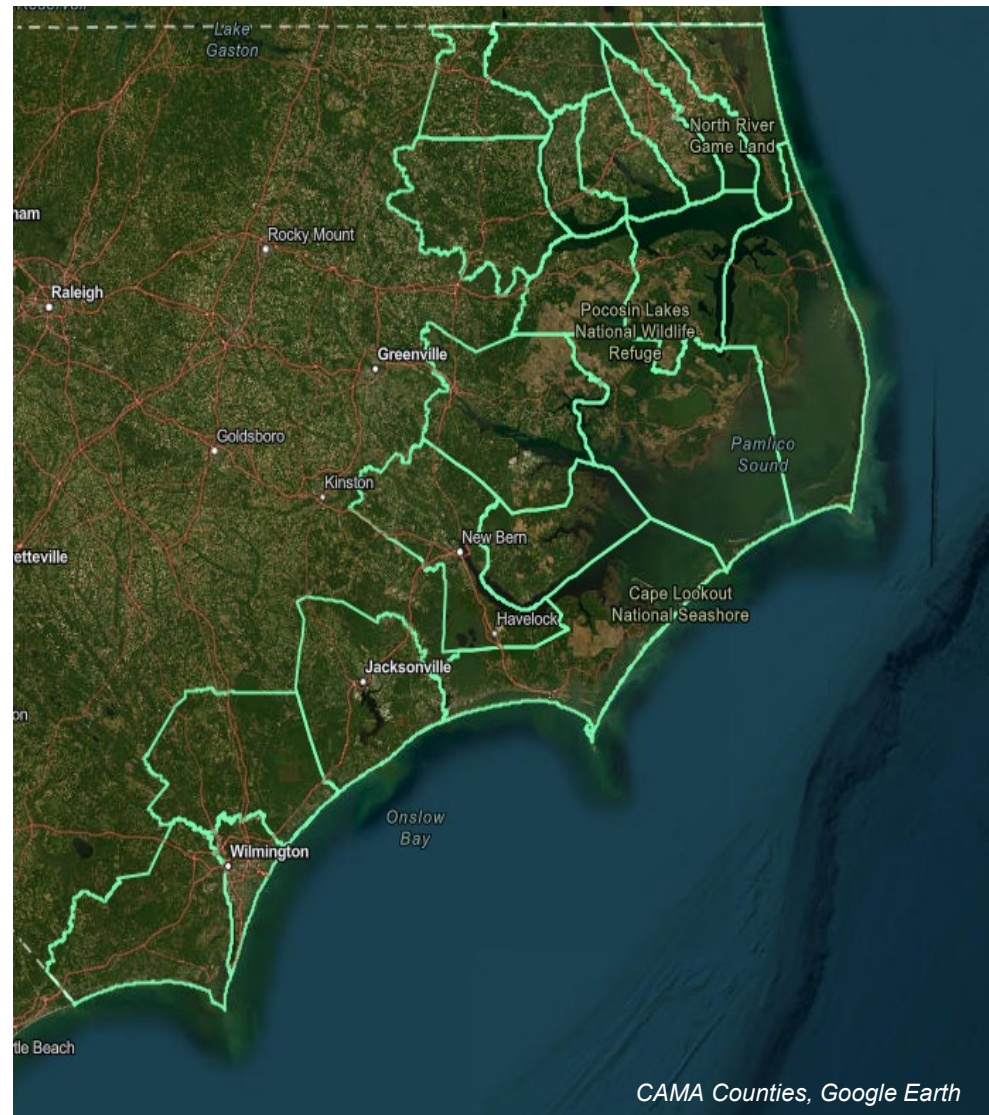


Environmental Permit Review Program



The Coastal Area Management Act (CAMA)

- Enacted 1974
- Includes 20 counties connected to the coast



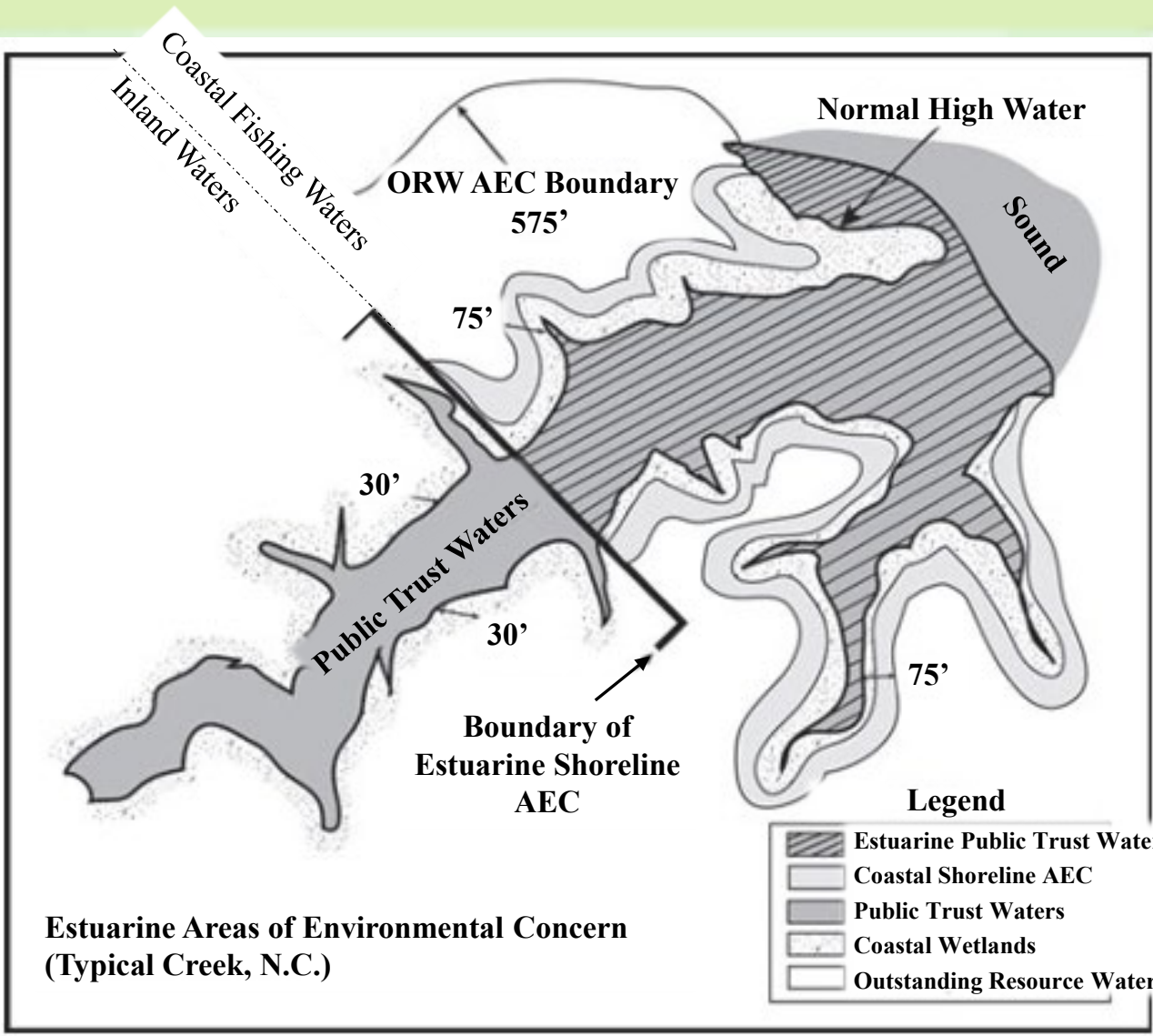
CAMA Counties, Google Earth



Environmental Permit Review Program



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CAMA Counties, Google Earth

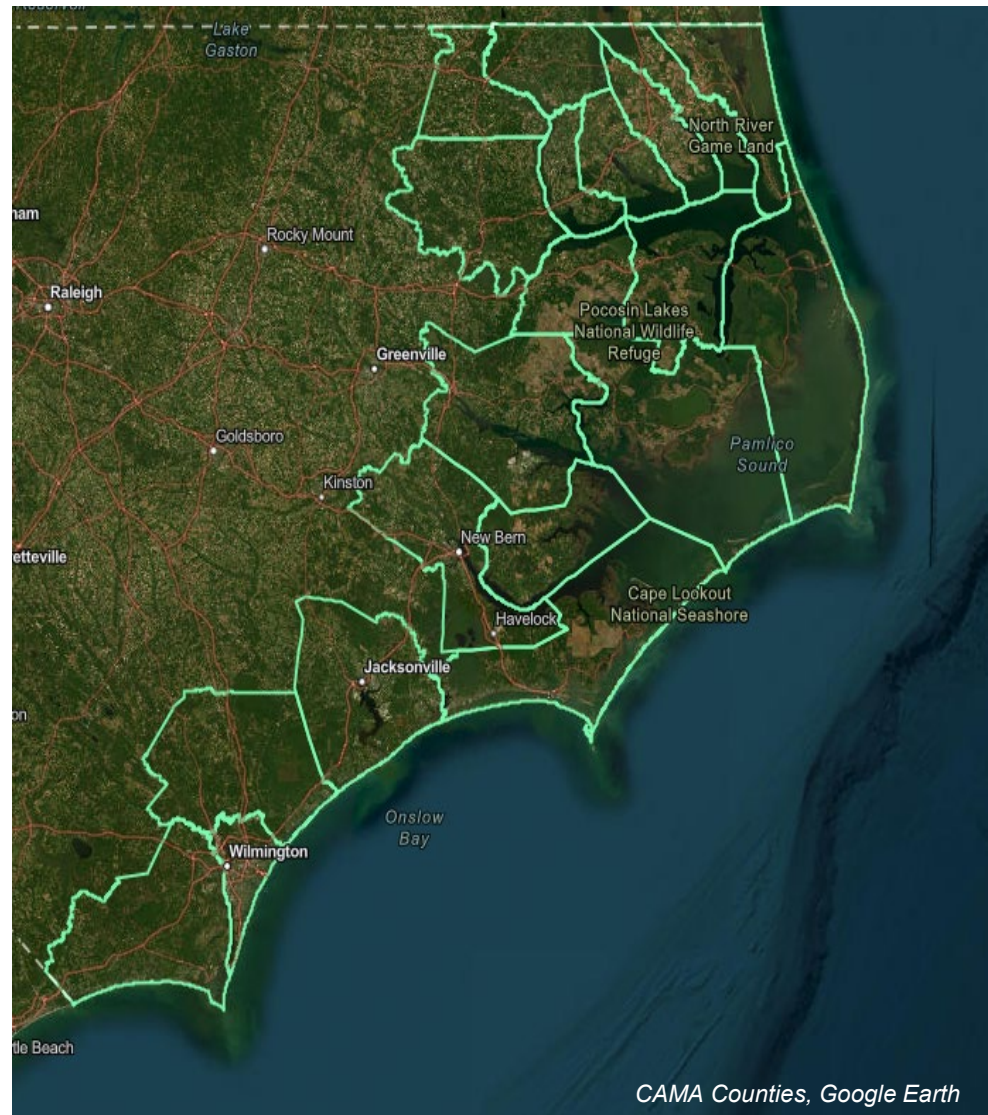


Environmental Permit Review Program



The Coastal Area Management Act (CAMA)

