

TO: The Coastal Resources Commission

FROM: Christine A. Goebel, DEQ Assistant General Counsel

DATE: November 12, 2025 (for the November 19-20, 2025 CRC Meeting)

RE: **Variance Requests by lot owners in the Pointe at OIB subdivision, specifically:**

25-05	The Point at OIB, LLC	Lot 26
25-06	JLEE Investments, LLC	Lot 27
25-07	Richard J. Wright	Lot 28
25-08	The Point at OIB, LLC	Lot 29
25-09	The Point at OIB, LLC	Lot 30
25-10	Robert & Dawn Lee	Lot 31
25-11	The Point at OIB, LLC	Lot 24
25-12	JLEE Investments, LLC	Lot 25

Petitioners are similarly situated owners of lots in The Pointe at OIB subdivision on the east end of Ocean Isle Beach. All Petitioners were issued permits for sandbag structures on their properties in late October. All Petitioners' permits were conditioned to alignments allowed to protect the existing road right-of-way and existing structures (not vacant lots) and were conditioned to be no larger than 6' x 20' in overall size. Following the permit issuances, Petitioners, through counsel, sought permission of the Chair to vary the 7J .0701 rules related to filing deadlines for variances in order to have an expedited hearing on their variances at your November 19-20, 2025 regularly scheduled meeting, and the Chair granted this request. Petitioners now seek variances from the Commission's rules in order to develop sandbag structures which have an overall larger size (12' x 40') than that allowed by rule (7H. 0308(b)(2)(L)), and in alignments that would protect vacant lots rather than structures (7H .0308(b)(2)(B)) as proposed in their permit applications.

The following additional information is attached to this memorandum:

Attachment A: Relevant Rules
Attachment B: Stipulated Facts
Attachment C: Petitioner's Positions and Staff's Responses to Variance Criteria
Attachment D: Petitioner's Variance Request Materials
Attachment E: Stipulated Exhibits including powerpoint

cc(w/enc.): Charles Baldwin, Esq., Petitioners' Attorney, electronically
Sarah Zambon, Assistant AG and CRC Counsel, electronically
Justin Whiteside, Town of OIB CAMA LPO, electronically

ATTACHMENT A**RELEVANT RULES****SECTION .0300 - OCEAN HAZARD AREAS****15A NCAC 07H .0301 OCEAN HAZARD CATEGORIES**

The Ocean Hazard categories of AECs encompass the natural hazard areas along the Atlantic Ocean shoreline where, because of their vulnerability to erosion or other adverse effects of sand, wind, and water, uncontrolled or incompatible development could endanger life or property. Ocean hazard areas include beaches, frontal dunes, inlet lands, and other areas in which geologic, vegetative and soil conditions may subject the area to erosion or flood damage.

15A NCAC 07H .0302 SIGNIFICANCE OF THE OCEAN HAZARD CATEGORY

(a) Hazards associated with ocean shorelines are due to the constant forces exerted by waves, winds, and currents upon the unstable sands that form the shore. During storms, these forces are intensified and can cause changes in the bordering landforms and to structures located on them. Ocean hazard area property is in the ownership of a large number of private individuals as well as several public agencies and is used by a vast number of visitors to the coast. Ocean hazard areas are critical due to both the severity of the hazards and the intensity of interest in these areas.

(b) The location and form of the various hazard area landforms, in particular the beaches, dunes, and inlets, are in a permanent state of flux, responding to meteorologically induced changes in the wave climate. For this reason, the siting of development on and near these landforms shall be subject to the provisions in this Section in order to avoid their loss or damage. The flexible nature of these landforms presents hazards to development situated immediately on them and offers protection to the land, water, and structures located landward of them. The value of each landform lies in the particular role it plays in affording protection to life and property. Development shall not diminish the energy dissipation and sand storage capacities of the landforms essential to the maintenance of the landforms' protective function.

15A NCAC 07H .0303 MANAGEMENT OBJECTIVE OF OCEAN HAZARD AREAS

(a) The CRC recognizes that absolute safety from the destructive forces of the Atlantic Ocean shoreline is an impossibility for development located adjacent to the coast. The loss of life and property to these forces, however, can be greatly reduced by the proper location and design of structures and by care taken in prevention of damage to natural protective features particularly primary and frontal dunes. Therefore, it is the CRC's objective that development in ocean hazard areas shall be sited to minimize danger to life and property and achieve a balance between the financial, safety, and social factors that are involved in hazard area development.

(b) The rules set forth in this Section shall further the goals set out in G.S. 113A-102(b), to minimize losses to life and property resulting from storms and long-term erosion, prevent encroachment of permanent structures on public beach areas, preserve the natural ecological conditions of the barrier dune and beach systems, and reduce the public costs of development within ocean hazard areas, and protect common-law and statutory public rights of access to and use of the lands and waters of the coastal area.

15A NCAC 07H .0308 SPECIFIC USE STANDARDS FOR OCEAN HAZARD AREAS

(b) Ocean Shoreline Erosion Control Activities:

(1) Use Standards Applicable to all Erosion Control Activities:

(A) All oceanfront erosion response activities shall be consistent with 15A NCAC 07H .0308 and G.S.113A-115.1.

(B) Permanent erosion control structures may cause significant adverse impacts on the value and enjoyment of adjacent properties or public access to and use of the ocean beach, and, therefore, unless specifically authorized under the Coastal Area Management Act, are prohibited. Such structures include bulkheads, seawalls, revetments, jetties, groins, and breakwaters.

(C) Rules concerning the use of oceanfront erosion response measures apply to all oceanfront properties without regard to the size of the structure on the property or the date of its construction.

(D) Shoreline erosion response projects shall not be constructed in beach or estuarine areas that sustain habitat for fish and wildlife species, as identified by State or federal natural resource agencies during project review, unless mitigation measures are incorporated into project design, as set forth in Rule .0306(h) of this Section.

(E) Project construction shall be timed to minimize adverse effects on biological activity.

(F) Prior to completing any erosion response project, all exposed remnants of or debris from failed erosion control structures must be removed by the permittee.

(G) Permanent erosion control structures that would otherwise be prohibited by these standards may be permitted on finding by the Division that:

(i) the erosion control structure is necessary to protect a bridge that provides the only existing road access on a barrier island, that is vital to public safety, and is imminently threatened by erosion as defined in Part (a)(2)(B) of this Rule;

(ii) the erosion response measures of relocation, beach nourishment or temporary stabilization are not adequate to protect public health and safety; and

(iii) the proposed erosion control structure will have no adverse impacts on adjacent properties in private ownership or on public use of the beach.

(H) Structures that would otherwise be prohibited by these standards may also be permitted on finding by the Division that:

(i) the structure is necessary to protect a State or federally registered historic site that is imminently threatened by shoreline erosion as defined in Part (a)(2)(B) of this Rule;

(ii) the erosion response measures of relocation, beach nourishment or temporary stabilization are not adequate and practicable to protect the site;

(iii) the structure is limited in extent and scope to that necessary to protect the site; and

(iv) a permit for a structure under this Part may be issued only to a sponsoring public agency for projects where the public benefits outweigh the significant adverse impacts. Additionally, the permit shall include conditions providing for mitigation or minimization by that agency of significant adverse impacts on adjoining properties and on public access to and use of the beach.

(I) Structures that would otherwise be prohibited by these standards may also be permitted

on finding by the Division that:

- (i) the structure is necessary to maintain an existing commercial navigation channel of regional significance within federally authorized limits;
 - (ii) dredging alone is not practicable to maintain safe access to the affected channel;
 - (iii) the structure is limited in extent and scope to that necessary to maintain the channel;
 - (iv) the structure shall not have significant adverse impacts on fisheries or other public trust resources; and
 - (v) a permit for a structure under this Part may be issued only to a sponsoring public agency for projects where the public benefits outweigh the significant adverse impacts. Additionally, the permit shall include conditions providing for mitigation or minimization by that agency of any significant adverse impacts on adjoining properties and on public access to and use of the beach.
- (J) The Commission may renew a permit for an erosion control structure issued pursuant to a variance granted by the Commission prior to 1 July 1995. The Commission may authorize the replacement of a permanent erosion control structure that was permitted by the Commission pursuant to a variance granted by the Commission prior to 1 July 1995 if the Commission finds that:
- (i) the structure will not be enlarged beyond the dimensions set out in the permit;
 - (ii) there is no alternative to replacing the structure that will provide the same or similar benefits as determined by DCM based on costs and engineering options; and
 - (iii) the replacement structure will comply with all applicable laws and with all rules, other than the rule or rules with respect to which the Commission granted the variance, that are in effect at the time the structure is replaced.
- (K) Proposed erosion response measures using innovative technology or design shall be considered as experimental and shall be evaluated on a case-by-case basis to determine consistency with 15A NCAC 07M .0200 and general and specific use standards within this Section.

(2) Temporary Erosion Control Structures:

(A) Permittable temporary erosion control structures shall be limited to sandbags placed landward of mean high water and parallel to the shore.

(B) Temporary erosion control structures as defined in Part (A) of this Subparagraph may be used to protect only imminently threatened roads and associated right of ways and buildings and their associated septic systems. A structure is considered imminently threatened if its foundation, septic system, or right-of-way in the case of roads is less than 20 feet away from the erosion scarp. Buildings and roads located more than 20 feet from the erosion scarp or in areas where there is no obvious erosion scarp may also be found to be imminently threatened when site conditions, such as a flat beach profile or accelerated erosion, increase the risk of imminent damage to the structure.

(C) Temporary erosion control structures shall be used to protect only the principal structure and its associated septic system, but not appurtenances such as pools, gazebos, decks or any amenity that is allowed under Rule .0309 of this Section as an exception to the erosion setback requirement.

(D) Temporary erosion control structures may be placed waterward of a septic system when

there is no alternative to relocate it on the same or adjoining lot so that it is landward of or in line with the structure being protected.

(E) Temporary erosion control structures shall not extend more than 20 feet past the sides of the structure to be protected except to align with temporary erosion control structures on adjacent properties, where the Division has determined that gaps between adjacent erosion control structures may result in an increased risk of damage to the structure to be protected. The landward side of such temporary erosion control structures shall not be located more than 20 feet waterward of the structure to be protected or the right-of-way in the case of roads. If a building or road is found to be imminently threatened and at an increased risk of imminent damage due to site conditions such as a flat beach profile or accelerated erosion, temporary erosion control structures may be located more than 20 feet waterward of the structure being protected. In cases of increased risk of imminent damage, the location of the temporary erosion control structures shall be determined by the Director of the Division of Coastal Management or the Director's designee in accordance with Part (A) of this Subparagraph.

(F) Temporary erosion control structures may remain in place for up to eight years for a building and its associated septic system, a bridge or a road. The property owner shall be responsible for removal of any portion of the temporary erosion control structure exposed above grade within 30 days of the end of the allowable time period.

(G) An imminently threatened structure or property may be protected only once, regardless of ownership, unless the threatened structure or property is located in a community that is actively pursuing a beach nourishment project or an inlet relocation or stabilization project in accordance with Part (H) of this Subparagraph. Existing temporary erosion control structures may be permitted for additional eight-year periods provided that the structure or property being protected is still imminently threatened, the temporary erosion control structure is in compliance with requirements of this Subchapter, and the community in which it is located is actively pursuing a beach nourishment or an inlet relocation or stabilization project in accordance with Part (H) of this Subparagraph. In the case of a building, a temporary erosion control structure may be extended, or new segments constructed, if additional areas of the building become imminently threatened. Where temporary structures are installed or extended incrementally, the time period for removal under Part (F) or (H) of this Subparagraph shall begin at the time the initial erosion control structure was installed. For the purpose of this Rule:

(i) a building and its septic system shall be considered separate structures,
(ii) a road or highway may be incrementally protected as sections become imminently threatened. The time period for removal of each contiguous section of temporary erosion control structure shall begin at the time that the initial section was installed, in accordance with Part (F) of this Subparagraph.

(H) For purposes of this Rule, a community is considered to be actively pursuing a beach nourishment or an inlet relocation or stabilization project in accordance with G.S. 113A-115.1 if it:

(i) has been issued an active CAMA permit, where necessary, approving such project; or
(ii) has been identified by a U.S. Army Corps of Engineers' Beach Nourishment Reconnaissance Study, General Reevaluation Report, Coastal Storm Damage Reduction Study, or an ongoing feasibility study by the U.S. Army Corps of

Engineers and a commitment of local or federal money, when necessary; or
 (iii) has received a favorable economic evaluation report on a federal project; or
 (iv) is in the planning stages of a project designed by the U.S. Army Corps of Engineers or persons meeting applicable State occupational licensing requirements and initiated by a local government or community with a commitment of local or state funds to construct the project or the identification of the financial resources or funding bases necessary to fund the beach nourishment, inlet relocation or stabilization project.

If beach nourishment, inlet relocation, or stabilization is rejected by the sponsoring agency or community, or ceases to be actively planned for a section of shoreline, the time extension is void for that section of beach or community and existing sandbags are subject to all applicable time limits set forth in Part (F) of this Subparagraph.

(I) Once a temporary erosion control structure is determined by the Division of Coastal Management to be unnecessary due to relocation or removal of the threatened structure, it shall be removed to the maximum extent practicable by the property owner within 30 days of official notification from the Division of Coastal Management regardless of the time limit placed on the temporary erosion control structure. If the temporary erosion control structure is determined by the Division of Coastal Management to be unnecessary due to the completion of a storm protection project constructed by the U.S. Army Corps of Engineers, a large-scale beach nourishment project, or an inlet relocation or stabilization project, any portion of the temporary erosion control structure exposed above grade shall be removed by the property owner within 30 days of official notification from the Division of Coastal Management regardless of the time limit placed on the temporary erosion control structure.

(J) Removal of temporary erosion control structures is not required if they are covered by sand. Any portion of the temporary erosion control structure that becomes exposed above grade after the expiration of the permitted time period shall be removed by the property owner within 30 days of official notification from the Division of Coastal Management.

(K) The property owner shall be responsible for the removal of remnants of all portions of any damaged temporary erosion control structure.

(L) Sandbags used to construct temporary erosion control structures shall be tan in color and 3 to 5 feet wide and 7 to 15 feet long when measured flat. Base width of the temporary erosion control structure shall not exceed 20 feet, and the total height shall not exceed 6 feet, as measured from the bottom of the lowest bag.

(M) Soldier pilings and other types of devices to anchor sandbags shall not be allowed.

(N) Existing sandbag structures may be repaired or replaced within their originally permitted dimensions during the time period allowed under Part (F) or (G) of this Subparagraph.

1. There are four separate Petitioners who are similarly situated in that they own a total of eight (8) undeveloped lots in The Pointe at OIB subdivision. The Pointe at OIB subdivision is shown on a plat map recorded on April 13, 2022 at Map Book 136, Page 51-56 of the Brunswick County Registry, a copy of which is attached. The Petitioners include:

<u>CRC#</u>	<u>Petitioner name</u>	<u>Lot#</u>	<u>Street Address</u>
25-05	The Point OIB, LLC	Lot 26	44 Grande View Drive
25-06	JLEE Investments, LLC	Lot 27	42 Grande View Drive
25-07	Richard J. Wright	Lot 28	40 Grande View Drive
25-08	The Point OIB, LLC	Lot 29	38 Grande View Drive
25-09	The Point OIB, LLC	Lot 30	36 Grande View Drive
25-10	Robert & Dawn Lee	Lot 31	34 Grande View Drive
25-11	The Point OIB, LLC	Lot 24	48 Grande View Drive
25-12	JLEE Investments, LLC	Lot 25	46 Grande View Drive

2. Petitioner The Point OIB, LLC (“Point OIB LLC”) owns Lots 24, 26, 29 and 30 within the Pointe at OIB subdivision. Point OIB LLC took title to these four lots in 2015, 2015, 2022, and 2022 respectively, through deeds attached as stipulated exhibits. The Point OIB LLC was organized in 2016. According to its 2025 Annual Report, a copy of which is attached, its Registered Agent is URS Agents, LLC and the Member/Managers are Jimmy Bell, Camey Hendricks and Tyler B Dunlap, Jr. The Point OIB LLC was the developer of The Pointe at OIB Subdivision.

3. Petitioner JLEE Investments, LLC (“JLEE”) owns lots 25 and 27 within the subdivision, and took title to these lots in 2022 through a deed recorded on August 1, 2022, at Book 4891, Page 490 of the Brunswick County Registry, attached as a stipulated exhibit. JLEE was organized in 2021. According to its 2025 Annual Report, a copy of which is attached as stipulated exhibits, its Registered Agent and Member/Manager is Jerry Lee of Aberdeen.

4. Petitioner Richard J. Wright (“Wright”) owns Lot 28 within the subdivision. Wright has owned this lot since June 28, 2022, according to a deed recorded at Book 4874, Page 381 of the Brunswick County Registry, a copy of which is attached as a stipulated exhibit.

5. Petitioners Robert & Dawn Lee (“Lees”) own Lot 31 within the subdivision. They have owned this lot since they took title through a deed recorded on July 19, 2022, in the Brunswick County Registry at Book 4884, Page 427, a copy of which is attached as a stipulated exhibit.

6. The “HOA at the Pointe Ocean Isle Beach, Inc.” is the homeowners association for the Pointe at OIB subdivision. A copy of the initial incorporation filing dated March 23, 2022, is attached as a stipulated exhibit. The Registered Agent is Community Associations Management at OIB, Inc. and the directors are Tyler B. Dunlap and Jimmy Bell.

7. All of these eight lots which are subject of this request owned by these Petitioners are undeveloped. On the north side of Lots 26-31 is Grande View Drive, a 60’-wide private road right-of-way terminating in a 60’ radius cul-de-sac nearing lots 20-25. Also, to the northwest of

Lot 24 are Lots 23 and 22, which are developed with a house each, as is Lot 20 on the northwest portion of the cul-de-sac.

8. In this general area, there are two existing 6' x 20' sandbag structures, including a 205' long structure on Lots 32-35 permitted to protect existing houses, and a 270' long structure from Lot 26 west along the cul-de-sac permitted to protect Grande View Drive and its right-of-way.

9. The proposed sandbag structure project ("Project") is comprised of two separate sandbag structures which Petitioners seek to be 40' base x 12' high located along the waterward portion of lots 26-31 to fill the gap between existing sandbag structures, as well as a structure starting east of the existing bags at the southeast portion of the cul-de-sac extending east to protect Lots 24 and 25.

