JOSH STEIN
Governor
D. REID WILSON
Secretary
DANIEL S. HIRSCHMAN
General Counsel

NORTH CAROLINA
Environmental Quality

TO: The Coastal Resources Commission

FROM: Christine A. Goebel, DEQ Assistant General Counsel

DATE: October 20, 2026 (for the October 28-29, 2026 CRC Meeting)

RE: **Variance Request by Albemarle Plantation POA, Inc. (CRC-VR-26-25)**

Petitioner is a property owners' association and owns common area riparian property within the Albemarle Plantation development in Perquimans County. Petitioner has an existing 166 slip marina and now proposes to expand the marina by 60 more slips on a new fixed pier and three floating pier/wave attenuators. Petitioner proposed that the pier extend up to 40% across the waterbody which exceeds the Commission's quarter-width pier length limitation at 7H .0208(G)(iii). The site plan submitted with the major permit application was not designed to meet the quarter-width rule or one-third width exception rules as Petitioner planned to seek this variance. On August 14, 2026, DCM denied Petitioner's major application. Petitioner now seeks a variance to waive the quarter-width limitation in order to develop their site as 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.): Hood Ellis, Esq., Petitioner's Attorney, electronically to hellis@hrem.com
Elly Young, Special Deputy AG and CRC Counsel, electronically esyoung@ncdoj.gov
Rhonda Repanshek, Perquimians Co. Planner, to rhondarep@perquimanscountync.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 .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 .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

(a) General Use Standards

****

(2) Before being granted a permit, the CRC or local permitting authority shall find that the applicant has complied with the following standards:

(G) Development shall not jeopardize the use of the waters for navigation or for other public trust rights in public trust areas including estuarine waters.

***

(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 is Albemarle Plantation Property Owners Association, Inc. ("POA"). According to Secretary of State filings, the POA was incorporated in 1989 as a North Carolina non-profit corporation. According to the most recent amendment in 2017, the POA's registered agent is Shayne Byrum with an address at 1 Plantation Drive, Hertford, NC 27944.

2. The POA was created through the covenants recorded at Book 130, Page 593 of the Perquimans County Registry. The common area property was transferred from the developer to POA through a deed recorded at Book 401, Page 197, a copy of which is attached.

3. The POA owns approximately 198 acres of common area property within the subdivision including the marina area and docks and the common area where the marina docks extend from. The 2008 deed from HPB Enterprises to Albemarle Plantation Holdings, LLC is recorded at Book 363, Page 504, a copy of which is attached (marina is on p.12). A copy of the property cards for the common area and the docks listings is attached. The common area also includes a ship's store and marina area parking lot (421 Albemarle Boulevard). The marina currently consists of a 166-slip marina, dock masters' building, utility buildings and a parking area. A plat of the pre-sub-divided site recorded at Plat Cabinet 2, Slide 14, Map 4 is attached.

4. The property has a shoreline length of 11,110 linear feet and is situated at the mouth of Yeopim Creek where it meets the Albemarle Sound (the "Site") and 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.

5. The Site is located adjacent to/within Yeopim Creek, which at this location are classified as SC waters by the EMC. It is closed to shellfishing and is not a primary nursery. Yeopim Creek is used primarily for recreational and not commercial/industrial use. The proposed marina expansion is proposed within the Public Trust Areas of Environmental Concern where these waters are classified as "inland waters" upstream of the inland/coastal waters boundary. There is no upland work proposed. G.S. 113A-118 requires all proposed development in these AECs requires CAMA permit authorization.

6. The Automatic Identification System (AIS) is a federal database of vessel traffic over time through an onboard navigation safety device that transmits and monitors vessels in the United States. Data includes location, vessel type and dimensions including draft. AIS data from 2020-2025 for the area south of the Yeopim Creek to the marina area showed the typical vessel type was sailing, pleasure craft or fishing and the length of vessel ranged from 10-20 feet. The AIS system logged approximately 72,600 vessels in this area over the 5-year period.

7. The original marina and amenities were authorized in 1989 by CAMA Major Development Permit #58-89 (as modified in November that year to add the marina) issued to HPB Enterprises as the developer of the subdivision. CAMA Major Permit #31-00 was issued in 2000 also to HPB Enterprises authorizing a boat ramp and a docking facility farther upstream on Yeopim Creek. Major Permit 109-03 was issued in 2003 for excavation at the mouth of the Yeopim River and a copy of the permit and depth contour map is attached. Copies of these older permits are attached.

8. Petitioner applied for a marina expansion in 2025 similar to the one now proposed, and on April 25, 2025, DCM denied that design based on the quarter-width rule, a second story proposed use, expansion of a non-conforming structure and a disallowed breakwater. A copy of the denial letter and 2025 site plan area attached.

9. On March 19, 2026, DCM Field Representative Cynthia Rountree conducted a site visit. A copy of her Field Investigation Report dated June 4, 2026 is attached. Ms. Rountree did not find any Submerged Aquatic Vegetation (SAV) present on the date of her site visit.

10. The POA, through its CAMA agent Environmental Professionals, Inc., submitted a Coastal Area Management Act (CAMA) Major Permit application to construct a pier, gazebo, covered boat lift and floating dock within the riparian corridor of its property on May 18, 2026. It was deemed complete on June 1, 2026. A copy of the CAMA Major Permit Application is attached.

11. The Petitioner proposed construction of 66 additional slips (166 + 60 = 226 slips), a 12’ x 460’ fixed pier, a 12’ x 228’ long floating pier with 20 new slips with 9 finger piers, a 12’ x 90’ fixed octagonal golf cart turnaround platform, a 9’ x 60’ gangway from the fixed pier transition to the floating pier/attenuator, and a 1,114’ wave attenuator and floating dock designed to absorb, reflect, and dissipate incoming wave energy. Drawings of the proposed development are attached.

12. Depths at the one-quarter width were noted in the application as approximately -5 feet to -7 feet at normal water level at the quarter-width. Depths at the one-third width are approximately -7 feet to -7.5 feet at normal water level. Depths located at the proposed location were noted in the application at -5 feet to -7.5 feet at normal water level.

13. The proposed Project would involve the incorporation of 25,674 square feet/0.58 acres of structures in open public trust waters. The proposed development will have a public trust usurpation of 29,600 square feet and added to the existing 63,403 square feet results in a total public trust usurpation of 93,003 square feet/ 2.14 acres.

14. The opposite shoreline is known as Snug Harbor and is not developed with any piers and the properties are largely residential in nature and is largely natural shoreline with some erosion.

15. At the most restrictive point as shown on Drawing Sheet 1, attached, the width of the waterbody is 1,575’ placing the ¼ width distance required by rule at 394’ and the 1/3 width

distance at 524’. At the furthest point, the proposed structure will extend 620’ which is 40% (620/1575) of the distance of the waterbody.

16. At the time of its original 1989 CAMA Permit, the Commission’s rule limited structures to a one-third of the waterbody standard as one of the limits to pier length. The Commission has since changed that limit to a one-quarter width standard.

17. 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."

18. During the course of the joint State and Federal review, the Division of Marine Fisheries' (DMF) responded with substantiative comments. DMF Fisheries Resource Specialist noted that DMF does not support segments B and C of the proposed addition, but does not object to segment A. The concerns are that there will be “impacts to fish who travel and forage within the mid-to-upper water column from accessing foraging and sheltered areas that are otherwise available under the current footprint.” DMF also suggested any permit be conditioned to limit construction to outside of 15 February – 30 June moratorium dates. DMF also requested the applicant to increase decking board spacing on Segment A dock to reduce shading impacts. A copy of her July 1, 2026 comment letter is attached.

19. After DCM’s denial, the Army Corps of Engineers indicated to DCM that National Marine Fisheries Service provided comments which mirrored those supplied by NC DMF where it suggested a moratorium, wider spacing of deck boards, and the removal of floating docks B and C. As DCM had already denied the project and the Corps knew a variance was being sought, the Corps indicated that if a variance was granted the NMFS comments would require further coordination. A copy of the Corps and NMFS comments are attached.

20. The N.C. Division of Water Resources approved the Project as proposed in the 2025 design under a 401 Water Quality Certification DWR #19990542V2 dated September 30, 2025. Further coordination and a modification may be necessary going forward.

21. 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 (Perquimans Weekly on June 13, 2026). Notice was also sent to the adjacent riparian property owners (Broxton and Hendrickson). USPS Tracking shows delivery to both Braxton and Hendrickson on April 25, 2026. No other comments from the public were received in connection with the permit application.

22. DCM field staff recommended denial of the permit based upon the inconsistency with rules of the CRC regarding exceeding the one-quarter width requirement.

23. The DCM Director denied Petitioner’s CAMA Major Permit application on August 14, 2026. A copy of the denial letter is attached.

24. 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 quarter width rule in 15A NCAC 07H .0208(b)(6)(G)(iii). However, 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. Deed to PPOA in 2012 at 401/197
3. Plat at Plat Cabinet 2, Slide 14, Map 4
4. County property cards for common area and marina
5. Old major permits (and relevant drawings/pics) 58-89 mod., 31-00 and 109-03 and 2025 denial/plans
6. June 4, 2026 Field Report
7. Major Permit application materials (maps are sheets 1-3 & 5 but no 4)
8. DMF Comments
9. Corps/NMFS Comments
10. DCM Field Rep Comments
11. 2026 Denial Letter
12. Illustrative Exhibits of the site plans with the ¼ and 1/3 lines
13. PowerPoint presentation

PETITIONER'S and STAFF'S POSITIONS **ATTACHMENT C**

I. Will strict application of the applicable development rules, standards, or orders issued by the Commission cause the petitioner unnecessary hardships? If so, the petitioner must identify the hardships.

Petitioner's Position: Yes.

Currently the marina is nearly full and there remains demand for additional facilities. The current marina is limited in its ability to serve the public and private interest which include future growth of the development, use by the transient boating community, commercial interest (including local fishermen), public health safety and welfare programs that require water access (i.e. NC Wildlife Resources and Marine Fisheries, fire/rescue boats and research vessels) and economic growth of the regional tourism (member marina in the Albemarle Loop which extends economic benefits at the Hertford waterfront, and Edenton Harbor). The alternative to providing additional facilities would require construction of a new expansion area from the shoreline which may result in less accessibility (shallow water in adjacent areas), increase environmental impacts and additional cost of construction.

Staff's Position: No

Staff disagrees that a strict application of the quarter width limit rule allowing development up to 40% of the waterbody width would result in unnecessary hardships for the Petitioner.

This is a large development with an extensive 11,110 feet of linear shoreline. At the time of the original permit for the marina in 1989, the Commission's rules limiting pier length included an overall limit of one-third of the width of the waterbody. This rule was based on the idea that each riparian owner could go as far out as the third width (if needed and if not impeding navigation and other rule limitations) leaving the middle third for navigation of public trust waters structure-free for the public. Around the 1998 timeframe, the Commission revisited this rule and amended it to have a maximum pier length limit of one-quarter of the width of the waterbody (with written exceptions to go to a third if the proposed pier was between other longer piers). The Commission's change allowed riparian owners to go no further than a quarter width on each shore, now leaving half the width for use of the public trust waters by the navigating public. Staff believe this change to the rule was an acknowledgement of the importance of protecting public navigation of public trust waters and the duty of the state (through DCM and the CRC) to protect those public trust rights and uses. While riparian owners have a right to pier out to "deep water", that is a qualified right subject to reasonable regulation by the state…in this case, by the CRC's pier length limitation rules.

Petitioner built the permitted 166-slip marina largely out to the one-third width allowed by the permit, though with less structure on the south side of the marina where most of it met the quarter-width distance. Petitioner now seeks to add new dock sections (fixed and floating/wave attenuator Docks A, B and C) and 60 additional slips for a total of 226 slips. Following the permit denial

anticipated by Petitioner (who proposed a similar design in 2025 which was denied by DCM), Petitioner seeks a variance from the quarter-width rule of the Commission at 15A NCAC 7H .0208(b)(6)(G) to increase slips by 36% (166 existing slips + 60 slips), to extend as far as 40% of the width of the waterbody, with much of the slips/structure located beyond the one-third width limit in place at the time of the original permit. Water depth measurements indicate that going further out is not in order to gain significantly deeper water. Petitioner's existing marina already extends to the third width and while staff don't disagree that not building out within the third width area could be a hardship, extending beyond the third width while not gaining depth and in order to significantly expand the number of slips is not an unnecessary hardship caused by strict application of the Commission's rules.

Additionally, Staff are concerned about the comments from DMF and NMFS which object to the two floating dock/wave attenuator sections and their likely impacts on fish as stated in their comments attached.

In sum, Staff do not believe strict application of the Commission's rules causes Petitioner an unnecessary hardship where their existing pier meets the third width of the channel as allowed by rule in 1989 and as authorized by that permit.

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 existing marina is in the area which provides the preferred access to the deep water that is commonly owned by the POA and is relatively protected. The location was selected and permitted by Cama Major Development Permit #58-89 in 1989 authorizing 237 slips that met the regulation at that time not to exceed the one third width of the waterbody limitation, If the rule to limit the extension to one third the width of the water body remained, this request would only exceed that limitation by 96 feet.

Staff's Position: No.

Staff disagree that any hardship Petitioner might have is a result from conditions peculiar to the Petitioner's property. Staff acknowledge that Petitioner's original permit was issued when the pier length rule was one-third the waterbody width and was changed in 1998 to a one-quarter limit. However, Staff notes that the rule's limit is not a physical characteristic of the Site as required by the statute, which recites examples such as location, size or topography, and where water depths and the potential for dredging are not prohibitive.

Staff note that a location on a point of land where the Yeopim River joins Albemarle Sound is common in the northern half of the state where many rivers and creeks join the sound and accessible navigation in and out of the river should be protected.

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

Petitioner's Position: No.

The demand for expanded facilities was not necessary in 1989. In addition, the rule changes to limit the extension into a water body by only one quarter the width of the water body was not promulgated until after construction. The increased regional demand, the regional economic growth potential nor the rule chance could have been anticipated.

Staff's Position: Yes.

Staff believes any hardships alleged by Petitioner are caused by Petitioner's development plan and design choice. Petitioner is choosing to extend the dock expansion into Yeopim Creek beyond the current quarter-width limit and also past the one-third width limit that was the rule in 1989. Petitioner speaks in generalities about regional demand and economic growth potential as being the reason to expand, but instead of proposing to expand within the quarter or third limits (at this location or other common area shoreline within the development), would go further, up to 40% across the mouth of Yeopim Creek. Choosing to propose the new pier expansion beyond the current and former regulatory limits instead of proposing to meet the third width directly causes the Petitioner's alleged hardships.

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) The intent of the one third rule was to ensure adequate navigation by property owners on either side of the water body. The nearest distance of the water body at this location is 1575 feet. The proposed addition will extend 620 feet from the normal water line/edge of wetlands. This allows for a remainder of 955 feet from the nearest shoreline across the water body. There is no extension into the water body from development on the other side but even with a theoretical marina on the other side, approximately 561 feet would be available for the fairway. The project is consistent with the spirit, purpose and intent of the rule.

(2) The proposed project will continue the opportunity to service fire and rescue boats for the increasing population of the area and will allow for additional opportunities for local and regional economic growth, including regional tourism and job opportunities.

(3) The facility not only serves the POA but extends to support regional tourism growth and viability by participating in joint regional efforts such as marine enforcement commercial fishing and harbor town programs such as the Albemarle loop initiative.

Staff's Position: No.

Staff do not believe the requested variance is consistent with the spirit, purpose and intent of the quarter-width rule where Petitioners propose to build out not just to the third width, but also to build some portions of the proposed docks beyond the third width up to 40% across the waterbody.

While Staff believe a re-designed layout which honors the former third-width rule in place at the time this marina was initially permitted better meets the spirit of the quarter-width pier length rule where it would protect at least a third of the waterbody width for navigation of public trust waters by the public, Staff believes that asking for a variance from the pier length rule for portions between 34% and 40% are not within the spirit of the Commission's rules. Staff disagree with Petitioner's math where they argue that 561' would be available for fairway. If the width is 1575 and Petitioners build 620', they say 561' would remain, but that math would hold the opposite shore to the quarter width allowed by rule and not afford them the third width Petitioners have now or 40% that Petitioner asks for in this variance. If fairness is applied to the opposite shore, only 1575 – 620 – 620 = 335 (or 21% width) would be available for navigation. An 40/20/40 potential split simply does not protect navigation of the public trust waters and is an untenable balance in favor of private riparian owners and not the public.

Staff would be more comfortable with a re-design along the 11,100 liner feet of available shoreline that held to the third width limitation (which would still require a variance) as a more-fair split of the waterbody width and ensuring the public navigation portion will never be less than a third.

Staff believe it would also not protect public safety and welfare, where DMF and NMFS raised strong concerns about the pier extension, especially the floating portions of the dock labeled B and C, and their impacts to fish passage in this Essential Fish Habitat area. The concerns raised were the shading impacts of the docks and the attenuators, B and C docks' "potential to block fishes who travel and forage within the mid-to-upper water column from accessing foraging and sheltered areas.

While Staff disagree that the requested variance to 40% would preserve substantial justice, Staff are more comfortable if Petitioners redesigned to add additional piers and slips up to the third-width line where unavoidable, which was the standard when the marina was initially permitted. To grant a variance from the current quarter width and from the past third width limitations fail to preserve substantial justice where it would significantly narrow the passage area for the public in and out of Yeopim Creek and where it tips the balance in favor of one riparian owner.

ATTACHMENT D:

PETITIONER'S VARIANCE REQUEST MATERIALS

CAMA VARIANCE REQUEST FORM

DCM FORM 11
DCM FILE No.:_____

PETITIONER'S NAME Albemarle Plantation Property Owner's Association, Inc.
128 Lakeside Drive, Hertford, N.C. 27944

COUNTY WHERE THE DEVELOPMENT IS PROPOSED Perquimans

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:

_X_ The name and location of the development as identified on the permit application; Albemarle Plantation Property Owner's Association, Inc., 421 Albemarle Blvd., Hertford, NC 27944

_X_ A copy of the permit decision for the development in question;

_X_ A copy of the deed to the property on which the proposed development would be located;

_X_ A complete description of the proposed development including a site plan;

_X_ A stipulation that the proposed development is inconsistent with the rule at issue;

_X_ 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;

_X_ Petitioner's written reasons and arguments about why the Petitioner meets the four variance criteria, listed above;

TBD prior to hearing with DCM staff and General Counsel/Attorney General

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.

_X_ 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

September 1, 2026
Date

M. H. Hood Ellis
Printed Name of Petitioner or Attorney

hellis@hrem.com
Email address of Petitioner or Attorney

Hornthal, Riley, Ellis & Maland, LLP
301 E Main Street
Mailing Address

(252) 335-0871
Telephone Number of Petitioner or Attorney

Elizabeth City — NC — 27909
City — State — Zip

(252) 335-4223
Fax Number of Petitioner or Attorney

DELIVERY OF THIS HEARING REQUEST

This variance petition must be **received by** the Division of Coastal Management at least six (6) weeks before the first day of the regularly scheduled Commission meeting at which it is heard. A copy of this request must also be sent to the Attorney General's Office, Environmental Division. 15A N.C.A.C. 07J .0701(e).

Contact Information for DCM:

By mail, express mail or hand delivery:
Director
Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557

By Fax:
(252) 247-3330

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

Contact Information for Attorney General's Office:

By mail:
Environmental Division
9001 Mail Service Center
Raleigh, NC 27699-9001

By express mail:
Environmental Division
114 W. Edenton Street
Raleigh, NC 27603

By Fax:
(919) 716-6767

Revised: July 2014

Albemarle Plantation Property Owners Association, Inc.

Marina Expansion

Existing Conditions

The marina that services The Albemarle Plantation Property Owners Association, Inc. is located at 421 Albemarle Blvd. in the subdivision known as Albemarle Plantation in Perquimans County, North Carolina. The original development was authorized By Cama Major Development Permit #30 – 00 issued to HPB Enterprises February 24, 2000. The project has since been modified under general permits #62371A issued September 15, 2013, 64978A issued April 15, 2015, 70060A issued May 18, 2017, and #86139A issued October 22, 2021.

The marina is currently a 166-slip marina supporting a dock master building and utility buildings. The existing land use of the surrounding area is a residential subdivision with golf course and associated infrastructure. The facility is serviced by an existing wastewater treatment system which is a central wastewater system with spray irrigation fields. Solid waste and trash deposited in trash receptacles is taken off-site for disposal.

Proposed Development

The proposed development is to add 60 additional boat slips, construct a 12-foot wide by 228-foot-long floating dock with a 12' x 90' platform. Also proposed is the installation of 1114 feet of wave attenuator and floating dock. The proposed development will provide additional docking for the expanded subdivision population and the proposed wave attenuator around the perimeter of the marina will provide a safer environment for boat mooring. The daily use of the marina will continue for access to adjacent waters by residents, transient boaters and governmental agencies such as The Wildlife Resources Commission.

STIPULATION THAT PROPOSED DEVELOPMENT IS INCONSISTENT WITH RULE AT ISSUE

Petitioner, Albemarle Plantation Property Owners Association, Inc. stipulates that the proposed development (Marina Expansion) is inconsistent with 15A NCAC 07H.0208(b)(6)(G)(ii) and (iii) as recited in Section 10) on pages 2-3 of the NC DCM decision dated August 14, 2026 (DEN26-02).

This 1st day of September, 2026.