14 Natural Resource agencies review permit applications:



CAMA Counties, Google Earth



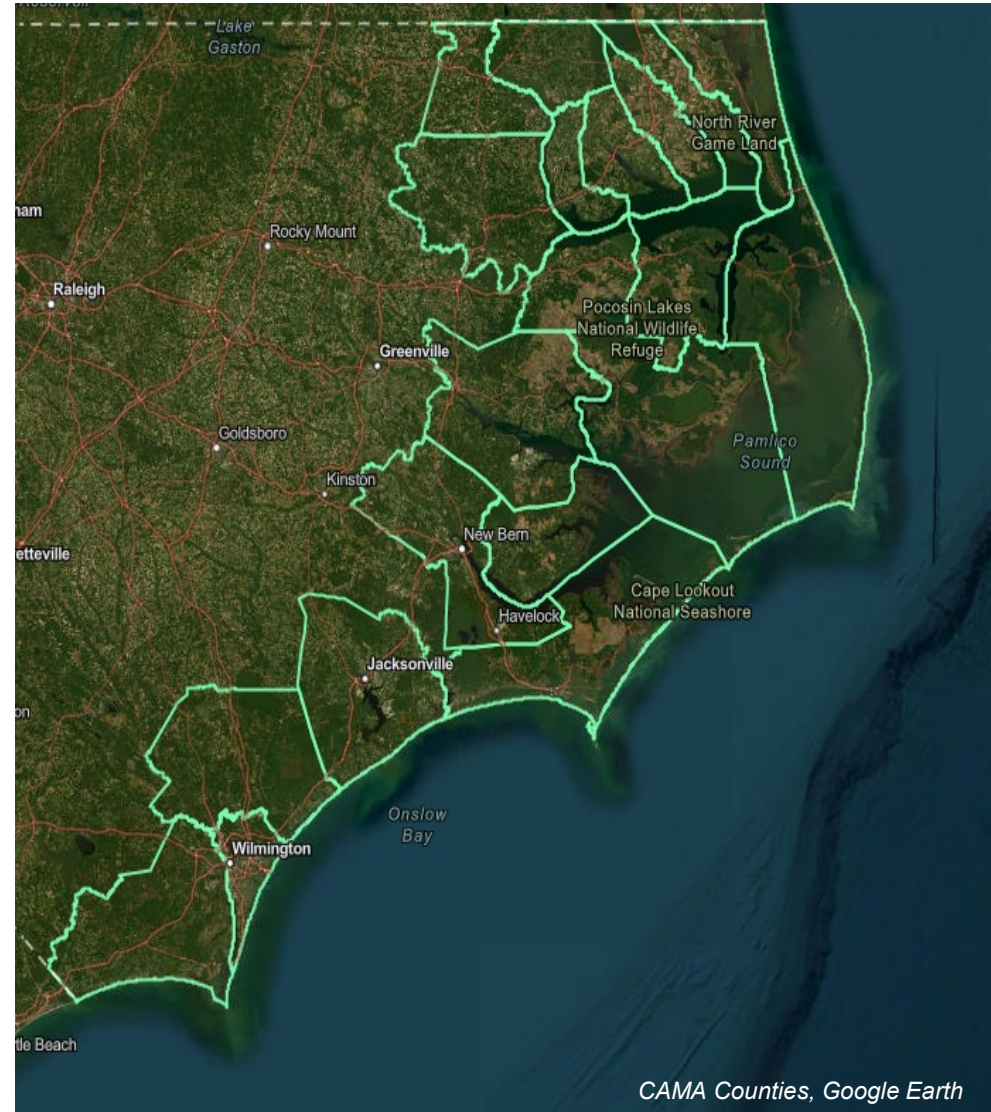
Environmental Permit Review Program



The Coastal Area Management Act (CAMA)

14 Natural Resource agencies review permit applications:

- 10 DEQ agencies
- 4 Federal agencies





Environmental Permit Review Program

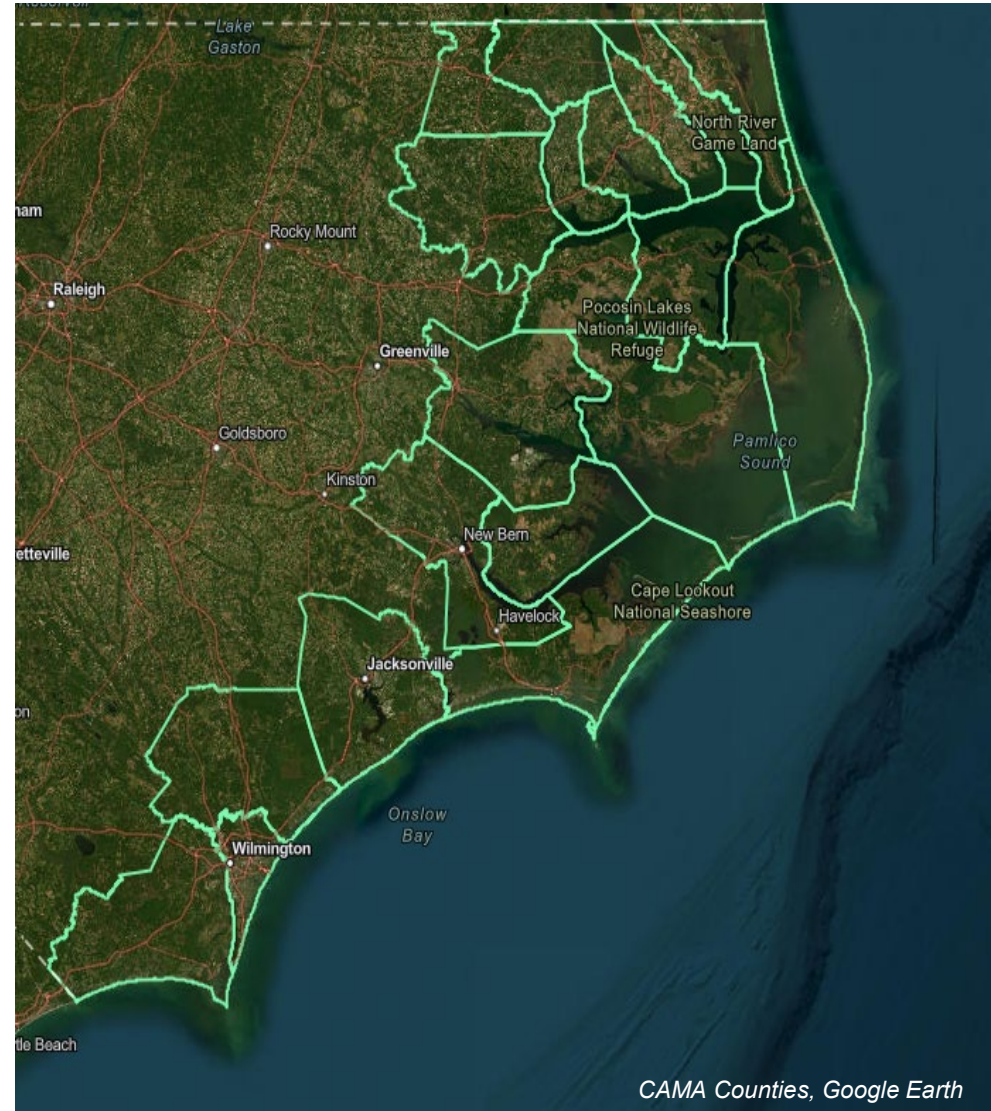


The Coastal Area Management Act (CAMA)

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Typical Permit Types:



CAMA Counties, Google Earth



Environmental Permit Review Program



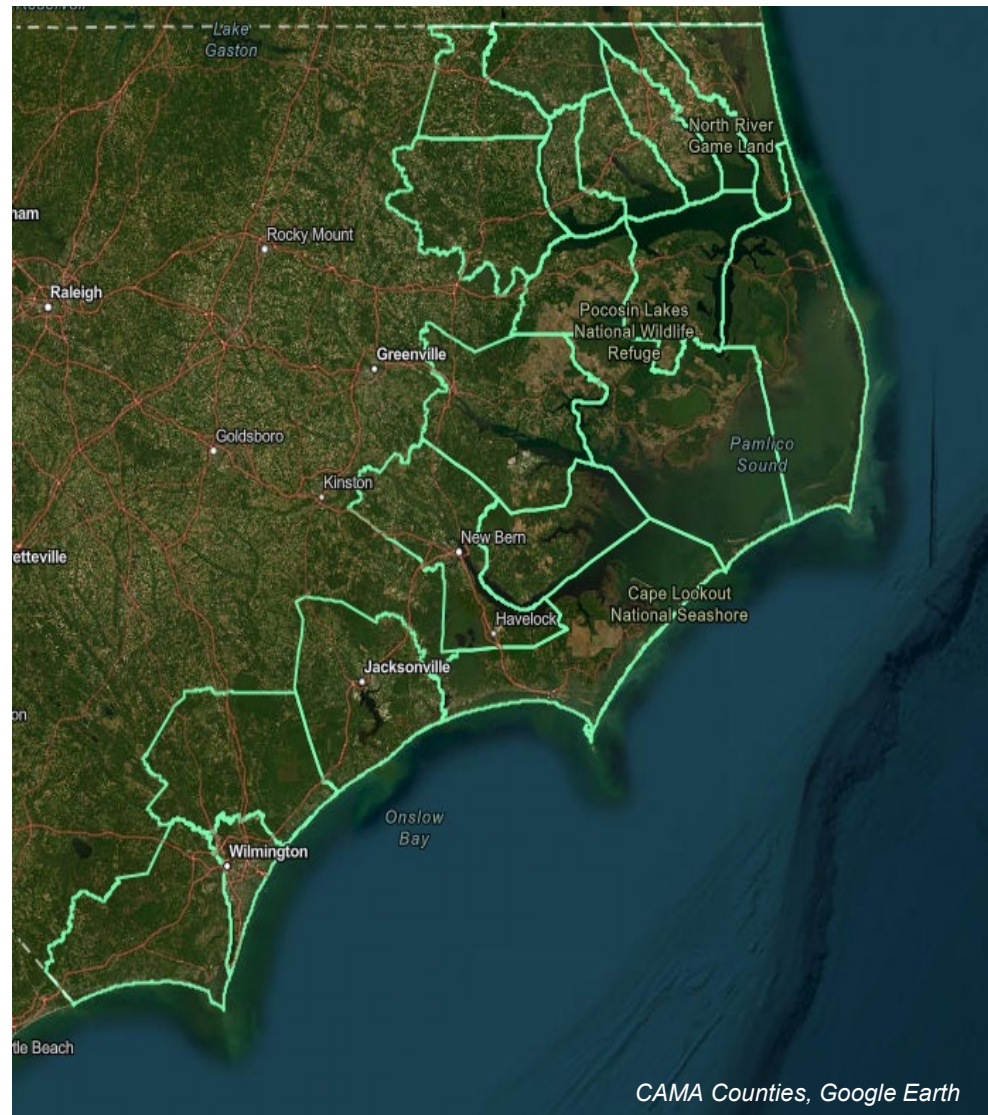
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- CAMA Major, Minor,
 - General Permits



