

Permit Class
NEW

Permit Number
51-24

STATE OF NORTH CAROLINA
Department of Environmental Quality
and
Coastal Resources Commission

Permit

for

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

Excavation and/or filling pursuant to NCGS 113-229

Issued to Sungate Properties, LLC, 12501 Village Springs Rd., Raleigh, NC 27614

Authorizing development in Pender County at adj. to Atlantic Ocean and Topsail Sound, at 31 N. Topsail Drive to 703-5 N New River Drive in Surf City, as requested in the permittee's application dated 12/21/23 (MP-1, MP-2), Ocean Hazard Waiver dtd 6/21/23, and work plan dwgs (8) Page 1-8 of 8 dtd 11/2/23.

This permit, issued on May 15, 2024, is subject to compliance with the application (where consistent with the permit), all applicable regulations, special conditions and notes set forth below. Any violation of these terms may be subject to civil or criminal penalties; or may cause the permit to be null and void.

Upland Development within Ocean Hazard and Coastal Shoreline AECs

- 1) Unless specifically altered herein, this permit authorizes the grading and other land disturbing activities associated with the development of the above referenced property, including the 11 single family residential lots, 19 town houses, roadways, parking areas, swimming pools, and other associated infrastructure, all as expressly and specifically set forth in the attached permit application and workplan drawings. [07J .0202(c); 07H .0209(d)]

(See attached sheets for Additional Conditions)

This permit action may be appealed by the permittee or other qualified persons within twenty (20) days of the issuing date.

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

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

All work must cease when the permit expires on

May 15, 2029

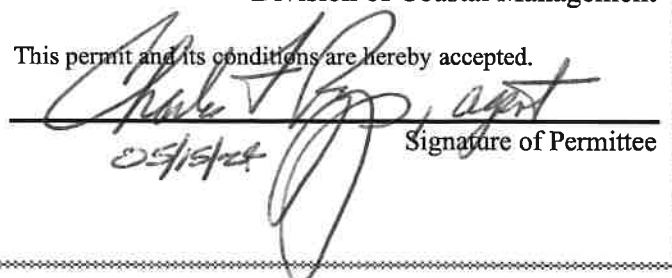
In issuing this permit, the State of North Carolina agrees that your project is consistent with the North Carolina Coastal Management Program.

Signed by the authority of the Secretary of DEQ and the Chair of the Coastal Resources Commission.



For Tancred Miller, Director
Division of Coastal Management

This permit and its conditions are hereby accepted.



Signature of Permittee

ADDITIONAL CONDITIONS

- 2) All construction within the Ocean Hazard AEC shall comply with all applicable requirements of the N.C. Building Code and the local flood damage prevention ordinance as required by the National Flood Insurance Program. If any provisions of the building code or the flood damage prevention ordinance are inconsistent with any of the following AEC standards, the more restrictive standard shall apply. [07H .0308(d)(1)]
- 3) Prior to the initiation of construction within the Ocean Hazard AEC, a representative of the Division of Coastal Management shall stake the first line of stable, natural vegetation and any corresponding applicable structure setbacks. These setback determinations shall replace those done at the time the permit application was processed and approved. Construction shall begin within sixty days of this determination, or the measurement is void and shall be re-established. In the case of a major shoreline change within that period, a new setback determination shall be required before construction begins. [07H .0305; 07H .0306(a); 07J .0403(d)]

NOTE: In order to protect hatchling loggerhead sea turtles, all lights on the building face, including balcony lights on the ocean side of all structures should be eliminated. Where ocean side lighting is required, alternatives including shading, screening, or replacing fixtures with modern alternative light sources should be utilized. Parking lots, streets, tennis courts, walkways, dune crossovers, pools and other areas requiring lights should be illuminated with light fixtures located close to the ground to minimize casting direct light on the beach and dunes. For more information on the proper design of oceanside lighting, contact the N.C. Wildlife Resources Commission at (919) 729-1359.