M. H. Hood Ellis
Hornthal, Riley, Ellis & Maland, LLP
301 E. Main Street
Elizabeth City, N.C. 27909
Attorneys for Petitioner

ENVIRONMENTAL PROFESSIONALS INC
PLANNING FOR A BETTER ENVIRONMENT

Mr. John Hendrickson
143 Country Club Drive
Hertford, NC 27944

April 18, 2026

Dear Mr. Hendrickson,

Environmental Professionals, Inc. has been retained by the Albemarle Plantation Property Association, Inc.to represent them to the North Carolina Division of Coastal Management for the purposes of requesting a permit to construct 60 additional slips, a 1,114 foot long wave attenuator, 12'x90' platform and a 12'wide by 228 footlong floating dock at the existing marina which is adjacent to your property as depicted in the enclosed project plan and project narrative.
Should you have any questions regarding this request, please contact:

Environmental Professionals, Inc.
Attn: Mr. George H Wood, CEP, PWS
224 Colington Ridge
Kill Devil Hills, NC 27948
252-423-1234
obxwood@yahoo.com

or

NC Division of Coastal Management
Attn: Cynthia Rountree
401 South Griffin St. Suite 300
Elizabeth City, NC 27909
252-621-6452
Cynthia.rountree@deq.nc.gov

If you have comment about the project, please mark the appropriate statement below and return to Environmental Professionals, Inc.

I appreciate your consideration of this matter and remain available to answer any questions you may have regarding this request.

Sincerely,

George H Wood, CEP, PWS

____ I have no objections to the project described in this correspondence.

____ I have objections to the project described in this correspondence.

_____ _____
Signature Date

SENDER: COMPLETE THIS SECTION

- 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.

1. Article Addressed to:

Mr. John Hendrickson
143 Country Club Dr.
Hertford, NC 27944

9590 9402 9059 4122 3855 85

2. Article Number (Transfer from service label)

9589 0710 5270 0405 6052 10

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X [signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name) | C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Mail
- ☐ Mail Restricted Delivery
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053 — Domestic Return Receipt

9589 0710 5270 0405 6052 10

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee $

Extra Services & Fees (check box, add fee as appropriate)

- ☐ Return Receipt (hardcopy) $
- ☐ Return Receipt (electronic) $
- ☐ Certified Mail Restricted Delivery $
- ☐ Adult Signature Required $
- ☐ Adult Signature Restricted Delivery $

Postage $ 11.36

Total Postage and Fees $

Postmark Here

04/20/2026

Sent To: John Hendrickson
Street and Apt. No., or PO Box No.: 143 Country Club Dr.
City, State, ZIP+4®: Hertford, NC 27944

PS Form 3800, January 2023 PSN 7530-02-000-9047 — See Reverse for Instructions

ENVIRONMENTAL PROFESSIONALS INC
PLANNING FOR A BETTER ENVIRONMENT

Mr. David Braxton
199 Beech Pt Blvd
Hertford, NC 27944

April 18, 2026

Dear Mr. Braxton,

Environmental Professionals, Inc. has been retained by the Albemarle Plantation Property Association, Inc.to represent them to the North Carolina Division of Coastal Management for the purposes of requesting a permit to construct 60 additional slips, a 1,114 foot long wave attenuator, 12'x90' platform and a 12'wide by 228 footlong floating dock at the existing marina which is adjacent to your property as depicted in the enclosed project plan and project narrative.
Should you have any questions regarding this request, please contact:

Environmental Professionals, Inc.
Attn: Mr. George H Wood, CEP, PWS
224 Colington Ridge
Kill Devil Hills, NC 27948
252-423-1234
obxwood@yahoo.com

or

NC Division of Coastal Management
Attn: Cynthia Rountree
401 South Griffin St. Suite 300
Elizabeth City, NC 27909
252-621-6452
Cynthia.rountree@deq.nc.gov

If you have comment about the project, please mark the appropriate statement below and return to Environmental Professionals, Inc.

I appreciate your consideration of this matter and remain available to answer any questions you may have regarding this request.

Sincerely,

George H Wood, CEP, PWS

____ I have no objections to the project described in this correspondence.

____ I have objections to the project described in this correspondence.

_____ _____
Signature Date

224 COLINGTON RIDGE • KILL DEVIL HILLS, NORTH CAROLINA 27948
MOBILE: 252-423-1234
EMAIL: obxwood@yahoo.com

SENDER: COMPLETE THIS SECTION

- 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.

1. Article Addressed to:

Mr. David Braxton
199 Beech Pt Blvd
Hertford, NC 27944

9590 9402 9059 4122 3856 08

2. Article Number (Transfer from service label)

9589 0710 5270 0405 6052 27

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

9589 0710 5270 0405 6052 27

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee $

Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) $
☐ Return Receipt (electronic) $
☐ Certified Mail Restricted Delivery $
☐ Adult Signature Required $
☐ Adult Signature Restricted Delivery $

Postage $

Total Postage and Fees $

Postmark Here

04/30/2024

Sent To
David Braxton
Street and Apt. No., or PO Box No.
199 Beech Pt Blvd
City, State, ZIP+4®
Hertford NC 27944

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

Variance Criteria

(a) Will strict application of the applicable development rules, standards, or orders issued by the Commission cause the petitioner unnecessary hardships?

Yes- Currently the marina is nearly full and there remains demand for additional facilities. The current marina is limited in its ability to serve the public and private interest which include future growth of the development, use by the transient boating community, commercial interest (including local fishermen), public health safety and welfare programs that require water access (i.e. NC Wildlife Resources and Marine Fisheries, fire/rescue boats and research vessels) and economic growth of the regional tourism (member marina in the Albemarle Loop which extends economic benefits at the Hertford waterfront, and Edenton Harbor). The alternative to providing additional facilities would require construction of a new expansion area from the shoreline which may result in less accessibility (shallow water in adjacent areas), increase environmental impacts and additional cost of expansion.

(b) Do such hardships result from conditions peculiar to the petitioner's property such as the location, size, or topography of the property?

Yes- The existing marina is in the area which provides the preferred access to the deep water that is commonly owned by the POA and is relatively protected. The location was selected and permitted by Cama Major Development Permit # 58 – 89 in 1989 authorizing 237 slips that met the regulation at that time not to exceed the one third width of the waterbody limitation. If the rule to limit the extension to one third the width of the water body remained, this request would only exceed that limitation by 96 feet.

(c) Do the hardships result from actions taken by the petitioner?

No- The demand for expanded facilities was not necessary in 1989. In addition, the rule changes to limit the extension into a water body by only one quarter the width of the water body was not promulgated until after construction. The increased regional demand, the regional economic growth potential nor the rule change could have been anticipated.

Will the variance request 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?

(1) **Yes-**The intent of the one third rule was to ensure adequate navigation by property owners on either side of the water body. The nearest distance of the water body at this location is 1575 feet. The proposed addition will extend 620 feet from the normal water line/edge of wetlands. This allows for a remainder of 955 feet from the nearest shoreline across the water body. There is no extension into the water body from development on the other side but even with a theoretical marina on the other side, approximately 561 feet would be available for the fairway. The project is consistent with the spirit, purpose and intent of the rule.

(2) **Yes-** The proposed project will continue the opportunity to service fire and rescue boats for the increasing population of the area and will allow for additional opportunities for local and regional economic growth, including regional tourism and job opportunities.

(3) **Yes-** The facility not only serves the POA but extends to support regional tourism growth and viability by participating in joint regional efforts such as marine enforcement commercial fishing and harbor town programs such as the Albemarle loop initiative.

LAUREN ARIZAGA-WOMBLE
M. H. HOOD ELLIS*
ROBERT B. HOBBS, JR.**
L. PHILLIP HORNTHAL, III*
ANDREW W. HOWLE
JOHN D. LEIDY
W. BROCK MITCHELL
DONALD C. PRENTISS*
ZACHARY M. ROBESON

* CERTIFIED SUPERIOR COURT MEDIATOR

** BOARD CERTIFIED SPECIALIST IN REAL PROPERTY LAW

HORNTHAL, RILEY, ELLIS & MALAND, L.L.P.
ATTORNEYS AT LAW
301 E. MAIN STREET
ELIZABETH CITY, NORTH CAROLINA 27909

TELEPHONE (252) 335-0871
TELEFAX (252) 335-4223
INTERNET: www.hrem.com

L. P. HORNTHAL, JR. (1936-2025)
THOMAS L. WHITE, JR. (1938-2025)

RETIRED
MARK M. MALAND
CHARLES W. OGLETREE
J. FRED RILEY

OTHER OFFICE
NAGS HEAD, NC

September 8, 2026

Via Certified Mail – Return Receipt Requested

Mr. David Braxton
199 Beech Pt Blvd
Hertford, N.C. 27944

RE: CAMA Variance Petition by Albemarle Plantation Property Owner's Association, Inc.

Dear Property Owner:

I am writing to notify you that Albemarle Plantation Property Owner's Association, Inc. is applying for a variance from the North Carolina Coastal Resources Commission to expand the Albemarle Plantation Marina (60 additional slips, a 1,114 foot wave attenuator, 12' x 90' platform and a 12' wide by 228' floating dock) which is adjacent to your property. A copy of the proposed project plan and project narrative is enclosed for your information.

The variance is projected to be heard at the October 28-29, 2026 meeting of the Coastal Resources Commission location in New Bern, N.C. If you would like to receive more information about the variance request, you may direct your comments to the North Carolina Division of Coastal Management Headquarters, 400 Commerce Ave, Morehead City, N.C. 28557 Attn: Director Tancred Miller (Tancred.Miller@deq.nc.gov).

Sincerely,

Hornthal, Riley, Ellis & Maland, LLP

By: _____
M. H. Hood Ellis
Attorneys for Albemarle Plantation POA

C.C. George H. Wood, CEP, PWS

HORNTHAL, RILEY, ELLIS & MALAND, L.L.P.
ATTORNEYS AT LAW
301 E. MAIN STREET
ELIZABETH CITY, NORTH CAROLINA 27909
TELEPHONE (252) 335-0871
TELEFAX (252) 335-4223
INTERNET: www.hrem.com

LAUREN ARIZAGA-WOMBLE
M. H. HOOD ELLIS*
ROBERT B. HOBBS, JR.**
L. PHILLIP HORNTHAL, III*
ANDREW W. HOWLE
JOHN D. LEIDY
W. BROCK MITCHELL
DONALD C. PRENTISS*
ZACHARY M. ROBESON

* CERTIFIED SUPERIOR COURT MEDIATOR

** BOARD CERTIFIED SPECIALIST IN REAL PROPERTY LAW

L. P. HORNTHAL, JR. (1936-2025)
THOMAS L. WHITE, JR. (1938-2025)

RETIRED
MARK M. MALAND
CHARLES W. OGLETREE
J. FRED RILEY

OTHER OFFICE
NAGS HEAD, NC

September 8, 2026

Via Certified Mail – Return Receipt Requested

Mr. John Hendrickson
143 Country Club Drive
Hertford, N.C. 27944

RE: CAMA Variance Petition by Albemarle Plantation Property Owner's Association, Inc.

Dear Property Owner:

I am writing to notify you that Albemarle Plantation Property Owner's Association, Inc. is applying for a variance from the North Carolina Coastal Resources Commission to expand the Albemarle Plantation Marina (60 additional slips, a 1,114 foot wave attenuator, 12' x 90' platform and a 12' wide by 228' floating dock) which is adjacent to your property. A copy of the proposed project plan and project narrative is enclosed for your information.

The variance is projected to be heard at the October 28-29, 2026 meeting of the Coastal Resources Commission location in New Bern, N.C. If you would like to receive more information about the variance request, you may direct your comments to the North Carolina Division of Coastal Management Headquarters, 400 Commerce Ave, Morehead City, N.C. 28557 Attn: Director Tancred Miller (Tancred.Miller@deq.nc.gov).

Sincerely,

Hornthal, Riley, Ellis & Maland, LLP

By: _____
M. H. Hood Ellis
Attorneys for Albemarle Plantation POA

C.C. George H. Wood, CEP, PWS

ATTACHMENT E:

STIPULATED EXHIBITS INCLUDING POWERPOINT

1. Deed to PPOA in 2012 at 401/197
3. Plat at Plat Cabinet 2, Slide 14, Map 4
4. County property cards for common area and marina
5. Old major permits (and relevant drawings/pics) 58-89 mod., 31-00 and 109-03 and 2025 denial/plans
6. June 4, 2026 Field Report
7. Major Permit application materials (maps are sheets 1-3 & 5 but no 4)
8. DMF Comments
9. Corps/NMFS Comments
10. DCM Field Rep Comments
11. 2026 Denial Letter
12. Illustrative Exhibits of the site plans with the ¼ and 1/3 lines
13. PowerPoint presentation

This document presented and filed:
06/15/2012 03:16:10 PM

DEBORAH S. REED, PERQUIMANS COUNTY, NC
Excise Tax: $3,400.00

BOOK 401 PAGE 197 (6)

402647

2012-259
PERQUIMANS COUNTY
LAND TRANSFER TAX
AMOUNT $ 17,000.00 KB
PAID $ 17,000.00 P

Special Warranty Deed

prepared by Gary B. Davis
the property does not include the primary residence of Grantor
NORTH CAROLINA
PERQUIMANS COUNTY

This Special Warranty Deed, made this the 14th day of June, 2012, by ALBEMARLE PLANTATION HOLDINGS, LLC, with an address of 1003-B RED BANKS RD., GREENVILLE NC 27858, Party of the First Part, to Albemarle Plantation Property Owners Association, Inc., with an address of ONE PLANTATION DR., HERTFORD NC 27944, Party of the Second Part.

WITNESSETH

That the said party of the first part in consideration of ten dollars and other valuable consideration to him paid by the said party of the second part, the receipt of which is hereby acknowledged, has bargained and sold, and by these presents does bargain, sell, and convey unto the said party of the second part, its successors and assigns, a tract or parcel of land in the County of Perquimans, State of North Carolina, described as follows:

See "Exhibit A"

To have and to hold the aforesaid tracts or parcels of land and all privileges and appurtenances thereunto belonging to the said party of the second part and its successors and assigns forever.

And Party of the First Part covenants with Party of the Second Part that Party of the First Part has done nothing to impair such title as Party of the First Part received and Party of the First Part will warrant and defend title against the lawful claims of all persons claiming by, under and through Party of the First Part (except for the exceptions stated hereafter) and no further.

Whenever the singular or plural number, or masculine, feminine or neuter gender is used herein, it shall equally include the other, and every mention herein of the party of the first part, or party of the second part shall include the heirs, executors, legal representatives, administrators, successors and assigns of the party so designated.

In Testimony Whereof, the said party of the first part has hereunto set his hand and seal the day and year first above written.

ALBEMARLE PLANTATION HOLDINGS, LLC

By: _____ (SEAL)
William G. Garner, Manager

By: _____ (SEAL)
E. Stephen Stroud, Manager

S:\SHARED\GARY\2011\Albemarle Plantation\Special Warranty deed amenities.doc

STATE OF NORTH CAROLINA
COUNTY OF Pitt

I, a Notary Public for the said County and State, do hereby certify that William G. Garner, Manager of Albemarle Plantation Holdings, LLC, a limited liability company, personally appeared before me this day and acknowledge the due execution of the foregoing instrument on behalf of the company.

Witness my hand and official seal, this the 15 day of June, 2012.

My commission expires:
March 8, 2015

Kathy H. Glidewell
Notary Public

KATHY H. GLIDEWELL
NOTARY PUBLIC
PITT CO., NC

STATE OF NORTH CAROLINA
COUNTY OF WAKE

I, a Notary Public for the said County and State, do hereby certify that E. Stephen Stroud, Manager of Albemarle Plantation Holdings, LLC, a limited liability company, personally appeared before me this day and acknowledge the due execution of the foregoing instrument on behalf of the company.

Witness my hand and official seal, this the 14 day of June, 2012.

My commission expires:
Sept. 5, 2012

Darlene P Jones
Notary Public

DARLENE P JONES
NOTARY PUBLIC
WAKE COUNTY
STATE OF NORTH CAROLINA
MY COMMISSION EXPIRES 9-5-2012

STATE OF NORTH CAROLINA
COUNTY OF Pitt

I, a Notary Public for the said County and State, do hereby certify that William G. Garner, Manager of Albemarle Plantation Holdings, LLC, a limited liability company, personally appeared before me this day and acknowledge the due execution of the foregoing instrument on behalf of the company.

Witness my hand and official seal, this the 15 day of June, 2012.

My commission expires:
March 8, 2015

Kathy H. Glidewell
Notary Public

KATHY H. GLIDEWELL
NOTARY PUBLIC
PITT CO., NC

STATE OF NORTH CAROLINA
COUNTY OF WAKE

I, a Notary Public for the said County and State, do hereby certify that E. Stephen Stroud, Manager of Albemarle Plantation Holdings, LLC, a limited liability company, personally appeared before me this day and acknowledge the due execution of the foregoing instrument on behalf of the company.

Witness my hand and official seal, this the 14 day of June, 2012.

My commission expires:
Sept. 5, 2012

Darlene P Jones
Notary Public

DARLENE P JONES
NOTARY PUBLIC
WAKE COUNTY
STATE OF NORTH CAROLINA
MY COMMISSION EXPIRES 9-5-2012

Exhibit A
Albemarle Plantation Recreational Amenities Legal Description

Golf Course, Driving Range, Pro Shop, Club House, and Miscellaneous Facilities in Phase I:

That property identified as Block 1 containing 22.50 acres, Block 2, containing 92.0 acres including the portion identified as "Clubhouse Area"), Block 3 containing 24.10 acres, Block 4 containing 40.06 acres, and Block 5 containing 22.4 acres, as delineated on that certain plat entitled in part, "Albemarle Plantation Golf Course (Blocks1-5)", prepared by S. Elmo Williams, Registered Surveyor, under date of November 7, 1988, which plat is recorded in **Plat Cabinet 2, Slide 14, Map No. 4**, in the Perquimans Co. Public Registry; **together with** additional parcels conveyed to Sound Golf Enterprises, Inc. by HPB Enterprises in deeds recorded in Book 141, Page 205, Book 169, Page 78 and Book 151, Page 729, in the Perquimans Co. Public Registry. **Excepted** from the property described above, however, are parcels that were conveyed by Sound Golf Enterprises, Inc. to HPB Enterprises in the following deeds: Deed Book 141, Page 209, Book 151, Page 734, Book 169, Page 74, and Book 177, Page 755, Perquimans Co. Registry. **Parcel 2-0082-0012A** in the records of the Perquimans County Tax Office.

Maintenance Area

That certain area containing approximately 1.37 acres and being designated as "A" as shown on plat of survey recorded in Plat Cabinet 2, Slide 39, Map No. 5, Perquimans County Registry. **Parcel 2-0082-0001E** in the records of the Perquimans County Tax Office.

Swimming Pool & Pool House in Phase I:

That certain tract or parcel of land lying bounded on the North by Albemarle Boulevard, on the East by the Club House area of the Albemarle Plantation Country club, on the South by the 18th hole of the golf course and on the West by the Soundside Links Townhouse Association, and beginning at a point marking the intersection of the Southeastern right-of-way of Country Club Drive with the Southern right-of-way of Albemarle Boulevard and running from said beginning point thus established and along the Southeastern right-of-way line of Country Club Drive the following courses and distances: South 18 degrees 02 minutes 36 seconds West 24.52 feet to a point; thence on a curve to the left having a radius of 227.50 feet, and a chord bearing and distance of South 12 degrees 46 minutes 24 seconds West 41.79 feet to a point; thence South 07 degrees 30 minutes 13 seconds West 39.69 feet to a point; thence on a curve to the right having a radius of 222.50 feet and a chord bearing and distance of South 17 degrees 00 minutes 37 seconds West 73.50 feet to a point; thence South 26 degrees 31 minutes 02 seconds West 31.45 feet to a point; thence on a curve to the left having a radius of 177.50 feet, an arc length of 58.78 feet and a chord bearing and distance of South 17 degrees 01 minutes 47 seconds West 58.52 feet to a point marking the Northwesternmost property

corner of the Soundside Links Townhouse Association property; thence on a common line with the Soundside Links Townhouse Association property, South 61 degrees 26 minutes 29 seconds East 112.23 feet to a point; thence South 44 degrees 00 minutes 32 seconds East 120.93 feet to a point; thence North 75 degrees 54 minutes 52 seconds East 172.27 feet to control corner "A" as shown on the plat hereinafter referred to; thence on a common line with the Club House area of the Albemarle Plantation Country Club, North 13 degrees 40 minutes 16 seconds West 424.52 feet to a point; thence North 46 degrees 44 minutes 37 seconds West 5.94 feet; thence continuing along the southern right of way line of Albemarle Boulevard, South 43 degrees 15 minutes 23 seconds West 9.55 feet to a point; thence continuing along said right-of-way line on a curve to the right with a radius of 178.83 feet, an arc length of 179.65 feet, and a chord bearing and distance of South 72 degrees 02 minutes 09 seconds West 172.19 feet to the point and place of beginning, and being a parcel containing approximately 97,757 square feet and designated as "Future Development 2" on those certain plats recorded in Map Book 2, Slide 69, Map No. 3, and Map Book 2, Slide 81, Map 1, Perquimans County Registry, reference to which plats is hereby made for a more particular description. **Parcel 2-0082-0012H** in the records of the Perquimans Co. Tax Office.

Marina, Dock, Dockside Restaurant/Clubhouse, Ship's Store, Marina Area Parking Lot and Tennis Courts:

The marina, all marina facilities, dock and boat slips, Dockside restaurant/clubhouse, ship's store, marina parking lot and tennis courts, and all riparian rights appurtenant thereto, and all non-exclusive use of all access and utility easements appurtenant thereto (the "Marina Amenities"), the real property being described as follows: (1) All of the Marina Amenities located within Block 5 as shown on plat filed in Plat Cabinet 2, Slide 14, Map No. 4, Perquimans County Registry; (2) All of the Marina Amenities located west of Block 5 as shown on plat filed in Plat Cabinet 2, Slide 14, Map No. 4, Perquimans County Registry, including those Marina Amenities located above and below the mean high water mark of Yeopim Creek; and (3) that parcel of land bounded on the East by Block 3 shown on plat filed in Plat Cabinet 2, Slide 14, Map No. 4, Perquimans County Registry; bounded on the West by Block 5 as shown on plat filed in Plat Cabinet 2, Slide 14, Map No. 4, Perquimans County Registry; bounded on the North by Lots 8, 9, 15, 16, and 17 of Section N, Forks of Cypress, as shown on plat filed in Plat Cabinet 2, Slide 22, Map No. 1, Perquimans County Registry; and bounded on the south by (i) Marina Villas Condominium as shown on plat filed in Condominium Book 1, Page 25, Perquimans County Registry, and (ii) the limited common area for Marina Villas II Condominium, as shown on plat filed in Plat Cabinet 3, Slide 41, Map No. 1, Perquimans County Registry. **Parcel 2-0082-0012A-1** in the records of the Perquimans County Tax Office.