10. The current condition of the project site and surrounding area is shown on the PowerPoint presentation, a copy of which is attached as a stipulated exhibit.

11. The Project is located within the Ocean Erodible Area of Environmental Concern ("AEC") and so any development within this AEC requires approval through a CAMA permit per G.S. § 113A-118.

12. The Project area has an average annual erosion rate of 5'/year based on the Commission's 2020 Maps referenced in 15A NCAC 7H .0304(1). The Project area is not subject to a pre-project (static) vegetation line, and so setbacks are measured landward from the vegetation line defined in 15A NCAC 7H .0305(5).

13. The Project is not within the "IHA box" that is currently applicable and is from the 1978 Report referenced in 15A NCAC 7H .0304(2). The location of the current "IHA box" as depicted on the DCM Map Viewer is shown on an attached exhibit. The "IHA box" is waterward of the current site, where it appears that the inlet shoreline has migrated northward from the 1978 location.

14. The 2025 IHA report, starting on p. 31 summarizes the information for the 2025 setbacks inside the proposed new IHA boundary in the area of the project site. The yellow-shaded area is the proposed new IHA and encompasses all of the lots at issue. The erosion rates would be -15.2'/year at the location of the Terminal Groin and increase to 18.5'/year before decreasing to -16'/year for the transect which aligns with Lot 24. A copy of the DCM Map Viewer is attached.

15. Information available on the DCM Map Viewer showing measured erosion rates through 2020 shows an erosion rate of 4.5'/year for the transect at the Terminal Groin and decreases as you move east to -1.8'/year for the transect which aligns with Lot 24. A copy of this erosion information from the NC DCM Map Viewer is attached as a stipulated exhibit.

HISTORY OF OIB EROSION RESPONSES

16. The east end of Ocean Isle Beach has a history of erosion. On the Brunswick County parcel GIS layer, the locations of platted lots extend well below mean high water demonstrating the shoreline change over time in a northward direction. Historic shorelines from the DCM Map Viewer are shown on an attached exhibit.

17. In 2003, the General Assembly enacted G.S. § 113A-115.1, a hardened structures ban, which generally bans permanent erosion structures on the oceanfront, with some limited exceptions. In 2011, this law was amended to allow terminal groins, defined at G.S. § 113A-115.1(3), as an exception to the ban. This law also provides that applicants for permits to construct a terminal groin must submit an inlet management plan, which must address potential adverse impacts of construction and “[p]rovide for modification or removal of the terminal groin if the adverse impacts cannot be mitigated.” G.S. § 113A-115.1(e)(5).

18. The Commission also had (and has) rules limiting erosion control structures on the oceanfront prior to the legislative action, including 7H .0308(b)(1)(B). The Commission’s rules allow for the use of “temporary erosion control structures” made of sandbags at 7H .0308(b)(1).

19. The Town of Ocean Isle Beach sought and was approved for the Commission’s former Static Line Exception Rules in 2010 and was renewed again in 2016 and 2020. A copy of the 2020 Static Line Exception Report is attached. These rules, similar to the current Beach Management Plan rules allow for some limited development where a structure cannot meet the applicable setbacks and where the local government has demonstrated money and sand resources and a commitment to continuing with a local beach nourishment program. These reports describe in detail, the history of nourishment projects within the Town.

20. In April of 2016, the US Army Corps of Engineers issued its Final Environmental Impact Statement (“FEIS”) for the Town’s Terminal Groin project, and the Corps issued its final Record of Decision (“ROD”) on February 27, 2017. The Southern Environmental Law Center on behalf of the National Audubon Society challenged both the Corps’ FEIS and its ROD. Ultimately the Corps and the Town prevailed in this litigation both at the Federal District Court stage (September 25, 2019) and on appeal at the Fourth Circuit Court of Appeals (March 26, 2021). A copy of the Fourth Circuit’s decision is attached as a stipulated exhibit.

21. CAMA Major Permit No. 107-16 was issued on November 7, 2016 authorizing the Town’s Terminal Groin project. This permit was predicated on the Town’s Inlet Management Plan submitted with the CAMA Permit application, which committed to monitoring the impacts of the proposed terminal groin and mitigating any adverse impacts identified as a result of the monitoring plan.

22. After a pause while the federal lawsuit was taking place, the Terminal Groin was completed in April of 2022 and included the construction of a terminal groin and an accretion fillet immediately west of the groin structure.

23. Based on historic aerial imagery, the vegetation line at the project site migrated landward approximately 150 feet between October 13, 2022 and July 13, 2023 (9 months).

24. A copy of the 2024 Inlet Management Plan (the most recent plan, others were submitted in 2023 and 2024) is attached as a stipulated exhibit, and the project site is in the area described as the OIB Inlet Shoreline, east of the terminal groin. The 2024 Report indicates the following for the project area/OIB Inlet Shoreline (pp. 34-36):

The Ocean Isle Beach May 2024 wet/dry inlet shoreline depicted in Figure 19 revealed an approximate 73-foot section of the western shoulder of Shallotte Inlet where the inlet shoreline threshold was exceeded. This area, located approximately 280 feet east of the terminal groin, exceeded the established threshold line by a distance of approximately 6 ft. As previously mentioned, the inlet shoreline threshold on Ocean Isle Beach was updated during the Year-3 monitoring. While this relatively small portion of the May 2024 inlet shoreline exceeded the threshold east of the terminal groin, **a comparison between the 2023 and 2024 inlet shorelines indicates the inlet shoreline in this area has migrated landward by distances of approximately 75 to 100 ft.** Based on this, the May 2024 results indicate a trend of landward movement along the inlet shoreline since May 2023. Because a new inlet shoreline threshold was established for this 2024 monitoring event and the threshold was exceeded in May 2024, this area should be monitored closely. (emphasis added)

25. On May 6, 2025, the Commission approved the Town's Beach Management Plan, pursuant to the process outlined in the Commission's rules at 15A NCAC 7J. A copy of the Plan and the Commission's approval decision is attached.

26. While a maintenance dredging event of the Shallotte Inlet Crossing had been planned for the Spring of 2025, it is not anticipated to occur until the winter/spring of 2025-26.

CAMA SANDBAG PERMITTING

27. Based on observations by DCM Regulatory Section Chief Robb Mairs during site visits on August 13, 2025, the erosion escarpment ranged from 20' to approximately 162' from the edge of the road and the utilities located within the road right-of-way in the area of Lots 26-31.

28. On August 28, 2025, DCM Director Miller determined that Lots 26, 29 and 30 were subject to "accelerated erosion" as that term is used in 15A NCAC 7H .0308(b)(2)(E). On October 13, 2025, DCM Director Miller determined that Lots 27, 28 and 31 were subject to "accelerated erosion" as that term is used in 15A NCAC 7H .0308(b)(2)(E). On the date of issuance of the permits for Lots 24 and 25, no accelerated erosion call was needed as the erosion scarp was within 20' of the road.

This determination allows sandbags to be placed before the usual trigger of the erosion scarp being 20' from a structure. This determination does not allow the use of sandbags for protection of vacant lots without structures as that would violate 15A NCAC 7H .0308(b)(2)(B).

29. On October 9, 2025, Petitioners submitted application materials for Lots 27, 28, 29, 30, and 31. On October 24, 2025, Petitioners submitted application materials for Lots 24 and 25.

30. On October 10-12, 2025, higher tides and a “nor’easter” exacerbated the erosion at the project site, as seen on the PowerPoint photographs.

31. Notice was provided of these CAMA permit applications to the non-Petitioner adjacent riparian owners (as Petitioners and HOA officers all had notice), including:

Lot 23 (owned by Debra/Philip Houston)
 Lot 32 (owned by Lyndsey/Christopher Gibson)

DCM did not receive any objections from these adjacent riparian owners.

32. DCM issued the following CAMA General Permits for the lots at issue:

<u>Petitioner name</u>	<u>Lot#</u>	<u>Street Address</u>	<u>Date</u>	<u>Permit#</u>
The Point OIB, LLC	Lot 26	44 Grande View	10/16/25	99278D
JLEE Investments, LLC	Lot 27	42 Grande View	10/16/25	99277D
Richard J. Wright	Lot 28	40 Grande View	10/16/25	99203D
The Point OIB, LLC	Lot 29	38 Grande View	10/16/25	99266D
The Point OIB, LLC	Lot 30	36 Grande View	10/16/25	99202D
Robert & Dawn Lee	Lot 31	34 Grande View	10/16/25	99201D
The Point OIB, LLC	Lot 24	48 Grande View	10/16/25	99279D
JLEE Investments, LLC	Lot 25	46 Grande View	10/7/25	99793D

While Petitioners proposed more waterward alignments for the sandbags and proposed larger sandbag structures, the permits issued “conditioned out” these requests as they did not comply with the Commission’s rules. Copies of the Permits are attached as a stipulated exhibit.

33. Petitioner has provided affidavits of sandbag contractor Brandon Grimes of B&B Coastal Construction and Jimmy Bell, the managing member of Land Procurement, LLC the consultant for the sandbag revetments and named director of the HOA. While DCM cannot stipulate as fact to the statements in those affidavits, DCM notes they are sworn statements.

34. Petitioners seek variances from the Commission’s oceanfront erosion setback rules found in order to develop sandbag structures no larger than 12’ tall x 40’ wide (vs. 6’ x 20’ per 7H .0308(b)(2)(L)) and in Petitioners’ preferred alignment more-waterward than allowed by the Commission’s rules at 15A NCAC 7H .0308(b)(2)(B).

35. Petitioners stipulate that the proposed Project is inconsistent with the Commission’s rules from which they seek variances—7H .0308(b)(2)(L) and 7H .0308(b)(2)(B).

36. As part of the variance process described at 15A NCAC 7J. 0701, Petitioners notified the non-petitioner adjacent riparian property owners that they are seeking this variance. The Notices and certified mail receipts are attached as stipulated exhibits

37. Petitioners did not file complete variance petitions the required six weeks ahead of the Commission meeting per 15A NCAC 7H .0701. Petitioners sought permission from the Commission, through the Chair, to have the hearings on their variances heard in an expedited way no later than the Commission's scheduled November meeting. This permission was not objected to by Staff and was granted by the Commission.

STIPULATED EXHIBITS:

1. Subdivision Plat 136/51-56
2. Three deeds for Point OIB LLC
3. Point OIB LLC 2024 Annual Report
4. One deed for JLEE
5. JLEE 2024 Annual Report
6. Wright Deed 4874/381
7. Lees Deed 4884/427
8. HOA at the Pointe Ocean Isle Beach, Inc. 2022 incorporation filing
9. DCM Map Viewer images, including erosion rate, IHA box pink, 2020 erosion, proposed IHA Box, proposed erosion rates, historic shorelines
10. Brunswick County GIS showing underwater lots
11. 2020 Town of OIB Static Line Exception Report\ Not attached, but available at this link: <https://www.deq.nc.gov/documents/pdf/coastal-resources-commission-meeting-agendas-minutes/crc-20-03-static-line-exception-re-authorization-ocean-isle/download>
12. Fourth Circuit decision in Audubon vs. Corps/OIB
13. 2016 OIB Shoreline and Inlet Management Plan from FEIS
14. 2024 OIB Inlet Management Monitoring Plan , not attached, but available at this link: [747013013042925pm.pdf](https://www.deq.nc.gov/documents/pdf/coastal-resources-commission-meeting-agendas-minutes/crc-20-03-static-line-exception-re-authorization-ocean-isle/download)
15. 2025 Beach Management Plan and CRC's Approval Document, BMP is not attached, but available at this link: <https://files.municipalone.com/oceanisle-nc/747114411050225am.pdf>
16. Permit application materials, inc. site plan and drawings
17. Accelerated Erosion Determination Emails (10/13/25 & 8/28/25)
18. Notice to non-P ARO's (Houston, Gibson)
19. Copies of 8x CAMA General Permits
20. Grimes and Bell Affidavits
21. Notice to non-P ARO's (Houston, Gibson) of variance request
22. PowerPoint showing ground/aerial photos of project area

PETITIONERS' and STAFF'S POSITIONS

To qualify for a variance, Petitioner must show all of the following:

- I. Will Unnecessary Hardships result from strict application of the rules, standards, or orders? If so, Petitioner must identify the unnecessary hardships.**

Petitioners' Position: Yes.

The Petitioners are owners of Lots 24, 25, 26, 27, 28, 29, 30, and 31 (the "Lots"), which are located in The Pointe at Ocean Isle Beach subdivision. Petitioners hereby jointly submit this Unified Position Statement on Variance Criteria summarizing Petitioners' positions on the four factors as set forth in Petitioners' individual variance applications for the consideration of the Coastal Resources Commission in connection with CRC-VR-25-06 through CRC-VR-25-12.

Petitioners will suffer unnecessary hardship from strict application of the Coastal Resources Commission's (the "Commission") temporary erosion control structures rules to the Petitioners' property.

Strict application of 15A N.C. Admin. Code 07H .0308(b)(2) (Temporary Erosion Control Structures) would cause unnecessary hardship to Petitioners' Lots in two respects. The rule limits base width of a sandbag revetment to 20 feet and total height to 6 feet and imposes certain limitations on placement, such as, with certain exceptions, that placement be where a structure is less than 20 feet away from the erosion scarp or parallel to shore. Given the unique location of existing structures, the gaps in the existing sandbag revetments, accelerated erosion on East Beach following construction of the terminal groin in April 2022 and recent storms, the rule does not provide adequate interim protection to the Grande View Drive right-of-way, road, homes and exposed utilities (water, sewer, power, communications).

Monitoring undertaken after the groin's completion documents that the East Beach segment has experienced the most erosion on both a short- and long-term basis, with long-term loss averaging -17.3 cy/ft/yr. Field conditions show the erosion escarpment advancing beyond existing 6' x 20' sandbags in portions of the corridor and, as of September 14, 2025, consuming over half of the majority of the Lots since the groin's installation.

In late August 2025, the escarpment ranged ~33–128 feet from the roadway, threatening the only access for multiple lots and exposing underlying utilities. In just nine months (Oct. 13, 2022–July 13, 2023), the first line of stable vegetation ("FLSV") migrated landward ~150 feet (~200 ft/yr)—far exceeding the DCM-published long-term average of 5–6.5 ft/yr for this shoreline. These facts collectively evidence an imminent and continuing threat to the Lots and adjacent public infrastructure if the rule is applied as written.

Petitioners' General Permit applications sought the construction of a sandbag revetment on the Lots as follows:

Lot 24: 50 feet
 Lot 25: 298 feet
 Lot 26: 100 feet
 Lot 27: 52 feet
 Lot 28: 52 feet

Lot 29: 52 feet
Lot 30: 52 feet
Lot 31: 52 feet

Total: 708 feet

Adjacent owners were notified, and no objections were received. The N.C. Division of Coastal Management (“DCM”) granted the General Permit under 07H .0308(b)(2)(L) and (A), but with conditions, prompting this variance request. Without relief to allow a larger oceanfront alignment, the existing rule’s 6’ x 20’ size limit and location restrictions will not prevent severe damage or loss to Grande View Drive and the public-facing infrastructure it supports.

The hardship faced by Petitioners is the same or worse than the hardship the petitioners faced in Shoals Club (CRC VR 25 02) and Palm Cove (CRC-VR-22-04). In those proceedings, the Commission and staff recognized that strict application of the 6’ x 20’ size limitation would cause hardship amid accelerated erosion and overtopping. The Lots face an analogous—but site-specific—hardship due to post-terminal groin shoreline behavior at East Beach. Granting relief in this case would be consistent with the CRC practice in Shoals Club and Palm Cove.

Staff’s Position: Yes on size, No on alignment/vacant lot.

As an initial matter, while Petitioners reference past variances issued by the Commission for larger sandbag structures at the Sunset Beach Point development and the Bald Head Island Shoals Club location, Staff understand variances are fact-specific and cases at other locations on different facts are not binding on the Commission.

The Commission’s rules, specifically at 7H .0308(a)(2)(B), are clear that “Temporary erosion control structures may be used to protect only imminently threatened roads and associated rights of way and buildings and their associated septic systems.” The Commission’s rules allow sandbags to be installed once on a property in order to protect existing structures while a community pursues a beach nourishment project, inlet relocation or stabilization project. (See 7H .0308(b)(2)(G)). In this case, the Lots are located on the inlet-side of the terminal groin close to Shallotte Inlet which has consistently been erosional according to DCM’s measurements. There have been no plans for an inlet relocation here, the terminal groin stabilization project was completed in 2022, and the likelihood of success of beach nourishment placement so close to the inlet being dredged by the Corps’ shallow-draft inlet program and available funding is uncertain.

The Permits issued were on Petitioners’ properties but were conditioned to be aligned to protect the road right-of-way as allowed under the Commission’s rules, and not Petitioners’ vacant lots. Staff disagrees that a strict reading of this rule not allowing protection of vacant lots (vs. the existing road right-of-way) causes Petitioner unnecessary hardships. Given Petitioners’ stated concern for “adequate interim protection to the Grande View Drive right-of-way, road, homes and exposed utilities” staff notes that Petitioners have already received sandbag permits on these lots that authorize an alignment to protect the road, right of way, and infrastructure.

Staff acknowledge that in this case, a strict application of Commission rules 15A NCAC 7H .0308 (b)(2)(L) which limits sandbag structures to 6' x 20', could cause the Petitioners an unnecessary hardship where the permitted 6' x 20' sandbag structure could be overtopped allowing damage to the existing road right-of-way long enough for potential relocation of the existing structures in the cul-de-sac to take place. Staff agree that limiting sandbag structure to the usual 6' x 20' dimensions to protect the existing road right-of-way could cause Petitioners hardship in this dynamic inlet area on the inlet-side of the terminal groin.

II. Do the hardships result from conditions that are peculiar to the property, such as the location, size, or topography of the property? Explain.

Petitioners' Position: Yes.

The Lots are subject to conditions peculiar to their location relative to the terminal groin completed in April 2022, which has altered local sediment transport and contributed to heightened erosion northeast of the structure. The Lots lie within the highest-erosion corridor documented in monitoring (East Beach), with rapid escarpment migration, seaward sandbag overtopping nearby, and accelerated FLSV retreat. These patterns distinguish the Lots from the broader Ocean Isle Beach shoreline and from many other oceanfront lots not positioned immediately downdrift of a terminal groin.