- 4) All buildings in the Ocean Hazard Area of Environmental Concern shall be on pilings not less than 8 inches in diameter if round, or 8 inches to a side if square. [07H .0308(d)(2)]
- 5) All foundations shall be adequately designed to be stable during applicable fluctuations in ground elevation and wave forces during a 100-year storm. [07H .0308(d)(4)]
- 6) All pilings shall have a tip penetration greater than eight feet below the lowest ground elevation under the structures. [07H .0308(d)(3)]
- 7) Any structure authorized by this permit shall be relocated or dismantled when it becomes imminently threatened by changes in shoreline configuration. The structure(s) shall be relocated or dismantled within eight (8) years of the time when it becomes imminently threatened, and in any case, upon its collapse or subsidence. However, if natural shoreline recovery or beach re-nourishment takes place within eight (8) years of the time the structure becomes imminently threatened, so that the structure is no longer imminently threatened, then it need not be relocated or dismantled at that time. This condition shall not affect the permit holder's right to seek authorization of temporary protective measures allowed under CRC Rules. [07H .0306(g)]

Sedimentation and Erosion Control

- 8) In order to protect water quality, runoff from construction shall not visibly increase the amount of suspended sediments in adjacent waters. [07H .0209(d)(4); G.S. 113A-102(a); 07H .0207; 07H .0208]

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ADDITIONAL CONDITIONS

- 9) Appropriate sedimentation and erosion control devices, measures or structures shall be implemented to ensure that eroded materials do not enter adjacent wetlands, watercourses or properties. [07H .0209(d)(4); G.S. 113A-102(a); 07H .0207; 07H .0208]
- 10) A ground cover sufficient to restrain erosion shall be provided within 30 calendar days of completion of any phase of grading on cut or filled slopes. [G.S. 113A-120(b)]

NOTE: The Division Energy, Mineral and Land Resources (DEMLR) approval of this project under stormwater management rules of the Environmental Management Commission is covered by way of Erosion and Sedimentation Control Permit No. PENDE-2024-0103, which was issued on 12/5/23. Any violation of the permit approved by the DEMLR shall be considered a violation of this CAMA permit. [07H .0209(d)]

Stormwater Management

- 11) The Division Energy, Mineral and Land Resources (DEMLR) approval of this project under stormwater management rules of the Environmental Management Commission is covered by way of Stormwater Permit No. SW8240401, which was issued on 4/15/24. Any violation of the permit approved by the DEMLR shall be considered a violation of this CAMA permit. [07H .0209(d)]

General

- 12) If a court of competent jurisdiction determines that a party other than the permittee has legal title to any part of the area approved for development under this permit, this permit shall be null and void as to the area the court determines is not owned by the permittee. This condition shall take effect on the date such court judgment becomes final. In such event, the permittee shall consult DCM prior to initiating or continuing any further development under this permit. [G.S. 113-229(b)]
- 13) All mechanized equipment will be regularly inspected and maintained to prevent contamination of waters and wetlands from fuels, lubricants, hydraulic fluids, or other toxic materials. In the event of a spill of petroleum products or any other hazardous waste, the permittee shall immediately report it to the National Response Center at (800) 424-8802 and provisions of the North Carolina Oil Pollution and Hazardous Substances Control Act will be followed. [07H .0208(a)(2)(B)]
- 14) This permit shall not be assigned, transferred, sold, or otherwise disposed of to a third party without the written approval of the Division of Coastal Management. [07J .0406(b)]
- 15) All construction debris associated with the removal or construction of the permitted development shall be contained within the authorized project area and disposed of in an approved upland location. [07J .0209(a); G.S 113A-120(b)]
- 16) The permittee and/or their contractor shall meet with a representative of the Division prior to project initiation. [07J .0209(a)]

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

ADDITIONAL CONDITIONS

NOTE: The U.S. Army Corps of Engineers has determined no permit is required and assigned the proposed project SAW Action Id. No. 2024-00521.

NOTE: The N.C. Division of Water Resources has determined no 401 certification is required and assigned the project DWR Project No. 20240377.

NOTE: Future development of the permittee's property may require a modification of this permit. Contact a representative of the Division at (910) 796-7215 prior to the commencement of any such activity for this determination. The permittee is further advised that many non-water dependent activities are not authorized within 30 feet of the normal high-water level.

NOTE: An application processing fee of \$400 was received by DCM for this project.