Fitness Center, Phase I, Albemarle Plantation:

That parcel of land containing 8.355 acres more or less, identified, in part, as "Mathews Tract", as shown and described on plats of Plantation Estates (Sec. HH) recorded in Plat Cabinet 2, Slide 89, Map No. 6, Perquimans County Registry, and bounded on the west by Tract 10 of Plantation Estates (Sec. HH), on the north by Tract 11 of Plantation Estates (Sec. HH), and on the south and east by Pasquotank Boulevard. **Parcel No 2-0082-0027** in the records of the Perquimans County Tax Office.

PC 2 Slide 14 Map # 4

ALBEMARLE PLANTATION GOLF COURSE (BLOCKS 1-5)

PERQUIMANS COUNTY, NORTH CAROLINA

BETHEL TOWNSHIP, SCALE 1 INCH = 300 FEET

0 2 400 800 1200 1400 FEET

I, S. Elmo Williams, certify that this plat was drawn from an actual survey of the land and deed is recorded in Deed Book 123 Page 102 332 ; that the error of closure as calculated by latitude and departure is 1:_____ ; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this Nov. 7, 1988.

S. Elmo Williams
Reg. Land Surveyor No. L-589
124 W. Church St. Elizabeth City, N.C.

Owner's Certificate

We hereby certify that M.P.S. Enterprises is the owners of the property shown (Blks. 1-5) and described hereon, which is located in the subdivision jurisdiction of Perquimans County and that MPS Enterprises hereby adopts this plan for the construction of a golf course, clubhouse, tennis courts, swimming pool, buildings for general maintenance of the golf course, swimming pool and tennis courts, and one house for the residence of the club professional or manager. It is understood that any use of this land for residential or other purposes except as provided herein must receive prior approval of the Perquimans County Planning Board and the Perquimans County Board of Commissioners.

Edward K. Crumpler
Owners Pres.
E.H. Pl. and Co.

Perquimans County
North Carolina

I, a Notary Public of the county and state aforesaid, certify that S. Elmo Williams, a registered land surveyor personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal this Dec. 13, 1988.

Joy Jackson
Notary Public

My commission expires: 3-31-89

TIE LINE
RIGHT-OF-WAY
EEG. AT CENTER OF SR. 1347
AND HOLIDAY ISLAND ROAD

S 32°24'36"E 448.16'
S 16°56'E 763.20'
S 29°05'E 627.0'
S 38°36'E 1446.30'
S 35°17'E 446.84'
EAST SIDE OF GRAVEL ROAD
S 51°36'40"W 590.56' TO "C"
S 53°55'12"W 296.08'
S 64°39'41"W 199.78' TO "D"
S 63°54'58"W 158.60'
S 60°32'05"W 79.0'
S 35°32'06"W 86.32'
S 41°19'55"W 95.95'
S 35°46'14"W 163.08'
S 23°10'16"W 82.44'
S 13°39'49"W 107.83' TO "E"
S 16°51'57"W 73.06'
S 23°01'54"W 75.51'
S 33°37'18"W 245.08'
S 31°59'30"W 99.11'
S 24°05'11"W 91.14'
S 18°22'50"W 295.83'
S 33°27'19"W 407.87'
S 37°35'25"W 132.68'
TO POINT "F"

Certificate of Approval

This plat of Albemarle Plantation - Golf Course has been approved subject to the following restrictions: for construction of a golf course, clubhouse, tennis courts, swimming pool, building for general maintenance of the golf course, swimming pool and tennis courts, and one house for the residence of the club professional or manager is approved on this property. Any use for residential or other purposes except as provided herein must receive prior approval of the Perquimans County Planning Board and the Perquimans County Board of Commissioners.

12-2-88
Date
Edward Mizzo
Planning Board of Perquimans

12-5-88
Date
Leiton H. Simpson
Chairman of Commissioners

Certificate of Coastal Area Management Act

I hereby certify that the subdivision shown hereon has been found to:

_____ fall within the purview of the N.C. Coastal Area Management Act and its regulations and permitting procedures regarding areas of Environmental Concern; or to

_____ not fall within the purview of the North Carolina Coastal Area Management Act.

12-21-88
Date
Karl W. Haskett
Local CAMA Permit Officer

NORTH CAROLINA, PERQUIMANS COUNTY.

The foregoing certificate of Joy Jackson, a Notary Public of Pasquotank Co., North Carolina is certified to be correct. This instrument was presented for registration this day and hour and duly recorded in the office of the Register of Deeds of Perquimans County, NC in Plat Cabinet 2 Slide 14 Map # 4.

This 21st day of Dec., A.D., 1988, at 2:00 o'Clock P M.

Jeanne C. White
Register of Deeds

BY: Deborah S. Reed
Assistant Register of Deeds

Perquimans County North Carolina

Perquimans County North Carolina

Search Property Information

Search by Account, Map, Name, Location or Address

Search

Search Results.

Map:	2-0082-0012A	Account:	260958
Location:	ALBEMARLE PLANTATION 371 & 363 ALBEMARLE BLVD	Acres:	198.65
PIN:	7865-89-3055		
Owner:	ALBEMARLE PLANTATION PROPERTY OWNERS ASSOCIATION INC 128 LAKESIDE DRIVE HERTFORD, NC 27944	Land Value: Land Use: Building Value: Out Buildings Value: Taxable Value:	$550,300 $0 $917,000 $1,828,200 $0

[View Property Card] or you can go right to [Print Card]

Map:	2-0082-0012A-I	Account:	260958
Location:	DOCK,RESTA,CLUB+ 421 ALB BLVD	Acres:	0.00
PIN:			
Owner:	ALBEMARLE PLANTATION PROPERTY OWNERS ASSOCIATION INC 128 LAKESIDE DRIVE HERTFORD, NC 27944	Land Value: Land Use: Building Value: Out Buildings Value: Taxable Value:	$0 $0 $323,100 $223,500 $0

[View Property Card] or you can go right to [Print Card]

Disclaimer By using this site, you agree to release all liablity arising from use of this website and its results. The data is provided without warranty of any kind either expressed or implied, including, but not limited to, the implied warrantees of merchantability and fitness for a particular purpose.

Perquimans County North Carolina

Perquimans County North Carolina

Search Property Information

Search by Account, Map, Name, Location or Address

Search

Search Results.

Map:	2-0082-0012A-I	Account:	260958
Location:	DOCK,RESTA,CLUB+	Acres:	0.00
	421 ALB BLVD		
PIN:			
Owner:	ALBEMARLE PLANTATION PROPERTY	Land Value:	$0
	OWNERS ASSOCIATION INC	Land Use:	$0
	128 LAKESIDE DRIVE	Building Value:	$323,100
	HERTFORD, NC 27944	Out Buildings Value:	$223,500
		Taxable Value:	$0

[View Property Card] or you can go right to [Print Card]

Disclaimer By using this site, you agree to release all liablity arising from use of this website and its results. The data is provided without warranty of any kind either expressed or implied, including, but not limited to, the implied warrantees of merchantability and fitness for a particular purpose.

Permit Class

Modification/Major

Permit Number

58-89

STATE OF NORTH CAROLINA
Department of Natural Resources and Community Development
and
Coastal Resources Commission

Permit

for

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

X Excavation and/or filling pursuant to NCGS 113-229

RECEIVED
NOV 22 1989
DCM

Issued to HPB Enterprises, P. O. Box 1118, Elizabeth City, NC 27909

authorizing development in Perquimans County at Albemarle Sound and Yeopim Creek, off of SR 1347 as requested in the permittee's application dated 6/20/89 including attached revised plat set, "Major Modification - CAMA Permit 58-89", sheets 1-3 of 4 dated received 10-16-89.

This permit, issued on 11/20/89, 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.

Marina Construction and Operation

1) Prior to construction of the marina, the permittee will prepare, in coordination with the Division of Coastal Management, restrictive covenants prohibiting construction of piers for individual lots or other use at Albemarle Plantation, the shoreline of which reaches from the canal known as "West Island Inlet", along the shore of Albemarle Sound and Yeopim Creek and up the head waters of the unnamed creek which forms the northwest bondary of the property. These restrictive covenants shall also set aside an easement or buffer zone, from the normal water level of the waters heretofore delineated, to be held in perpetuity by the Albemarle Plantation homeowners association. Construction of any individual piers will require the permittee to cease all use of the authorized marina and remove it from Yeopim Creek.

(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, 1992

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 DNRCD and the Chairman of the Coastal Resources Commission.

George T. Everett

George T. Everett, Director
Division of Coastal Management

This permit and its conditions are hereby accepted.

Signature of Permittee

ADDITIONAL CONDITIONS

2) The pier section leading to the boat slips will provide for small craft navigation between the 3 and 4 foot contour lines as depicted on sheet 2 of 2. The opening in the pier will be not less than 5 feet high as measured from the normal water level, and 8 feet wide.

3) Prior to occupancy of any slips authorized under this permit, the permittee will permanently equip and maintain for the life of the marina a pumpout facility to service boats with holding tanks.

4) The marina will post and enforce a "No Sewage Discharge" policy. Signage will be placed at each of the five piers in clear view of marina patrons.

5) The marina will display a sign showing the location of the pumpout facility, including other appropriate waste disposal information, at the five piers.

6) No sewage, whether treated or untreated, shall be discharged at any time from boats using the marina. Any sewage discharge at ths 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.

7) If it is determined that discharges from boats at the marina are making a significant contribution to pollution that results in a violation of water quality standards, the permittee may be required to cease all use of the permitted structure and remove it from the waters of Yeopim Creek.

8) 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 structures, whether floating or stationary, may become a permanent part of this marina without permit modification. No non-water dependent uses of structures may be conducted on, in, or over public trust waters without permit modification.

9) No atttempt will be made by the permittee to prevent the full and free use by the public of all navigable waters adjacent the authorized work. Use of the permitted activity must not interfere with the public's right to free navigation on all navigable waters of the United States.

10) If the display of lights and signals on the authorized structure is not otherwise provided for by law, such lights and signals as may be prescribed by the U. S. Coast Guard will be installed and maintained by and at the expense of the permittee.

11) In order to reduce the possibility of collision by boats in periods of darkness or inclement weather, the waterward-most extremities of the piers will be permanently marked by reflective material.

12) The permittee will maintain the authorized work in good condition and in conformance with the terms and conditions of this permit. The permittee is not relieved of this requirement if he abandons the permitted activity without having it transferred to a third party.

ADDITIONAL CONDITIONS

13) An operational manual will be developed by the permittee and approved by the DCM prior to the occupancy of the authorized slips.

14) Any boat maintenance that would pollute the waters of Yeopim Creek or violate state water quality standards is not authorized.

Bulkheading

1) Due to the extent of the project bulkheading, the authorized alignment shall be staked by a representative of the Division of Coastal Management and/or the Army Corps of Engineers prior to construction.

2) The last 100 linear feet of bulkhead located adjacent to wetlands will be deleted from plans. Alternatively, these areas could be protected from further erosion with riprap material. The placement of riprap material at the ends of the proposed bulkhead will reduce the wave energy and subsequent erosion of adjacent wetlands while providing habitat diversity to support fishery resources.

3) The bulkhead along the upland bluffs will be aligned no further than 2 feet waterward of the normal water elevation contour.

4) All backfill materials will be obtained from a highground source and confined landward of the permitted bulkhead.

5) The fill material will be clean and free of any pollutants, except in trace quantities. Metal products, organic materials, or unsightly debris will not be used.

6) No vegetated wetlands will be excavated or filled.

7) The activity will be conducted in such a manner as to prevent a significant increase in turbidity outside the area of construction or construction-related discharge. Increases such that the turbidity in the water body is 50 NTUs or less are not considered significant.

Boat Ramp/Basin

1) Due to the high probability of significant impacts on the value and enjoyment of riparian owners along West Island Inlet, and due to impacting a small but important area of riparian wetland, the proposed boat ramp and basin in the upper end of said canal is hereby **deleted**. A location on the Sound or Creek should be further investigated.

Stormwater Management

1) The Division of Environmental Management approved stormwater management provisions for the marina and other "Phase I" construction by letter of November 3, 1989. Any violation of that approval will be considered a violation of this permit.

March 10, 1989 Authorization

1) All conditions of the original permit No. 58-89 issued on March 10, 1989 remain in effect unless specifically altered by this modification.









Permit Class
NEW

Permit Number
31-00

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

Permit

for

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

___ Excavation and/or filling pursuant to NCGS 113-229

Issued to **Albemarle Plantation, c/o HPB Enterprises, One Plantation Drive, Hertford, NC 27944**

authorizing development in Perquimans County at Yeopim Creek, adjacent to Albemarle Plantation Subdivision, as requested in the permittee's application dated 2/16/99 including attached workplan drawings, 2, both dated revised 8/18/99.

This permit, issued on 02/24/00, 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.

Boat Launching Facility

1) The concrete boat ramp must be poured at an upland location and pushed into place once hardened.

2) No vegetated wetlands or open water areas will be excavated or filled, even temporarily, outside of the alignment of the area indicated on the workplan drawing(s).

3) No portion of the docking facility may extend into the waterbody more than 31.5 feet, or 1/4 of the width of the water body, as measured from the normal water line.

4) The authorized alignment of all structures must be approved on site by a representative of the Division prior to the initiation of construction.

(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, 2003**

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.

Douglas V. Huggett
for
Donna D.Moffitt, Director
Division of Coastal Management

This permit and its conditions are hereby accepted.

Signature of Permittee

ADDITIONAL CONDITIONS

5) 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.

6) 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.

7) 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. The authorized structure and associated activity must not cause an unacceptable interference with navigation.

8) The permittee will maintain the authorized work in good condition and in conformance with the terms and conditions of this permit. The permittee is not relieved of this requirement if he abandons the permitted activity without having it transferred to a third party.

NOTE: Permanent reflectors should be attached to the structure in order to make it more visible during hours of darkness or inclement weather.

Stormwater Management

9) The Division of Water Quality approved the highground portions of this project under stormwater management rules of the Environmental Management Commission on 3/20/98 (Permit No. SW7970916). Any violation of or deviation from the permit approved by the DWQ will be considered a violation of this CAMA permit.

General

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

NOTE: The N.C. Division of Water quality has authorized the proposed project under General Water Quality Certification No. 3112 (DWQ Project No. 990542), which was issued on 06/15/99.

NOTE: The U.S. Army Corps of Engineers has assigned the proposed project COE Action Id. No. 199911057.

Permit Class
NEW

Permit Number
109-03

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

Permit

for

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

__X__ Excavation and/or filling pursuant to NCGS 113-229

Issued to **Albemarle Plantation Marina/HPB Enterprises, One Plantation Drive, Hertford, NC 27944**

Authorizing development in Chowan & Perquimans County at mouth of Yeopim River at Albemarle Sound, off SR 1347. Albemarle Plantation S/D , as requested in the permittee's application dated 11/7/02, including attached the workplan drawings (4), 3 dated rcvd 11/13/03 & 1 dated rcvd 11/6/02 & the EA/FONSI dated 3/11/03.

This permit, issued on **August 5, 2003** , is subject to compliance with the application (where consistent with the permit), all applicable regulations, special conditions and notes set forth below. Any violation of these terms may be subject to fines, imprisonment or civil action; or may cause the permit to be null and void.

Excavation

1) In order to protect fisheries resources, no excavation or filling will be permitted between February 15 and October 31 of any year without the prior approval of the Division of Coastal Management, in consultation with the Division of Marine Fisheries.

2) Prior to the commencement of any excavation activities, the permittee shall conduct a survey for submerged aquatic vegetation within the channel alignment. This survey should be submitted to the U.S. Army Corps of Engineers, Division of Marine Fisheries and the Division of Coastal Management.

3) No vegetated wetlands or submerged aquatic vegetation will be excavated or filled.

(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 Division approval.

All work must cease when the permit expires on

December 31, 2006

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

4) Excavation will not exceed -7 feet below the normal water level. In no case shall the depth of excavation exceed the depth of connecting waters.

5) The temporary placement or double handling of fill materials within waters or vegetated wetlands is not authorized.

6) No excavated or fill material will be placed at any time in any vegetated wetlands or surrounding waters.

Spoil Disposal

7) All excavated materials will be confined above mean high water and landward of regularly or irregularly flooded marsh behind adequate dikes or other retaining structures to prevent spillover of solids into any marsh or surrounding waters.

8) The disposal area will be constructed a sufficient distance from the mean high water level or any marsh to eliminate the possibility of dike erosion into surrounding wetlands or waters.

Sedimentation and Erosion Control

9) In order to protect water quality, runoff from construction must not visibly increase the amount of suspended sediments in adjacent waters.

10) Appropriate sedimentation and erosion control devices, measures or structures must be implemented to ensure that eroded materials do not enter adjacent wetlands, watercourses and property (e.g. silt fence, diversion swales or berms, sand fence, etc.).

11) All disturbed areas shall be properly graded and provided a ground cover sufficient to restrain erosion within thirty days of project completion.

General

12) The permitted activity will be conducted in such a manner as to prevent a significant increase in turbidity outside of the area of construction or construction-related discharge. Increases such that the turbidity in the waterbody is 25 NTU's or less in all saltwater classes are not considered significant.

13) The permittee understands and agrees that, if future operations by the United States requires the removal, relocation, or other alteration of the structure or work authorized by this permit, or if in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate or alter the structural work or obstructions caused thereby, without expense to the United States or the state of North Carolina. No claim shall be made against the United States or the state of North Carolina on account of any such removal or alteration.

NOTE: This permit does not eliminate the need to obtain any additional state, federal or local permits, approvals or authorizations that may be required.

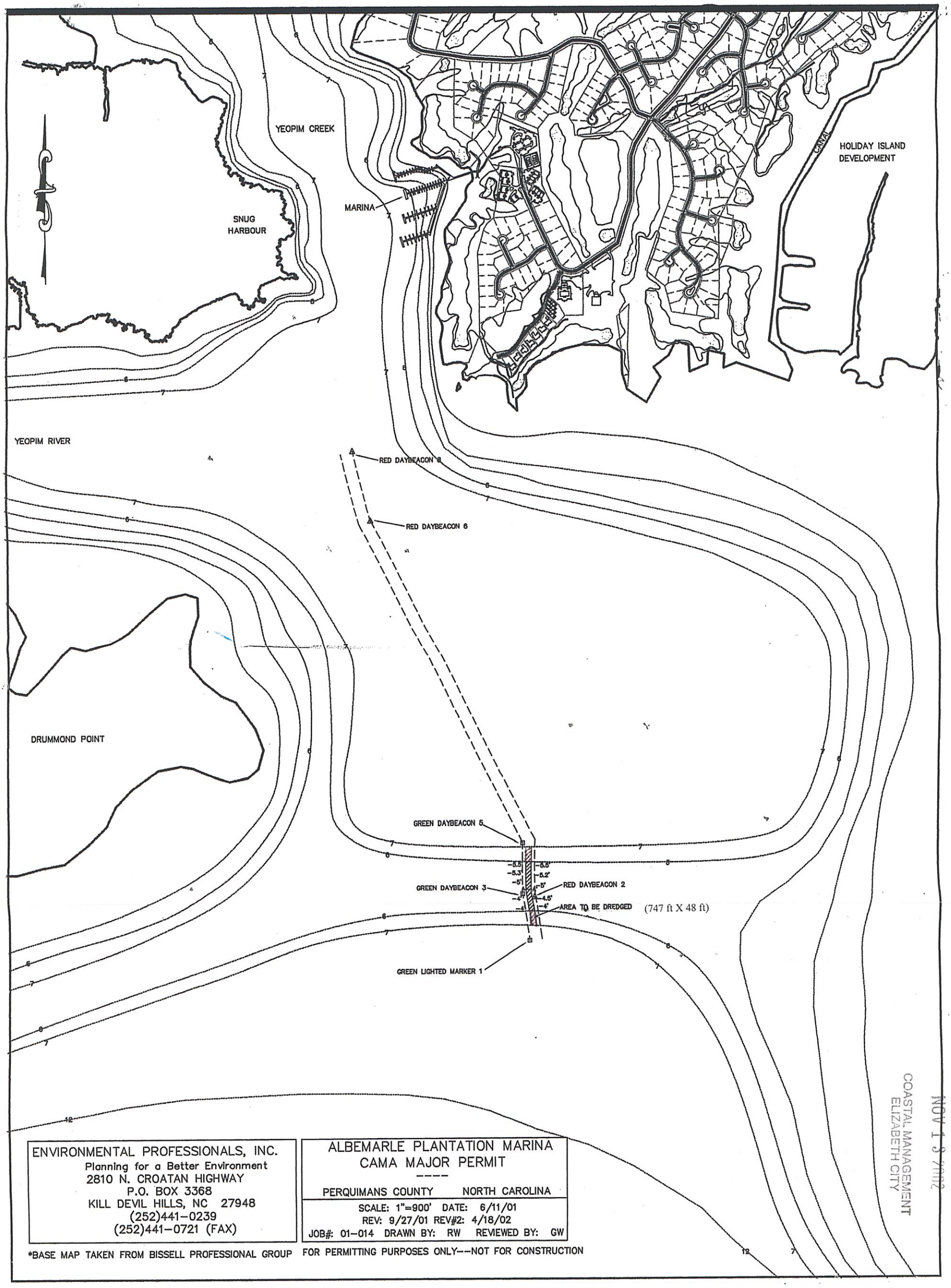
ADDITIONAL CONDITIONS

NOTE: Future development of the permittee's property may require a modification of this permit. Contact a representative of the Division at (252) 264-3901 prior to the commencement of any such activity for this determination. The permittee is further advised that many non-water dependent activities are not authorized within 30 feet of the normal high water level.