The present alignment of sandbag revetments further underscores the Lots' peculiarity. Existing 6' x 20' revetments protect Lots 32–35 (~205 linear feet), and (~270 linear feet) toward the cul-de-sac but there is an approximately 320-linear foot gap (Lots 26–31), leaving the Lots unprotected within a discontinuous system despite the documented, exceptional rate of landward migration. Sandbag placement on the Lots more than 20' from structures are necessary to form a structure without gaps and to protect the existing home on Lot 23 and tie into its sandbags. The proposed installation on the Lots is part of a coordinated effort among multiple owners to close the critical gap and function in concert with adjacent sandbags, a practical consideration that is unique to this cluster at the downdrift end of the groin.

As the Commission acknowledged in Shoals Club and Palm Cove, extreme or accelerated, site-specific shoreline dynamics can constitute peculiar conditions that justify variance relief; the same rationale applies here, with the Lots' post-groin erosional setting functioning as the core peculiarity driving hardship.

Staff's Position: Yes.

Staff agrees that Petitioners' hardships (though not "unnecessary hardships" as described above re: alignment/vacant lot) is in-part caused by conditions peculiar to the subject properties. As stated by Petitioners regarding this factor, the Site's location on the inlet-side of the terminal groin is unique, but more-so is the very high amount of erosion that has occurred at the Site. Even though it is clear the inlet is dynamic and moving landward/north over decades (as evidenced by the

parcels now in the water on the stipulated exhibits), the accelerated erosion has been more evident in the past few years, following Hurricane Ian's impacts in 2022 and since that time. While the average annual erosion rate at the Site is 5'/year (based on the current rate calculations) and proposed to be 15.2' – 18.5' in the 2025 IHA report, the currently-enforceable average estimate does not account for the loss of approximately 150' of dune and beach system lost between October 2022 and July 2023. Staff agree that the conditions peculiar to the Site contribute to Petitioners' hardships but are largely influenced by inlet processes.

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

Petitioners' Position: No.

The hardship did not result from Petitioners' actions. The terminal groin was completed in April 2022.

Petitioners have undertaken no action to accelerate erosion and seek only temporary sandbag protection to safeguard homes and adjacent public infrastructure (road and utilities) while longer-term shoreline management measures are evaluated by Ocean Isle Beach and stakeholders. This mirrors findings in Shoals Club and Palm Cove, where petitioners were not the cause of the accelerated erosion yet required relief to avoid disproportionate loss.

Staff's Position: No.

Staff believe that the cause of the primary hardships (though not "unnecessary hardships" as described in I. above re: alignment/vacant lot) at this Site is the accelerated erosion, typical at this Site over time and common in ocean hazard and inlet areas (whether located within the Commission's 1979 IHA "box" or not). Staff agrees that the Petitioners' hardships have resulted primarily from accelerated erosion at the Site.

IV. Is the requested variance (1) consistent with the spirit, purpose, and intent of the rules, standards, or orders, (2) will secure public safety and welfare; and (3) will preserve substantial justice? Explain.

Petitioners' Position: Yes.

(1) The sandbag provisions in 07H .0308 are a carefully crafted, limited and temporary exception to North Carolina's prohibition on permanent erosion control structures, as they allow property owners to protect imminently threatened structures and infrastructure until relocation, nourishment, inlet work, or natural recovery occurs. Here, use of the authorized 6' x 20' sandbags and strict application of the limitations on sandbag placement would not enable Petitioners to protect their Lots or the Grande View Drive right-of-way, road, homes and exposed utilities (water, sewer, power, communications) because of the accelerated erosion conditions, just as the Commission recognized in Shoals Club and Palm Cove. A 12' x 40' oceanfront revetment totaling 708 feet for the Lots—tied into a continuous system across the most threatened beach—implements the rule's temporary-protection purpose in the only practicable way by addressing

overtopping and back-cutting observed with smaller bags and preventing loss of the roadway and utilities. The proposed placement of the sandbag revetment is consistent with Subsection (b)(2)(E) of 07H .0308, which states: “If a building or road is found to be imminently threatened and at an increased risk of imminent damage due to site conditions such as...accelerated erosion, temporary erosion control structures may be located more than 20 feet waterward of the structure being protected.”

(2) The variance will materially reduce risk to Grande View Drive, the road right-of-way, and exposed public utilities that serve multiple developed and undeveloped lots. Field observations place the active escarpment 33–128 feet from the roadway, reflecting a present threat to public access and services. By bridging the current protection gaps and matching the adjacent installations, the requested structure will stabilize the corridor during active erosion and high-water events, thereby securing public safety and welfare with minimal additional effect on public trust use in front of an area already constrained by erosion.

(3) It would be unjust and inequitable for a few property owners to suffer the complete loss of their properties and infrastructure for the benefit of the properties to the southwest of the terminal groin. Without relief, one group of oceanfront owners and the public infrastructure behind them would bear disproportionate loss attributable to post-project shoreline behavior of the East End groin system. The requested variance preserves substantial justice by affording the Lots (and the immediately adjoining corridor) the same effective, temporary level of protection that CRC has allowed in similarly exigent settings—larger bags and continuous alignments—until longer-term solutions can be advanced. This parity mirrors the CRC’s justice analysis in Shoals Club and Palm Cove. Additionally, the work will be in line with and function in concert with adjacent existing sandbags.

Terminal groins along an oceanfront beach perpendicular to the shore are known to cause erosion and damage to neighboring properties down drift of the structure. Additionally, the Permit for construction of the terminal groin provides that:

The DCM may order the modification or removal of the terminal groin structure upon finding that any negative impacts associated with the constructed terminal groin structure outweigh the protective value of the structure. Upon such order, and in compliance with the time frames in the order, the permittee agrees to modify or to remove the terminal groin as in accordance with the order, potentially including up to removal in its entirety, including all portions of the structure below grade.

A permanent solution will require an increase of the permeability of the structure or removal of the structure altogether.

To ensure fidelity to the rules’ temporary purpose and to minimize impacts, Petitioners are willing to accept conditions substantively consistent with those recommended/considered in Palm Cove and Shoals Club, including (i) removal obligations, if a long-term measure is implemented that addresses shoreline erosion in this corridor; (ii) an overall structure height cap of 12 feet regardless

of mean high water elevation at placement; (iii) alignment and tie-in with existing and concurrently permitted segments on adjacent lots to form a continuous, uniform face between Lots 26-31, minimizing flanking and scour at interface points; and (iv) maintenance of safe, reasonable public passage seaward of the structure to the extent feasible under prevailing beach conditions and tides.

* * *

To the extent any of Petitioners' arguments set out in their individual variance applications are not covered in this Unified Position Statement, Petitioners hereby incorporate the Petitioner's Positions on Variance Criteria submitted individually for each of the Lots.

Staff's Position: Yes for size, No for alignment/vacant lots.

The Commission's rules set limitations for use of sandbags such as size limits and time limits which are sufficient in most cases and are intended as a shorter-term erosion response only until a long-term response to protecting structures can be implemented, balanced with impacts to the use of public trust areas and to the oceanfront habitat. Staff agree that the variance would protect public safety and welfare where the larger bags might better protect the existing road right-of-way and agree that the variance would preserve substantial justice to allow the Petitioners, the HOA, the developer and the Town potentially more time to find a longer-term solution for the threatened structures in this area.

Staff disagree that a variance from the Commission's rule disallowing protection of vacant lots with temporary erosion control structures, where Petitioners' proposed alignment appears to seek to protect their vacant lots, would be in the spirit of the Commission's rules. As noted above, the use of temporary sandbags is to buy time for existing threatened structures in order to formulate and execute a longer-term response for those structures. DCM is aware that the Town and its consultant are monitoring the erosion as part of its permit obligations and will need to respond. While allowing bigger sandbag structures (such as the 12' x 40' proposed here) may help buy some time for these responses to be developed and implemented to protect existing houses and the road right-of-way, Staff disagree that Petitioners should be able to place the sandbags in an alignment seemingly designed to protect their vacant lots and not just the road right-of-way and other existing homes. Staff believe that such a variance to the alignment/vacant lot rules would not protect public safety and welfare or preserve substantial justice where Petitioners' preferred alignment would leave little room waterward of the existing structures for the public to utilize the public trust dry and wet-sand Public Trust shoreline and where sandbags have been permitted in an alignment to protect the road right-of-way and utilities within it.

Petitioner's Petition Materials
(without initial proposed facts or duplicative exhibits)

CAMA VARIANCE REQUEST FORM**DCM FORM 11****DCM FILE No.:** _____

PETITIONER'S NAME The Pointe OIB, LLC

COUNTY WHERE THE DEVELOPMENT IS PROPOSED Brunswick County

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

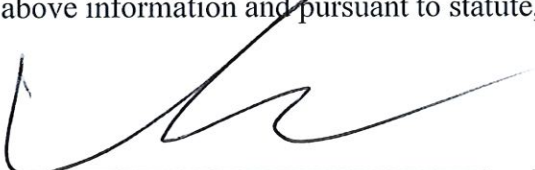
Commission. These opinions note that the practice of professionals, such as engineers, surveyors or contractors, representing others in quasi-judicial proceedings through written or oral argument, may be considered the practice of law. Before you proceed with this variance request, you may wish to seek 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;
- 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);
- X 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;
- X 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

October 24, 2025

Date

Charles S. Baldwin, IV
Printed Name of Petitioner or Attorney

cbaldwin@brookspierce.com
Email address of Petitioner or Attorney

115 N. 3rd St., Suite 301
Mailing Address

(910) 444-2020
Telephone Number of Petitioner or Attorney

Wilmington NC 28401 (910) 444-2001
City State Zip 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

CAMA VARIANCE REQUEST FORM**DCM FORM 11****DCM FILE No.:** _____

PETITIONER'S NAME JLee Investments, LLC

COUNTY WHERE THE DEVELOPMENT IS PROPOSED Brunswick County

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.

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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

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- (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.

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Due to the above information and pursuant to statute, the undersigned hereby requests a variance


Signature of Petitioner or Attorney

October 25, 2025

Date

Charles S. Baldwin, IV
Printed Name of Petitioner or Attorney

cbaldwin@brookspierce.com
Email address of Petitioner or Attorney

115 N. 3rd St., Suite 301
Mailing Address

(910) 444-2020
Telephone Number of Petitioner or Attorney

Wilmington NC 28401 (910) 444-2001
City State Zip Fax Number of Petitioner or Attorney

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114 W. Edenton Street
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(919) 716-6767

CAMA VARIANCE REQUEST FORM**DCM FORM 11****DCM FILE No.:** _____

PETITIONER'S NAME The Pointe OIB, LLC

COUNTY WHERE THE DEVELOPMENT IS PROPOSED Brunswick County

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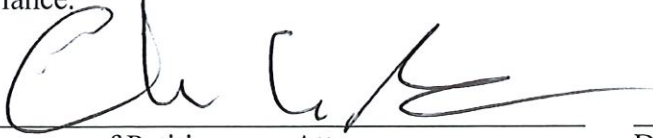
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			October 17, 2025
Signature of Petitioner or Attorney			Date
Charles S. Baldwin, IV			cbaldwin@brookspierce.com
Printed Name of Petitioner or Attorney			Email address of Petitioner or Attorney
115 N. 3 rd St., Suite 30			910-444-2020
Mailing Address			Telephone Number of Petitioner or Attorney
Wilmington	NC	28401	910-444-2001
City	State	Zip	Fax Number of Petitioner or Attorney

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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

CAMA VARIANCE REQUEST FORM**DCM FORM 11****DCM FILE No.:** _____

PETITIONER'S NAME JLee Investments, LLC

COUNTY WHERE THE DEVELOPMENT IS PROPOSED Brunswick County

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.

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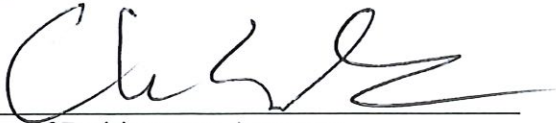
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**Please contact DCM or the local permit officer for a full list of comments received on your permit application. Please note, for CAMA Major Permits, the complete permit file is kept in the DCM Morehead City Office.*

Due to the above information and pursuant to statute, the undersigned hereby requests a variance.

			October 17, 2025
_____ Signature of Petitioner or Attorney			_____ Date
Charles S. Baldwin, IV _____ Printed Name of Petitioner or Attorney			cbaldwin@brookspierce.com _____ Email address of Petitioner or Attorney
115 N. 3 rd St., Suite 30 _____ Mailing Address			910-444-2020 _____ Telephone Number of Petitioner or Attorney
Wilmington _____ City	NC _____ State	28401 _____ Zip	910-444-2001 _____ 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).

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CAMA VARIANCE REQUEST FORM**DCM FORM 11****DCM FILE No.:** _____

PETITIONER'S NAME Richard J. Wright

COUNTY WHERE THE DEVELOPMENT IS PROPOSED Brunswick County

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

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Due to the above information and pursuant to statute, the undersigned hereby requests a variance.



Signature of Petitioner or Attorney

October 17, 2025

Date

Charles S. Baldwin, IV
Printed Name of Petitioner or Attorney

cbaldwin@brookspierce.com
Email address of Petitioner or Attorney

115 N. 3rd St., Suite 301
Mailing Address

(910) 444-2020
Telephone Number of Petitioner or Attorney

Wilmington NC 28401 (910) 444-2001
City State Zip Fax Number of Petitioner or Attorney

DELIVERY OF THIS HEARING REQUEST

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Raleigh, NC 27603

By Fax:

(919) 716-6767

CAMA VARIANCE REQUEST FORM**DCM FORM 11****DCM FILE No.:** _____

PETITIONER'S NAME The Pointe OIB, LLC

COUNTY WHERE THE DEVELOPMENT IS PROPOSED Brunswick County

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.

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Due to the above information and pursuant to statute, the undersigned hereby requests a variance.



Signature of Petitioner or Attorney

October 17, 2025

Date

Charles S. Baldwin, IV
Printed Name of Petitioner or Attorney

cbaldwin@brookspierce.com
Email address of Petitioner or Attorney

115 N. 3rd St., Suite 30
Mailing Address

910-444-2020
Telephone Number of Petitioner or Attorney

Wilmington NC 28401
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CAMA VARIANCE REQUEST FORM**DCM FORM 11****DCM FILE No.:** _____

PETITIONER'S NAME The Pointe OIB, LLC

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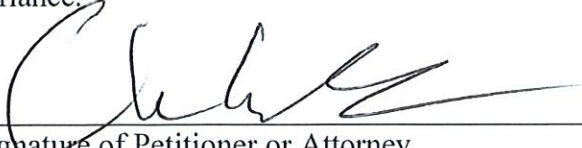
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Printed Name of Petitioner or Attorney			Email address of Petitioner or Attorney
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CAMA VARIANCE REQUEST FORM**DCM FORM 11****DCM FILE No.:** _____

PETITIONER'S NAME Robert and Dawn Lee

COUNTY WHERE THE DEVELOPMENT IS PROPOSED Brunswick County

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Stipulated Exhibits

1. Subdivision Plat 136/51-56
2. Three deeds for Point OIB LLC
3. Point OIB LLC 2024 Annual Report
4. One deed for JLEE
5. JLEE 2024 Annual Report
6. Wright Deed 4874/381
7. Lees Deed 4884/427
8. HOA at the Pointe Ocean Isle Beach, Inc. 2022 incorporation filing
9. DCM Map Viewer images, including erosion rate, IHA box pink, 2020 erosion, proposed IHA Box, proposed erosion rates, historic shorelines
10. Brunswick County GIS showing underwater lots
11. 2020 Town of OIB Static Line Exception Report\ Not attached, but available at this link: <https://www.deq.nc.gov/documents/pdf/coastal-resources-commission-meeting-agendas-minutes/crc-20-03-static-line-exception-re-authorization-ocean-isle/download>
12. Fourth Circuit decision in Audubon vs. Corps/OIB
13. 2016 OIB Shoreline and Inlet Management Plan from FEIS
14. 2024 OIB Inlet Management Monitoring Plan , not attached, but available at this link: [747013013042925pm.pdf](https://files.municipalone.com/oceanisle-nc/747114411050225am.pdf)
15. 2025 Beach Management Plan and CRC's Approval Document, BMP is not attached, but available at this link: <https://files.municipalone.com/oceanisle-nc/747114411050225am.pdf>,
16. Permit application materials, inc. site plan and drawings
17. Accelerated Erosion Determination Emails (10/13/25 & 8/28/25)
18. Notice to non-P ARO's (Houston, Gibson)
19. Copies of 8x CAMA General Permits
20. Grimes and Bell Affidavits
21. Notice to non-P ARO's (Houston, Gibson) of variance request
22. PowerPoint showing ground/aerial photos of project area

NOTES:
1) THIS DOCUMENT DOES NOT REPRESENT A TITLE EXAMINATION.
2) NOT A VALID DOCUMENT WITHOUT ORIGINAL SIGNATURE AND RAISED EMBOSSED SEAL.

