

NEW**55-99****STATE OF NORTH CAROLINA**

Department of Environment and Natural Resources
and
Coastal Resources Commission

Permit

X 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 Dolphin Shores S/D, c/o Bluegreen Carolina Land, 2105 Capital Drive, Suite 100, Wilmington, NC 28405

authorizing development in Onslow County at Atlantic Ocean and Goose Bay, North Topsail Beach

 , as requested in the permittee's application dated 10/20/98 including attached workplan
drawings, 1-2 of 2, both dated 8/17/98, and attached AEC Hazard Notice dated 6/22/99.

This permit, issued on 6-25-99, 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.

Subdivision Development

- 1) At the request of the permittee, all references within the permit application and the attached workplan drawings to the proposed docking facility waterward of the public pier and gazebo are hereby deleted. The remaining portion of the pier facility may be constructed in accordance with the attached workplan drawings. No boat dockage is allowed at the facility, even temporarily.
- 2) Due to the high quality of the adjacent estuarine waters, as well as the potential for adverse impacts to these waters, General Permits for piers constructed by individual lot owners are expressly prohibited at the Dolphin Shores Subdivision. To ensure compliance with this condition, deed notifications, covenants or similar mechanisms which notify each land owner of this prohibition shall be placed on each waterfront lot. These mechanisms shall be put in place no more than 30 days from the date of receipt of this permit, and an example of such covenant or other mechanism submitted to the Division of Coastal Management.

(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. 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.

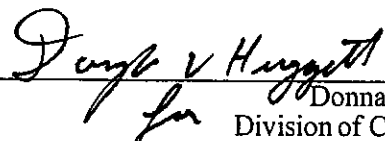
Any maintenance work or project modification not covered hereunder requires further Departmental approval.

All work must cease when the permit expires on

December 31, 2002

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

Signed by the authority of the Secretary of DENR and the Chairman of the Coastal Resources Commission.


Donna D. Moffitt, Director
Division of Coastal Management

This permit and its conditions are hereby accepted.

Signature of Permittee

ADDITIONAL CONDITIONS

NOTE: This General Permit prohibition does not preclude individual lot owners wishing to construct private docking facilities from applying for a Major Development Permit from the Division of Coastal Management.

- 3) The issuance of this permit was based in part upon a determination that each of the proposed individual site building envelopes were located entirely outside of any jurisdictional wetland area. In accordance with the requirements of the Division of Water Quality's 401 Water Quality Certification, any future development within the subdivision which would result in a fill of a jurisdictional wetland will require a modification of the 401 certification and of this permit. To ensure compliance with this condition, deed notifications, covenants or similar mechanisms shall be placed on each lot containing jurisdictional wetlands, requiring each land owner to obtain approval from the Division of Water Quality and the Division of Coastal Management before filling any wetland area. These mechanisms shall be put in place no more than 30 days from the date of receipt of this permit, and an example of such covenant or other mechanism submitted to the Division of Coastal Management.
- 4) This permit does not authorize the excavation or filling, even temporarily, of any marsh, jurisdictional wetland or open water area.

NOTE: The permittee is strongly encouraged to ensure that the only impact to maritime forest vegetation, which serves as an important natural barrier to erosion, is that which is absolutely necessary for single family home access and construction.

Oceanfront Clubhouse Development

- 5) In accordance with 15A NCAC 7H.0308, no seawall or riprap revetments will be allowed in the future should any portion of any oceanfront structure become threatened by erosion.
- 6) Prior to the initiation of construction within the Ocean Hazard AEC, a representative of the Division of Coastal Management must stake the limits of the 60 foot development setback and the landward limits of the frontal dune. Construction must begin within 30 days of these determinations. Failure to initiate construction within 30 days, or erosion of the shoreline by adverse weather conditions, will require these limits to be restaked by the Division.
- 7) The foundation pilings of the clubhouse must be located entirely landward of the sixty foot development setback line referenced in Condition No. 6 of this permit.
- 8) The total enclosed floor area of the club house shall not exceed 5,000 square feet.
- 9) All structures in the ocean hazard area shall be on pilings not less than 8" in diameter if round, or 8" to a side if square.

ADDITIONAL CONDITIONS

- 10) All construction within the ocean hazard area must comply with building requirements of the N.C. Building Code, and the local flood damage prevention ordinance as required by the National Flood Insurance Program.
- 11) All foundations and structures must be designed to be stable during applicable fluctuations in ground elevation and wave force during a 100-year storm.
- 12) All pilings shall have a tip penetration greater than eight feet below the lowest ground elevation under the structure. For those structures so located on the frontal dune or nearer to the ocean, the pilings must extend to five feet below mean sea level.
- 13) All walkways and decks located over any portion of the frontal dune shall be elevated in such a manner so that no portion of the structure, with the exception of the pilings, touches the frontal dune.
- 14) The beach accessway shall not exceed a width of 6 feet.
- 15) The beach accessway stairs shall terminate immediately oceanward of the first line of stable natural vegetation.
- 16) Elevated decks within the 60 setback referenced in Condition No. 6 of this permit shall not exceed a total combined area of 500 square feet. This size limitation shall not apply to walkways 6 feet or less in width.
- 17) All structure(s) shall be relocated or dismantled within two 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 renourishment takes place within two years of the time the structure becomes imminently threatened, so that the structure is no longer threatened, then it need not be dismantled or relocated at that time.

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 include shading, screening, or replacing fixtures with modern alternative light sources. 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 ocean side lighting, contact the N.C. Wildlife Resources Commission at (919) 729-1359.

ADDITIONAL CONDITIONS

Sedimentation and Erosion Control

- 18) In order to protect water quality, runoff from construction must not visibly increase the amount of suspended sediments in adjacent waters.
- 19) All disturbed areas shall be properly graded and provided a ground cover sufficient to restrain erosion within thirty days of project completion.

NOTE: An Erosion and Sedimentation Control Plan will be required for this project. This plan must be filed at least thirty (30) days prior to the beginning of any land disturbing activity. Submit this plan to the Department of Environment and Natural Resources, Land Quality Section, 127 Cardinal Drive Extension, Wilmington, NC 28405.

Stormwater Management

- 20) The Division of Water Quality approved this project under stormwater management rules of the Environmental Management Commission on 1/26/99 (Permit No. SW8981025). Any violation of or deviation from the permit issued by the DWQ will be considered a violation of this CAMA permit.

General

- 21) The Division of Water Quality approved this project under General Water Quality Certification No. 3112 (DWQ Project No. 990225), which was issued on 5/12/99. Any violation of or deviation from the permit issued by the DWQ.

NOTE: Future development of individual lots, including but not limited to single family-home construction, may require authorization from the North Topsail Beach Local Permit Officer prior to the initiation of construction. Contact a representative of the Division or the North Topsail Beach Local Permit Officer prior to the commencement of any such activity for this determination.

NOTE: The permittee is encouraged to contact the Onslow County Mosquito Control Office at (910) 455-0181 to discuss mosquito control measures.

NOTE: The U.S. Army Corps of Engineers authorized the proposed project under General Permit No. 197800056 (COE Action Id. No. 199900926) which was issued on 5/7/99.