CAMA Counties, Google Earth



Environmental Permit Review Program



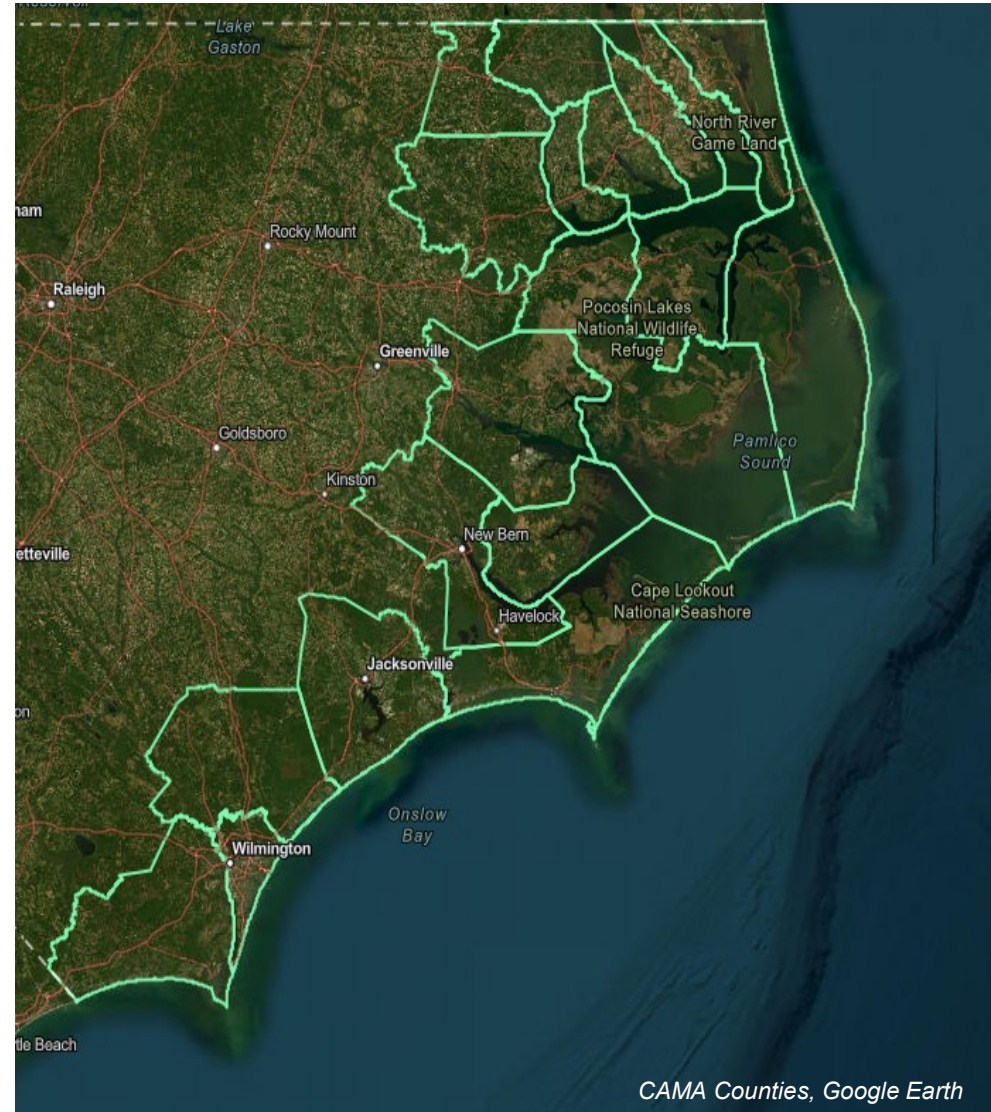
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- DWR, DEMLR, DOT





Environmental Permit Review Program



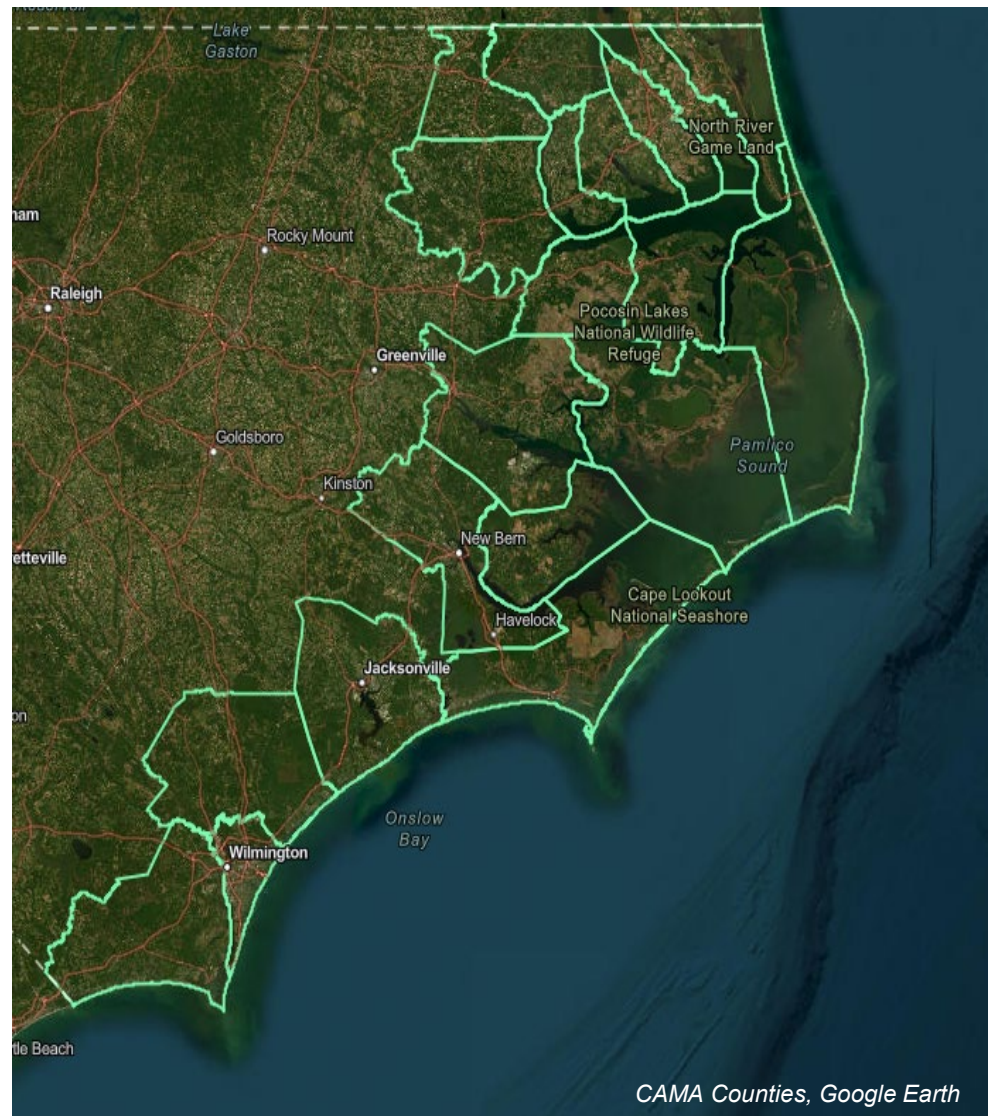
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Typical Permit Types:

- CAMA Major, Minor,
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- DWR, DEMLR, DOT
- NEPA
 - Environmental Impact Statements
 - Environmental Assessments



CAMA Counties, Google Earth



Environmental Permit Review Program



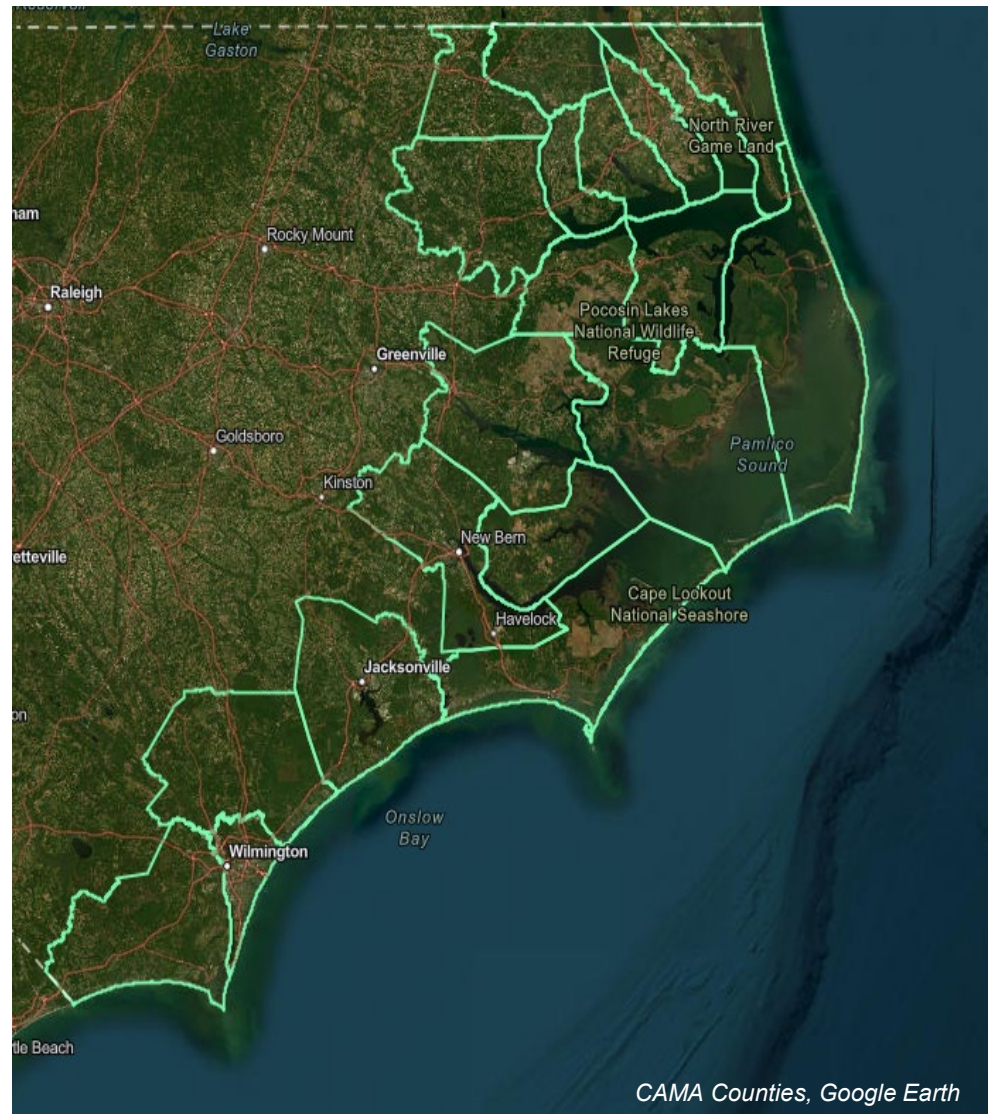
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- CAMA Major, Minor,
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 - Environmental Impact Statements
 - Environmental Assessments
- Federal Consistencies
 - USACE, Parks, Military



CAMA Counties, Google Earth



Environmental Permit Review Program



Permit review includes proposed projects that could affect:

DMF's Goals for Project Development:

Avoid, Minimize, Mitigate



Turtle Creek, Sunset Beach, NC K. Harding



Environmental Permit Review Program



Permit review includes proposed projects that could affect:

- Habitats of coastal fish species,

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Turtle Creek, Sunset Beach, NC K. Harding



Environmental Permit Review Program



Permit review includes proposed projects that could affect:

- Habitats of coastal fish species,
- Coastal fish at any life stage,

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Turtle Creek, Sunset Beach, NC K. Harding



Environmental Permit Review Program



Permit review includes proposed projects that could affect:

- Habitats of coastal fish species,
- Coastal fish at any life stage,
- Fishing activities, including access to fishing opportunities

DMF's Goals for Project Development:

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Turtle Creek, Sunset Beach, NC K. Harding



Environmental Permit Review Program



Permit review includes proposed projects that could affect:

- Habitats of coastal fish species,
- Coastal fish at any life stage,
- Fishing activities, including access to fishing opportunities
- Navigation in coastal fishing waters