LEGEND

- WM - WATER METER
- IPF - IRON PIN FOUND
- IPS - IRON PIN SET
- CATV - CABLE TV PEDESTAL
- PP - POWER POLE
- PH - TELEPHONE PEDESTAL



04-13-2022
B0136 P0051
Branda N. Clements, P.E.
Brunswick County, NC Register of Deeds, page 1 of 6

CURVE - TABLE					LINE - TABLE		
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE	LINE	BEARING
C1	250.00'	70.20'	69.96'	N 71°17'12" E	16°05'15"	L1	N 03°17'45" W
C2	250.00'	4.49'	4.49'	N 62°43'42" E	1°01'45"	L2	N 07°40'20" E
C3	185.00'	152.10'	147.86'	N 85°46'04" E	47°06'29"	L3	N 07°40'20" E
C4	125.00'	113.56'	109.70'	N 83°17'42" E	52°03'13"	L4	N 07°24'31" W
C5	200.00'	17.48'	17.48'	N 54°46'01" E	5°00'09"	L5	S 53°09'42" E
C6	25.00'	15.26'	15.98'	N 33°37'48" E	3°16'16"	L6	S 53°33'18" E
C7	25.00'	23.46'	22.61'	N 11°53'25" W	53°46'11"	L7	S 58°44'44" E
C8	67.00'	55.08'	53.55'	N 15°13'19" W	47°06'23"	L8	N 30°04'44" E
C9	67.00'	42.23'	41.53'	N 26°23'10" E	36°06'35"	L9	N 30°04'44" E
C10	67.00'	30.15'	29.90'	N 57°20'00" E	25°47'05"	L10	N 17°10'04" W
C11	67.00'	10.27'	10.26'	N 74°37'04" E	8°47'03"	L11	S 89°58'19" E
C12	67.00'	40.15'	39.55'	S 83°49'28" E	34°19'52"	L12	N 67°34'47" E
C13	67.00'	53.24'	51.85'	S 43°53'37" E	45°31'49"	L13	N 67°34'47" E
C14	67.00'	65.30'	62.73'	S 05°49'51" W	55°50'28"	L14	S 43°07'53" E
C15	260.00'	102.35'	101.69'	S 45°59'25" W	22°33'20"	L15	N 30°59'16" E
C16	185.00'	102.85'	101.53'	S 73°11'40" W	31°51'10"	L16	N 30°59'16" E
C17	185.00'	65.23'	64.89'	N 80°46'43" W	20°12'03"	L17	N 00°01'41" E
C18	125.00'	75.68'	74.53'	N 88°01'20" W	34°41'17"	L18	N 68°57'08" E
C19	125.00'	27.10'	27.04'	S 68°25'25" W	12°25'11"	L19	N 02°57'58" W
C20	310.00'	100.79'	100.35'	S 71°31'42" W	18°37'45"	L20	N 02°57'58" W
C21	250.00'	6.60'	6.60'	N 80°05'12" E	1°30'45"	L21	N 14°54'39" E

LINE	BEARING	DISTANCE
L1	N 03°17'45" W	7.01'
L2	N 07°40'20" E	46.71'
L3	N 07°40'20" E	6.92'
L4	N 07°24'31" W	43.28'
L5	S 53°09'42" E	70.00'
L6	S 53°33'18" E	22.62'
L7	S 58°44'44" E	29.42'
L8	N 30°04'44" E	29.04'
L9	N 30°04'44" E	2.80'
L10	N 17°10'04" W	36.36'
L11	S 89°58'19" E	18.80'
L12	N 67°34'47" E	24.41'
L13	N 67°34'47" E	18.12'
L14	S 43°07'53" E	27.53'
L15	N 30°59'16" E	26.85'
L16	N 30°59'16" E	14.10'
L17	N 00°01'41" E	16.42'
L18	N 68°57'08" E	30.49'
L19	N 02°57'58" W	29.79'
L20	N 02°57'58" W	11.35'
L21	N 14°54'39" E	37.21'
L22	N 63°14'53" E	25.70'
L23	N 32°29'40" W	19.34'
L24	N 12°42'11" E	23.32'
L25	N 58°45'11" E	12.78'
L26	N 58°45'11" E	13.44'
L27	N 80°13'32" E	31.80'
L28	S 68°14'37" E	26.48'
L29	S 26°57'41" E	18.39'
L30	S 05°08'48" E	32.47'
L31	S 67°36'46" E	3.00'
L32	S 27°47'10" E	29.37'
L33	S 62°12'50" W	20.00'
L34	S 67°36'46" E	36.63'
L35	N 03°19'17" E	12.72'
L36	S 27°47'10" E	8.72'
L37	S 16°14'36" W	4.17'
L38	S 07°52'00" E	27.41'

I HEREBY STATE TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN THE STATE OF NORTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "B" SURVEY AS SPECIFIED THEREIN. ALSO THERE ARE NO ENCROACHMENTS, PROJECTIONS AFFECTING THE PROPERTY OTHER THAN THOSE SHOWN.

IS THIS PROPERTY IN AN F.I.A. DESIGNATED FLOOD HAZARD AREA? VARIES
FIRM MAP NUMBER: 3720108500K EFFECTIVE DATE AUGUST 28, 2018

RECREATION SPACE

ACTIVITY 1:
ACTIVITY 2:

6,141 SF (ALL RECREATION AREA WITHIN OPEN SPACE)
SIDEWALKS, BIKE PATH (NOT LOCATED IN OPEN SPACE)
SAND VOLLEYBALL COURT, BOCCE COURT, CORN HOLE COURT
HAMMOCK GARDEN, & COVERED PICNIC AREA (LOCATED IN OPEN SPACE)

LOT INFORMATION
TOTAL NUMBER OF LOTS:
MIN LOT SIZE REQUIRED:
MIN LOT SIZE PROVIDED:
MIN LOT WIDTH REQUIRED:
MIN LOT WIDTH PROVIDED:

44
5,000 SF
5,100 SF
50'-0"
50'-0"

ITE TRIP GENERATION

DAILY TRIPS:
PM PEAK TRIPS:
FIRE DEMAND:

210
430
45
1,000 GPM

WATER DEMAND

PEAK:
SEWER DEMAND
AVERAGE:
PEAK:

16,800 GPD, 11.67 GPM
50,400 GPD, 35.00 GPM
8,820 GPD, 6.13 GPM
35,280 GPD, 24.50 GPM

PROJECT INFORMATION

LEGAL REFERENCE:

TAX PARCEL: 244LH022
PIN: 108511554896
DEED: BOOK 3689, PAGE 0639
LOCATION: E. SIXTH ST.

ZONING

EXISTING ZONING: RI
EXISTING USE: VACANT
PROPOSED ZONING: R1
PROPOSED USE: SINGLE FAMILY RESIDENTIAL

FLOOD ZONE

FIRM MAP: 3720108500K
ZONE(S): AE-VE
BASE FLOOD ELEV.: Varies
DATUM: N.G.V.D. 88

RIVER BASIN

LUMBER

RECEIVING STREAM

ICW & ATLANTIC OCEAN
CLASSIFICATION: SA: HOW
VERTICAL - NAVD 1988
HORIZONTAL - NAD 83-2011

BENCHMARK

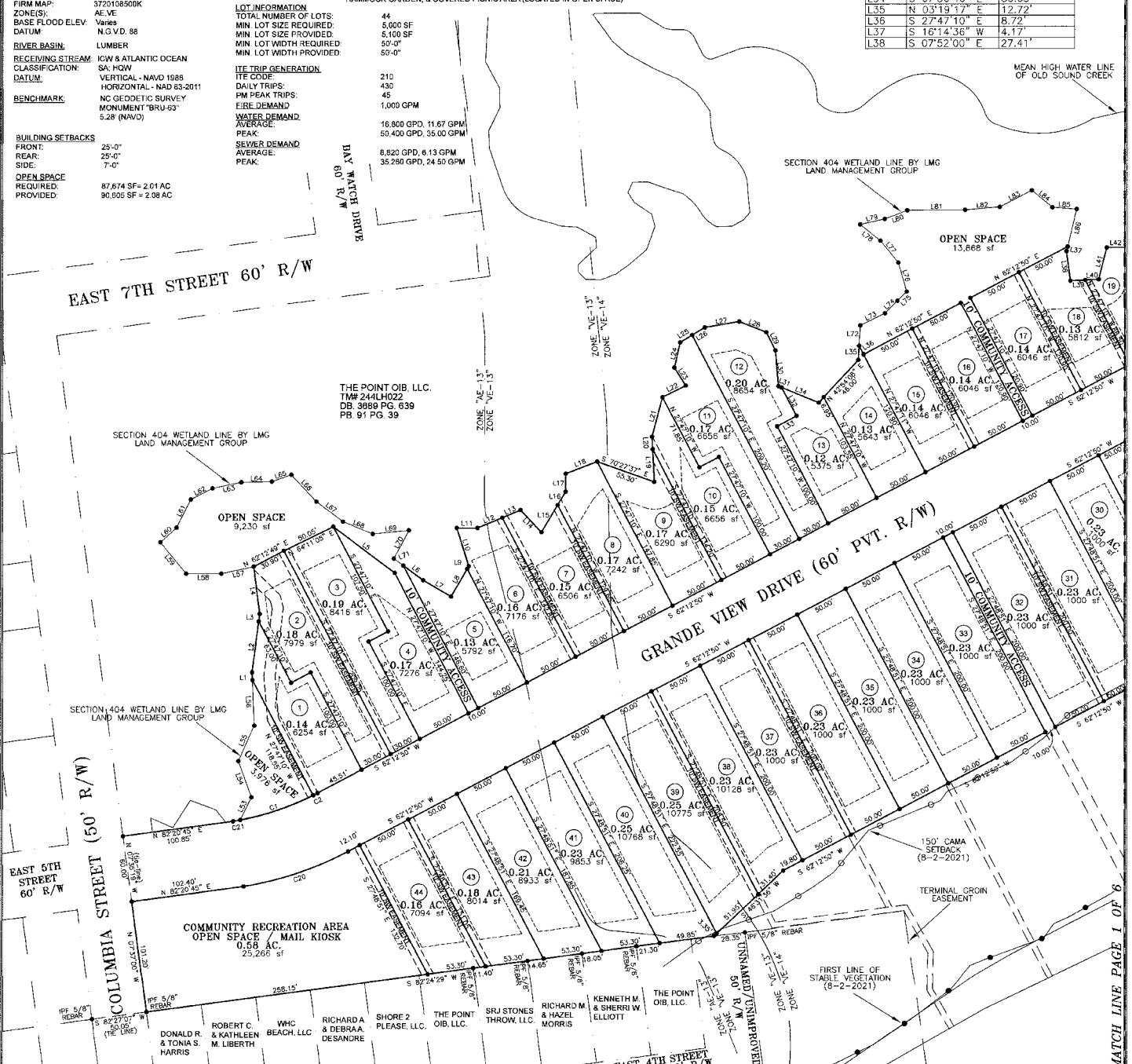
NC GEODETIC SURVEY
MONUMENT "BRU-63"
5.28' (NAVD)

BUILDING SETBACKS

FRONT: 25'-0"
REAR: 25'-0"
SIDE: 7'-0"

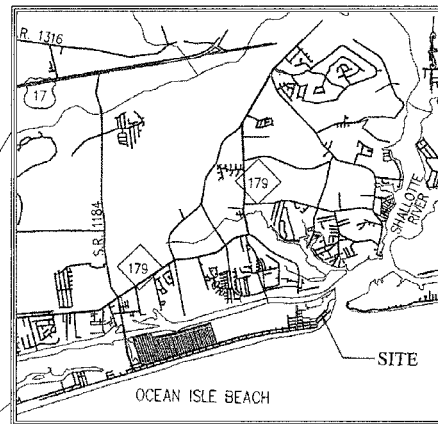
OPEN SPACE

REQUIRED: 87,674 SF = 2.01 AC
PROVIDED: 90,905 SF = 2.08 AC



L103	N 84°52'37"	E 40.17'
L104	N 42°41'11"	E 19.33'
L105	N 60°19'09"	E 30.65'
L106	N 39°50'35"	E 23.21'
L107	N 17°28'18"	E 37.25'
L108	N 1°50'39"	E 21.66'
L109	N 08°05'27"	W 15.93'
L110	N 05°05'27"	E 24.69'
L111	S 34°20'26"	E 53.32'
L112	S 86°04'07"	E 36.81'
L113	N 10°34'56"	E 15.30'
L114	N 40°18'04"	W 36.79'
L115	N 46°59'08"	E 24.28'
L116	S 58°11'10"	E 18.54'
L117	S 66°06'49"	E 22.99'
L118	N 06°52'41"	W 25.91'
L119	N 20°05'22"	E 23.02'
L120	N 06°03'30"	E 42.68'
L121	N 69°14'14"	E 19.48'
L122	S 23°58'32"	E 50.92'
L123	S 13°11'31"	W 60.53'
L124	S 03°55'00"	W 31.65'
L125	S 31°00'26"	W 310.89'
L126	N 60°39'33"	W 8.89'

THE POINT OIB, LLC
TM# 244LH022
DB. 3689 PG. 639
PB. 91 PG. 39



NOTE:
TOWN PORTION OF COLUMBIA STREET TO BE
PAVED BY THE DEVELOPER AND THE TOWN SHALL
BE LISTED AS ADDITIONAL INSURED WHEN
CONSTRUCTION IS COMMENCED.

State of North Carolina
County of Brunswick
I, M. Paces For Law Officer
of Brunswick County, do hereby certify that the record on plant to
which this certificate is affixed, is a true and correct copy
of the original record on file in the office of the
Register of Deeds of Brunswick County, North Carolina.

Certificate of the Notary:
I, a notary public of the county and state aforesaid, certify that Benita Hubert
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
3 day of April, 2002.

Jane L. Lodge
9/18/28

I, John N. N. N. certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in book _____, page _____, etc.); (other) that the boundaries not surveyed are clearly indicated as drawn from information found in book _____, page _____; that the ratio of precision as calculated is 1:20,000 that this plat was prepared in accordance with G.S. 47-30 as amended, witness my original signature, registration number, and seal this 13 day of April, AD. 2011

* This survey creates a new subdivision of land located within Brunswick County on Ocean Isle Beach that has an ordinance that regulates parcels of land.

PAGE 2 OF 6
TAX MAP No. 244LH022(PART)

OCEAN ISLE BEACH

SURVEYED FOR:

THE POINT OIB, LLC.

PLAT OF 44 LOTS, BEING 1 THROUGH 44 OF THE POINT OIB, BEING PART OF A LARGER TRACT, AS SHOWN ON A PLAT RECORDED IN PLAT BOOK 91 PAGE 39.

Certificate of Approval for Recording:

I hereby certify that the subdivision plat shown hereon has been found to comply with the subdivision regulations of the Town of Ocean Isle Beach, North Carolina, and that this plat has been approved by the board of commissioners for recording in the Office of the Register of Deeds of Brunswick County.

Date: Subdivision Administrator [redacted]
Town of Ocean Isle Beach, North Carolina *Lind E. Dycus*

Certificate of ownership and dedication:
I hereby certify that I am the owner of the property shown and described hereon, which is located in the subdivision jurisdiction of the Town of Ocean Isle Beach and that I hereby adopt this plan of subdivision with my free consent, establish minimum building setback line, and dedicate all streets, walks, parks, and other sites and easements to public or private use as noted. Furthermore, I hereby dedicate all sanitary sewer, storm sewer and water lines to the Town of Ocean Isle Beach.

Date: 4/13/2023 Owner: [Signature]

NESBITT SURVEYING CO., INC.

4340 ALLIGATOR ROAD
U.S. HIGHWAY 76 & ALLIGATOR ROAD
TIMMONSVILLE, S.C. 29161
PHONE (843) 346-3302
FAX (843)-346-5802
EMAIL: jon@nesbittsurveying.com

DATE: MARCH 7, 2022
JOB NO: 22057
REF. JOB. NO: PB. 91 PG. 39
TAX MAP #: 244LH022 (PORTION OF)

SCALE 1 IN = 60 FT.

BOOK 136 PAGE 52

NOTES:

- 1) THIS DOCUMENT DOES NOT REPRESENT A TITLE EXAMINATION.
- 2) NOT A VALID DOCUMENT WITHOUT ORIGINAL SIGNATURE AND RAISED EMBOSSED SEAL.



B0136 P0053 04-13-2022
Brenda H. Clemmons, PLAT
of Deeds page 3 of 6

LEGEND

- WM - WATER METER
- IPF - IRON PIN FOUND
- IPS - IRON PIN SET
- CATV - CABLE TV PEDESTAL
- PP - POWER POLE
- PH - TELEPHONE PEDESTAL

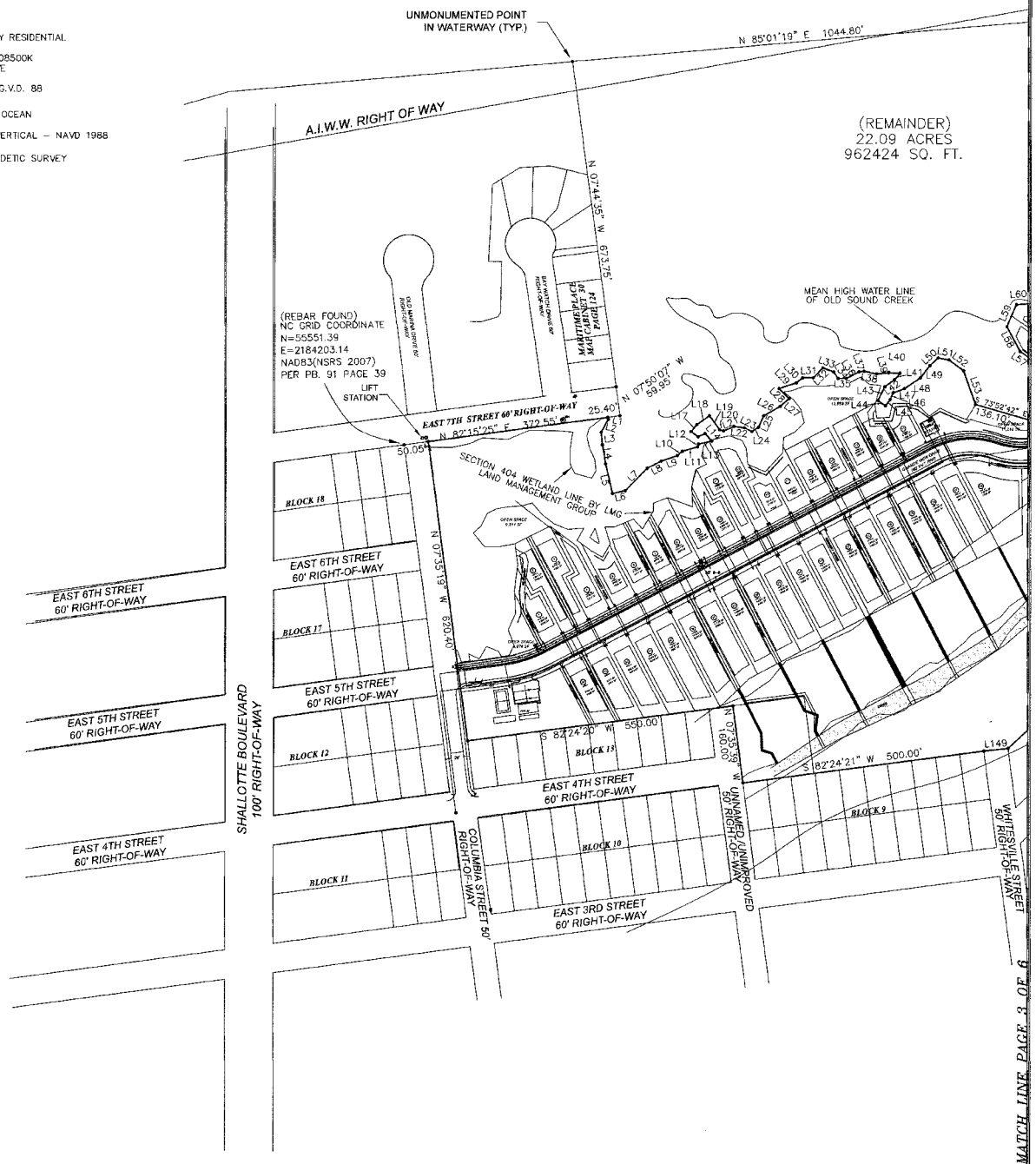


I HEREBY STATE TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN THE STATE OF NORTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "B" SURVEY AS SPECIFIED THEREIN. ALSO THERE ARE NO ENCROACHMENTS, PROJECTIONS AFFECTING THE PROPERTY OTHER THAN THOSE SHOWN.