NOTE: The permittee and/or his contractor is urged to meet with a representative of the Division prior to project initiation.

NOTE: The N.C. Division of Water Quality has authorized the proposed project under General Water Quality Certification No. 3400 (DWQ Project No. 030615), which was issued on 7/27/03.

NOTE: The U.S. Army Corps of Engineers has assigned the proposed project COE Action Id. No. 200310607.



ENVIRONMENTAL PROFESSIONALS, INC.
Planning for a Better Environment
2810 N. CROATAN HIGHWAY
P.O. BOX 3368
KILL DEVIL HILLS, NC 27948
(252)441-0239
(252)441-0721 (FAX)

ALBEMARLE PLANTATION MARINA
CAMA MAJOR PERMIT

PERQUIMANS COUNTY NORTH CAROLINA

SCALE: 1"=900' DATE: 6/11/01
REV: 9/27/01 REV#2: 4/18/02
JOB#: 01-014 DRAWN BY: RW REVIEWED BY: GW

*BASE MAP TAKEN FROM BISSELL PROFESSIONAL GROUP FOR PERMITTING PURPOSES ONLY--NOT FOR CONSTRUCTION

RECEIVED
NOV 18 2002
COASTAL MANAGEMENT
ELIZABETH CITY

JOSH STEIN
Governor
D. REID WILSON
Secretary
TANCRED MILLER
Director

NORTH CAROLINA
Environmental Quality

April 25, 2025

CERTIFIED MAIL 7019 0140 0001 0233 9880 **DEN25-01**
RETURN RECEIPT REQUESTED

Electronic Delivery to: dougdaec@gmail.com
tara.taylor@albemarleplantation.com

Albemarle Plantation, POA c/o Tara Taylor and Doug Dorman
128 Lakeside Drive
Hertford, NC 27944

RE: DENIAL OF CAMA MAJOR DEVELOPMENT PERMIT (PA-1591)
DEN 25-01

Dear Albemarle Plantation POA c/o Tara Taylor and Doug Dorman

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 expand an existing residential marina within Albemarle Plantation subdivision and add a two-story enclosed dockmaster tower. The subject property is located at 421 Albemarle Boulevard and adjacent to the Yeopim Creek in Hertford, Perquimans County. Processing of the application, which was received by the Division of Coastal Management's Morehead City Office on January 10, 2025, is now complete. Based on the state's review, the Division of Coastal Management has made the following findings:

1) The proposed project would involve development within the Public Trust Area of Environmental Concern as designated by the N.C. Coastal Resources Commission. [15A NCAC 07H .0304(1)].

2) The waterbody width at the location of the docking facility is approximately 1,485'.

3) Water depths in the proposed project area range from -3' to -8' NWL.

4) The property has an approximate shoreline length of 11,110'.

5) Yeopim Creek is closed to shellfishing, is not a primary nursery area and has a surface water classification of SC.

6) CAMA Permit No. 58-89 was originally issued for a 237-slip private residential marina which was later modified to reduce the slip count to 166-slips with accessory structures (i.e. power pedestals, fuel, pump out) on the dock, a non-conforming shed over open

water, and a dockmaster tower located on the high ground. At the time the major modification was issued (11/20/89), docking facilities could be permitted up to 1/3 width of the waterbody.

7) The applicant proposes an expansion of the existing marina to include:

- Pier Extension:
    i. A 12'x460' fixed pier extension, extending southwest from the current south pier. The final 60' of the extension will widen to 16' and a 625sqft octagonal golf cart turnaround.
- Dock A (Floating Pier):
    i. A 12'x228' floating pier added perpendicular to the pier extension will provide 20 additional boat slips (nineteen 50'x20' slips and one 12'x90 slip). The floating pier features four 4'x35' finger piers, five 4'x25' finger piers, and a 12'x90' "T" platform.
- Gangway & Floating Dock/Wave Attenuator:
    i. From the octagonal turnaround, a 9'x60' gangway extends west to the floating dock/wave attenuator. Floating dock/wave attenuator includes three segments.
        a. Segment A consists of a 13.5'x262' floating dock/wave attenuator with three 4'x40' finger piers providing 6 additional slips (20'x60').
        b. Segment B consists of 10'x328' floating dock/wave attenuator angled northwestward with seven 4'x35' finger piers providing 14 additional slips (20'x50').
        Segment C consists of 10'x524' floating dock/wave attenuator (generally parallel to shore) with two 4'x35' finger piers, and seven 4'x25' finger piers providing 20 additional slips (20'x40').

8) The narrowest distance of the waterbody, based on estimates from the supplied workplan drawings, is approximately 1485', placing the ¼ width at approximately 370.5' as depicted on Sheet 1 of 4 dated revised 12/23/24 and the 1/3 width at 493.5', respectively. The approximate distances offshore of the sections beyond the ¼ width are 560', 577' and 535'.

9) The applicant proposes a new two-story 16'x16' dockmaster tower to replace the existing non-conforming 6'x14.5' storage shed as referenced in section 6), all over public trust water. As mentioned in section 6), the residential marina currently has a dockmaster tower landward of NWL which will remain.

10) The expansion of the residential marina would usurp an additional approximately 67,000sqft of Public Trust Waters for a total of approximately 200,000sqft of Public Trust Water for the entirety of the marina. Under 15A NCAC 07H.0208(b)(5)(C), the residential marina would be allotted 299,970sqft of public trust area based on the linear footage of property shoreline.

11) In coordination with review agencies the following comments were received at the time of the final decision:

- USACE has determined that the application would be a denial without prejudice based on DCM's permit decision.
- DWR has requested additional information on the wave attenuator specifications, including purpose and need and potential impacts to water circulation, and information concerning the original certification and any sewage handling requirements.

12) Based upon the above referenced findings, the Division has determined that the proposed project is inconsistent with the following Rules of the Coastal Resources Commission:

- 15A NCAC 07H .0208(b)(6)(G) (ii) and (iii), which states, in part, "*Pier and docking facility length shall be limited by:*
  (ii) not extending more than one-fourth the width of a natural water body, or humanmade 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."
- 15A NCAC 07H .0208(b)(6)(F), which states, in part, *"Piers and docking facilities shall be single story. They may be roofed but shall not be designed to allow second story use."*
- 15A NCAC 07J .0211, which states, in part, *"A non-conforming structure is any structure within an AEC other than Ocean Hazard and Inlet Hazard AECs that is inconsistent with current CRC rules, and was built prior to the effective date(s) of the rule(s) with which it is inconsistent. Replacement of such structures shall be allowed when all of the following criteria are met:*

  (1) the structure shall not be enlarged beyond its original dimensions;
  (2) the structure shall serve the same or similar use;
  (3) there are no alternatives for replacing the structure to provide the same or similar benefits to the structure owner in compliance with current rules; and
  (4) the structure will be rebuilt so as to comply with current rules to the maximum extent possible."

13) 15A NCAC 07H .0208(b)(5)(I), states, *"Open water marinas shall not be enclosed within breakwaters that preclude circulation sufficient to maintain water quality as determined by the Division of Water Resources."* At the time of this final decision, the DCM has not received the NC Division of Water Resources determination if the proposed structure would impede water circulation. Therefore, a final determination pertaining to the above rule citation has not been made.

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

If you wish to appeal this denial, you are entitled to a contested case hearing. The hearing will involve appearing before an Administrative Law Judge who listens to evidence and arguments of both parties before making a final decision on the appeal. Your request for a hearing must be in the form of a written petition, complying with the requirements of §150B of the General Statutes of North Carolina, and must be filed with the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, NC 27699-6714, within twenty (20) days from the date of this denial letter. A copy of this petition should be filed with this office as well as with the Coastal Resources Commission's agent for service of process at the following address:

Dan Hirschman, General Counsel
Dept. of Environmental Quality
1601 Mail Service Center
Raleigh, NC 27699-1601

In the alternative, you may petition the N.C. Coastal Resources Commission for a variance to undertake development that is prohibited by the Commission's rules (Note- a Commission variance cannot be granted if your project was denied due to an inconsistency with a CAMA Land Use Plan or other statutory provisions of the CAMA or NC D&F Law). Applying for a variance requires that you first stipulate that the Division of Coastal Management applied the Rules properly in issuing this denial. Applying for a variance means that you agree that the legal restrictions are valid but request an exception to the restrictions because of hardships resulting from unusual conditions of the property. In seeking a variance, you are requesting that the Commission vary the rules at issue, and you must state how you believe your request meets the four criteria found at N.C.G.S. § 113A-120.1. 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 to be eligible to be heard at that meeting.

You may either appeal the permit decision or seek a variance. These are two separate paths and cannot be pursued simultaneously. If the appeal of the permit decision is denied, you may still seek a variance. However, you may not first seek a variance and if that is denied attempt to challenge the decision to deny the permit. Information about both a permit appeal in the Office

of Administrative Hearings and the Variance process may be obtained at https://deq.nc.gov/about/divisions/coastal-management/coastal-management-permits/variances-appeals.

Members of my staff are available should you desire assistance in the future. If you have any questions concerning this matter, please contact Mr. Wayne Hall at (252) 515-5423 or Wayne.Hall@deq.nc.gov.

Sincerely,

Tancred Miller
Director, NC Division of Coastal Management

cc: Billy Standridge, Project Manager, U.S. Army Corps of Engineers, Washington, NC
Richard Rogers, Director, NC Division of Water Resources, Raleigh, NC
Stephanie Goss, 401 & Buffer Permitting Branch Supervisor, NC Division of Water Resources, Raleigh, NC
Glenn Stewart, Environmental Specialist, NC Division of Water Resources, NC

Permit Application Report

Application ID	Application Type	Submitted	App Complete	Deadline	Decision	Expiration
PA-1591	DCM Major Permit	11-08-2024				

Primary Applicant Information

Applicant Type	Title	Business Name	Name	Email	Business Phone	Mobile Phone
Business/Company		Albemarle Plantation Property Owners Association, Inc.	Albemarle Plantation Property Owners Association, Inc.	tara.taylor@albemarleplantation.com	252-426-2985	252-426-2985

Physical Address				Mailing Address			
Street 1	City	State	Zip	Street 1	City	State	Zip
128 Lakeside Drive	Hertford	NC	27944	128 Lakeside Drive	Hertford	NC	27944

Registered Agent Information

Agent Type	Title	Business Name	Name	Email	Business Phone	Mobile Phone
Business/Company		Atlantic Environmental Consultants, LLC	Atlantic Environmental Consultants, LLC	dougdaec@gmail.com	252-599-2603	252-599-2603

Physical Address				Mailing Address			
Street 1	City	State	Zip	Street 1	City	State	Zip
PO Box 3266	Kitty Hawk	North Carolina	27949	PO Box 3266	Kitty Hawk	North Carolina	27949

Project Information

Project Name	Project Type	Disturbed Land Area (Sq Ft/Acres)
AP Marina	Private/Community	0 Sq. Ft. / 0 Acres

Is proposed project located in national registered historic district or national register listed/eligible: False

List of previous state or federal permits for work on project tract: GP#:62371A issued 9/15/2013, 64978A issued 4/15/2015, 70060A issued 5/18/2017 and 86139A issued 10/22/21. There is also an additional Major Permit 30-00 to HPB Enterprises 2/24/2000.

Project Location Information

Address	County	River Basin	Subdivision	County Parcel ID	Latitude	Longitude
421 Albemarle Blvd Hertford, NC 27944	Perquimans		Albemarle Plantation	2-0082-0012A	36.08465	-76.40518

Project Discharges to State Waters

Discharge Type	Surface Runoff	Sanitary Wastewater	Industry/Commercial Effluent	Vessel Wash Down	Residential	Other

Wastewater/Stormwater Discharged Into Wetland?	Discharge Same Salinity as Receiving Waters	Is There Any Mitigation Proposed
False	False	False

Detailed Description of the Existing Development Located on the Property

Existing Man-Made Features:

166 slip marina
Dock master building
Utility buildings

Existing Land Uses:

Existing land use is a residential subdivision with marina, golf course and associated infrastructure.

Existing Wastewater Treatment/Disposal:

Albemarle Plantation subdivision has its own central wastewater system with spray irrigation fields.

Solid Waste/Fish Offal/Trash Disposal:
Solid waste and trash deposited in available trash receptacles and taken off site.

Use and Daily Operations of the Project When Complete

Proposed Development Purpose:
The marina expansion will provide additional docking for the expanding subdivision population and the proposed wave attenuator around the perimeter of the marina will provide a safer environment for boat mooring. The new dock master building will be located in a more central location with better view of the entire marina for safer operations.

Buildings/Facilities/Units/Structures:
- 60 additional boat slips of varying sizes
- 1,114 ft. wave attenuator/floating dock
- 1-12 ft. x 228 ft. floating dock with 12 ft. x 90 ft. platform
- 166 sq.ft. dock master building

Use & Daily Operations:
Daily use of the marina will continue to be used for access to the adjacent waters.

Construction Methodology & Equipment:
New floating docks and wave attenuators will be secured with pilings that will be installed with pile driver on a barge. The fixed dock section will be constructed on pilings that have been hydraulically installed. Conventional framing practices to be used for framing and decking of the fixed dock extension.

Development Activities Narrative Specifics:
See attached narrative for more specific detail on the project.

Application Narrative:
See attached narrative

Boat Ramp Development Activity Included: False

Boat Ramp Dimensions				
Length	**Width**	**Avg Existing Depth**	**Final Project Depth**	**Distance Waterward of NHW/NWL**

Will Fill Material Be Placed In Any Of The Following Areas		
Area	**Sq. Ft. Affected**	**Purpose of Fill in This Area**
Coastal Wetland/Marsh (CW)		
Submerged Aquatic Vegetation (SAV)		
Shell Bottom (SB)		
Other Non-Coastal Wetlands (WL)		

Boat Ramp Structures			
Structure Type	**Length**	**Width**	**Quantity**

Shoreline Stabilization Development Activity Included: False

Living Shoreline Development Activity Included: False

Piers & Docking Facilities Development Activity Included: True

Docking Facilities Details			
Facility Use	**# of Tie Pilings**	**Existing Slips**	**New Slips**

Private/Community	72	166	60

Piers & Docking Facility Structures			
Structure Type	**Length**	**Width**	**Quantity**
Fixed Piers	460	12	1
Floating docks	228	12	1
Floating docks	90	12	1
Floating docks	262	13.5	1
Floating docks	328	10	1
Floating docks	524	10	1
Fixed Finger Piers	25	4	12
Fixed Finger Piers	35	4	13
Fixed Finger Piers	40	4	3

Freestanding Moorings & Buoys Associated With This Docking Facility		
Structures Consistent With Water Use Plan	**Existing Freestanding Moorings & Buoys Slips**	**New Freestanding Moorings & Buoys Slips**
False		
Buoy Details:		

Moorings & Buoys Details			
Mooring or Buoy	**Distance From Shoreline**	**Arc of Swing**	**Water Depth**

Excavation Development Activity Included: False

Bridges & Culverts Development Activity Included: False

Oceanfront Erosion Control Development Activity Included: False

Temporary Structures Development Activity Included: False

Utility Crossings Development Activity Included: False

Freestanding Moorings, Buoys & Bird Nesting Poles Development Activity Included: False

Log Removal/Marine Debris Development Activity Included: Yes/No

Navigational Aids Development Activity Included: False

Other Fill Below Water Level Development Activity Included: False

Stormwater Structures Development Activity Included: False

"Upland Development" Development Activity Included: False

Energy Facilities Development Activity Included: False

Aquaculture Development Activity Included: False

Submerged Lands Mining Development Activity Included: False

General Development Activity Details Required

General Development Activity Questions				
These questions are applicable if 1 of the following development activities are included in the project (Boat Ramps, Freestanding Moorings, Buoys & Bird Nesting Poles, Piers & Docking Facilities, Temporary Structures, Living Shorelines, Shoreline Stabilization Submerged Lands Mining)				
Boat Type(s)		**Typical Boat Length**	**Other Boat Type (Describe)**	
Open runabout; Sail boat; Personal water craft; Non-motorized; Other		30		
Adj Riparian Property Line #1 (Proximity of Structure Nearest to Property Line)		**Adj Riparian Property Line #2 (Proximity of Structure Nearest to Property Line)**	**Adj Riparian Property Line #3 (Proximity of Structure Nearest to Property Line)**	
965		1055		
Width of Water Body	**Water Depth @ Waterward End of Structure (NLW or NWL)**	**Water Depth @ Most Landward Boat Slip (NLW or NWL)**	**Water Depth @ Most Waterward Boat Slip (NLW or NWL)**	
1810	7.5	7.5	7.5	
Navigational Aids Required	**Number of Buoys**	**Number of Day Markers**	**Min Distance of Each Aid Placed Beyond Shoreline**	**Max Distance of Each Aid Placed Beyond Shoreline**
False				

Marina Development Activity Details Required

Marina Details					
These questions are applicable if there are a combined number of slips of 10 or more across all development activities					
Repair or Maintenance Services	**Travel Lift and/or Rail**	**Fuel & Marine Supplies**	**Dry Storage (# of Boats)**	**Lease of Slips**	**Other Services**
False	False	True		False	False
Detailed Plan - Location of Repair/Maintenance Services & Efforts to Contain Debris/Runoff From Entering Adjacent Wetlands/Water Bodies					
Provide a Detailed Plan of the Location of Fuel Handling Facilities & Describe Safety Measures Planned to Protect Water Quality					
Existing fuel-handling facility located at the end of Dock C. Cut off switch at fuel pump and dock master building.					
Other Services (Detailed Description)					

Industrial Pollutants Being Used (Paint, Sandblasting Waste, Petroleum Products, Vessel Maintenance Operations)	**Industrial Pollutants Management Plan**
False	

# of Toilets	**# of Showers**	**Location of Toilets**

Boat Holding Tank Pumpouts	**Existing Pumpouts**	**Proposed Pumpouts**	**Pumpouts – Location of Each**	**Pumpouts – Type of Each**
True	1		Dock C	To central wastewater system

How Will Overboard Discharge of Sewage From Boats be Controlled	**Number of Channel Marker or No Wake Signs Proposed**	**Provide Details to the Type of Signage and Location of the Signs**
No overboard discharge of sewage allowed at this marina.	0	

Marina Safety Policy on Overnight & Live Aboard Storage	**Marina Located Within or Close Proximity to Shellfish Lease**	**Shellfish Lease Proximity to Marina**	**Shellfish Leasholder(s) Name & Address**
No overnight or live aboard docking at this marina.	False		

Acknowledgements

☒ 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

☒ I certify that by clicking the submit button on this NC Division of Coastal Management application I acknowledge that I am signing and dating the application submitted therein

DIVISION OF COASTAL MANAGEMENT
FIELD INVESTIGATION REPORT
PA-3283

l. APPLICANT'S NAME: Albemarle Plantation Property Owners Association Inc

2. LOCATION OF PROJECT SITE: 421 Albemarle Blvd Hertford, NC 27944
Longitude: -76.40424 **Latitude:** 36.0855

3. INVESTIGATION TYPE: CAMA

4. INVESTIGATIVE PROCEDURE:

Date of Visit	Purpose of Visit	Applicant Present?
3/19/2026	site inspection	No

5. PROCESSING PROCEDURE:

Application Received	Application Complete	Regional Office
5/18/2026	6/1/2026	DCM - Elizabeth City Regional Office

6. SITE DESCRIPTION:

(A) Local Land Use Plan: Perquimans County
Land Classification from LUP: Land Classification From LUPs

(B) AEC(s) Involved: Public Trust Areas

(C) Water Dependent: Yes

(D) Intended Use: Private/Community

(E) Wastewater Treatment:
Existing: Central & Municipal
Planned: N/A

(F) Type of Structures:
Existing: Marina, Boat lift, Boat slips, Finger pier, Pier \"T\" head, Pier or dock, Golf course, Non-resident. bldg./mix use, Parking lot, Subdivision
Planned: Marina expansion, Boat slips, Finger pier, Pier or dock

(G) Estimated Annual Rate of Erosion:
Erosion Information Source: Annual Erosion Source

7. HABITAT DESCRIPTION:

	DREDGED (ft^2)	FILLED (ft^2)	OTHER (ft^2)
(A) Open Water			25674
(B) CW's above NHW			
(C) CW's below NHW			
(D) Shallow Bottom			
(E) High Ground			
(F) Non-Coastal WL			

(E) Total Area Disturbed: 25674 ft^2

(F) Primary Nursery Area: No

(G) Water Classification: SC: Aquatic Life, Secondary Contact Recreation, Tidal Salt Water

Open to Shellfishing: No

8. PROJECT SUMMARY:

The applicant proposes to expand an existing 166 slip Marina by adding a fixed dock, a floating dock, and a wave attenuator adding 60 additional slips.

9. NARRATIVE DESCRIPTION:

The site of the proposed development is located near 421 Albemarle Boulevard in Perquimans County, adjacent to Yeopim Creek. The properties to the north and south are both residential lots.

Vegetation on the site includes, but is not limited to, indigenous yard grasses, cypress trees, non-coastal wetland plants, and various deciduous trees. Soil Types include Roanoke Silt loam (RO), Chowan Silt Loam (Co), and Dogue Fine Sandy Loam (DgA). The property has an elevation of approximately 8 feet above normal water level that slopes down along the western side (NWL) along the shoreline.