DMF's Goals for Project Development:

Avoid, Minimize, Mitigate



Turtle Creek, Sunset Beach, NC K. Harding



Environmental Permit Review Program



FY 2020 – FY 2024

	Permits	PNA	AFSA	SAV
Total Number of Permits	1,235	288	100	188
Objection	10	5	5	5
Proposal Minimized	564	152	55	127
Approval as Proposed	661	118	40	56

DMF's Goals for Project Development:

Avoid, Minimize, Mitigate



Outline

- Environmental Permit Review Program
- **Roles of the Commissions**
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Spot in Zostera marina bed, NCDMF



North Carolina General Assembly

CHAPTER 113 - CONSERVATION AND DEVELOPMENT

(113-8) Powers and Duties of Department of Environmental Quality

(113A) Article 7- Coastal Area Management (CAMA)

(113A-104) Coastal Resources Commission (CRC)

15A NCAC 07H .0208 USE STANDARDS (1977) Coastal Wetlands,
Estuarine Waters, and Public Trust Areas

(a)(3) Measures taken to mitigate or minimize adverse impacts shall include
actions that:

- Avoid, Minimize, Mitigate

Spot in Zostera marina bed, NCDMF





Roles of Commissions



DEQ

Coastal Habitat Protection Plan
(§ 143B-279.8)

The Department shall use the staff of those divisions within the Department that have jurisdiction over marine fisheries, water quality, and coastal area management in the preparation of the Coastal Habitat Protection Plans and shall request assistance from other federal and State agencies, as necessary. (§ 143B-279.8)