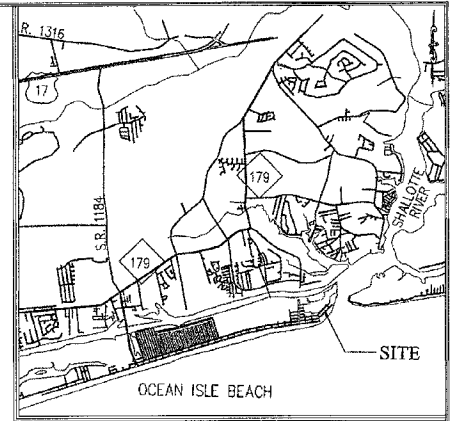
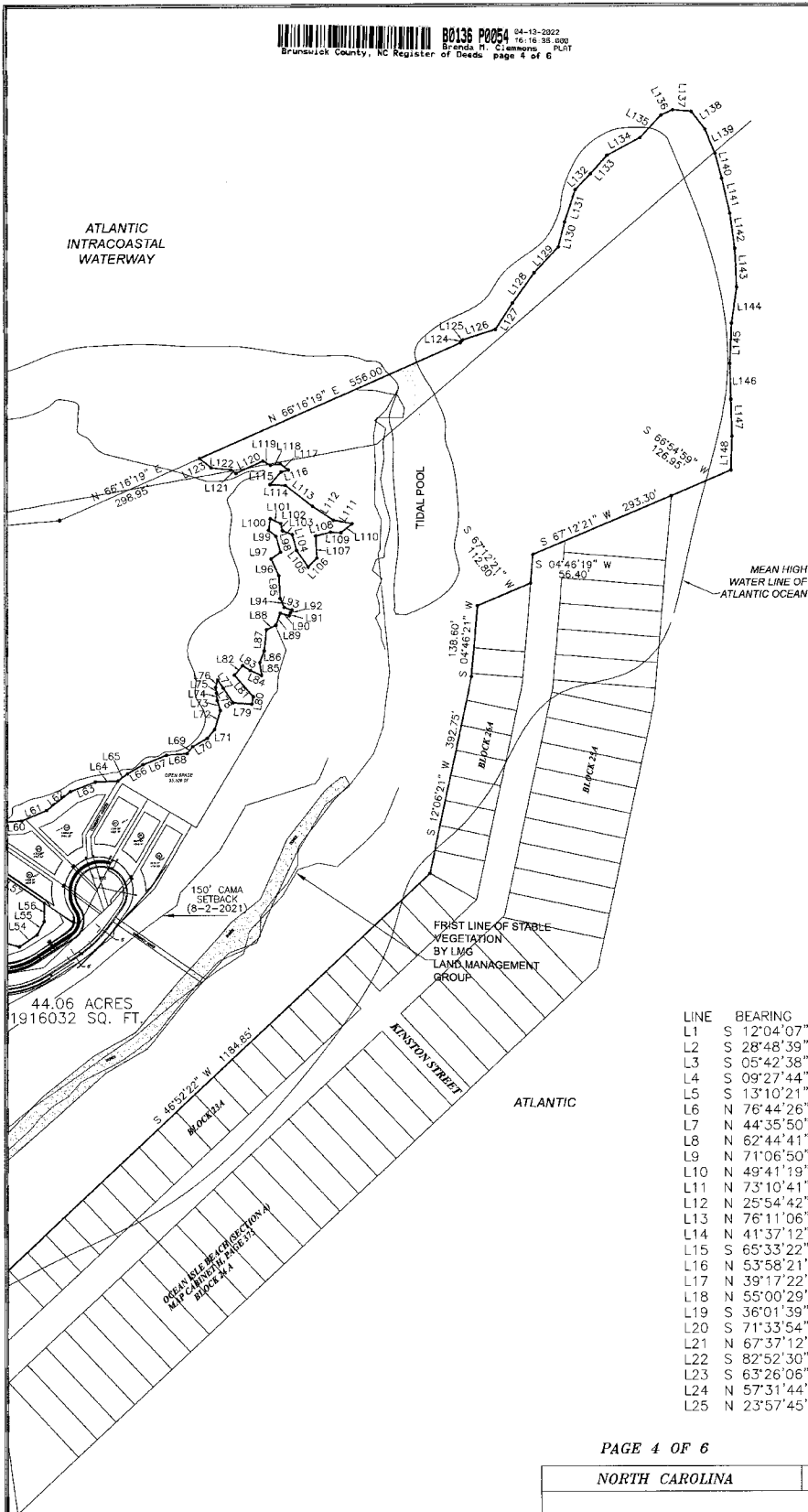
IS THIS PROPERTY IN AN F.I.A. DESIGNATED FLOOD HAZARD AREA? VARIES
FIRM MAP NUMBER: 3720108500K EFFECTIVE DATE AUGUST 28, 2016

PROJECT INFORMATION

LEGAL REFERENCE:
TAX PARCEL: 244LH022
PIN: 108511554896
DEED: BOOK 3689, PAGE 0639
LOCATION: E. SIXTH ST.
ZONING:
EXISTING ZONING: RI
EXISTING USE: VACANT
PROPOSED ZONING: R1
PROPOSED USE: SINGLE FAMILY RESIDENTIAL
FLOOD ZONE:
FIRM MAP: 3720108500K
ZONE(S): AE, VE
BASE FLOOD ELEV: Varies N.G.V.D. 88
DATUM: N.G.V.D. 88
RIVER BASIN: LUMBER
RECEIVING STREAM: ICW & ATLANTIC OCEAN
CLASSIFICATION: SA: HQW
DATUM: VERTICAL - NAVD 1988
BENCHMARK: NC GEODETIC SURVEY



BR136 P0054 04-13-2022
Brunswick County, NC Register of Deeds page 4 of 6



LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L26	N 60°01'06"	E 39.08'	L90	S 73°25'04"	E 18.19'
L27	N 49°23'55"	E 24.01'	L91	N 23°48'25"	E 6.23'
L28	N 45°00'00"	W 29.46'	L92	N 32°35'08"	E 5.54'
L29	N 71°33'54"	E 37.06'	L93	N 69°19'00"	W 16.38'
L30	N 51°20'25"	E 16.67'	L94	N 23°34'48"	W 19.18'
L31	N 90°00'00"	E 22.14'	L95	N 03°01'40"	W 44.51'
L32	N 45°00'00"	E 27.62'	L96	N 24°30'56"	W 36.15'
L33	S 70°33'36"	E 23.47'	L97	N 54°20'48"	E 22.65'
L34	S 34°59'31"	E 15.89'	L98	N 15°50'00"	W 31.75'
L35	N 90°00'00"	E 16.93'	L99	N 50°44'17"	W 18.68'
L36	N 63°26'06"	E 29.12'	L100	N 06°54'31"	E 22.89'
L37	N 82°52'30"	E 10.50'	L101	N 65°52'30"	E 22.32'
L38	S 78°41'24"	E 26.56'	L102	S 15°39'34"	E 15.02'
L39	N 83°59'28"	E 24.88'	L103	S 68°03'06"	E 19.98'
L40	S 86°49'13"	E 23.47'	L104	S 15°32'23"	E 32.51'
L41	S 41°59'14"	W 17.52'	L105	S 34°50'08"	E 39.17'
L42	S 53°44'46"	W 24.22'	L106	N 43°32'38"	E 24.24'
L43	S 26°33'54"	W 32.03'	L107	N 02°51'24"	W 43.04'
L44	S 56°40'39"	E 19.01'	L108	N 76°20'37"	E 29.80'
L45	N 37°00'38"	E 16.10'	L109	S 87°04'40"	E 20.35'
L46	N 23°06'23"	E 14.16'	L110	N 50°57'16"	E 28.19'
L47	N 68°26'52"	E 25.32'	L111	N 79°10'56"	W 37.50'
L48	N 55°47'03"	E 39.37'	L112	N 56°30'50"	W 48.64'
L49	S 83°43'39"	E 50.01'	L113	N 52°05'27"	W 66.75'
L50	S 53°31'51"	E 37.24'	L114	N 86°13'48"	W 29.85'
L51	S 20°10'38"	E 73.41'	L115	N 40°48'50"	E 32.28'
L52	S 55°51'54"	E 42.02'	L116	N 74°01'47"	E 14.85'
L53	N 27°59'12"	E 29.10'	L117	N 53°11'22"	W 19.33'
L54	N 00°00'00"	E 36.10'	L118	S 82°43'35"	W 19.39'
L55	N 55°23'48"	W 107.09'	L119	N 60°09'34"	W 16.65'
L56	N 28°12'57"	W 57.39'	L120	N 65°36'11"	W 57.75'
L57	N 23°55'11"	E 49.70'	L121	N 56°22'39"	W 12.11'
L58	N 86°00'30"	E 51.93'	L122	N 84°11'35"	W 38.42'
L59	N 67°24'04"	E 52.93'	L123	N 51°01'07"	W 28.80'
L60	N 51°53'51"	E 59.49'	L124	N 31°01'19"	E 4.68'
L61	N 68°44'58"	E 51.55'	L125	N 53°22'26"	E 3.14'
L62	N 87°47'37"	E 44.13'	L126	N 72°35'39"	E 67.67'
L63	N 53°03'25"	E 23.47'	L127	N 32°49'17"	E 60.87'
L64	N 59°51'49"	E 34.70'	L128	N 35°55'46"	E 73.46'
L65	N 68°06'32"	E 49.75'	L129	N 42°59'30"	E 68.57'
L66	N 85°44'06"	E 40.68'	L130	N 14°15'29"	E 49.72'
L67	N 38°18'00"	E 17.07'	L131	N 18°36'20"	E 66.62'
L68	N 60°08'34"	E 33.11'	L132	N 44°22'36"	E 42.85'
L69	N 40°29'45"	E 22.45'	L133	N 41°48'52"	E 47.99'
L70	N 16°53'18"	E 38.83'	L134	N 61°48'43"	E 72.73'
L71	N 09°06'40"	W 11.14'	L135	N 43°11'14"	E 60.51'
L72	N 05°19'05"	W 14.75'	L136	N 65°37'29"	E 24.64'
L73	N 09°06'40"	W 11.14'	L137	S 84°57'30"	E 36.35'
L74	N 15°33'44"	E 14.78'	L138	N 38°10'38"	E 43.61'
L75	N 35°29'43"	E 19.62'	L139	N 23°06'43"	E 51.80'
L76	N 33°29'18"	E 34.29'	L140	N 15°05'13"	E 50.71'
L77	S 86°02'00"	E 36.86'	L141	N 12°38'12"	E 69.86'
L78	N 11°12'53"	E 14.34'	L142	N 07°49'35"	E 68.74'
L79	N 40°59'32"	W 56.08'	L143	N 02°55'26"	E 75.60'
L80	N 40°06'43"	E 24.44'	L144	N 08°03'22"	W 70.97'
L81	N 58°29'47"	E 18.28'	L145	N 02°50'14"	W 78.63'
L82	S 65°32'55"	E 23.75'	L146	N 01°52'40"	E 69.97'
L83	N 07°32'19"	W 25.66'	L147	N 01°45'29"	E 72.21'
L84	N 19°47'01"	E 23.89'	L148	N 02°11'40"	W 65.83'
L85	N 06°17'07"	E 41.90'	L149	N 07°35'39"	E 35.75'
L86	N 64°42'00"	E 20.39'	L150	N 66°34'34"	W 51.97'
L87	N 19°42'33"	E 24.88'	L151	N 07°35'39"	W 51.08'

LINE	BEARING	DISTANCE
L1	S 12°04'07"	E 4.42'
L2	S 28°48'39"	W 29.72'
L3	S 05°42'38"	E 26.17'
L4	S 09°27'44"	E 39.60'
L5	S 13°10'21"	E 62.85'
L6	N 76°44'26"	E 26.53'
L7	N 44°35'50"	E 64.60'
L8	N 62°44'41"	E 32.22'
L9	N 71°06'50"	E 34.86'
L10	N 49°41'19"	E 13.52'
L11	N 73°10'41"	E 32.76'
L12	N 25°54'42"	E 6.20'
L13	N 76°11'06"	E 27.26'
L14	N 41°37'12"	W 20.41'
L15	S 65°33'22"	W 15.73'
L16	N 53°58'21"	W 17.71'
L17	N 39°17'22"	E 18.51'
L18	N 55°00'29"	E 31.79'
L19	S 36°01'39"	E 35.42'
L20	S 71°33'54"	E 8.24'
L21	N 67°37'12"	E 23.94'
L22	S 82°52'30"	E 21.00'
L23	S 63°26'06"	E 17.47'
L24	N 57°31'44"	E 16.98'
L25	N 23°57'45"	E 25.65'

PAGE 4 OF 6

TAX MAP No. 244LH022(PART)

NORTH CAROLINA

BRUNSWICK COUNTY

OCEAN ISLE BEACH

SURVEYED FOR:

THE POINT OIB, LLC.

BOUNDARY OF 44.06 ACRES BEING PART OF A LARGER TRACT SHOWN ON A PLAT RECORDED IN PLAT BOOK 91 PAGE 39.



NESBITT SURVEYING CO., INC.
4340 ALLIGATOR ROAD
U.S. HIGHWAY 76 & ALLIGATOR ROAD
TIMMONSVILLE, S.C. 29161
PHONE (843) 346-3302
FAX (843)-346-5802
EMAIL: jon@nesbittsurveying.com

DATE: MARCH 7, 2022
JOB NO: 22057 PAGE 2
REF. JOB. NO: PB. 91 PAGE 39
TAX MAP #: 244LH022 (PORTION OF)
0 150 300 450
SCALE: 1 INCH = 150 FEET

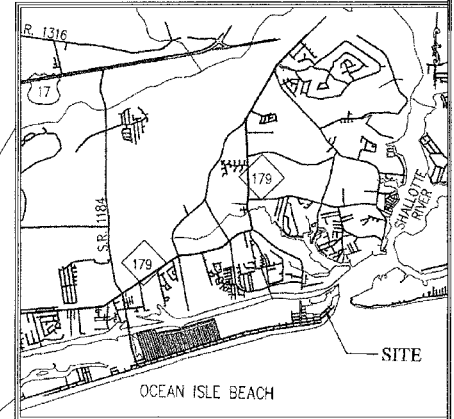


* This survey creates a new subdivision of land located within Brunswick County on Ocean Isle Beach that has an ordinance that regulates parcels of land.

Book 136 PAGE 55

L103	N	84°52'37"	E	40.17"
L104	N	42°41'11"	E	19.35"
L105	N	60°19'09"	E	30.63"
L106	N	35°50'35"	E	23.21"
L107	N	72°07'20"	E	21.07"
L108	N	11°50'39"	W	21.16"
L109	N	05°28'34"	W	25.69"
L110	N	16°05'27"	E	14.93"
L111	S	34°20'26"	E	53.32"
L112	S	86°04'07"	E	36.81"
L113	N	10°34'56"	E	56.39"
L114	N	40°03'49"	W	13.70"
L115	N	40°39'09"	E	28.28"
L116	S	58°15'10"	E	18.84"
L117	S	66°06'49"	E	22.99"
L118	N	06°52'41"	W	25.91"
L119	N	20°05'22"	E	23.02"
L120	N	08°03'30"	E	42.48"
L121	N	69°14'04"	E	19.68"
L122	S	31°00'26"	W	30.92"
L123	S	17°17'11"	W	50.53"
L124	S	03°55'00"	W	31.65"
L125	S	31°00'26"	W	310.89"
L126	N	60°39'33"	W	8.89"

THE POINT OIB, LLC.
TM# 244LH022
DB. 3689 PG. 639
PB. 91 PG. 39



NOTE:
TOWN PORTION OF COLUMBIA STREET TO BE
PAVED BY THE DEVELOPER AND THE TOWN SHALL
BE LISTED AS ADDITIONAL INSURED WHEN
CONSTRUCTION IS COMMENCED.

WETLAND CONSULTANT: LAND MANAGEMENT GROUP
P.O. BOX 2522
WILMINGTON, N.C. 28402

TAX MAP No. 244LH022(PART)

OCEAN ISLE BEACH

THE POINT OIB, LLC.

A horizontal graphic scale bar with alternating black and white segments. Above the bar, the markings 0', 60', 120', and 180' are printed in black text.



SCALE 1 IN $\approx$ 60 FT.

BOOK 136 PAGE 56

This certifies that there are no delinquent ad valorem taxes, fees, assessments or other liens which the Brunswick County Tax Collector is charged with collecting, that are a lien on: Parcel Number 244LH022 00203 as noted by the Brunswick County Assessor's Office. This is not a certification that the parcel number matches the deed description.

SEP 17 2015

Date (Asst) Tax Col. / Del. Tax Spec.



B3689 P0639 09-18-2015 15:44:06.002
Brenda M. Clemmons PROP
Brunswick County, NC Register of Deeds page 1 of 8

Brenda M. Clemmons Register of Deeds
09-18-2015 15:44:06.002 Brunswick County, NC
NC REVENUE STAMP: \$8200.00 (#453383)

8 Sept 17 2015
Stat \$8200 Rev \$8200 Int \$141
Ck \$8354 Ck #0519 Cash \$
Refund: Cash \$ Finance
☐ Portions of document are illegible due to condition of original.
Document contains seals verified by original

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$ 8,200.00

Parcel Identifier No. 244LH022, 244LH02203, 244LH02206

Verified by _____ County on the _____ day of _____, 2015

By: _____

Delinquent taxes, if any, to be paid by closing attorney to the Brunswick County Tax Collector upon disbursement of closing proceeds.