The shoreline length is 11,110 linear feet with golf course, marina, Yacht club building, parking lot and subdivision. The water classification for this area is Aquatic life, Secondary Contact Recreation, Tidal Salt Water (SC) that is closed to shellfishing. Yeopim Creek in this area is classified as Inland Waters. When the site visit was conducted there was no Submerged Aquatic Vegetation present in the proposed project area.

The existing marina structures were authorized through CAMA major permit #58-89.

10. PROJECT DESCRIPTION:

The applicant proposes to construct a fixed pier extension that is 12 foot wide by 460 feet long extending southwest from the existing south pier. A 12 foot wide by 228 foot long floating pier extends from the extension that will include 20 new boat slips. The 228 foot pier will have four finger piers measuring 4 foot by 35 foot and five finger piers measuring 4 foot by 25 foot and at the terminus a 12 foot by 90 foot "T" end platform. The fixed pier portion is proposed to continue to a 625 square foot octagonal golf cart turn around that is proposed to have a 9 foot by 60 foot gangway extending westward to the start of the floating dock and wave attenuator.

The proposed floating dock/wave attenuator has a proposed 13.5 foot by 262 foot long section extending west with six 20 foot wide by 60 foot long boat slips perpendicular to the dock. The proposed slips in this section are proposed to include three finger piers measuring 4 foot by 40 foot. The dock is then proposed to angle northwestward with a 10 foot by 328 foot long segment with fourteen 20 foot wide by 50 foot long boat slips. The proposed slips in this section of dock are proposed to have seven 4 foot by 35 foot finger piers.

The proposed final section is proposed to be 10 foot wide by 524 feet long and will include 20 slips. The proposed slips in this section of dock are proposed to have two 4 foot by 35 foot finger piers and seven 4 foot by 25 foot finger piers. The water depth at the most waterward section of the proposed marina expansion is -7.5 feet.

The applicant is also proposing on replacing the existing marina pier and dock structures over the next 5-8 years with no change to the footprint.

The proposed development exceeds the 1/4 width rule and meets the 15 foot setback. There is no associated high ground disturbance proposed with this development.

11. ANTICIPATED IMPACTS:

The proposed development will result in:
- the shading of 25,674 sqft Public Trust Waters
- Temporary turbidity will possibly occur during construction.
- the existing usurpation on site is 63,403 sqft and the proposed usurpation is 29,600 sqft for a total of 93,003 sqft

Name: Cynthia Rountree Date: 06-04-2026 Office: DCM - Elizabeth City Regional Office

Permit Application Report

Application ID	Application Type	Submitted	App Complete	Deadline	Decision	Expiration
PA-3283	DCM Major Permit	05-18-2026	06-01-2026	08-15-2026		

Primary Applicant Information

Applicant Type	Title	Business Name	Name	Email	Business Phone	Mobile Phone
Business/Company		Albemarle Plantation Property Owners Association Inc	Albemarle Plantation Property Owners Association Inc	GM@albemarleplantation.com	908.229.3825	

Physical Address				Mailing Address			
Street 1	City	State	Zip	Street 1	City	State	Zip
128 Lakeside Drive	Hertford	North Carolina	27944	128 Lakeside Drive	Hertford	North Carolina	27944

Registered Agent Information

Agent Type	Title	Business Name	Name	Email	Business Phone	Mobile Phone
Business/Company		Environmental Professionals Inc	Environmental Professionals Inc	obxwood@yahoo.com	252.423.1234	

Physical Address				Mailing Address			
Street 1	City	State	Zip	Street 1	City	State	Zip
224 Colington Ridge	Kill Devil Hills	North Carolina	27948	224 Colington Ridge	Kill Devil Hills	North Carolina	27948

Project Information

Project Name	Project Type	Disturbed Land Area (Sq Ft/Acres)
Albemarle Plantation Property Owners Association Marina	Private/Community	0 Sq. Ft. / 0 Acres

Is proposed project located in national registered historic district or national register listed/eligible: False

List of previous state or federal permits for work on project tract: GP#62371A issued 9/15/2013; 64978A issued 4/15/2015; 70060A issued 5/18/2017; 86139A issued 10/22/2021; Perm it #30-00 HPB Enterprises issued 2/24/2000

Project Location Information

Address	County	River Basin	Subdivision	County Parcel ID	Latitude	Longitude
421 Albemarle Blvd Hertford, NC 27944	Perquimans	Pasquotank	Albemarle Plantation	2-0082-0012A	36.0855	-76.40424

Project Discharges to State Waters

Discharge Type	Surface Runoff	Sanitary Wastewater	Industry/Commercial Effluent	Vessel Wash Down	Residential	Other

Wastewater/Stormwater Discharged Into Wetland?	Discharge Same Salinity as Receiving Waters	Is There Any Mitigation Proposed
False	False	False

Detailed Description of the Existing Development Located on the Property

Existing Man-Made Features:

166 slip marina, dock master building, utility building

Existing Land Uses:

residential sudivision with marina, golf course and associated infrastructure

Existing Wastewater Treatment/Disposal:

onsite central wastewater with spray irrigation

Solid Waste/Fish Offal/Trash Disposal:

Solid waste is collected in trash recepticles and taken offsite

Use and Daily Operations of the Project When Complete

Proposed Development Purpose:

The marina expansion will provide additional docking for the subdivision as well as transient traffic. The wave attenuator around the perimeter of the marina will provide a safer environment for the boats. The original marina layout was approved when the pier extension requirement was not to exceed 1/3 the width of the waterbody. The change of regulation to require the 1/4 limitation was primarily to allow for a greater fairway between opposing piers in restricted waterways. The width of the Yeopim Creek is approximately 1500 feet so if a similar facility was constructed on the other side of the creek, a 370-foot-wide fairway would remain providing adequate passageway for boats and thus meet the spirit and intent of the regulation.

Buildings/Facilities/Units/Structures:

-60 additional slips
-1,114 ft of wave attenuator
-228 ft by 12 ft floating dock with 12x 90 ft platform

Use & Daily Operations:

marina

Construction Methodology & Equipment:

New floating dock and wave attenuator will be secured with pilings that will be installed with a pile driver on a barge. The fixed dock section will be constructed on pilings that are hydraulically installed.

Development Activities Narrative Specifics:

The wave attenuator will provide safe harbor for the boats and the expansion of slips will accommodate the demand by the community for boat slips as well as providing slips for transient boaters and public service vessels

Application Narrative:

The marina expansion will provide additional docking for the subdivision as well as transient traffic. The wave attenuator around the perimeter of the marina will provide a safer environment for the boats. The original marina layout was approved when the pier extension requirement was not to exceed 1/3 the width of the waterbody. The change of regulation to require the 1/4 limitation was primarily to allow for a greater fairway between opposing piers in restricted waterways. The width of the Yeopim Creek is approximately 1500 feet so if a similar facility was constructed on the other side of the creek, a 370-foot-wide fairway would remain providing adequate passageway for boats and thus meet the spirit and intent of the regulation. The project will result in 60 additional slips, a 228 ft x12ft floating dock with a 12ft x90ft platform and 1,114 feet of wave attenuator.

Boat Ramp Development Activity Included: False

Boat Ramp Dimensions				
Length	**Width**	**Avg Existing Depth**	**Final Project Depth**	**Distance Waterward of NHW/NWL**

Will Fill Material Be Placed In Any Of The Following Areas		
Area	**Sq. Ft. Affected**	**Purpose of Fill in This Area**
Coastal Wetland/Marsh (CW)		
Submerged Aquatic Vegetation (SAV)		
Shell Bottom (SB)		
Other Non-Coastal Wetlands (WL)		

Boat Ramp Structures			
Structure Type	**Length**	**Width**	**Quantity**

Shoreline Stabilization Development Activity Included: False

Living Shoreline Development Activity Included: False

Piers & Docking Facilities Development Activity Included: True

Docking Facilities Details			
Facility Use	**# of Tie Pilings**	**Existing Slips**	**New Slips**
Private/Community	72	166	60

Piers & Docking Facility Structures			
Structure Type	**Length**	**Width**	**Quantity**
Fixed Piers	460	12	1
Floating docks	228	12	1
Floating docks	90	12	1
Floating docks	262	12	1
Floating docks	328	10	1
Floating docks	524	10	1
Fixed Finger Piers	25	4	12
Fixed Finger Piers	35	4	13
Fixed Finger Piers	40	4	3

Freestanding Moorings & Buoys Associated With This Docking Facility		
Structures Consistent With Water Use Plan	**Existing Freestanding Moorings & Buoys Slips**	**New Freestanding Moorings & Buoys Slips**
False		
Buoy Details:		

Moorings & Buoys Details			
Mooring or Buoy	**Distance From Shoreline**	**Arc of Swing**	**Water Depth**

Excavation Development Activity Included: False

Bridges & Culverts Development Activity Included: False

Oceanfront Erosion Control Development Activity Included: False

Temporary Structures Development Activity Included: False

Utility Crossings Development Activity Included: False

Freestanding Moorings, Buoys & Bird Nesting Poles Development Activity Included: False

Log Removal/Marine Debris Development Activity Included: Yes/No

Navigational Aids Development Activity Included: False

Other Fill Below Water Level Development Activity Included: False

Stormwater Structures Development Activity Included: False

“Upland Development” Development Activity Included: False

Energy Facilities Development Activity Included: False

Aquaculture Development Activity Included: False

Submerged Lands Mining Development Activity Included: False

General Development Activity Details Required

General Development Activity Questions

These questions are applicable if 1 of the following development activities are included in the project (Boat Ramps, Freestanding Moorings, Buoys & Bird Nesting Poles, Piers & Docking Facilities, Temporary Structures, Living Shorelines, Shoreline Stabilization Submerged Lands Mining)				
Boat Type(s)		**Typical Boat Length**	**Other Boat Type (Describe)**	
Open runabout; Sail boat; Non-motorized; Other		30		
Adj Riparian Property Line #1 (Proximity of Structure Nearest to Property Line)		**Adj Riparian Property Line #2 (Proximity of Structure Nearest to Property Line)**	**Adj Riparian Property Line #3 (Proximity of Structure Nearest to Property Line)**	
965		1055		
Width of Water Body	**Water Depth @ Waterward End of Structure (NLW or NWL)**	**Water Depth @ Most Landward Boat Slip (NLW or NWL)**	**Water Depth @ Most Waterward Boat Slip (NLW or NWL)**	
1810	7.5	5	7.5	
Navigational Aids Required	**Number of Buoys**	**Number of Day Markers**	**Min Distance of Each Aid Placed Beyond Shoreline**	**Max Distance of Each Aid Placed Beyond Shoreline**
False				

Marina Development Activity Details Required

Marina Details					
These questions are applicable if there are a combined number of slips of 10 or more across all development activities					
Repair or Maintenance Services	**Travel Lift and/or Rail**	**Fuel & Marine Supplies**	**Dry Storage (# of Boats)**	**Lease of Slips**	**Other Services**
False	False	True		False	False
Detailed Plan - Location of Repair/Maintenance Services & Efforts to Contain Debris/Runoff From Entering Adjacent Wetlands/Water Bodies					
Provide a Detailed Plan of the Location of Fuel Handling Facilities & Describe Safety Measures Planned to Protect Water Quality					
Existing fuel handling facility located at the end of Dock C. Cut off switch at fuel pump and dockmaster building					
Other Services (Detailed Description)					

Industrial Pollutants Being Used (Paint, Sandblasting Waste, Petroleum Products, Vessel Maintenance Operations)	**Industrial Pollutants Management Plan**
False	

# of Toilets	**# of Showers**	**Location of Toilets**

Boat Holding Tank Pumpouts	**Existing Pumpouts**	**Proposed Pumpouts**	**Pumpouts – Location of Each**	**Pumpouts – Type of Each**
True	1		Dock C	to central waste water system

How Will Overboard Discharge of Sewage From Boats be Controlled	**Number of Channel Marker or No Wake Signs Proposed**	**Provide Details to the Type of Signage and Location of the Signs**
not allowed	0	

Marina Safety Policy on Overnight & Live Aboard Storage	**Marina Located Within or Close Proximity to Shellfish Lease**	**Shellfish Lease Proximity to Marina**	**Shellfish Leasholder(s) Name & Address**
not allowed	False		

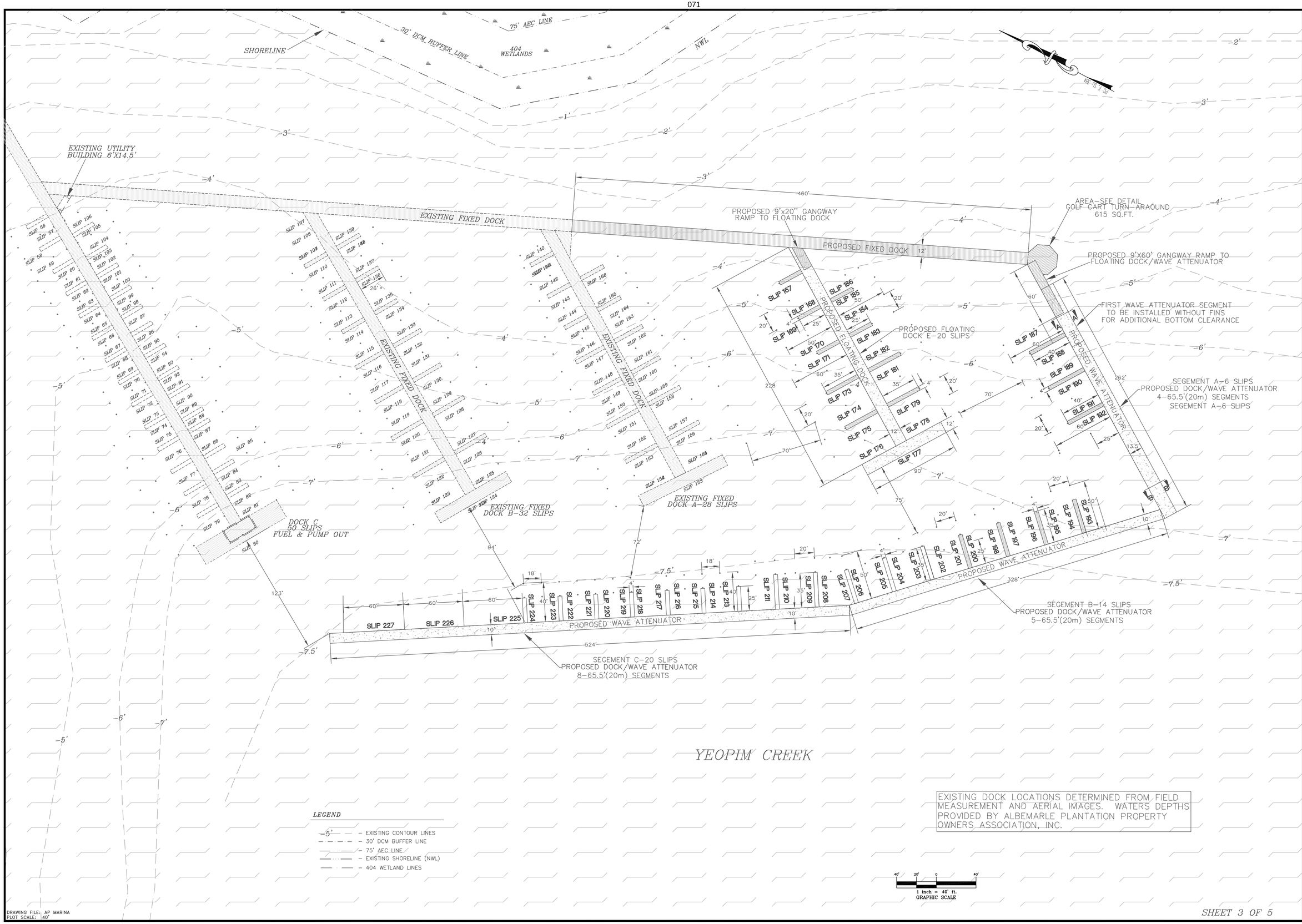
Acknowledgements

☒ 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

☒ I certify that by clicking the submit button on this NC Division of Coastal Management application I acknowledge that I am signing and dating the application submitted therein



EXISTING DOCK LOCATIONS DETERMINED FROM FIELD MEASUREMENT AND AERIAL IMAGES. WATERS DEPTHS PROVIDED BY ALBEMARLE PLANTATION PROPERTY OWNERS ASSOCIATION, INC.

LEGEND

- -5'- - EXISTING CONTOUR LINES
- - - - - 30' DCM BUFFER LINE
- - - - - 75' AEC LINE
- - - - - EXISTING SHORELINE (NWL)
- - - - - 404 WETLAND LINES

40' 20' 0 40'
1 inch = 40' ft.
GRAPHIC SCALE

DRAWING FILE: AP MARINA
PLOT SCALE: 40'

SHEET 3 OF 5

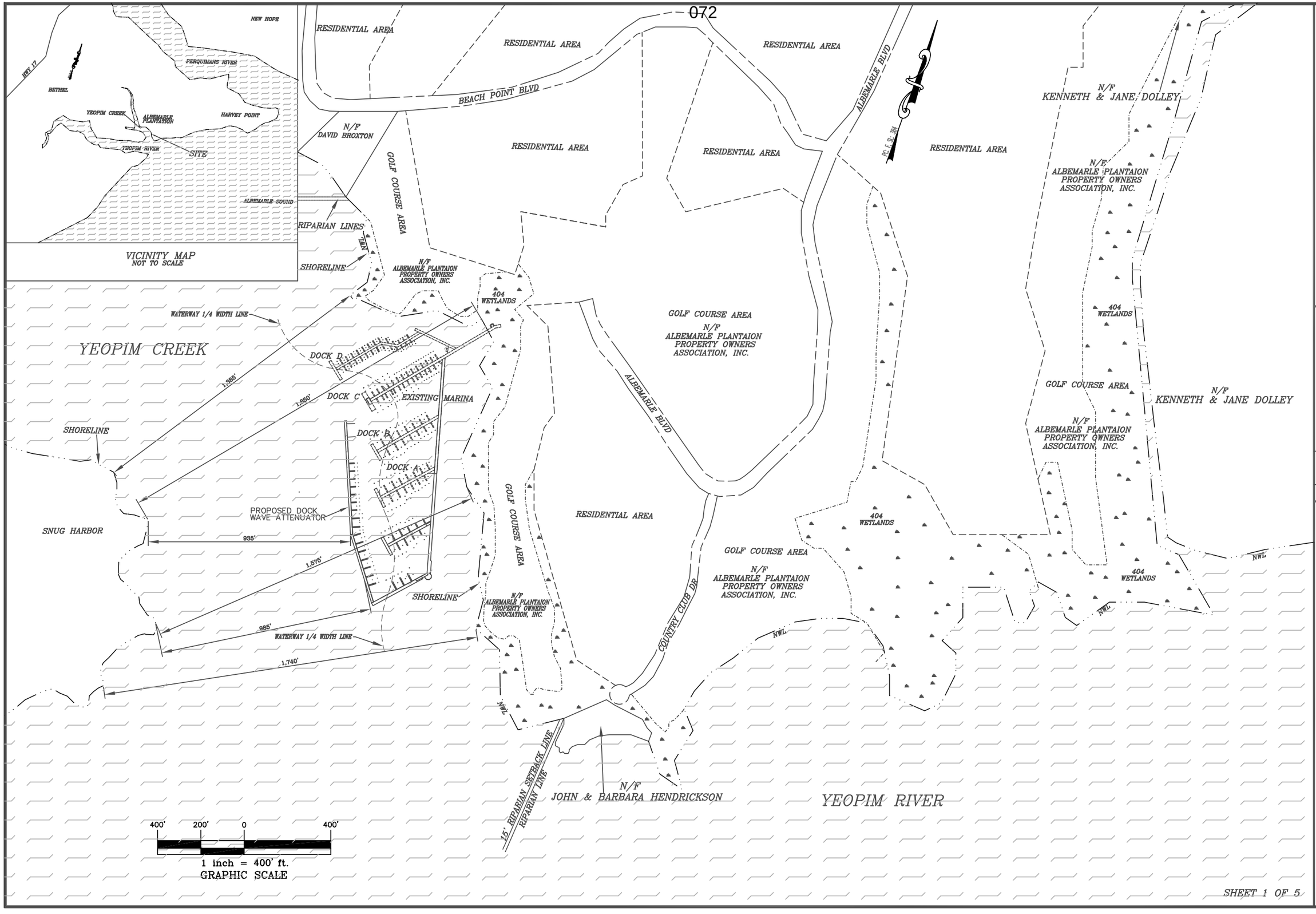
ATLANTIC ENVIRONMENTAL CONSULTANTS, LLC
PO BOX 3266 KITTY HAWK NORTH CAROLINA
Phone: (252) 599-2603
E-Mail: dougdaec@gmail.com

NO.	DATE	REVISIONS
1	12/11/24	REVISED AS PER NCDCM COMMENTS 11/21/24
2	04/15/25	REVISED AS PER NC DMR COMMENTS 03/13/25
3	07/17/25	REVISED AS PER NC DMR COMMENTS 03/13/25

ALBEMARLE PLANTAION MARINA EXPANSION

ALBEMARLE PLANTATION PROPERTY OWNERS ASSOCIATION
CAMA MAJOR PERMIT APPLICATION
HERTFORD PERQUIMANS COUNTY NORTHCAROLINA

DRAWING NO.	DRAWN BY	ISSUE DATE
AP MARINA	DAD	11/07/24



ATLANTIC ENVIRONMENTAL CONSULTANTS, LLC
PO BOX 3266 KITTY HAWK NORTH CAROLINA
Phone/Fax: (252) 261-7707
E-Mail: dougdaec@gmail.com