**Coastal
Resources
Commission**
(§ 113A-104)

**Marine
Fisheries
Commission**
(§ 143B-289.51)

**Environmental
Management
Commission**
(§ 143B-282.1)

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Avoid Impacts

Minimize Impacts

Mitigate for Unavoidable Impacts



Avoid Impacts

Minimize Impacts

Mitigate for Unavoidable Impacts



Avoid Impacts

Minimize Impacts

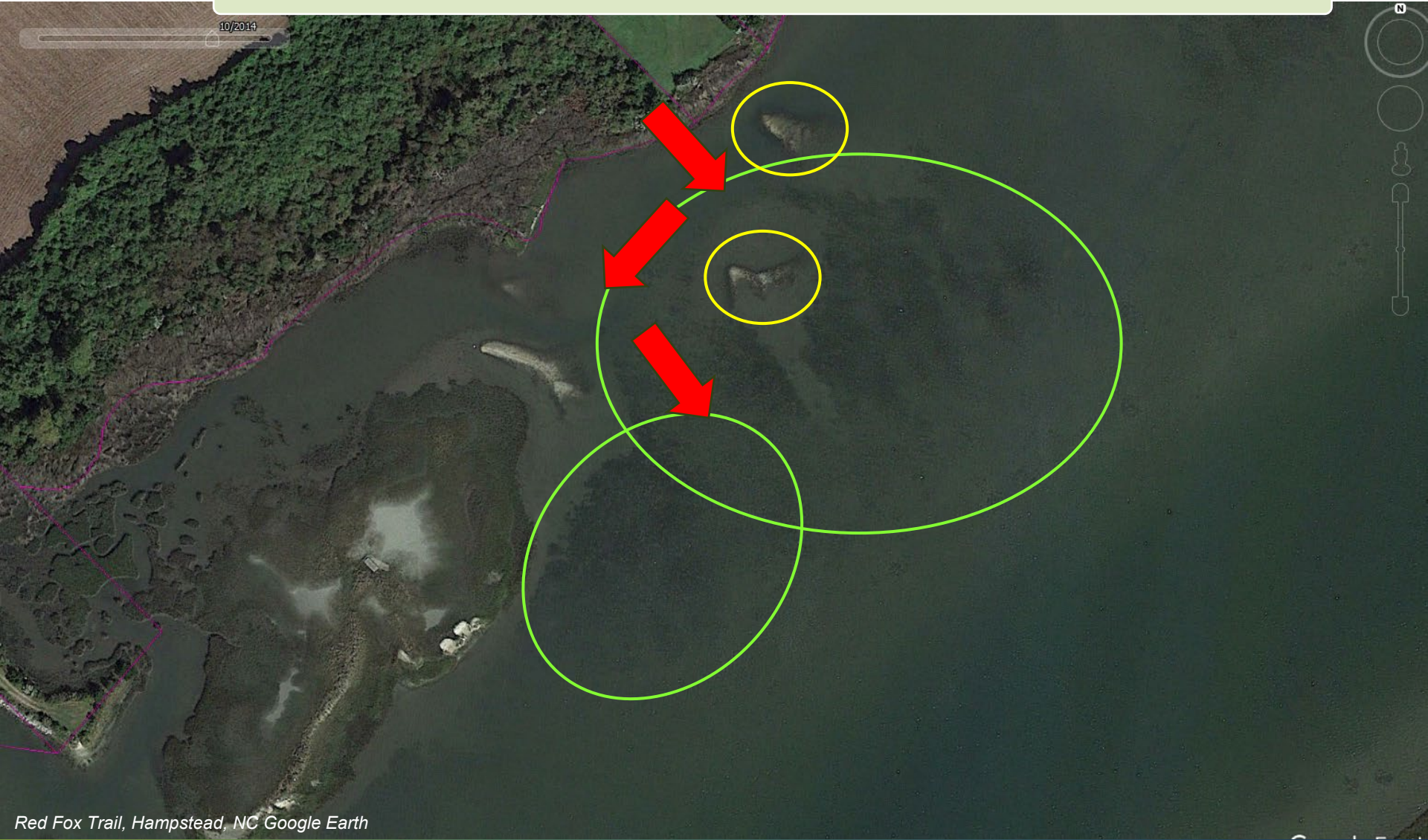
Mitigate for Unavoidable Impacts



Avoid Impacts

Minimize Impacts

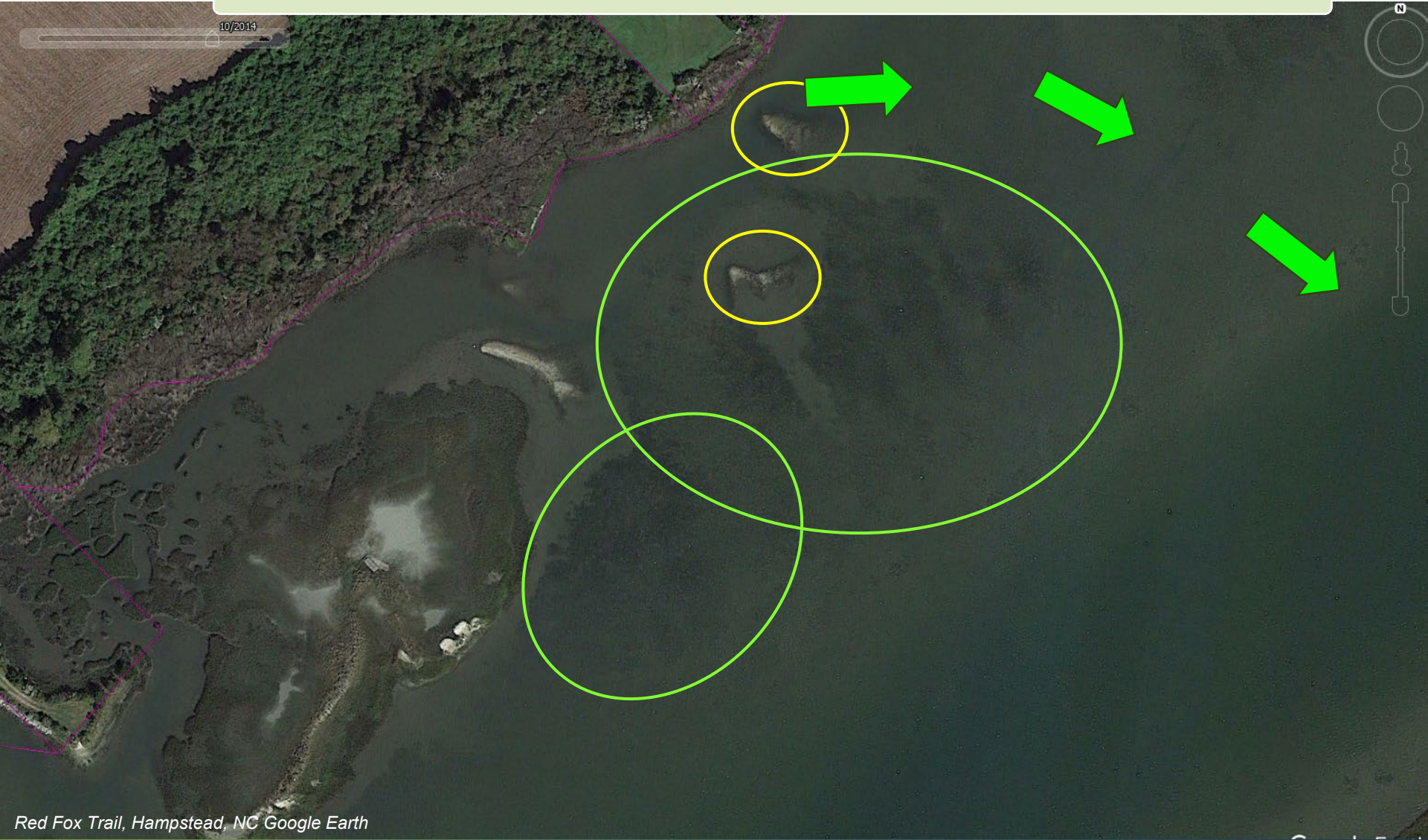
Mitigate for Unavoidable Impacts



Avoid Impacts

Minimize Impacts

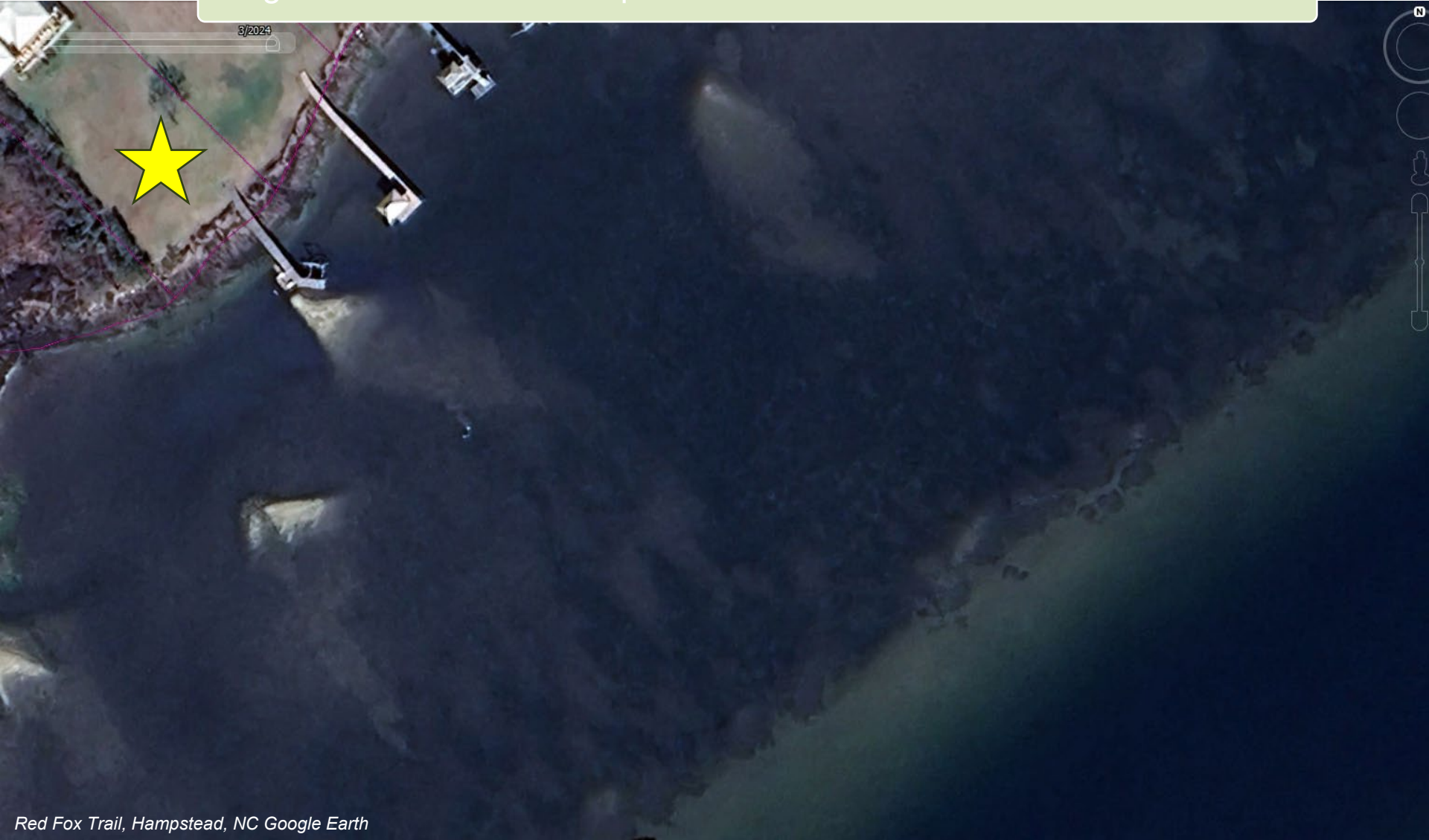
Mitigate for Unavoidable Impacts



Avoid Impacts

Minimize Impacts

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Avoid Impacts

Minimize Impacts

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Atlantic Reefmaker structure used for Bonner Bridge SAV Mitigation, <https://atlanticreefmaker.com/>

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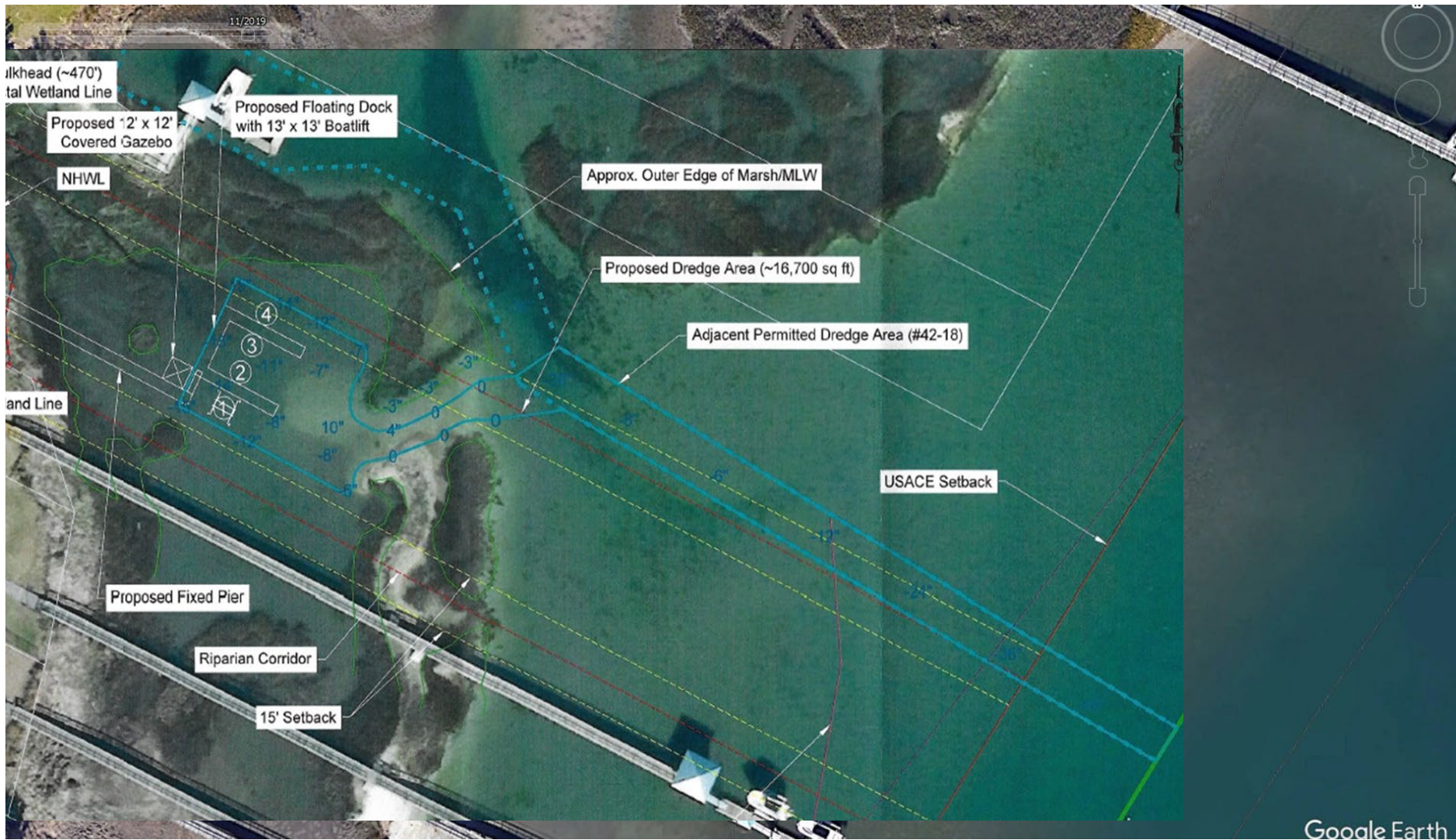


Permit Review Process





Permit Review Process



Google Earth



Permit Review Process



Google Earth



Permit Review Process





Permit Review Process



- Public Trust Waters
- **Shellfish Habitat**
- Coastal Wetlands
- Soft Bottom Habitat

MFC



Permit Review Process



CRC

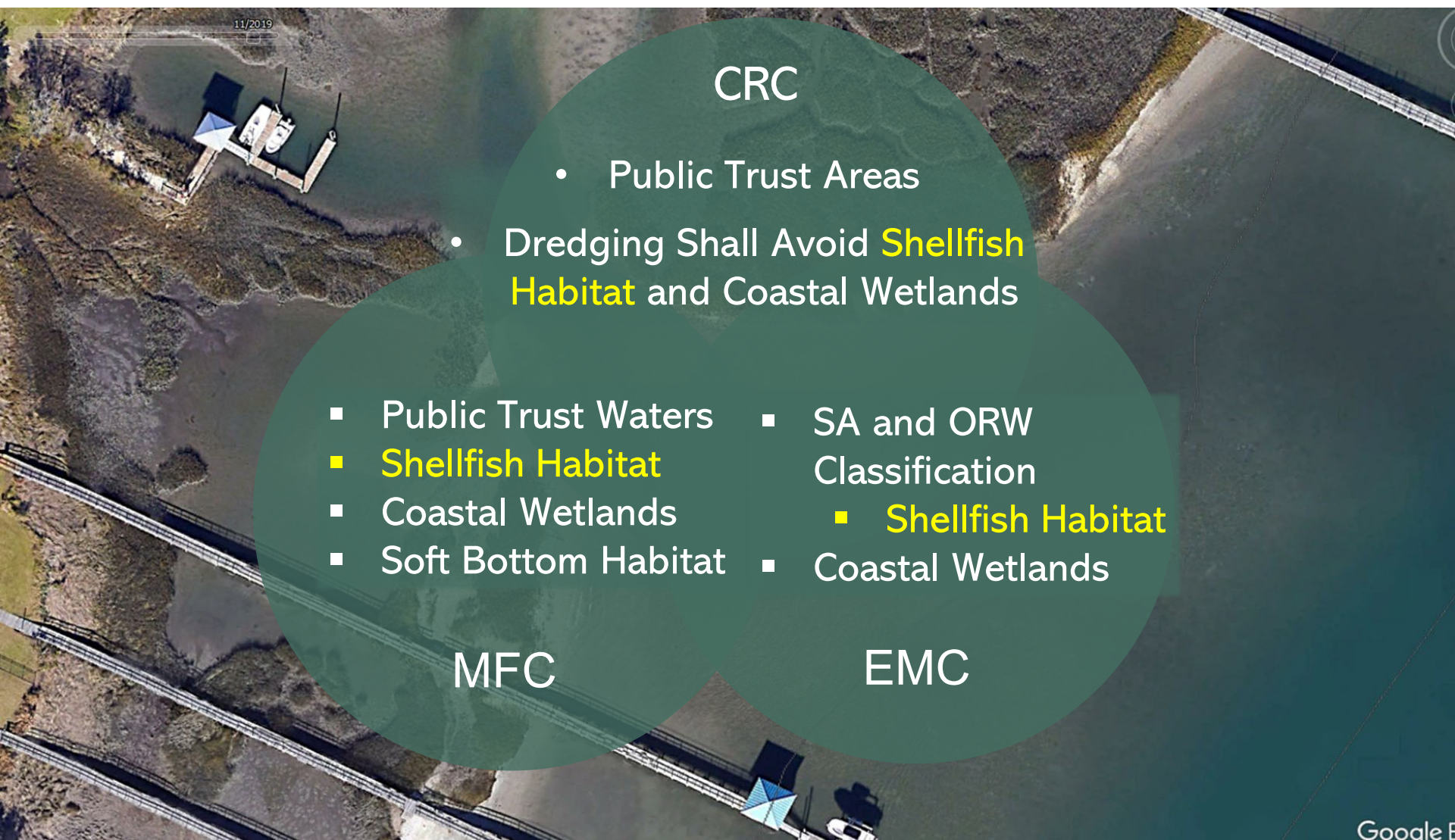
- Public Trust Areas
- Dredging Shall Avoid **Shellfish Habitat** and Coastal Wetlands

- Public Trust Waters
- **Shellfish Habitat**
- Coastal Wetlands
- Soft Bottom Habitat

MFC



Permit Review Process



CRC

- Public Trust Areas
- Dredging Shall Avoid **Shellfish Habitat** and Coastal Wetlands