Mail/Box
to: _____

This instrument was prepared by: Cindy York, Attorney, C. York Law, PLLC, 2030 Eastwood Rd. Ste. 7, Wilmington, NC 28403

WITHOUT TITLE OPINION

Brief description for the Index: 66.14 Acres OIB; Lots 1 and 5, Blk 13, Sec A, OIB

THIS DEED made this 8th day of Sept., 2015, by and between

GRANTOR

Virginia Alma Williamson, as Trustee of the Virginia Alma Williamson Trust under Article V of the Will of Odell Williamson dated September 9, 2010 and
OIB Holdings, LLC, a North Carolina limited liability company

11 Causeway Dr.
Ocean Isle Beach, NC 28469

GRANTEE

THE POINT OIB LLC,
a South Carolina limited liability company

4593 Oleander Drive
Myrtle Beach, SC 29577

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of _____, Shallotte Township, Brunswick County, North Carolina and more particularly described as follows:

See attached Exhibits A and B incorporated herein by reference.



The property hereinabove described was acquired by Grantor by instrument recorded in Book 3332, Page 994; Book 3332, Page 985; Book 3268, Page 1162; Book 3269, Page 1071; Book 3089, Page 631; and Book 3089, Page 637.

All or a portion of the property herein conveyed ___ includes or X does not include the primary residence of a Grantor.

A map showing the above described property is recorded in Map Cabinet 91 Pages 38-39; Map Cabinet 30 Page 484.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

- (1) Ad valorem taxes for 2015 and subsequent years;
- (2) General utility service easements and rights of way of record;
- (3) Matters shown on maps recorded in the local County Registry;
- (4) Applicable local, county, state or federal government laws or regulations relative to environment, zoning, subdivision, occupancy, use or construction of the subject property;

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

{Grantor signature pages follow.}

Deed Signature Page

B3689 P0641 09-18-2015 15:44:06.002
 Brenda M. Clemmons PROP
 Brunswick County, NC Register of Deeds page 3 of 8

OIB Holdings, LLC

By:

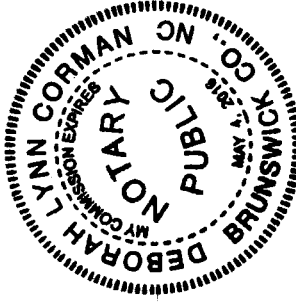
LaDane Williamson
 Name & Title: LaDane Williamson, Manager

State of North Carolina - County or City of Brunswick

I, the undersigned Notary Public of the County or City of Brunswick and State aforesaid, certify that LaDane Williamson, Manager of OIB Holdings, LLC personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 8th day of Sept, 2015.

My Commission Expires: May 4, 2016

(Affix Seal)



Deborah Lynn Corman
 Notary Public
 Notary's Printed or Typed Name

Deed Signature Page



B3689 P0642 09-18-2015
 15:44:06.002
 Brenda M. Clemmons PROP
 Brunswick County, NC Register of Deeds page 4 of 8

OIB Holdings, LLC

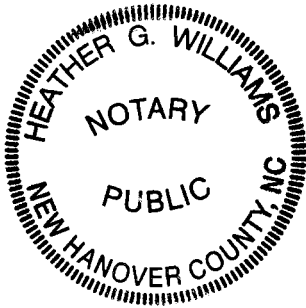
By:

Name & Title: Dr. Odell DeCarol Williamson, ManagerState of North Carolina - County or City of New Hanover

I, the undersigned Notary Public of the County or City of New Hanover and State aforesaid, certify that Dr. Odell DeCarol Williamson, Manager of OIB Holdings, LLC personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 10th day of September, 2015.

My Commission Expires: 1/16/2017

(Affix Seal)



Heather G. Williams
Heather G. Williams Notary Public
 Notary's Printed or Typed Name

Deed Signature Page



B3689 P0643 09-18-2015 15:44:06.002
 Brenda M. Clemmons PROP
 of Deeds page 5 of 8

OIB Holdings, LLC

By:

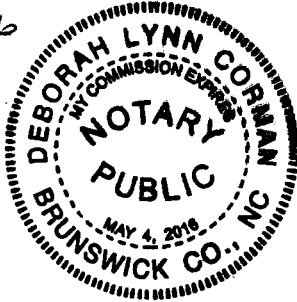
Virginia A. Williamson
 Name & Title: Virginia Alma Williamson, Manager

State of North Carolina - County or City of Brunswick

I, the undersigned Notary Public of the County or City of Brunswick and State aforesaid, certify that Virginia Alma Williamson, Manager of OIB Holdings, LLC personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 9th day of Sept, 2015.

My Commission Expires: MAY 4, 2016

(Affix Seal)



Deborah Lynn Corman

Deborah Lynn Corman Notary Public
 Notary's Printed or Typed Name

Deed Signature Page



B3689 P0644 09-18-2015
 15:44:06.002
 Brenda M. Clemmons PROP
 Brunswick County, NC Register of Deeds page 6 of 8

Virginia Alma Williamson

Name & Title: Virginia Alma Williamson, as Trustee of the Virginia

Alma Williamson Trust under Article V of the Will of Odell Williamson dated September 9, 2010

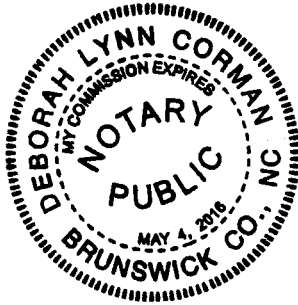
State of North Carolina - County or City of Brunswick

I, the undersigned Notary Public of the County or City of Brunswick and State aforesaid, certify that Virginia Alma Williamson, as Trustee of the Virginia Alma Williamson Trust under Article V of the Will of Odell Williamson dated September 9, 2010 personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

Witness my hand and Notarial stamp or seal this 9th day of Sept, 2015.

My Commission Expires: May 4, 2016

(Affix Seal)



Deborah Lynn Corman
Deborah Lynn Corman Notary Public
 Notary's Printed or Typed Name

**EXHIBIT A**

Being all of that certain parcel of land with total tract area of 66.14 acres according to Revised Boundary Survey for OIB HOLDINGS, LLC and VIRGINIA ALMA WILLIAMSON, TRUSTEE, prepared by East Coast Engineering & Surveying, P.C., recorded in Map Cabinet 91 at Pages 38 and 39 in the office of the Register of Deeds of Brunswick County, North Carolina, reference to which is made for a more particular description, said property being subject to any rights of the State of North Carolina to the Atlantic Intracoastal Waterway Right-of-Way, and to Area # 1 and Area #2 below the mean high water line as shown on said recorded boundary survey; and subject to any public rights pursuant to NCGS § 77-20.

058



B3689 P0646 09-18-2015
15:44:06.002
Brenda M. Clemmons PROP
Brunswick County, NC Register of Deeds page 8 of 8

EXHIBIT B

Being all of Lots 1 and 5 of Block 13, Section A, Ocean Isle Beach according to survey for Virginia C. Williamson recorded in Map Cabinet 30 at page 484 on August 9, 2004 in the office of the Register of Deeds of Brunswick County, North Carolina.



B4884 P0429 07-19-2022 09:57:14.003
 Brenda M. Clemmons PROP
 Brunswick County, NC Register of Deeds page 1 of 2

Return to LILES & GODBEY BOX
 2 Total 26 Rev 0 Int. JA
 Ok \$ 52 Ok # 6835 Cash \$
 Refund Cash \$ Finance

☒ Portions of document are illegible due to condition of original.
☒ Document contains seals verified by original instrument that cannot be reproduced or copied.

Excise Tax: \$0.00

This instrument was prepared by: Liles and Godbey, PC, Attorneys at Law, 6406 Beach Drive SW, Ocean Isle Beach, NC 28469 – Prepared without examination or certification of title.

This instrument prepared by: James Godbey, a licensed North Carolina Attorney. Delinquent taxes, if any, to be paid by the closing attorney to the Brunswick County Tax Collector upon disbursement of closing proceeds.

Brief description for the Index:

Parcel No. 244LT029

General Warranty Deed

STATE OF NORTH CAROLINA

COUNTY OF BRUNSWICK

THIS DEED made this 13 day of **July, 2022** by and between **Robert Lee and wife, Dawn Lee**, GRANTOR whose address is 55 Leven Links Lane, Pinehurst, NC 28374 and **The Point OIB, LLC, a South Carolina Limited Liability Company**, GRANTEE whose address is 2990 Broad Street, Sumter, SC 29150.

The subject property was not the GRANTOR'S Primary Residence.

WITNESSETH:

THAT the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all of that certain lot, tract or parcel of land situated, Brunswick County, North Carolina and more particularly described as follows:

BEING all of Lot 29, The Point at OIB as shown on that survey for "The Point OIB, LLC" prepared by Nesbitt Surveying Co., Inc. on March 7, 2022 and recorded in Map Cabinet 136, at Page 51, Brunswick County Registry.

This property hereinabove described was acquired by Grantor by instrument recorded in Book 4854, at Page 980.



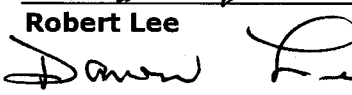
A map showing the above described property is recorded in Plat Book 136, at Page 51.

TO HAVE AND TO HOLD the aforesaid lot, tract or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

AND the Grantor covenants with the Grantee, that Grantor is seized of said premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions: The provisions of all applicable zoning and land use ordinances, statutes and regulations; 2022 ad valorem taxes; all applicable restrictive covenants and utility easements of record.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

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

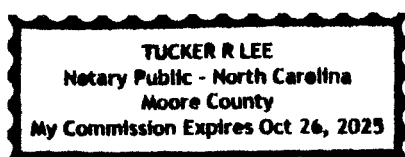
 (SEAL)
 Robert Lee
 (SEAL)
 Dawn Lee

State of North Carolina

County of Moore

I, a Notary Public of said State and County aforesaid, do hereby certify that Robert Lee and wife, Dawn Lee principal(s), personally appeared before me this day, and or (i) I have personal knowledge of the identity of the principal(s), and or (ii) I have seen satisfactory evidence of the principals identity, by current State or Federal Identification with the principal(s) photograph in the form of a drivers license and or a (iii) credible witness has sworn to before me the identity of the principals each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose therein and in the capacity indicated.

Witness my hand and official seal or stamp, this 13 day of July, in the year 2022.




 Notary Public Official Signature

Tucker R. Lee
 Notary Public Printed Name

My commission expires: Oct. 26, 2025

2 return to L+G Type Buy
 Total 26 Rev Int.
 Ck \$ 52 Ck # 7039 Cash \$ Int.
 Refund Cash \$ Finance Int.

☐ Portions of document are illegible due to condition of original.

☐ Document contains seals verified by original instrument that cannot be reproduced or copied.

Excise Tax: \$0.00

This instrument was prepared by: Liles and Godbey, PC, Attorneys at Law, 6406 Beach Drive SW, Ocean Isle Beach, NC 28469 – Prepared without examination or certification of title.

This instrument prepared by: James Godbey, a licensed North Carolina Attorney. Delinquent taxes, if any, to be paid by the closing attorney to the Brunswick County Tax Collector upon disbursement of closing proceeds.

Brief description for the Index: Lot 30, The Point OIB, Plat 139/48

Parcel No. P/O 244LT030

General Warranty Deed

STATE OF NORTH CAROLINA

COUNTY OF BRUNSWICK

THIS DEED made this 2nd day of **December, 2022** by and between **Robert Lee and wife, Dawn Lee**, GRANTOR whose address is 55 Leven Links Lane, Pinehurst, NC 28374 and **The Point OIB, LLC, a South Carolina Limited Liability Company**, GRANTEE whose address is 2990 Broad Street, Sumter, SC 29150.

The subject property was not the GRANTOR'S Primary Residence.

WITNESSETH:

THAT the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all of that certain lot, tract or parcel of land situated, Brunswick County, North Carolina and more particularly described as follows:

BEING all of Lot 30, The Point at OIB as shown on that survey for "The Point OIB, LLC" prepared by Nesbitt Surveying Co., Inc. on March 7, 2022 and recorded in Map Cabinet 136, at Page 51, Brunswick County Registry.

The Grantor and Grantee wish to de-combine Lots 30 and 31 as shown in Deed Book 4898, at Page 551.

This property hereinabove described was acquired by Grantor by instrument recorded in Book 4898, at Page 551.



B4950 P1257 12-16-2022
 13:40:26.000
 Brenda M. Clemmons PROP
 Brunswick County, NC Register of Deeds page 2 of 2

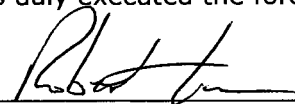
A map showing the above described property is recorded in Plat Book 136, at Page 51.

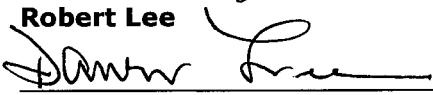
TO HAVE AND TO HOLD the aforesaid lot, tract or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

AND the Grantor covenants with the Grantee, that Grantor is seized of said premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions: The provisions of all applicable zoning and land use ordinances, statutes and regulations; 2022 ad valorem taxes; all applicable restrictive covenants and utility easements of record.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

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

 (SEAL)

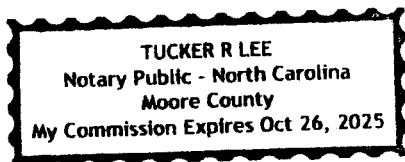
Robert Lee
 (SEAL)
Dawn Lee

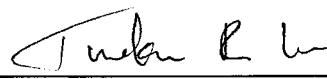
State of North Carolina

County of Moore

I, a Notary Public of said State and County aforesaid, do hereby certify that Robert Lee and wife, Dawn Lee principal(s), personally appeared before me this day, and or (i) I have personal knowledge of the identity of the principal(s), and or (ii) I have seen satisfactory evidence of the principals identity, by current State or Federal Identification with the principal(s) photograph in the form of a licence and or a (iii) credible witness has sworn to before me the identity of the principals each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose therein and in the capacity indicated.

Witness my hand and official seal or stamp, this 2nd day of December, in the year 2022.




 Notary Public Official Signature

Tucker R. Lee
 Notary Public Printed Name

My commission expires: Oct. 26, 2025



1/6/2022

LIMITED LIABILITY COMPANY ANNUAL REPORT

063

NAME OF LIMITED LIABILITY COMPANY: The Point OIB, LLCSECRETARY OF STATE ID NUMBER: 1562926 STATE OF FORMATION: SCREPORT FOR THE CALENDAR YEAR: 2024

Filing Office Use Only
E - Filed Annual Report
1562926
CA202428201604
10/8/2024 01:16

SECTION A: REGISTERED AGENT'S INFORMATION☐ Changes1. NAME OF REGISTERED AGENT: URS Agents, LLC

2. SIGNATURE OF THE NEW REGISTERED AGENT: _____

SIGNATURE CONSTITUTES CONSENT TO THE APPOINTMENT

3. REGISTERED AGENT OFFICE STREET ADDRESS & COUNTY 4. REGISTERED AGENT OFFICE MAILING ADDRESS

176 Mine Lake Court, Suite 100176 Mine Lake Court, Suite 100Raleigh, NC 27615 Wake CountyRaleigh, NC 27615**SECTION B: PRINCIPAL OFFICE INFORMATION**1. DESCRIPTION OF NATURE OF BUSINESS: Land developer2. PRINCIPAL OFFICE PHONE NUMBER: (803) 983-99553. PRINCIPAL OFFICE EMAIL: Privacy Redaction

4. PRINCIPAL OFFICE STREET ADDRESS

5. PRINCIPAL OFFICE MAILING ADDRESS

2990 Broad Street2990 Broad StreetSumter, SC 29150Sumter, SC 29150

6. Select one of the following if applicable. (Optional see instructions)

☐

The company is a veteran-owned small business

☐

The company is a service-disabled veteran-owned small business

SECTION C: COMPANY OFFICIALS (Enter additional company officials in Section E.)NAME: Jimmy BellNAME: Camey HendricksNAME: Tyler B. Dunlap JrTITLE: Administrative MemberTITLE: Administrative MemberTITLE: Managing Member

ADDRESS: _____

ADDRESS: _____

ADDRESS: _____

2072 Vaught Ridge Road2990 Broad Street2990 Broad StreetLongs, SC 29568Sumter, SC 29150Sumter, SC 29150**SECTION D: CERTIFICATION OF ANNUAL REPORT.** Section D must be completed in its entirety by a person/business entity.Tyler B. Dunlap Jr, by Tyler Dunlap Land Owner10/8/2024

SIGNATURE

DATE

Form must be signed by a Company Official listed under Section C of This form.

Tyler B. Dunlap Jr, by Tyler Dunlap Land OwnerManaging Member

Print or Type Name of Company Official

Print or Type Title of Company Official

This Annual Report has been filed electronically.

MAIL TO: Secretary of State, Business Registration Division, Post Office Box 29525, Raleigh, NC 27626-0525



B4891 P0490 08-01-2022
14:42:35.000
Brenda M. Clemmons PROP
Brunswick County, NC Register of Deeds page 1 of 2

Turn to Jim Godbey Type Box
② Total 26 Rev 5200 Int. BC
Ck # 5226 Cash \$ 5226
Refund _____ Cash \$ _____ Finance _____
✓ Portions of document are illegible due to condition of original:
Document contains seals verified by original instrument that cannot be reproduced or copied.

Brenda M. Clemmons Register of Deeds
08-01-2022 14:42:35.000 Brunswick County, NC
NC REVENUE STAMP: \$5200.00 (#836860)

This instrument prepared by: David L. Wortman, a licensed North Carolina attorney. Delinquent taxes, if any, to be paid by the closing attorney to the Brunswick County Tax Collector upon disbursement of closing proceeds. No title opinion or closing services rendered by preparer.

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$5200.00

Parcel Identifier No. 244LT025; 244LT027 Verified by _____ County on the _____ day of _____, 20____
By: _____

PREPARED WITHOUT EXAMINATION OF TITLE

Mail/Box to: The Wortman Law Firm, PLLC, 632 Village Rd., Suite 3, Shallotte, NC 28470

This instrument was prepared by: The Wortman Law Firm, PLLC, 632 Village Rd., Suite 3, Shallotte, NC 28470

Brief description for the Index: L-25&27, The Pointe at OIB, PL 136/51

THIS DEED made this 17th day of May, 2022, by and between

GRANTOR

THE POINT OIB, LLC,
A South Carolina Limited Liability Company
4593 Oleander Drive
Myrtle Beach, SC 29577

GRANTEE

JLEE INVESTMENTS, LLC
A North Carolina Limited Liability Company
PO Box 975
Aberdeen, NC 28315

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the Shallotte Township, Brunswick County, North Carolina and more particularly described as follows:

Being all of Lots 25 & 27, The Pointe at Ocean Isle Beach as shown on that survey for "The Point OIB, LLC" prepared by Nesbitt Surveying Co. Inc. on March 7, 2022 and recorded in Map Cabinet 136 at Page 51, Brunswick County Registry.