NO.	DATE	REVISIONS
1	12/11/24	REVISED AS PER NCDOM COMMENTS 11/21/24
2	12/23/24	REVISED AS PER NCDOM COMMENTS 12/21/24

ALBEMARLE PLANTATION MARINA EXPANSION

ALBEMARLE PLANTATION PROPERTY OWNERS ASSOCIATION, INC.
CAMA MAJOR PERMIT APPLICATION
HERTFORD PERQUIMANS COUNTY NORTHCAROLINA

DRAWING NO.	DRAWN BY	ISSUE DATE
AP MARINA	DAD	11/07/24

GOLF COURSE AREA

EXISTING DOCK MASTER TOWER

404 WETLANDS

NWL

75' AEC LINE

30' DCM BUFFER LINE

SHORELINE

EXISTING UTILITY BUILDING 6'X14.5'

EXISTING FIXED DOCK 12' 535'

EXISTING FIXED DOCK 12' 208'

EXISTING FIXED DOCK 12' 390'

EXISTING FIXED DOCK 26' 328'

EXISTING FIXED DOCK 26' 285'

EXISTING FIXED DOCK 12' 237'

DOCK A
28 SLIPS
94'

DOCK B
33 SLIPS
83'

DOCK C
50 SLIPS
FUEL & PUMP OUT
94'

DOCK D
55 SLIPS
97'

YEOPIM CREEK

-1' -2' -3' -4' -5' -6' -7' -7.5'

LEGEND

- -5' — EXISTING CONTOUR LINES
- 30' DCM BUFFER LINE
- 75' AEC LINE
- EXISTING SHORELINE (NWL)
- 404 WETLAND LINES

40' 20' 0 40'
1 inch = 40' ft.
GRAPHIC SCALE

DRAWING FILE: AP MARINA
PLOT SCALE: 40'

SHEET 2 OF 5

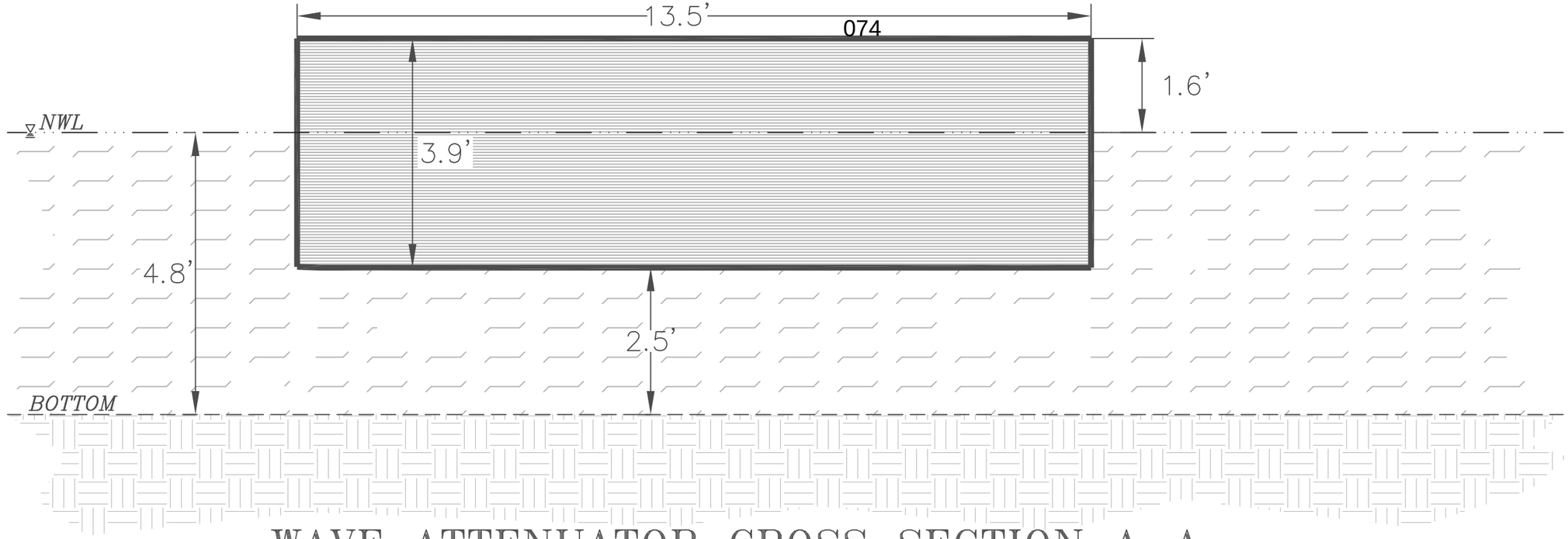
ATLANTIC ENVIRONMENTAL CONSULTANTS, LLC
PO BOX 3266 KITTY HAWK NORTH CAROLINA
Phone: (252) 599-2603
E-Mail: dougdaec@gmail.com

NO.	DATE	REVISIONS
1	12/11/24	REVISED AS PER NCDCM COMMENTS 11/21/24

ALBEMARLE PLANTAION MARINA EXISTING CONDITIONS

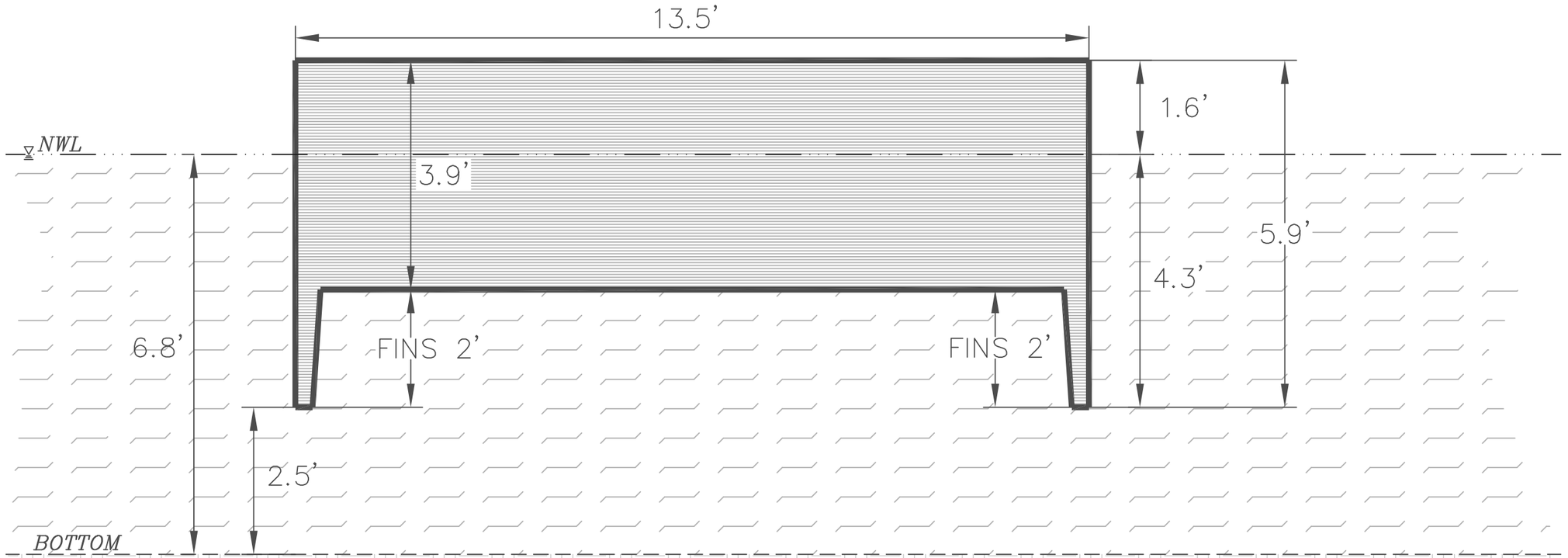
ALBEMARLE PLANTATION PROPERTY OWNERS ASSOCIATION
CAMA MAJOR PERMIT APPLICATION
HERTFORD PERQUIMANS COUNTY NORTHCAROLINA

DRAWING NO.	DRAWN BY	ISSUE DATE
AP MARINA	DAD	11/07/24



WAVE ATTENUATOR CROSS SECTION A–A

N.T.S.



WAVE ATTENUATOR CROSS SECTION B–B

N.T.S.

ATLANTIC ENVIRONMENTAL CONSULTANTS, LLC
PO BOX 3266 KITTY HAWK NORTH CAROLINA
Phone/Fax: (252) 261-7707
E-Mail: dougdaec@gmail.com

REVISIONS

NO.	DATE	
1	07/17/25	AS PER NC DWR COMMENTS 03/13/25

ALBEMARLE PLANTAION MARINA EXPANSION

WAVE ATTENUATOR CROSS SECTIONS
CAMA MAJOR PERMIT APPLICATION
HERTFORD PERQUIMANS COUNTY NORTHCAROLINA

DRAWING NO. AP MARINA
DRAWN BY DAD
ISSUE DATE 04/15/25

JOSH STEIN
Governor

D. REID WILSON
Secretary

KATHY B. RAWLS
Director

MEMORANDUM:

TO: Richard Mahoney, DCM Assistant Major Permits Coordinator

FROM: Jaselyn Owens, NCDMF Fisheries Resource Specialist

SUBJECT: PA-3283 Albermarle Plantation Property Owners Association Marina

DATE: 1 July 2026

A Fisheries Resource Specialist with the North Carolina Division of Marine Fisheries (DMF) has reviewed the CAMA Major Permit application (PA-3283) for proposed actions that may impact fish and fish habitats pursuant to 15A NCAC 07J.0207. The waters within the proposed project site are classified as SC: Aquatic Life, Secondary Contact Recreation Tidal Saltwater within Yeopim Creek in Perquimans creek. Yeopim Creek waters are closed to shellfishing and are designated as Anadromous Fish Spawning Area (AFSA) designated under 15A NCAC 03R.0015 under DMF and WRC.

The applicant is proposing to expand docking facilities within the Albemarle Plantation Property Owners Plantation Marina to include 60 additional boat slips of varying sizes from the construction of a 12’ by 460’ fixed pier extension from the existing south pier and the construction of three floating docks with wave attenuators attached to two of the floating docks. The proposed fixed pier plans to include a 12ft by 228ft floating dock extending from the approximate midpoint of the proposed fixed pier, which would include four 4ft by 35ft and five 4ft by 25ft finger piers and a 12ft by 90ft “T’ and platform at the terminus to create 20 additional boat slips. At the south end of the proposed fixed pier the applicant plans to widen the last 60ft of the pier by 16ft for the creation of a golf cart parking area terminated by a 625ft² octagonal golf cart turnaround. Extending southward from the proposed golf cart turnaround, is a proposed 9ft by 60ft gangway leading to a proposed 13.5ft by 262ft floating dock/wave attenuator segment (labeled “Segment A”) with six additional 20ft by 60ft boat slips perpendicular to the dock (including three 4ft by 40ft finger piers). Finally, the applicant is proposing to construct a 10ft by 852ft floating dock/wave attenuator extending westward from the proposed “Segment A” floating dock/wave attenuator, which is proposed to include one 10ft by 328ft segment (labeled “Segment B”) containing seven 4ft by 35ft finger piers to moor an additional fourteen 20ft by 50ft boat slips and one 10ft by 524ft segment (labeled “Segment C”) containing two 4ft by 35ft finger piers to house four 20ft by 50ft boat slips, and seven 4ft by 25ft finger piers to create thirteen 18ft by 40ft boat slips, and three 60ft by 40ft boat slips parallel to the inner north side of the pier (20 additional boat slips in total).

The wave attenuators proposed in segment "A" are planned to consist of 3.9ft by 13.5ft sections attached to the dock extending approximately 1.6ft above normal water level (nwl) and 2.3ft below nwl and be constructed without fins to allow for allow for 2.5ft of clearance above the substrate (nwl ≈ -4.8ft). The wave attenuators proposed for segments "B" and "C" are planned to consist of 3.9ft by 13.5' sections attached to the dock extending approximately 1.6ft above nwl with 2ft-wide fins extending from the bottom of each end of the sections for a total width of 5.9ft to allow 2.5ft of bottom clearance above the substrate (nwl ≈ -6.8ft).
The proposed extension will result in shading impacts of approximately 25,674ft² of Public Trust Waters within AFSA containing historically mapped patches of submerged aquatic vegetation (SAV) habitat partially within the proposed project area.

SAV is vital aquatic sub-bottom habitat that both serves multiple ecological health benefits. SAV supports multiple economically and ecologically important species of fishes and invertebrates as protection, foraging, and nursery habitat, specifically the snapper-grouper complex, yellow perch, largemouth bass, and shrimp within Yeopim Creek and the wider Albemarle Sound. SAV serves as a vital water quality regulator through filtration and storage of excess nutrients, which further promotes the health of benthic animals like mussels, oysters, and other commercially important shellfish by reducing contamination. Furthermore, seagrass vegetation acts as a carbon sink, stabilizes shorelines and protects coastlines by preventing sediment loss and erosion. The preservation of SAV is vital to the continued sustainment and protection of North Carolina's coastlines, commercial and recreational fisheries, and overall coastal ecosystem health, and SAV habitat abundance has been in decline with significant losses in the last decade and actions that may contribute to this loss are highly concerning.

AFSA is essential habitat containing optimal temperature, substrate, and water quality conditions for anadromous fishes migrating from the ocean to rivers and tributaries to spawn during specific times of year, often referred to as "runs" for various species, including Hickory and American shad, Shortnose sturgeon, Striped bass, and ESA-listed Atlantic Sturgeon. Activities that create noise disturbance, increase turbidity, or impede passage for these species can result in reproduction failure in adults and/or loss of their eggs. Therefore, limiting construction to periods of time outside of these spawning periods can greatly reduce adverse impacts to spawning adults and increase survival for emerging fry.

Additionally, the extension length of the proposed floating pier and wave attenuators, particularly the proposed westward segments "B" and "C", presents concerns with their potential to block fishes who travel and forage within the mid-to-upper water column from accessing foraging and sheltered areas that are otherwise available under the current footprint. DMF does not support proposals that may result in delays or obstruction to fish passage, foraging, or access to safe habitat within jurisdictional waterways. Given the existing and likely increased boat traffic and upland development of both the Marina and the land area west of the proposed project area, the potential adverse impacts on fishes and their habitat from further obstruction and reduction of the open waterway area is concerning. Therefore, DMF would not support the proposed floating pier/wave attenuator extension for labeled segments "B" and "C" but would support the proposed segment "A" floating pier and wave attenuator extension where boater protection from wind and waves from the easterly direction is more necessary.

Given the potential impacts to anadromous fish and spawning habitat, DMF requests the applicant adhere to limiting construction outside of the 15 February—30 June AFSA moratorium dates.

Additionally, DMF requests the applicant construct the proposed fixed pier and the segment "A" floating pier so that the gaps between deck boards be a minimum of ½ inch to reduce shading impacts to SAV habitat that historically is present within area of the proposed floating pier. Finally, DMF concurs with WRC's recommendations for this application.

Thank you for the opportunity to review and comment. Please contact Jase Owens at (252) 570-7490 or jase.owens@deq.nc.gov with further questions or concerns.

State of North Carolina | Division of Marine Fisheries
3441 Arendell Street | P.O. Box 769 | Morehead City, North Carolina 28557
252-515-5500

From: Standridge, Billy W CIV USARMY CESAW (USA)
To: obxwood@yahoo.com
Subject: RE: SAW-2025-00215 (421 Albermarle Blvd / Albemarle Plantation Property Owners Association Inc/ Hertford / Perquimans County)

Hi George,

I hope you've been well. I just received comments from the NMFS Habitat folks for this project and wanted to pass along their comments.

NOAA's National Marine Fisheries Service (NMFS) reviewed the project described in **GP-291** notice **SAW-2025-00215**, dated **July 29, 2026**. Based on the information in the notice, we confirm the District's determination that the proposed work would occur in the vicinity of essential fish habitat (EFH) designated by the **South Atlantic Fishery Management Council, Mid-Atlantic Fishery Management Council**, or NMFS. We agree with the review provided by the North Carolina DMF and recommend:

- Prohibiting construction activities between February 15 and June 30.
- Requiring the fixed pier and the "Segment A" floating pier to be constructed with a minimum of a ½-inch gap between deck boards or with grated material.
- Eliminating the proposed "Segment B" and "Segment C" floating pier/wave attenuator extensions.

Since this project was denied by NCDCM, the Corps cannot authorize this project and is required to deny the request without prejudice.

However, if the project were to receive a variance or other type of approval, the comments above from NMFS would have to be satisfactorily addressed, which may require continued consultation with NMFS.

Thank you,
Billy

Billy W. Standridge
Regulatory Project Manager
Washington Regulatory Field Office
U.S. Army Corps of Engineers, Wilmington District
(910) 251-4595

From: Carr, Erik C CIV USARMY CESAW (USA) <Erik.C.Carr@usace.army.mil>
Sent: Friday, June 5, 2026 1:25 PM
To: obxwood@yahoo.com
Cc: Standridge, Billy W CIV USARMY CESAW (USA) <Billy.W.Standridge@usace.army.mil>
Subject: SAW-2025-00215 (421 Albermarle Blvd / Albemarle Plantation Property Owners

Association Inc/ Hertford / Perquimans County)

Hello,

Your CAMA application PA-3283 has been received and forwarded to Billy Standridge with the action ID number SAW-2025-00215.
Please use this number for any further correspondence.

Respectfully,

Erik Carr
U.S. Army Corps of Engineers
Wilmington District
Ph: 910-251-4005

From: Standridge, Billy W CIV USARMY CESAW (USA)
To: Mahoney, Richard
Subject: RE: [External] FW: Re: SAW-2025-00215 Albemarle Plantation Marina Expansion
Date: Friday, August 21, 2026 2:50:29 PM
Attachments: RE SAW-2025-00215 (421 Albermarle Blvd Albemarle Plantation Property Owners Association Inc Hertford Perquimans County).msg

---

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Hey Richard,

I tried to add comments to the portal for this project but it seems to be closed to comments now that it's denied. Please see the attached email that I sent to the consultant regarding this project.

Thanks,
Billy

Billy W. Standridge
Regulatory Project Manager
Washington Regulatory Field Office
U.S. Army Corps of Engineers, Wilmington District
(910) 251-4595

From: Mahoney, Richard <Richard.Mahoney@deq.nc.gov>
Sent: Tuesday, August 18, 2026 9:10 AM
To: Standridge, Billy W CIV USARMY CESAW (USA) <Billy.W.Standridge@usace.army.mil>
Subject: [Non-DoD Source] Re: [External] FW: Re: SAW-2025-00215 Albemarle Plantation Marina Expansion

That would be greatly appreciated! Can you add Corps comments to the portal as well?

Get Outlook for iOS

From: Standridge, Billy W CIV USARMY CESAW (USA) <Billy.W.Standridge@usace.army.mil>
Sent: Tuesday, 18 August 2026 09:04:43
To: Mahoney, Richard <Richard.Mahoney@deq.nc.gov>
Subject: [External] FW: Re: SAW-2025-00215 Albemarle Plantation Marina Expansion

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Hi Richard,

I know this project has already been denied but I wanted to pass along the NMFS comments I just received. They agree with DMF that segments B and C should be removed and that segment A should have ½" gaps between deck boards.

I'd like to make sure these get to the applicant so they are aware of the federal concerns. Should I send them since you've already sent the denial letter?

Thanks,
BIlly

Billy W. Standridge
Regulatory Project Manager
Washington Regulatory Field Office
U.S. Army Corps of Engineers, Wilmington District
(910) 251-4595

From: NMFS HCDconsultations - NOAA Service Account <nmfs.ser.hcdconsultations@noaa.gov>
Sent: Tuesday, August 18, 2026 8:53 AM
To: Standridge, Billy W CIV USARMY CESAW (USA) <Billy.W.Standridge@usace.army.mil>
Subject: [Non-DoD Source] Re: SAW-2025-00215 Albemarle Plantation Marina Expansion

Hi Billy.

NOAA's National Marine Fisheries Service (NMFS) reviewed the project described in **GP-291** notice **SAW-2025-00215**, dated **July 29, 2026**. Based on the information in the notice, we confirm the District's determination that the proposed work would occur in the vicinity of essential fish habitat (EFH) designated by the **South Atlantic Fishery Management Council, Mid-Atlantic Fishery Management Council**, or NMFS. We agree with the review provided by the North Carolina DMF and recommend:

- Prohibiting construction activities between February 15 and June 30.
- Requiring the fixed pier and the "Segment A" floating pier to be constructed with a minimum of a ½-inch gap between deck boards or with grated material.
- Eliminating the proposed "Segment B" and "Segment C" floating pier/wave attenuator extensions.

Please let us know if additional coordination is required.