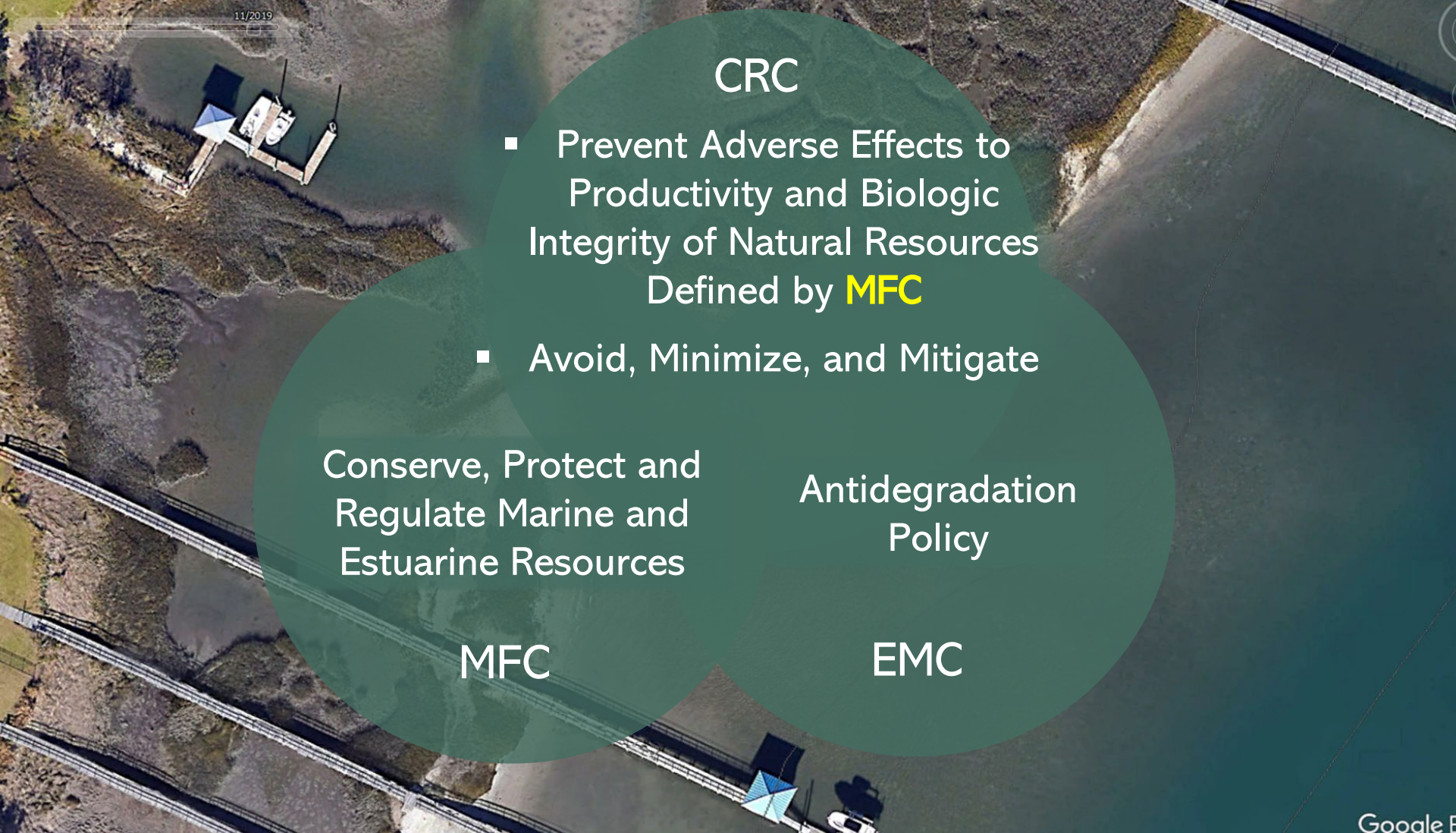
- Public Trust Waters
- **Shellfish Habitat**
- Coastal Wetlands
- Soft Bottom Habitat
- SA and ORW Classification
- **Shellfish Habitat**
- Coastal Wetlands

MFC

EMC



Permit Review Process



CRC

- Prevent Adverse Effects to Productivity and Biologic Integrity of Natural Resources Defined by **MFC**
- Avoid, Minimize, and Mitigate

Conserve, Protect and Regulate Marine and Estuarine Resources

Antidegradation Policy

MFC

EMC



Permit Review Process





Permit Review Process

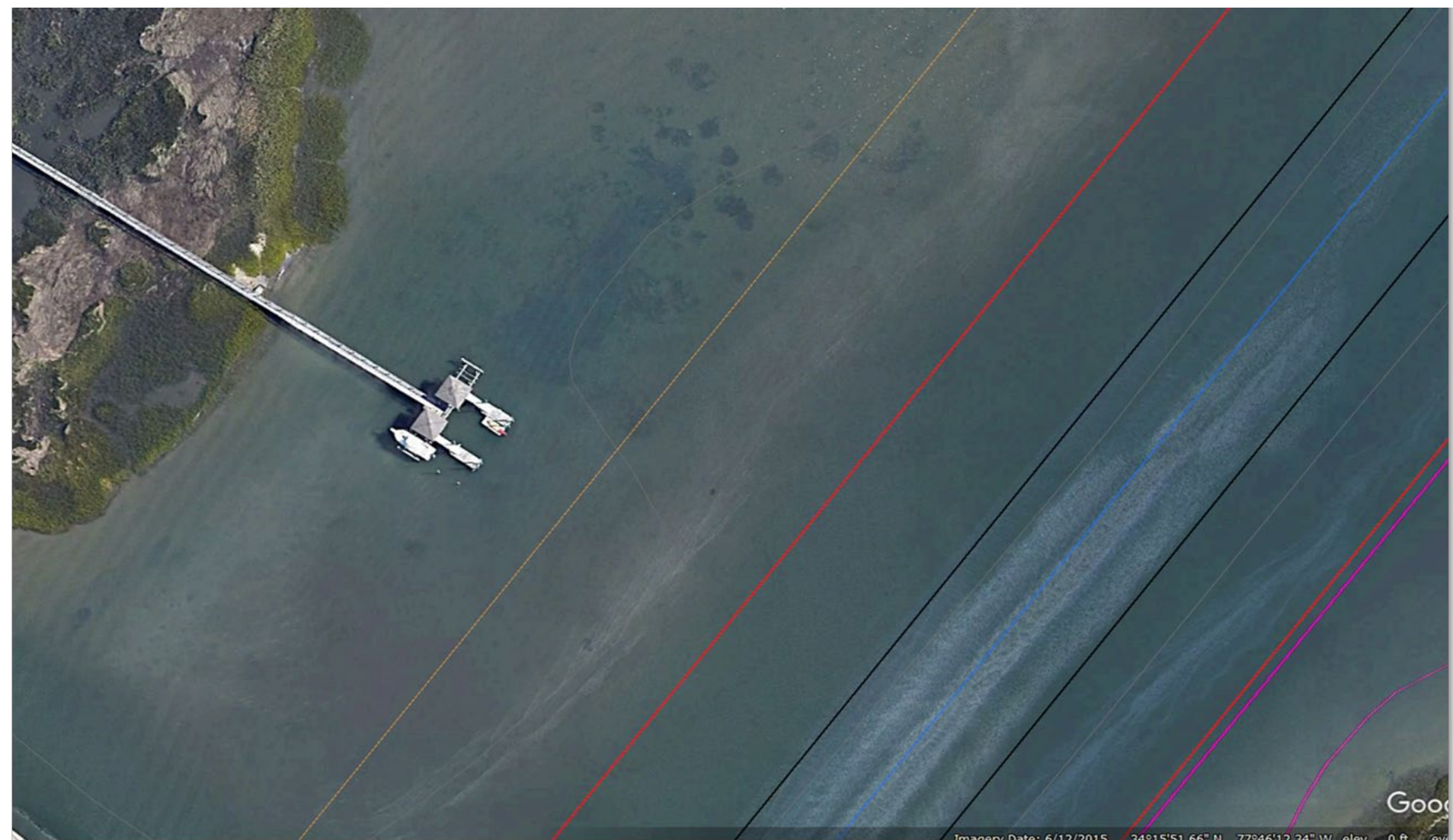


Google Earth

Imagery Date: 6/12/2015 34°15'51.66" N 77°46'12.34" W elev: 0 ft eye alt: 789 ft

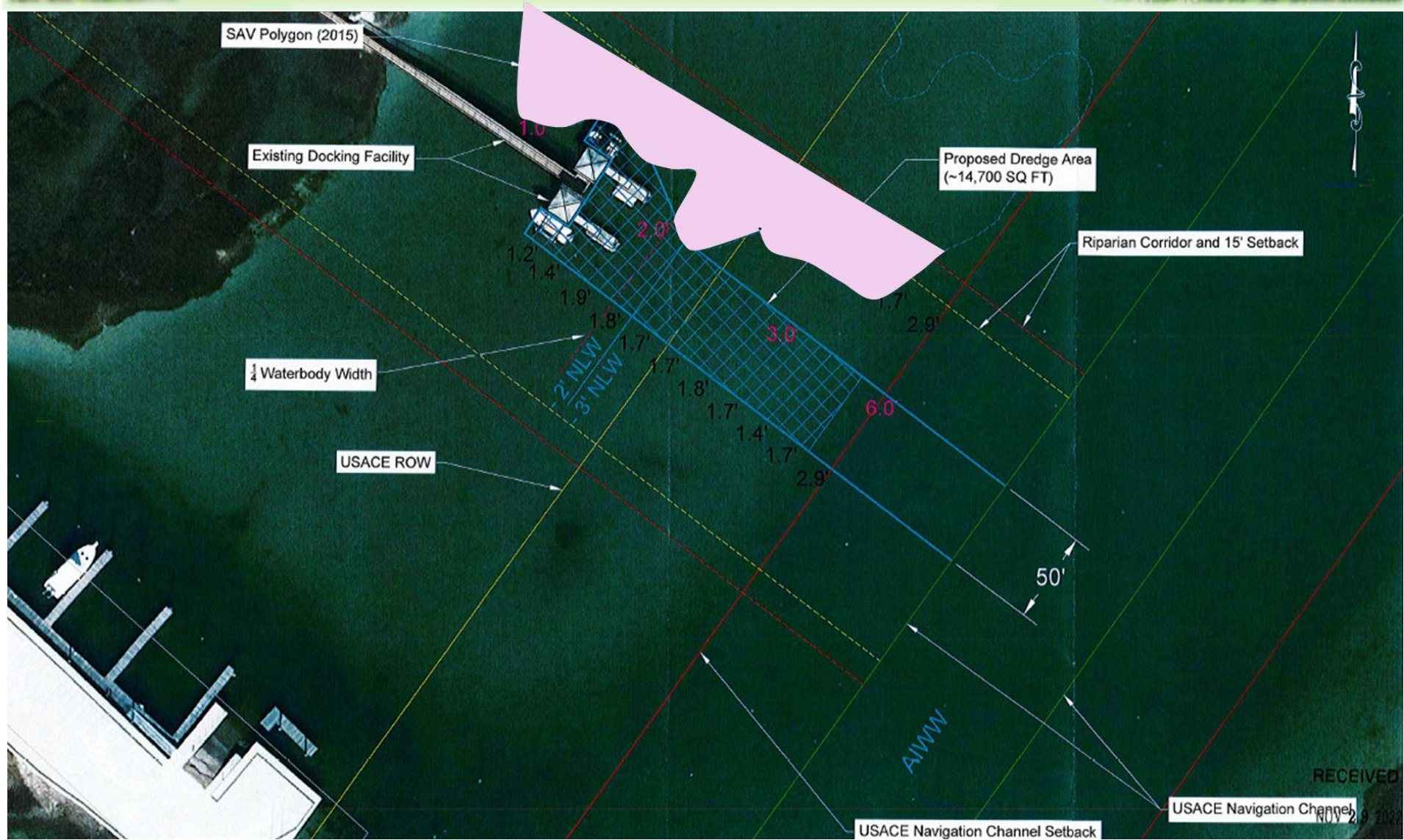


Permit Review Process





Permit Review Process



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Permit Review Process



CRC

- Public Trust Areas
- Dredging shall avoid **SAV Habitat**



Images Date: 6/12/2015 34°15'51.66" N 77°46'12.34" W elev: 0 ft

Good



Permit Review Process



CRC

- Public Trust Areas
- Dredging shall avoid **SAV Habitat**

- Public Trust Waters
- **SAV/SAV Habitat**
- Soft Bottom Habitat

MFC



Permit Review Process



CRC

- Public Trust
- Dredging shall avoid **SAV Habitat**

- Public Trust Waters
- **SAV/SAV Habitat**
- Soft Bottom Habitat
- **SAV Habitat**
- Outstanding Waters
- **SAV Habitat**