More commonly known as: 46 & 42 Grande View Drive, Ocean Isle Beach, NC 28469 (Parcel ID: 244LT025 & 244LT027)



B4891 P0491

08-01-2022

14:42:35.000

Brenda M. Clemmons PROP
Brunswick County, NC Register of Deeds page 2 of 2

The property hereinabove described was acquired by Grantor by instrument recorded in Book 3689, Page 639.

All or a portion of the property herein conveyed ___ includes or ___ does not include the primary residence of Grantor.

A map showing the above described property is recorded in Map Cabinet 136, Page 51.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

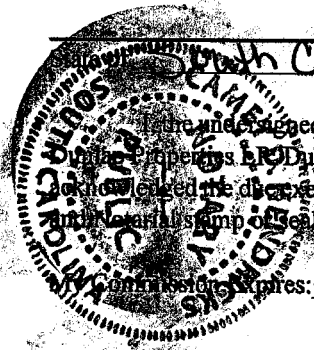
And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

Subject to Restrictions, Easements and Right of Ways as may appear of record.

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

 (SEAL)

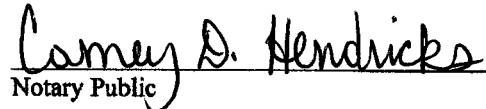
Tyler Dunlap, Trustee of the Dunlap Family Trust, which is the sole member of Dunlap Properties LP;
Dunlap Properties LP is the sole member of The Point OIB, LLC



South Carolina - County of Sumter

I, the undersigned Notary Public, certify that Tyler Dunlap, Trustee of the Dunlap Family Trust, which is the sole member of Dunlap Properties LP, Dunlap Properties LP is the sole Member of The Point OIB, LLC personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes and in the capacity therein expressed. Witness my hand and Notary Public Seal this 17th day of May, 2022

My Commission Expires: March 14, 2029


Notary Public

The foregoing Certificate(s) of _____ is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

Register of Deeds for _____ County

By: _____ Deputy/Assistant - Register of Deeds



1/6/2022

LIMITED LIABILITY COMPANY ANNUAL REPORT

066

NAME OF LIMITED LIABILITY COMPANY: JLEE Investments, LLCSECRETARY OF STATE ID NUMBER: 2251659STATE OF FORMATION: NCREPORT FOR THE CALENDAR YEAR: 2024

Filing Office Use Only
E - Filed Annual Report
2251659
CA202409100750
3/31/2024 02:01

☐ Changes**SECTION A: REGISTERED AGENT'S INFORMATION**1. NAME OF REGISTERED AGENT: Lee, Jerry

2. SIGNATURE OF THE NEW REGISTERED AGENT: _____

SIGNATURE CONSTITUTES CONSENT TO THE APPOINTMENT

3. REGISTERED AGENT OFFICE STREET ADDRESS & COUNTY 4. REGISTERED AGENT OFFICE MAILING ADDRESS

12450 Highway 15-501 South12450 Highway 15-501 SouthAberdeen, NC 28315 Moore Countyaberdien, NC 28315**SECTION B: PRINCIPAL OFFICE INFORMATION**1. DESCRIPTION OF NATURE OF BUSINESS: Real estate holdings2. PRINCIPAL OFFICE PHONE NUMBER: (910) 695-3278 x3. PRINCIPAL OFFICE EMAIL: Privacy Redaction

4. PRINCIPAL OFFICE STREET ADDRESS

5. PRINCIPAL OFFICE MAILING ADDRESS

12450 Highway 15-5010 South12450 Highway 15-5010 SouthAberdeen, NC 28315Aberdeen, NC 28315

6. Select one of the following if applicable. (Optional see instructions)

☐

The company is a veteran-owned small business

☐

The company is a service-disabled veteran-owned small business

SECTION C: COMPANY OFFICIALS (Enter additional company officials in Section E.)NAME: Jerry Lee

NAME: _____

NAME: _____

TITLE: Owner Manager

TITLE: _____

TITLE: _____

ADDRESS: _____

ADDRESS: _____

ADDRESS: _____

12450 Highway 15-501 SouthAberdeen, NC 28315**SECTION D: CERTIFICATION OF ANNUAL REPORT.** Section D must be completed in its entirety by a person/business entity.Jerry Lee, by Jerry Rondel Lee Owner3/31/2024

SIGNATURE

DATE

Form must be signed by a Company Official listed under Section C of This form.

Jerry Lee, by Jerry Rondel Lee OwnerOwner Manager

Print or Type Name of Company Official

Print or Type Title of Company Official

This Annual Report has been filed electronically.

MAIL TO: Secretary of State, Business Registration Division, Post Office Box 29525, Raleigh, NC 27626-0525


B4874 P0381 06-28-2022
 Brunswick County, NC Register 15:43:03.001
 Brenda M. Clemmons PROP
 of Deeds page 1 of 3

Brenda M. Clemmons Register of Deeds
 06-28-2022 15:43:03.001 Brunswick County, NC
 NC REVENUE STAMP: \$2200.00 (#831211)

return to Wortman, David L. Type Fee
 Total 320 Rec 2200 Int 100
 Ck # 03510 Ck # 03510 Cash \$
 Find Cash \$ Finance
☒ Portions of document are illegible due to condition
 of original
☐ Document contains seals verified by original
 Instrument that cannot be reproduced or repaired

This instrument prepared by: David L. Wortman, a licensed North Carolina attorney. Delinquent taxes, if any, to be paid by the closing attorney to the Brunswick County Tax Collector upon disbursement of closing proceeds. No title opinion or closing services rendered by preparer.

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$2,200.00

Parcel Identifier No. 244LT028 Verified by _____ County on the ____ day of _____, 20__

By: _____

PREPARED WITHOUT EXAMINATION OF TITLE

Mail/Box to: The Wortman Law Firm, PLLC, 632 Village Rd., Suite 3, Shallotte, NC 28470

This instrument was prepared by: The Wortman Law Firm, PLLC, 632 Village Rd., Suite 3, Shallotte, NC 28470

Brief description for the Index: L-28, The Point at OIB, PL 136/51

THIS DEED made this ____ day of _____, 20__, by and between

GRANTOR

THE POINT OIB, LLC,
A South Carolina Limited Liability Company
4593 Oleander Drive
Myrtle Beach, SC 29577

GRANTEE

RICHARD J. WRIGHT, married
4 Stone Forge Road
Andover, NJ 07821

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the Shallotte Township, Brunswick County, North Carolina and more particularly described as follows:

Being all of Lot 28, The Pointe at OIB as shown on that survey for "The Point OIB, LLC" prepared by Nesbitt Surveying Co. Inc. on March 7, 2022 and recorded in Map Cabinet 136 at Page 51, Brunswick County Registry.

More commonly known as: 40 Grande View Drive, Ocean Isle Beach, NC 28469 (Parcel ID: 244LT028)


B4874 P0382 06-28-2022 15:43:03.001
 Brenda M. Clemmons PROP
 Brunswick County, NC Register of Deeds page 2 of 3

The property hereinabove described was acquired by Grantor by instrument recorded in Book 3689, Page 639.

All or a portion of the property herein conveyed ___ includes or ___ does not include the primary residence of Grantor.

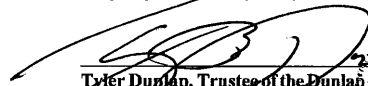
A map showing the above described property is recorded in Map Cabinet 136, Page 51.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

Subject to Restrictions, Easements and Right of Ways as may appear of record.

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

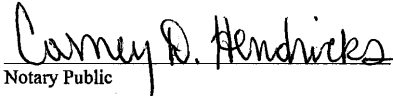

 Tyler Dunlap, Trustee of the Dunlap Family Trust, which is the sole member of Dunlap Properties LP
 Dunlap Properties LP is the sole member of The Point OIB, LLC



State of South Carolina - County of Sumter

I, the undersigned Notary Public, certify that Tyler Dunlap, Trustee of the Dunlap Family Trust, which is the sole member of Dunlap Properties LP; Dunlap Properties LP is the sole Member of The Point OIB, LLC personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes and in the capacity therein expressed. Witness my hand and Notarial stamp or seal this 21st day of June, 2022.

My Commission Expires: March 14, 2029


 Notary Public

The foregoing Certificate(s) of _____ is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

_____ Register of Deeds for _____ County

By: _____ Deputy/Assistant - Register of Deeds



Return to LILES + GODBEY BOX
 2 Total 26 Rev 0 Int 18
 Ck \$ 52 Ck # 6835 Cash \$
 Refund Cash \$ Finance
☐ Portions of document are illegible due to condition of original.
☐ Document contains seals verified by original instrument that cannot be reproduced or copied.

Excise Tax: \$0.00

This instrument was prepared by: Liles and Godbey, PC, Attorneys at Law, 6406 Beach Drive SW, Ocean Isle Beach, NC 28469 – Prepared without examination or certification of title.

This instrument prepared by: James Godbey, a licensed North Carolina Attorney. Delinquent taxes, if any, to be paid by the closing attorney to the Brunswick County Tax Collector upon disbursement of closing proceeds.
 Brief description for the Index:
 Parcel No. 244LT031

General Warranty Deed

STATE OF NORTH CAROLINA

COUNTY OF BRUNSWICK

THIS DEED made this 12th day of **July, 2022** by and between **The Point OIB, LLC, a South Carolina Limited Liability Company**, GRANTOR whose address is 2990 Broad Street, Sumter, SC 29150 and **Robert Lee and wife, Dawn Lee**, GRANTEE whose address is 55 Leven Links Lane, Pinehurst, NC 28374.

The subject property was not the GRANTOR'S Primary Residence.

WITNESSETH:

THAT the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all of that certain lot, tract or parcel of land situated in Brunswick County, North Carolina and more particularly described as follows:

BEING all of Lot 31, The Point at OIB as shown on that survey for "The Point OIB, LLC" prepared by Nesbitt Surveying Co., Inc. on March 7, 2022 and recorded in Map Cabinet 136, at Page 51, Brunswick County Registry.

This property hereinabove described was acquired by Grantor by instrument recorded in Book 3689, at Page 639.



A map showing the above described property is recorded in Plat Book 136, at Page 51.

TO HAVE AND TO HOLD the aforesaid lot, tract or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

AND the Grantor covenants with the Grantee, that Grantor is seized of said premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions: The provisions of all applicable zoning and land use ordinances, statutes and regulations; 2022 ad valorem taxes; all applicable restrictive covenants and utility easements of record.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

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

The Point OIB, LLC
 (SEAL)
 By **Tyler Dunlap, Trustee of the Dunlap Family Trust, which is the sole member of Dunlap Properties LP; Dunlap Properties LP is the sole member of The Point OIB, LLC**

State of South Carolina

County of Sumter

I, the undersigned Notary Public of the County and state aforesaid, certify that Tyler Dunlap, Trustee of the Dunlap Family Trust, which is the sole member of Dunlap Properties LP; Dunlap Properties LP is the sole member of The Point OIB, LLC personally came before me this day and acknowledged the due execution of the foregoing instrument for the purposes and in the capacity therein expressed.

Witness my hand and Notarial stamp or seal, this 12th day of July, 2022.

Carney D. Hendricks
 Notary Public
 My commission Expires: March 14, 2029

**ARTICLES OF INCORPORATION
OF
HOA AT THE POINTE OCEAN ISLE BEACH, INC.
A Nonprofit Corporation**

The undersigned, being of the age of eighteen (18) years or more, does hereby make and acknowledge these Articles of Incorporation for the purpose of forming a nonprofit corporation under and by virtue of the laws of the State of North Carolina, and all pursuant to and in compliance with the requirements of Chapter 55A of the General Statutes of North Carolina. The undersigned does hereby certify:

1. The name of the corporation is:

HOA AT THE POINTE OCEAN ISLE BEACH, INC.

2. The period of duration of the corporation shall be perpetual.

3. The purposes for which the corporation is organized are to provide for the administration, maintenance, and preservation of the lots and streets within that certain tract located in Brunswick County, North Carolina, known as **THE POINTE AT OCEAN ISLE BEACH**, and to promote the health, safety, and welfare of the residents of the above-described property and any additions thereto as may hereafter be brought within the jurisdiction of this Association in accordance with the Declaration, and for this purpose to exercise all of the powers and privileges and to perform all of the duties and obligations of the Association as set forth in the **DECLARATION OF COVENANTS CONDITIONS AND RESTRICTIONS FOR THE POINTE AT OCEAN ISLE BEACH**, hereinafter called the "Declaration of Covenants Conditions and Restrictions," applicable to the property and which will be recorded in the Office of the Register of Deeds of Brunswick County, North Carolina, as the same may be amended from time to time as therein provided, said Declaration being incorporated herein by reference:

- (a) fix, levy, collect, and enforce payment by any lawful means, all charges or assessments pursuant to the terms of the Declaration of Covenants Conditions and Restrictions; to pay all expenses in connection therewith and all office and other expenses incident to the conduct of the business of the Association;

(b) including all licenses, taxes, or governmental charges levied or imposed against the property of the Association;

(c) acquire (by gift, purchase, or otherwise), own, hold, improve, build upon, operate, maintain, convey, sell, lease, transfer, dedicate for public use or otherwise dispose of real or personal property in connection with the affairs of the Association;

(d) borrow money, and with the assent of two-thirds (2/3) of the members, mortgage, pledge, deed in trust, or hypothecate any or all of its real or personal property as security for money borrowed or debts incurred;

(e) participate in mergers and consolidations with other nonprofit corporations organized for the same purposes provided that any such merger or consolidation shall have the assent of two-thirds (2/3) of the members; and

(f) engage in any lawful act or activity for which corporations may be organized under Chapter 55A of the General Statutes of North Carolina and in particular G. S. 55A-15.

4. The corporation shall have two classes of members as follows:

Class A. Class A Members shall be all Owners except the Declarant. Class A Members shall be entitled to one vote for each Lot in which they hold the interest required for membership by Section 1 above. When more than one person holds such interest or interests in any Lot, the vote attributable to such Lot shall be exercised as such persons mutually determine, but in no event shall more than one vote be cast with respect to any such Lot.

Type B. The sole Type B Member shall be the Declarant. The Type B Member shall be entitled to fifteen (15) votes for each Lot in which it holds the interest required for membership under Section 1 of the Article. The Type B membership shall continue until the Declarant no longer owns property in The Pointe At Ocean Isle Beach.

5. The name of the initial Registered Agent of the corporation in the State of North Carolina is:

Community Associations Management at OIB, Inc.

6. The street address and county of the initial Registered Agent of the corporation in the State of North Carolina is:

790-8 Sunset Boulevard
Sunset Beach, NC 28468
Brunswick County

7. The mailing address and county of the initial Registered Agent of the corporation in the State of North Carolina is:

P.O. Box 8126 Ocean
Ocean Isle Beach, NC 28468
Brunswick County

8. The address and county of the principal office of the corporation is:

2990 Broad Street
Sumter, SC 29150
Sumter County

9. The number of directors constituting the initial Board of Directors shall be two, and the names and addresses of the persons who are to serve as directors until the first meeting of the corporation, or until their successors to be elected and qualify, are:

<u>Name</u>	<u>Address</u>
Tyler B. Dunlap	2990 Broad Street Sumter, SC 29150
Jimmy Bell	2072 Vaught Ridge Road Longs, SC 29568

The members of the initial Board of Directors need not be members of the Association. The number of directors shall be increased to the number required in the Bylaws of the Association when elected at the first meeting of the Association after Declarant Control expires. The number may thereafter be changed by amendment of the Bylaws of the Association. The foregoing named Directors shall serve until they resign, die or his/their successor(s) is/are elected and qualified. Thereafter the terms of office for the Directors shall be staggered.

10. The name and address of the incorporator is:

Ellen P. Wortman
Marshall, Williams & Gorham, LLP
430 Eastwood Road, Suite 200
Wilmington, NC 28403

11. The corporation shall have no capital stock. Participation in its affairs shall be by membership therein, subject to provision of the Bylaws as may be adopted, amended, or repealed by the Board of Directors.

12. It is expressly declared that this corporation is not organized for pecuniary gain or profit for its members and it shall have no power to make or declare dividends. However, reasonable compensation may be paid for services rendered to or for the corporation for any of its purposes.

13. The Association may be dissolved with the assent given in writing and signed by not less than four-fifths (4/5) of the members. Upon dissolution of the Association, other than incident to a merger or consolidation, the assets of the Association shall be dedicated to an appropriate public agency to be used for purposes similar to those for which this Association was created. In the event that such dedication is refused acceptance, such assets shall be granted, conveyed, and assigned to any non-profit corporation, association, trust, or other organization to be devoted to such similar purposes.

Upon the dissolution of the corporation, the Board of Directors shall, after paying or making provision for the payment of all of the liabilities of the corporation dispose of all of the assets of the corporation exclusively for the purposes of the corporation in such manner. Any such assets not so disposed of shall be disposed of by the Superior Court of the county in which the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.