Pace

On Wed, Jul 29, 2026 at 2:08 PM Standridge, Billy W CIV USARMY CESAW (USA)

<Billy.W.Standridge@usace.army.mil> wrote:

> Good afternoon,
>
> In accordance with the CAMA-Corps RGP-291 process, I am coordinating the subject project with your office. We are currently reviewing a permit application for the proposed expansion of the Albemarle Plantation Marina in Hertford, Perquimans County, North Carolina. We are writing to request your comments regarding potential impacts to EFH.
>
> The applicant, Albemarle Plantation Property Owners Association Inc., proposes to expand their existing 166-slip marina located on Yeopim Creek by adding 60 additional boat slips. The project would involve the construction of a 12-foot by 460-foot fixed pier extension, a 12-foot by 228-foot floating pier, and a floating dock/wave attenuator. According to the attached Bio Report " When the site visit was conducted there was no Submerged Aquatic Vegetation present in the proposed project area."
>
> The North Carolina Division of Marine Fisheries (DMF) has reviewed the application and provided the following comments and recommendations:
>
> - The project is located within an Anadromous Fish Spawning Area (AFSA) and an area with historically mapped Submerged Aquatic Vegetation (SAV) habitat.
> - DMF recommends that construction activities be limited to outside of the February 15 to June 30 AFSA moratorium to protect spawning anadromous fish.
> - To minimize shading impacts on SAV, DMF recommends that the proposed fixed pier and the "Segment A" floating pier be constructed with a minimum of a ½-inch gap between deck boards.
> - Due to concerns about fish passage and access to habitat, DMF does not support the proposed "Segment B" and "Segment C" floating pier/wave attenuator extensions. They do, however, support the "Segment A" extension, as it provides necessary protection from easterly winds and waves.
>
> We have attached the full DMF comment letter and the project's biological report for your reference. We would appreciate your comments within 30 days of this email. Please feel free to contact me if you have any questions.
>
> Thank you,
> Billy
>
> Billy W. Standridge
> Regulatory Project Manager
> Washington Regulatory Field Office
> U.S. Army Corps of Engineers, Wilmington District
> (910) 251-4595

JOSH STEIN
Governor
D. REID WILSON
Secretary
TANCRED MILLER
Director

NORTH CAROLINA
Environmental Quality

MEMORANDUM

TO: Rich Mahoney, Assistant Major Permits Coordinator

FROM: Cynthia Rountree, Field Representative

DATE: July 17, 2026

SUBJECT: Albemarle Plantation Property Owners Association Major Permit Recommendations

The applicant proposes to expand an existing 166 slip Marina by adding a, fixed dock, a floating dock, and a wave attenuator adding 60 additional slips.

The site of the proposed development is located near 421 Albemarle Boulevard in Perquimans County, adjacent to Yeopim Ceek

The development proposal involves the Public Trust Area.

I have reviewed the Rules of the Coastal Resources Commission (CRC) as they pertain to this project and my findings are as follows:

15A NCAC 07H.0208(b)(6) Marina Specific Use Standards

Subparagraph (6)(G)(iii) states, piers can not extend past ¼ width of the water body

Inconsistent: The proposed addition will extend a distance of 620 feet from NWL with the width of the water body being 1,575 feet and the ¼ width being 394 feet.

Based on my review of the applicable subsections of the North Carolina Administrative Code, the permit application and plans, I do not recommend a permit be issued to Albemarle Plantation Property Owners Association for the development as proposed.

JOSH STEIN
Governor
D. REID WILSON
Secretary
TANCRED MILLER
Director

NORTH CAROLINA
Environmental Quality

August 14, 2026

CERTIFIED MAIL 7019 0140 0001 0233 7411
RETURN RECEIPT REQUESTED

DEN26-02

Electronic Delivery to: GM@albemarleplantation.com
obxwood@yahoo.com

Albemarle Plantation, POA, c/o Environmental Professionals, Inc.
128 Lakeside Drive
Hertford, NC 27944

RE: DENIAL OF CAMA MAJOR DEVELOPMENT PERMIT (PA-3283) DEN 26-02

Dear Albemarle Plantation, POA, Environmental Professionals, Inc.,

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 expand an existing residential marina within Albemarle Plantation subdivision. The subject property is located at 421 Albemarle Boulevard and adjacent to the Yeopim Creek in Hertford, Perquimans County. Processing of the application which was accepted as complete by the Division of Coastal Management's Elizabeth City Office on June 1, 2026, is now complete. Based on the state's review, the Division of Coastal Management has made the following findings:

1) The proposed project would involve development within the Public Trust Area of Environmental Concern as designated by the N.C. Coastal Resources Commission. [15A NCAC 07H. 0207].

2) The waterbody width at the location of the proposed docking facility expansion is variable and the most restrictive waterbody width is approximately 1,575'.

3) Water depths in the proposed project area range from -3' to -8' NWL.

4) The property has an approximate shoreline length of 11,110'.

5) Yeopim Creek is closed to shellfishing, is not a primary nursery area and has a surface classification of SC.

6) CAMA Permit No. 58-89 was originally issued for a 237-slip private residential marina which was later modified to reduce the slip count to 166- slips with accessory structures (i.e. power pedestals, fuel, pump out) on the dock, shed over open water that met the current ruling, a dockmaster tower located on the high ground. At the time the major modification was issued (11/20/89), docking facilities could be permitted up to 1/3 width of the waterbody.

7) The applicant proposes an expansion of the existing marina to include:
   - Pier Extension:
     i. A 12'x460' fixed pier extension, extending southwest from the current south pier and a 615 sq. ft. octagonal golf cart turnaround.
   - Proposed Floating Dock "E-20 slips":
     i. A 12'x228' floating pier added perpendicular to the pier extension will provide 20 additional boat slips (nine 50'x20' slips, ten 60'x20' slips and one 12'x90' slip). Fifteen tie pilings are located along the western side of the floating dock approximately 60' from the dock and fifteen tie pilings are on the eastern side of the floating dock approximately 50' from the dock. The floating pier features four 4'x35' finger piers, five 4'x25' finger piers, and a 12'x90' "T" platform.
   - Gangway & Floating Dock/Wave Attenuator:
     i. From the octagonal turnaround, a 9'x60' gangway extends west to the floating dock/wave attenuator. Floating dock/wave attenuator includes three segments.
        a. Segment A consists of 13.5'x262' floating dock/wave attenuator with three 4'x40' finger piers providing 6 additional slips (20'x60')
        b. Segment B consists of 10'x328' floating dock/wave attenuator angled northwestward with seven 4'x35' finger piers along the landward side providing 14 additional slips (20'x50').
        c. Segment C consists of 10'x524' floating dock/wave attenuator (generally parallel to shore) with two 4'x35' finger piers, and seven 4'x25' finger piers providing 20 additional slips (20'x40'), all located on the landward side. No slips are proposed on the waterward side of these structures.

8) The narrowest distance of the waterbody, based on estimated supplied workplan drawings, is approximately 1,575', placing the ¼ width at approximately 394', and the 1/3 width at 524' respectively. The proposed addition will extend a distance of 620' from NWL/edge of wetlands.

9) In coordination with review agencies the following comments were received at the time of the final decision:
   - The NC Division of Marine Fisheries identified an in-water work moratorium of 15 Feb to 30 June for anadromous fish impacts and deck board gaps to accommodate historically present submerged aquatic vegetation shading impacts.

10) Based upon the above referenced findings, the Division has determined that the proposed project is inconsistent with the following Rules of the Coastal Resources Commission:

- 15A NCAC 07H .0208(b)(6)(G)(ii) and (iii), which states, in part, "Pier and docking facility length shall be limited by:
  (ii) *Not extending more than one-fourth the width of a natural water body, or humanmade 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 boarders the waterbody. The one-fourth length limitation does not apply in areas where the U.S. Army Corps of Engineers, or local government in consultation with eh 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."*

Given the preceding findings, it is necessary that your request for issuance of a CAMA Major Permit under the CAMA be denied. This denial is made pursuant to N.C.G.S. 113A-120(a)(5), which states that "*the responsible official or body shall deny an application for a permit upon finding...in the case of areas covered by G.S. 113A-113(b)(5), that the development will jeopardize the public rights or interests specified.*" This denial is also made pursuant to N.C.G.S. 113A-120(a)(8) which states that "*the responsible official or body shall deny an application for a permit upon finding...in any case, that the development is inconsistent with the written State guidelines or the local land-use plans.*"

If you wish to appeal this denial, you are entitled to a contested case hearing. The hearing will involve appearing before an Administrative Law Judge who listens to evidence and arguments of both parties before making a final decision on the appeal. Your request for a hearing must be in the form of a written petition, complying with the requirements of §150B of the General Statutes of North Carolina, and must be filed with the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, NC 27699-6714, within twenty (20) days from the date of this denial letter. The requirements for filing a contested case can be found at http://www.oah.state.nc.us/hearings. A copy of this petition must be filed with DEQ's agent for service of process at the following address:

Dan Hirschman, General Counsel
Dept. of Environmental Quality
1601 Mail Service Center Raleigh, NC 27699-1601

I request that you also send me a copy of the petition at the address or email included in the letterhead so that I may forward it to the attorney who will be representing the DCM in the contested case proceeding.

Another response to a permit denial available to you is to petition the N.C. Coastal Resources Commission for a variance to undertake a project that is prohibited by the Rules of the Commission. Applying for a variance requires that you first stipulate that the DCM applied the Rules properly in issuing this denial. You may then request that the Commission vary the rules at issue and show how you believe your request meets the four criteria found at GS 113A-120.1. To apply for a variance, you must file a petition for a variance with the Director of DCM 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 to be eligible to be heard at that meeting.

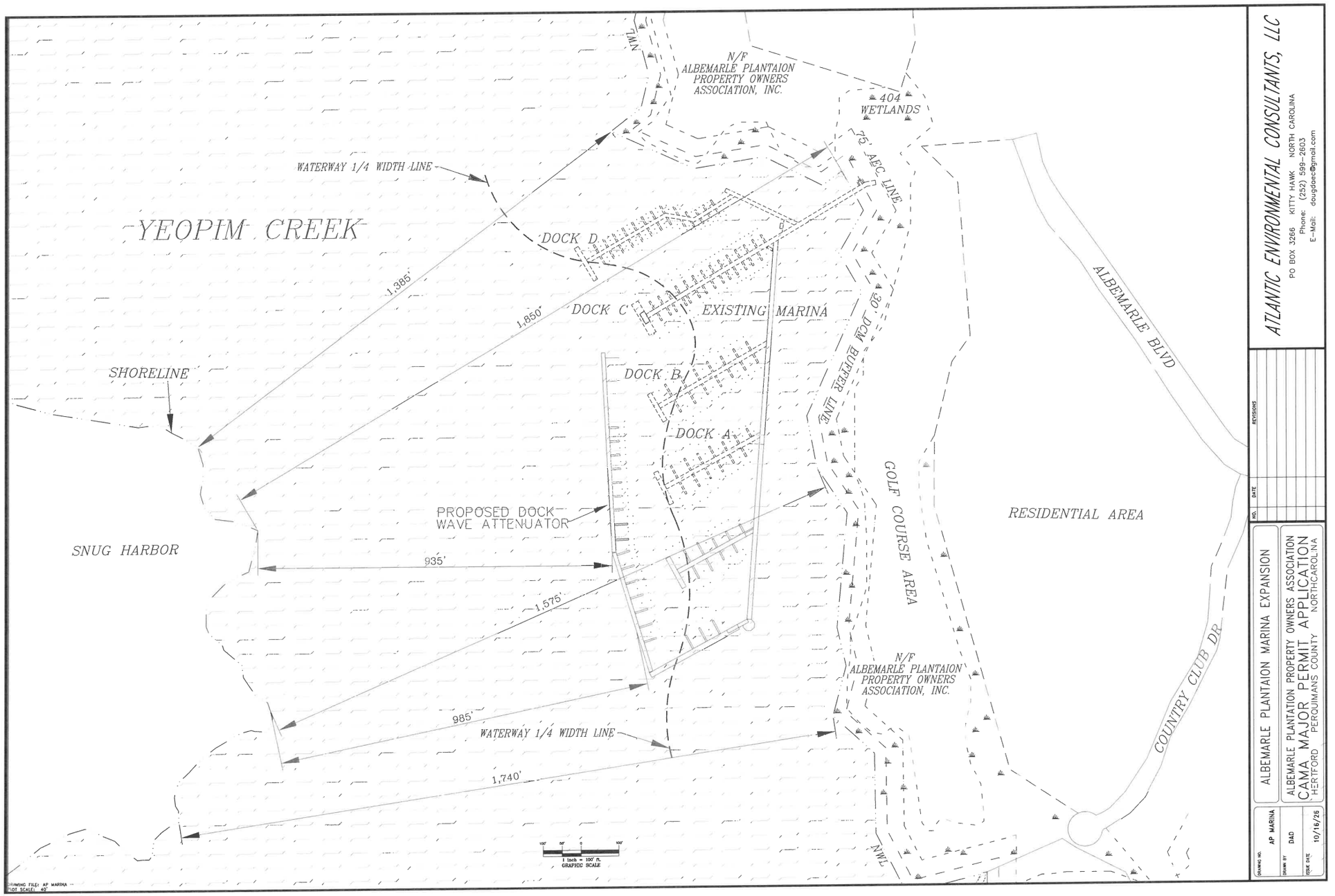
Information about both a permit appeal in the Office of Administrative Hearings and the Variance process may be obtained by contacting DCM staff, or by visiting this link: https://deq.nc.gov/about/divisions/coastal-management/coastal-management-permits/variances appeals

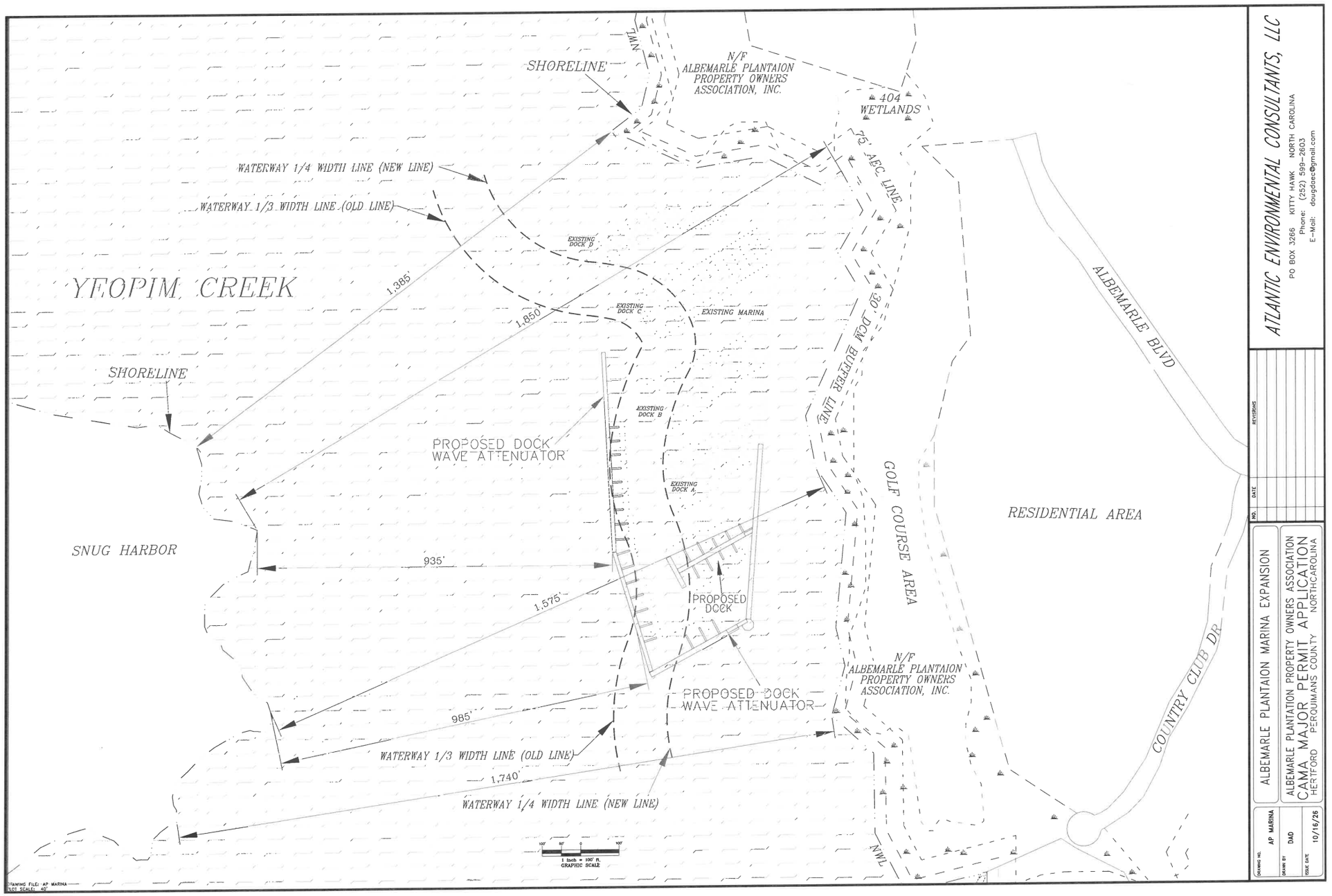
DCM staff are available should you desire assistance in the future. If you have any questions concerning this matter, please contact Richard Mahoney at (252)-331-9387 or Richard.Mahoney@deq.nc.gov

Sincerely,

Tancred Miller
Director, NC Division of Coastal Management

cc: Environmental Professionals Inc.
U.S. Army Corps of Engineers, Billy Standridge
DEQ Asst. GC Christine Goebel
DCM WaRO District Manager, Ron Renaldi
Glenn Stewart, Environmental Specialist, NC Division of Water Resources, NC


YEOPIM CREEK
SNUG HARBOR
SHORELINE
N/F
ALBEMARLE PLANTAION
PROPERTY OWNERS
ASSOCIATION, INC.
404
WETLANDS
75' AEC LINE
30' DCM BUFFER LINE
WATERWAY 1/4 WIDTH LINE
DOCK D
DOCK C
EXISTING MARINA
DOCK B
DOCK A
PROPOSED DOCK
WAVE ATTENUATOR
1,385'
1,850'
935'
1,575'
985'
1,740'
ALBEMARLE BLVD
GOLF COURSE AREA
RESIDENTIAL AREA
COUNTRY CLUB DR
TMN
1 Inch = 100' Ft.
GRAPHIC SCALE
ATLANTIC ENVIRONMENTAL CONSULTANTS, LLC
PO BOX 3266 KITTY HAWK NORTH CAROLINA
Phone: (252) 599-2603
E-Mail: dougdoerr@gmail.com
REVISIONS
NO. DATE
ALBEMARLE PLANTAION MARINA EXPANSION
ALBEMARLE PLANTATION PROPERTY OWNERS ASSOCIATION
CAMA MAJOR PERMIT APPLICATION
HERTFORD PERQUIMANS COUNTY NORTHCAROLINA
DRAWING NO. AP MARINA
DRAWN BY DAD
ISSUE DATE 10/16/26


SHORELINE
N/F
ALBEMARLE PLANTAION
PROPERTY OWNERS
ASSOCIATION, INC.
404
WETLANDS
75' AEC LINE
30' CAMA BUFFER LINE
WATERWAY 1/4 WIDTH LINE (NEW LINE)
WATERWAY 1/3 WIDTH LINE (OLD LINE)
EXISTING DOCK D
YEOPIM CREEK
1,385'
1,850'
EXISTING DOCK C
EXISTING MARINA
ALBEMARLE BLVD
SHORELINE
EXISTING DOCK B
PROPOSED DOCK
WAVE ATTENUATOR
EXISTING DOCK A
GOLF COURSE AREA
RESIDENTIAL AREA
SNUG HARBOR
935'
1,575'
PROPOSED
DOCK
N/F
ALBEMARLE PLANTAION
PROPERTY OWNERS
ASSOCIATION, INC.
COUNTRY CLUB DR
PROPOSED DOCK
WAVE ATTENUATOR
985'
WATERWAY 1/3 WIDTH LINE (OLD LINE)
1,740'
WATERWAY 1/4 WIDTH LINE (NEW LINE)
MLW
1 inch = 100' ft.
GRAPHIC SCALE
DRAWING FILE: AP MARINA
PLOT SCALE: 40'
ATLANTIC ENVIRONMENTAL CONSULTANTS, LLC
PO BOX 3266 KITTY HAWK NORTH CAROLINA
Phone: (252) 599-2603
E-Mail: dougdaez@gmail.com
REVISIONS
NO. DATE
ALBEMARLE PLANTAION MARINA EXPANSION
ALBEMARLE PLANTATION PROPERTY OWNERS ASSOCIATION
CAMA MAJOR PERMIT APPLICATION
HERTFORD PERQUIMANS COUNTY NORTHCAROLINA
DRAWING NO. AP MARINA
DRAWN BY DAD
ISSUE DATE 10/16/25

Division of Coastal Management

NC COASTAL RESOURCES COMMISSION MEETING

October 28-29, 2026

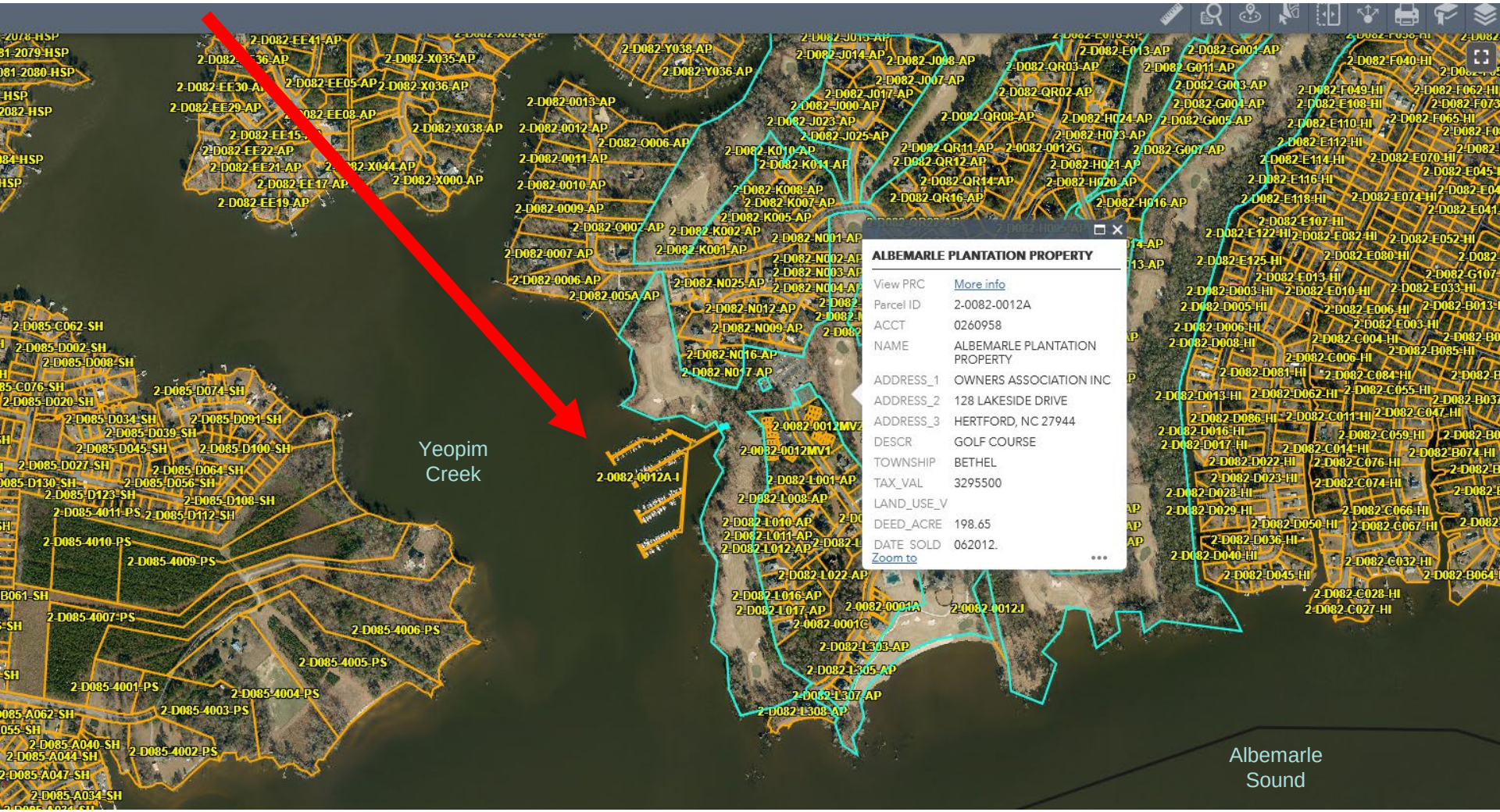
Albemarle Plantation Property Owners Association Inc.
(CRC-VR-26-25)
Marina Expansion Beyond the ¼ Width Limitation