MFC

EMC



Permit Review Process



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Permit Review Process



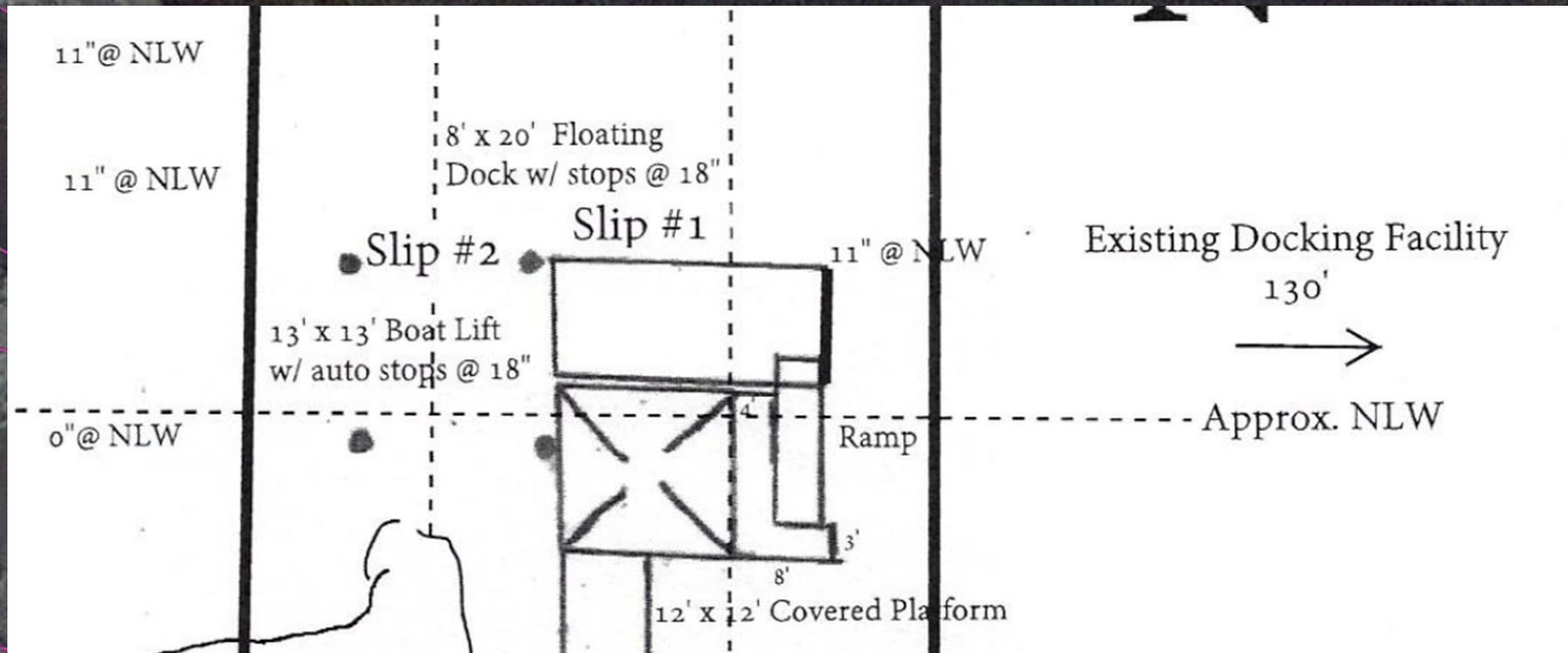


Permit Review Process





Permit Review Process





Permit Review Process



- Public Trust Waters
 - PNA Designation



MFC



Permit Review Process



CRC

- Public Trust Areas
- **Primary Nursery Area (PNA)**
- Minimum Water Depths

- Public Trust Waters
 - **PNA Designation**



MFC



Permit Review Process



CRC

- Public Trust Areas
- **Primary Nursery Area (PNA)**
- Minimum Water Depths

- Public Trust Waters
 - **PNA Designation**

- High Quality Waters and **SA**
 - **PNA**
 - **Shellfish**

MFC

EMC



Permit Review Process

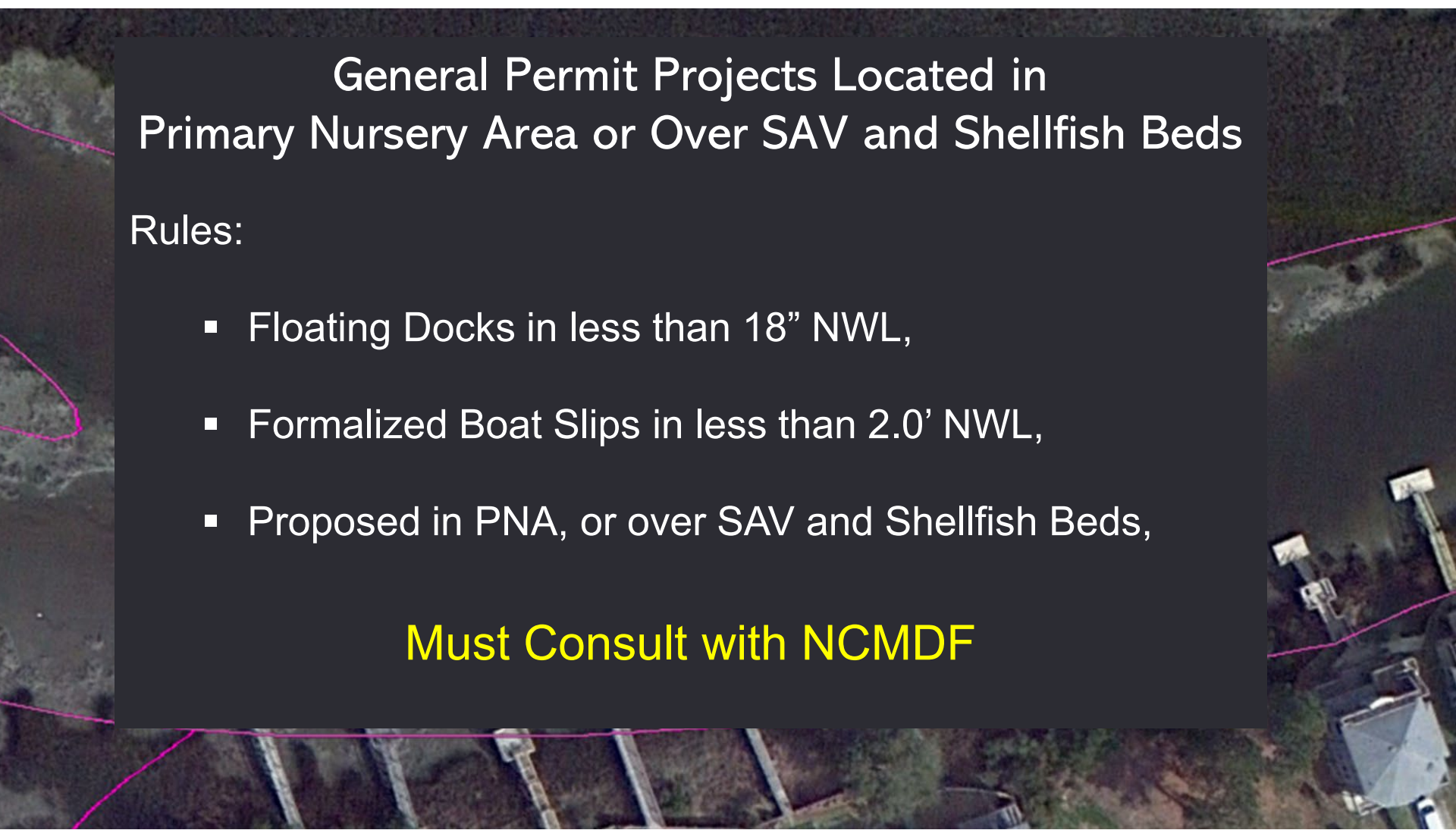


General Permit Projects Located in Primary Nursery Area or Over SAV and Shellfish Beds

Rules:

- Floating Docks in less than 18" NWL,
- Formalized Boat Slips in less than 2.0' NWL,
- Proposed in PNA, or over SAV and Shellfish Beds,

Must Consult with NCMDF





Permit Review Process



CRC

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EMC



Permit Review Process



Pamlico Sound

PROPOSED CORRIDOR

Barney Slough

CORA JUNE PLACEMENT AREA

Hatteras

DOT ISLAND PLACEMENT AREA

Hatteras Island 3,620'

Sloop Channel

2,600'

SHEET PILE PROTECTION PLACEMENT AREA

HIB1

HIB2

Ocracoke Island

OIB

Hatteras Inlet

12,500'

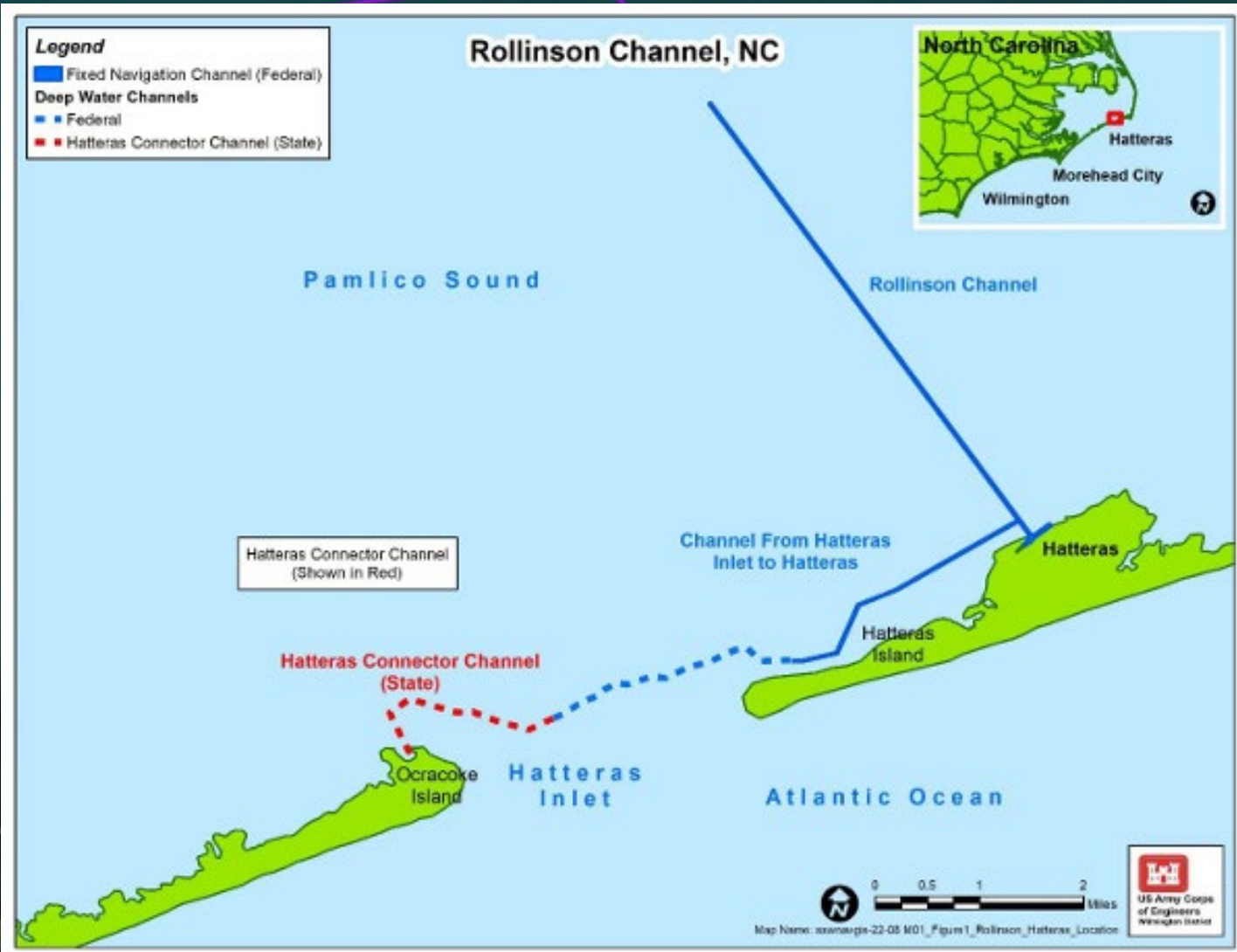
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LEGEND