Ron Renaldi, District Manager
Cynthia Rountree, Field Representative
Northeastern District Office
Elizabeth City, NC

LOCATION MAP – DCM INTRACTIVE SITE



2024 Imagery Perquimans Parcel Viewer



PHOTOS TAKEN BY CYNTHIA ROUNTREE, FIELD REPRESENTATIVE
9/11/2024









PHOTOS TAKEN BY CYNTHIA ROUNTREE FIELD REPRESNTATIVE 3/19/2026

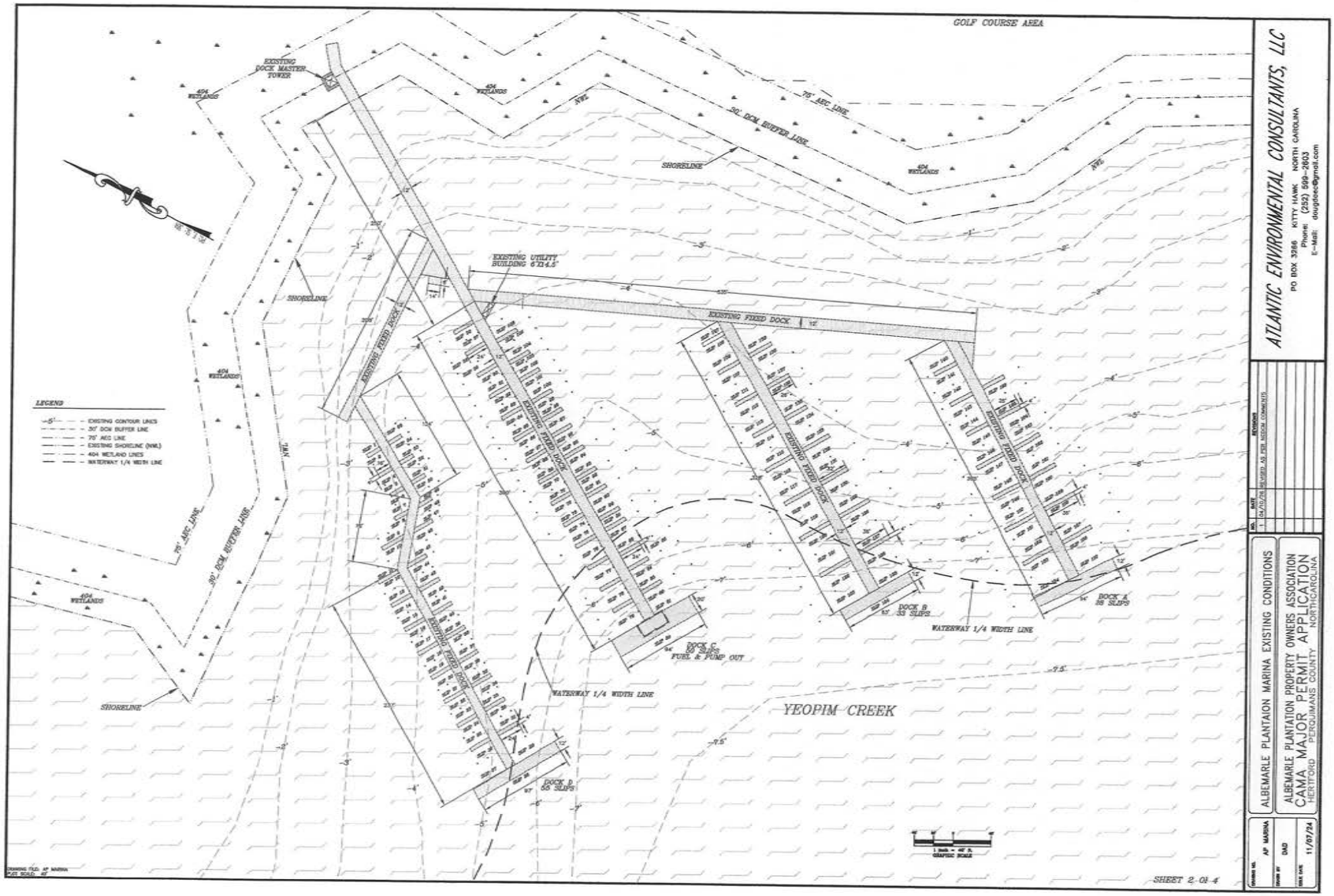




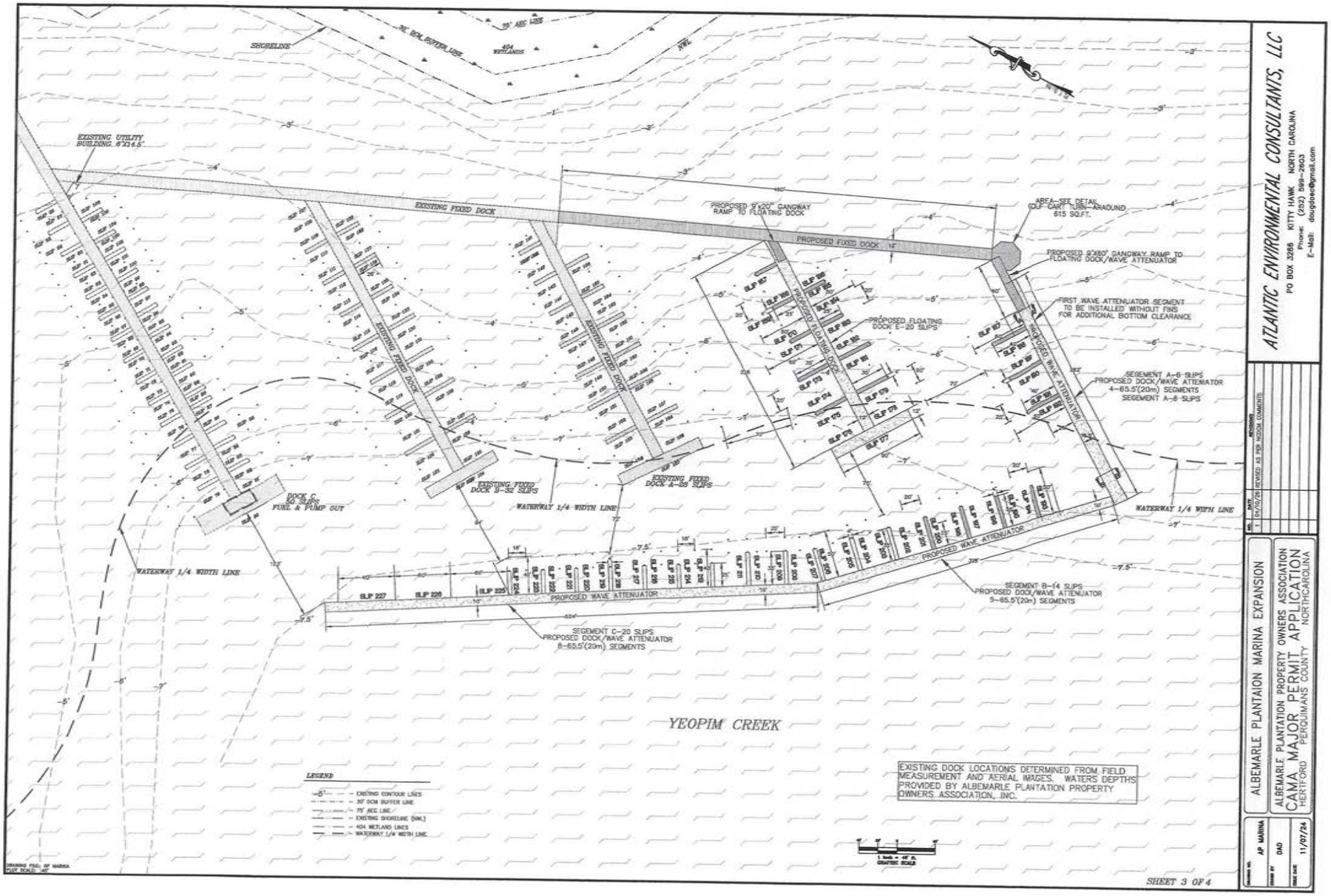




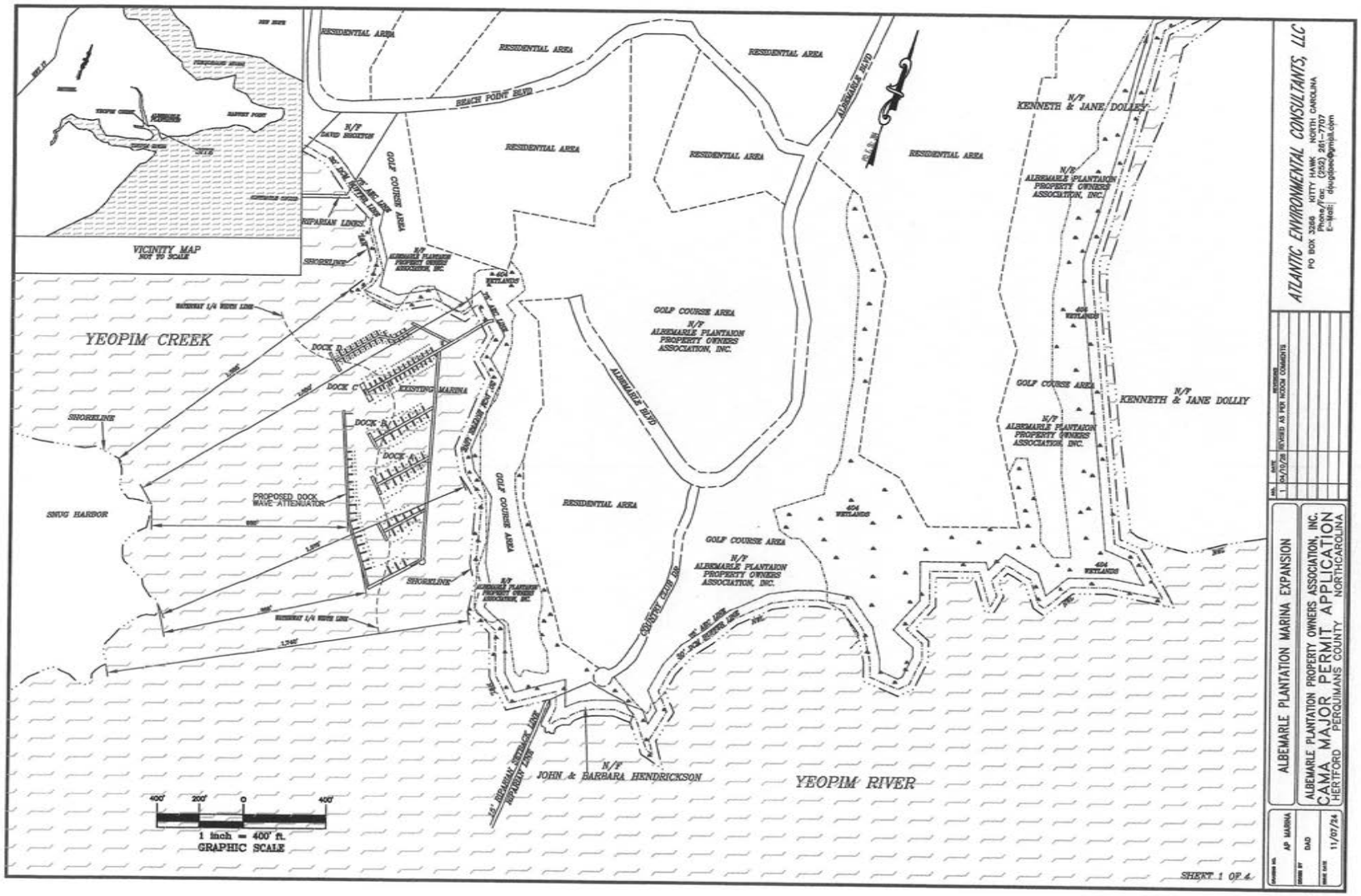
EXISTING CONDITIONS



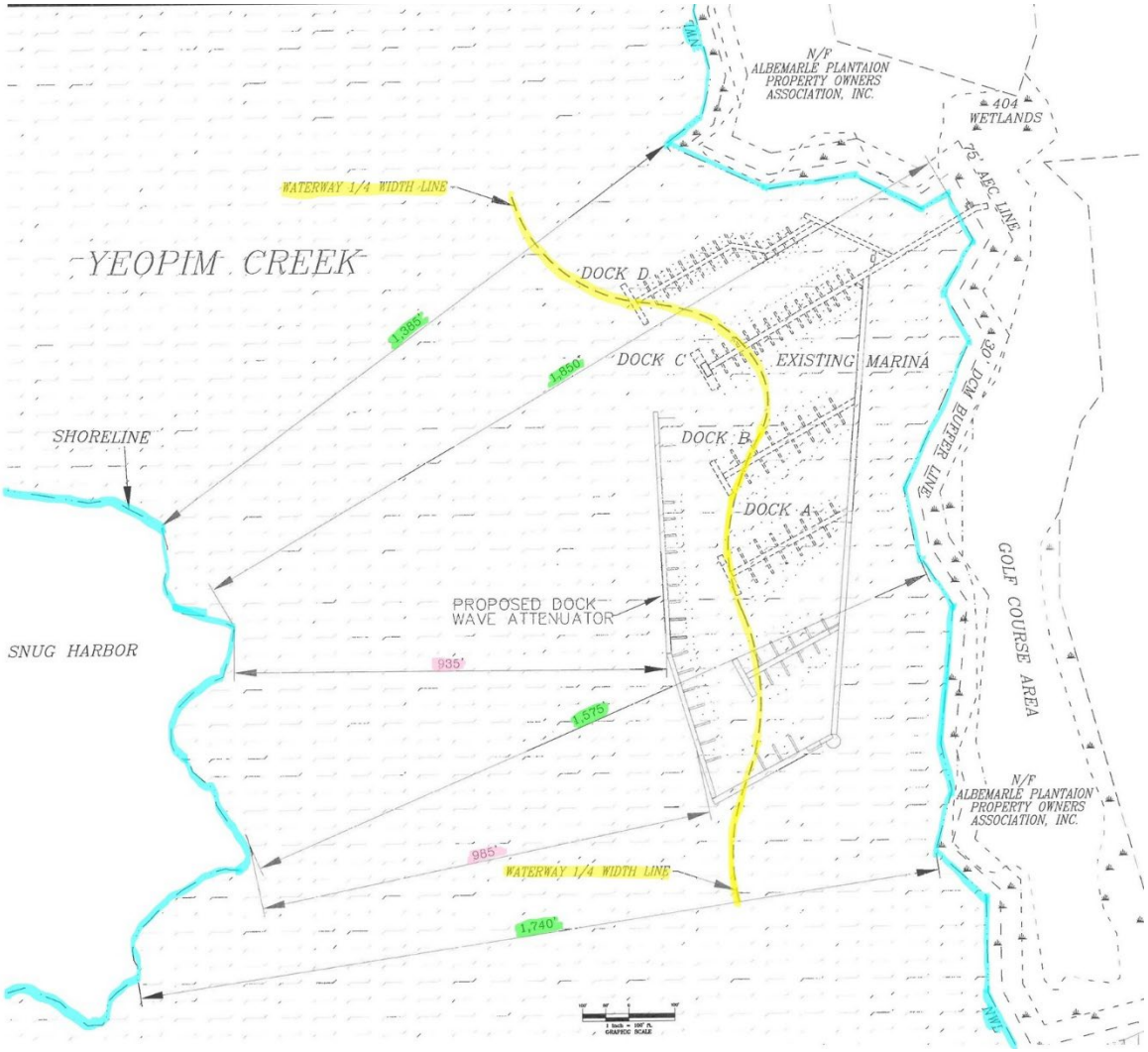
PROPOSED STRUCTURES



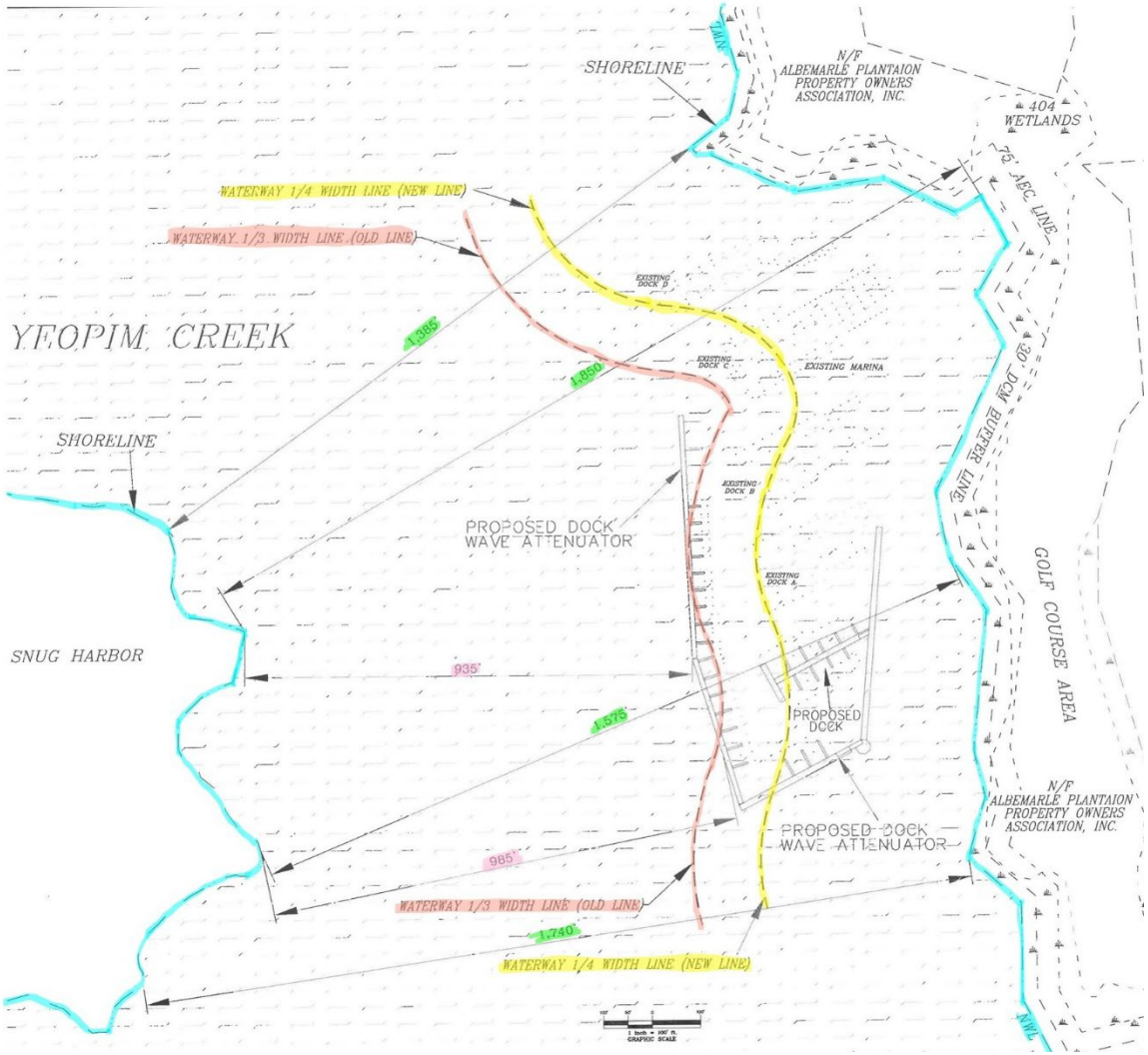
OVERVIEW SHOWING ENTIRE WATERBODY



1/4 WIDTH MEASUREMENTS



1/4 WIDTH & 1/3 WIDTH MEASUREMENTS



G.S. 113A-120.1

To grant a variance, the Commission must affirmatively find Petitioner must show 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.

(b) The Commission may impose reasonable and appropriate conditions and safeguards upon any variance it grants.