- Proposed Hatteras Beach Placement
- USACE_Proposed_Corridor_SF_C_Connecto
- Proposed Nearshore Placement Areas
- State Placement Area
- Sheet Pile Protection Placement Area
- Navigation Channel

Map Directory: s:\m\h\g\2022\08
 Map: 3211_ProposedPlacementAreas_Fig2
 Updated/Cited: 18 May 2022
 Imagery: Esri
 Scale: 1:15,000

Hatteras Inlet



UNE
IENT
A

Hatteras

is Island 3,620'

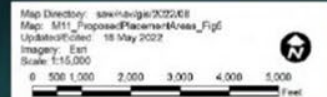
HIB2

Point Name	SPP #	SPW #	Lat. N	LONG. E
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5	200100.2	200110	35.17960	-75.16574
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9	200100.2	200110	35.18340	-75.16974
10	200100.2	200110	35.18435	-75.17074
11	200100.2	200110	35.18530	-75.17174
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13	200100.2	200110	35.18720	-75.17374
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15	200100.2	200110	35.18910	-75.17574
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18	200100.2	200110	35.19195	-75.17874
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67	200100.2	200110	35.23850	-75.22774
68	200100.2	200110	35.23945	-75.22874
69	200100.2	200110	35.24040	-75.22974
70	200100.2	200110	35.24135	-75.23074
71	200100.2	200110	35.24230	-75.23174
72	200100.2	200110	35.24325	-75.23274
73	200100.2	200110	35.24420	-75.23374
74	200100.2	200110	35.24515	-75.23474
75	200100.2	200110	35.24610	-75.23574
76	200100.2	200110	35.24705	-75.23674
77	200100.2	200110	35.24800	-75.23774
78	200100.2	200110	35.24895	-75.23874
79	200100.2	200110	35.24990	-75.23974
80	200100.2	200110	35.25085	-75.24074
81	200100.2	200110	35.25180	-75.24174
82	200100.2	200110	35.25275	-75.24274
83	200100.2	200110	35.25370	-75.24374
84	200100.2	200110	35.25465	-75.24474
85	200100.2	200110	35.25560	-75.24574
86	200100.2	200110	35.25655	-75.24674
87	200100.2	200110	35.25750	-75.24774
88	200100.2	200110	35.25845	-75.24874
89	200100.2	200110	35.25940	-75.24974
90	200100.2	200110	35.26035	-75.25074
91	200100.2	200110	35.26130	-75.25174
92	200100.2	200110	35.26225	-75.25274
93	200100.2	200110	35.26320	-75.25374
94	200100.2	200110	35.26415	-75.25474
95	200100.2	200110	35.26510	-75.25574
96	200100.2	200110	35.26605	-75.25674
97	200100.2	200110	35.26700	-75.25774
98	200100.2	200110	35.26795	-75.25874
99	200100.2	200110	35.26890	-75.25974
100	200100.2	200110	35.26985	-75.26074

Hatteras Inlet

LEGEND

- Proposed Hatteras Beach Placement
- USACE_Proposed_Corridor_SFC_Connecto
- Proposed Nearshore Placement Areas
- State Placement Area
- Sheet Pile Protection Placement Area
- Navigation Channel



Pamlico Sound

Barney Slough

PROPOSED CORRIDOR

Sloop Channel

Approximately 350 ft

10

Approximately 400 ft

Hatteras Island

South Ferry Channel



Hatteras Inlet

Ocracoke Island

LEGEND

- SAV Assessment Area (0.5 mile)
- SAV's - 20210707
- SAV's - 20190818
- USACE Proposed Corridor
- Navigation Channel

Map Directory: [sav/navigation/2022/06](#)
 Map: M12_SAV_Hatteras_Inlet
 Updated/Edited: 30 June 2022
 Imagery: Esri
 Scale: 1:14,000

0 500 1,000 2,000 3,000 4,000 5,000 Feet

Pamlico Sound

North Carolina Estuarine Waters

In-Water-Work-Moratorium

April 1 – September 30

Barney Slough

Approximately
350 ft

Sloop Channel

10

Approximately
400 ft

South Ferry Channel

Hatteras Island

Hatteras Inlet

Ocracoke Island

LEGEND

- SAV Assessment Area (0.5 mile)
- SAV's - 20210707
- SAV's - 20190818
- USACE Proposed Corridor
- Navigation Channel

Map Directory: [sav/wigw/2022/08](#)
Map: M12_SAV_HatRInl_Ftgh
Updated/Edited: 30 June 2022
Imagery: Esri
Scale: 1:14,000



0 500 1,000 2,000 3,000 4,000 5,000 Feet

Pamlico Sound

Barney Slough

PROPOSED CORRIDOR

Sloop Channel

Approximately 350 ft

Hatteras

Hatteras Island

10

Approximately 400 ft

South Ferry Channel

Hatteras Inlet

Ocracoke Island

LEGEND

- SAV Assessment Area (0.5 mile)
- SAV's - 20210707
- SAV's - 20190818
- USACE Proposed Corridor
- Navigation Channel

Map Directory: [hatteras/2022/06](#)
 Map: M12_SAV_Hatteras_Fgth
 Updated/Edited: 30 June 2022
 Imagery: Esri
 Scale: 1:14,000

0 500 1,000 2,000 3,000 4,000 5,000 Feet

Source: Esri, DeLorme, GeoEye, iGeo, and GeoEye, Inc. © 2022

Image from USACE HATTERAS TO HATTERAS INLET, FONSI 11/2024

April 2024

300' Buffer from SAV

1 April - 31 September



Hatteras Inlet

August 2019

300' Buffer from SAV

1 April - 31 September



Hatteras Inlet

September 2019

300' Buffer from SAV

1 April - 31 September




October 2009

100' Buffer from SAV

1 October - 31 March



Hatteras Inlet 

November 2019

100' Buffer from SAV

1 October - 31 March



Hatteras Inlet

February 2017

100' Buffer from SAV

1 October - 31 March



Hatteras Inlet

March 2006

100' Buffer from SAV

1 October - 31 March



Hatteras Inlet

March 2011

100' Buffer from SAV

1 October - 31 March



Hatteras Inlet

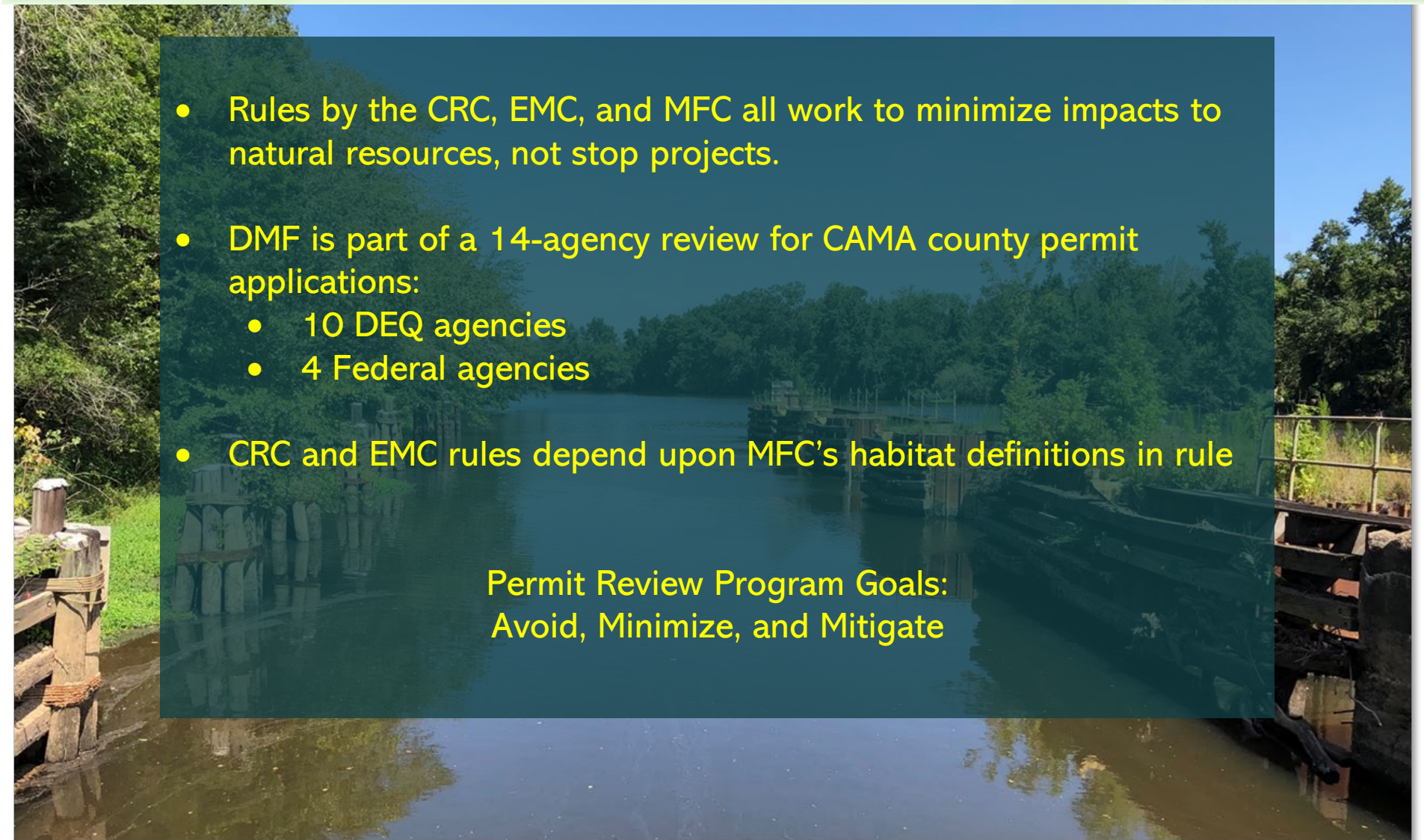


Take Aways



- Rules by the CRC, EMC, and MFC all work to minimize impacts to natural resources, not stop projects.
- DMF is part of a 14-agency review for CAMA county permit applications:
 - 10 DEQ agencies
 - 4 Federal agencies
- CRC and EMC rules depend upon MFC's habitat definitions in rule

Permit Review Program Goals:
Avoid, Minimize, and Mitigate





Questions?



Google Earth