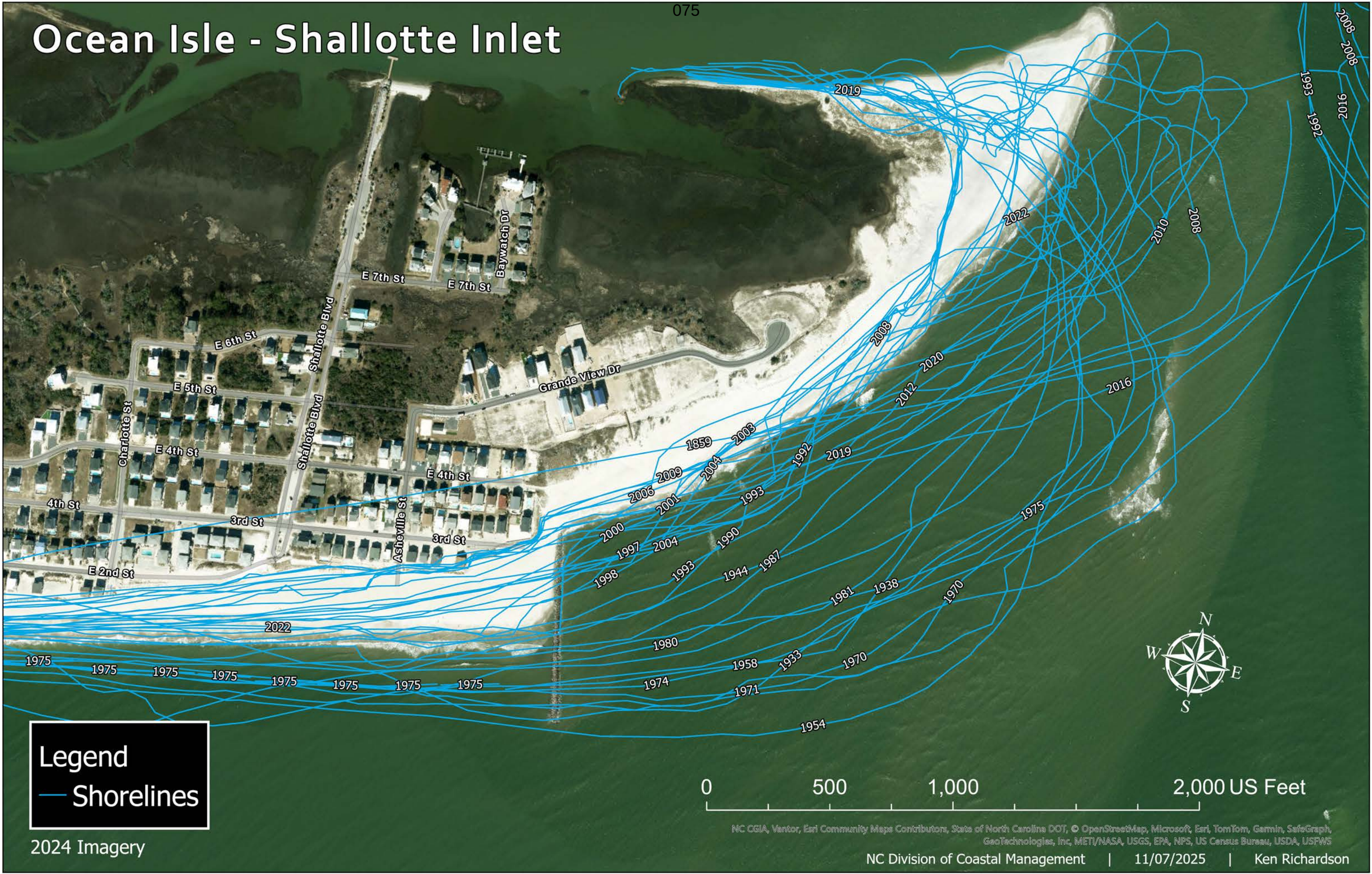
14. Amendments to these Articles shall require the assent of four-fifths (4/5) of the entire membership.

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of March 2022.



Ellen P. Wortman, Esq., Incorporator

Ocean Isle - Shallotte Inlet



Legend
— Shorelines

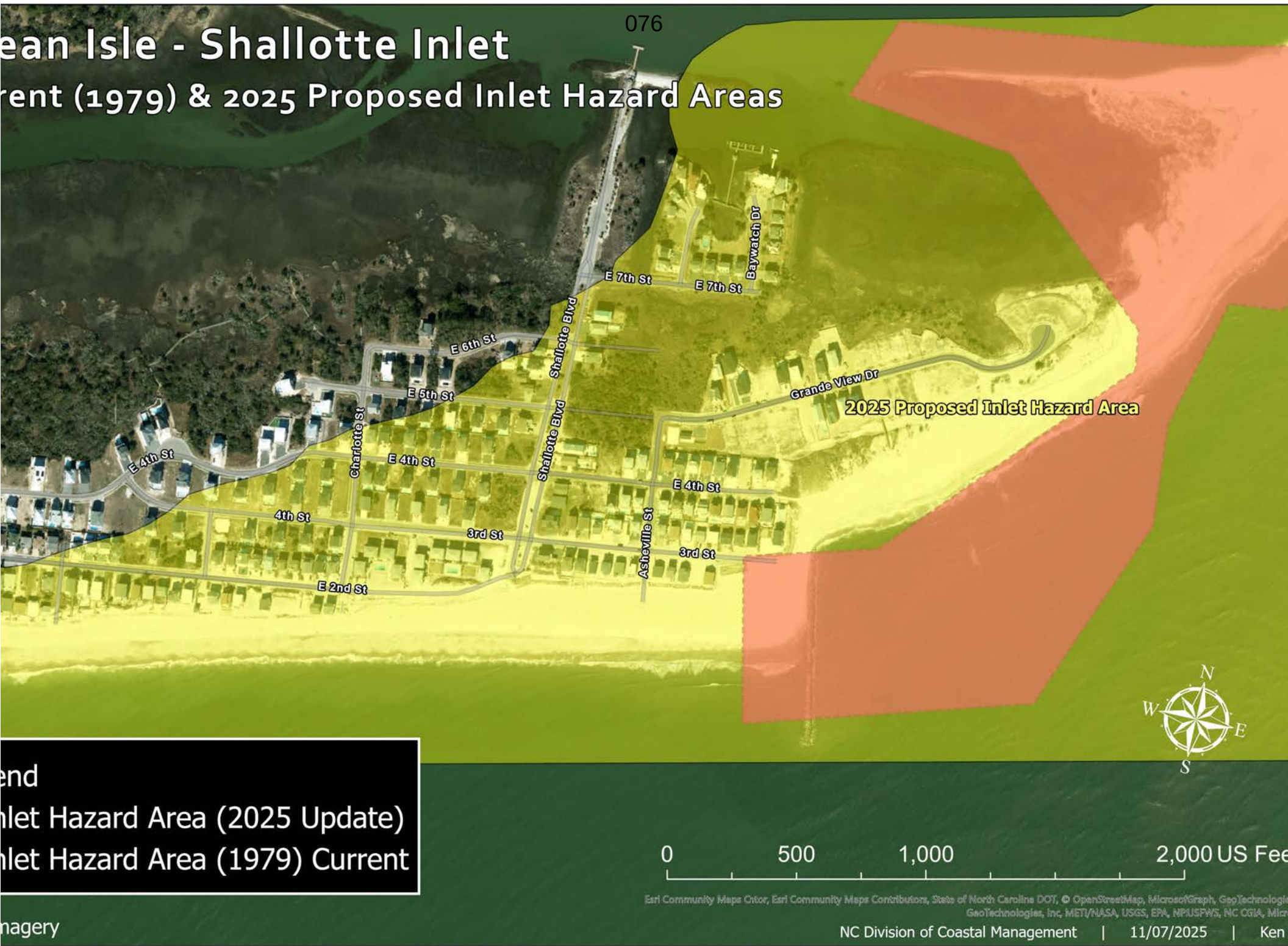
2024 Imagery

NC CGIA, Vantor, Esri Community Maps Contributors, State of North Carolina DOT, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

NC Division of Coastal Management | 11/07/2025 | Ken Richardson

Pea Island - Shallotte Inlet

Current (1979) & 2025 Proposed Inlet Hazard Areas



Legend
2025 Proposed Inlet Hazard Area (2025 Update)
Current (1979) Inlet Hazard Area (1979) Current

Seaside Isle - Shallotte Inlet

Sea Level Rise Erosion Rates

077



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on Rates (2020)
cretion
sion

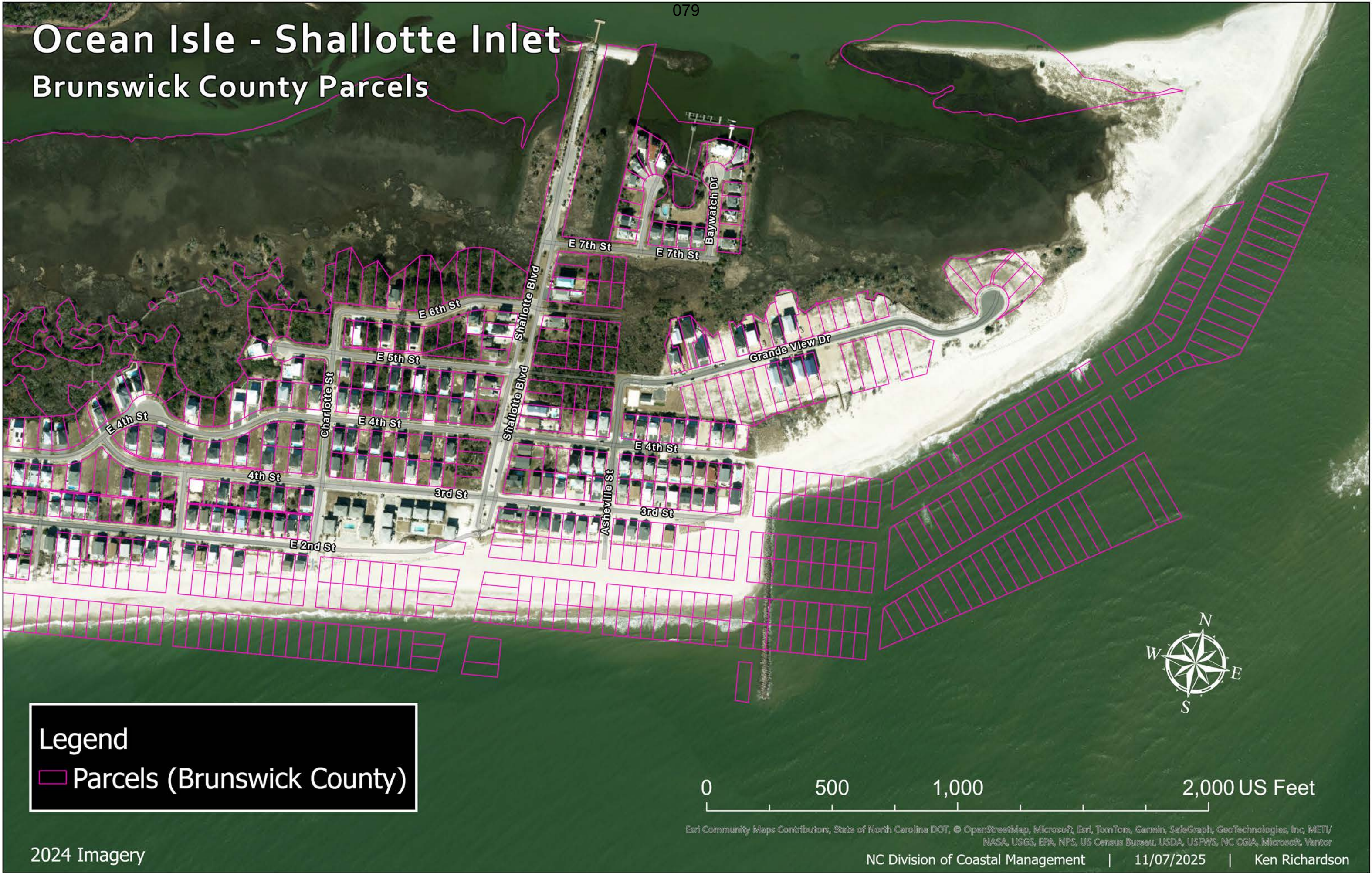
imagery

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NC Division of Coastal Management | 11/07/2025 | Ken

Ocean Isle - Shallotte Inlet

Brunswick County Parcels



Legend

Parcels (Brunswick County)

PUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 19-2151

NATIONAL AUDUBON SOCIETY,

Plaintiff - Appellant,

v.

UNITED STATES ARMY CORPS OF ENGINEERS; COLONEL ROBERT J.
CLARK, in his official capacity as District Commander of the Wilmington District;
THE TOWN OF OCEAN ISLE BEACH,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of North Carolina, at
Wilmington. Louise W. Flanagan, District Judge. (7:17-cv-00162-FL)

Argued: December 8, 2020

Decided: March 26, 2021

Before GREGORY, Chief Judge, and NIEMEYER, and RICHARDSON, Circuit Judges.

Affirmed by published opinion. Judge Niemeyer wrote the opinion, in which Chief Judge Gregory and Judge Richardson joined.

ARGUED: Leslie Griffith, SOUTHERN ENVIRONMENTAL LAW CENTER, Chapel Hill, North Carolina, for Appellant. Eric Allen Grant, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C.; Todd S. Roessler, KILPATRICK TOWNSEND & STOCKTON LLP, Raleigh, North Carolina, for Appellees. **ON BRIEF:** Geoffrey Gisler, Kimberley Hunter, SOUTHERN ENVIRONMENTAL LAW CENTER, Chapel Hill, North Carolina, for Appellant. Jeffrey Bossert Clark, Assistant Attorney General, Martin F. McDermott, Claudia Antonacci Hadjigeorgiou, Andrew Coghlan, Sommer H. Engels,

Environment and Natural Resources Division, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C.; Carl E. Pruitt Jr., Melanie L. Casner, UNITED STATES ARMY CORPS OF ENGINEERS, Washington, D.C., for Appellee United States Army Corps of Engineers. Joseph S. Dowdy, Phillip A. Harris, Jr., KILPATRICK TOWNSEND & STOCKTON LLP, Raleigh, North Carolina, for Appellee Town of Ocean Isle Beach.

NIEMEYER, Circuit Judge:

The U.S. Army Corps of Engineers granted the Town of Ocean Isle Beach, North Carolina, a permit to construct on its shoreline a “terminal groin” — a jetty extending seaward perpendicular to the shoreline — to arrest chronic erosion of its beaches. The Corps supported its action with the issuance of an Environmental Impact Statement and a Record of Decision.

The National Audubon Society, an organization dedicated to conserving habitat for wildlife, commenced this action in the district court, challenging the issuance of the permit on the ground that numerous analyses conducted by the Corps in both its Environmental Impact Statement and its Record of Decision were inconsistent with the National Environmental Policy Act and the Clean Water Act. On cross-motions for summary judgment, the district court rejected the Audubon Society’s challenges and entered judgment for the Corps.

Reviewing the Corps’s action under the most deferential standard provided by the Administrative Procedure Act (“APA”), we conclude that the Corps adequately examined the relevant facts and data and provided explanations that rationally connected those facts and data with the choices that it made. Therefore, we affirm.

I

Ocean Isle Beach is a barrier island located in Brunswick County, North Carolina, that is 5.6 miles long and 0.6 miles wide and is oriented in an east-west direction parallel to the coastline. The island faces the Atlantic Ocean to the south and the Atlantic

Intracoastal Waterway to the north, and it is bounded on the east by Shallotte Inlet and on the west by Tubbs Inlet.

Over the years, Ocean Isle Beach has suffered chronic erosion, despite the Town's continuing efforts at beach renourishment by dumping dredged sand onto the beach and strategically placing protective sandbags. There are 238 parcels of land at the east end of the island that are at the greatest risk of loss by erosion, including 45 homes. To date, 5 homes have been lost, as have some 560 feet of streets and related utility lines. Currently, renourishment is conducted on behalf of the Town under a federal program that dumps an average of roughly 400,000 cubic yards of sand on its beaches every three years.

After retaining an engineering firm, the Town applied to the U.S. Army Corps of Engineers in May 2012 for a permit under the Clean Water Act to construct a terminal groin at the east end of the island. The proposed groin would be 1,050 feet long with 300 feet landside to anchor it and 750 feet extending seaward from the shoreline. The expectation was that the groin would trap sand on its west side, thus replenishing the beach there, and would also "leak" some sand and water to the east side. The proposal submitted to the Corps also included a plan to dredge the Shallotte Inlet every five years and place the dredged sand on the west side of the groin to maintain a permanent sand fillet there.

In addition to considering the Town's proposal for the terminal groin project, the Corps evaluated four alternatives:

- Alternative 1 was a "no action" plan that functioned as the baseline for analysis. In this scenario, the United States would continue its efforts of dredging Shallotte Inlet to nourish the island's beaches roughly every three years, as it had since 2001. This scenario also forecast that the Town would

continue to use sandbags to slow erosion and that homes might need to be relocated to safer parts of the island as erosion continued.

- Alternative 2 was the “abandon/retreat” plan, under which the federal nourishment program would continue but the use of sandbag barricades would end. Other emergency actions to slow erosion would, however, be taken as needed.
- Alternative 3 was the “beach fill only” plan that would provide nourishment of additional sand dredged from the Shallotte Inlet beyond the quantities provided under the federal nourishment program.
- Alternative 4 combined Alternative 3’s increased beach nourishment with targeted dredging to realign the channel in the Shallotte Inlet. Over time, repeated dredging in the “borrow area” of the Shallotte Inlet would permanently realign the channel to reduce erosion of the island.

The Town’s proposed construction of the terminal groin, as described, was denominated Alternative 5.

The Corps evaluated the Town’s proposal and the alternatives under the National Environmental Policy Act (“NEPA”), 42 U.S.C. § 4321 *et seq.*, and the Clean Water Act (“CWA”), 33 U.S.C. § 1344, to determine each alternative’s effectiveness, environmental impacts, and costs. After a comprehensive, years-long study, involving input from numerous agencies and comments from the public, the Corps issued a final Environmental Impact Statement dated April 15, 2016, in which it evaluated the environmental and economic costs of each alternative. It relied mainly on the output of the “Delft3D model,” adjusting some of the results to align with historically observed rates of erosion. The Delft3D model is a sophisticated simulation tool capable of taking into account water and sediment flows in the context of water level, tides, currents, waves, and wind. The Corps

also considered the costs and environmental effects of dredging sand from Shallotte Inlet, nourishing the beach, and building permanent structures like the groin.

Some nine months after it published its Environmental Impact Statement — on February 27, 2017 — the Corps issued its Record of Decision, concluding that Alternative 5 (construction of the terminal groin) was the “least environmentally damaging practicable alternative.” It found that while Alternatives 3, 4, and 5 were practicable and achieved the purpose of reducing erosion, Alternative 5 involved the fewest environmental effects of the three because it would require less beach nourishment than Alternatives 3 or 4. Accordingly, the Corps signed a CWA permit on February 28, 2017, authorizing the Town to construct the terminal groin. The permit, however, required that construction of the groin comply with 56 special conditions, including all of those proposed by both the U.S. Fish and Wildlife Service and the National Marine Fisheries Service, which were designed to avoid and mitigate potential adverse consequences to wildlife.

The National Audubon Society commenced this action against the Corps and the Town of Ocean Isle Beach, challenging both the Corps’s Environmental Impact Statement and its Record of Decision. On the parties’ cross-motions for summary judgment, the district court granted judgment to the Corps and denied the Audubon Society’s motion. *See Nat’l Audubon Soc’y v. U.S. Army Corps of Eng’rs*, 420 F. Supp. 3d 409 (E.D.N.C. 2019). The court rejected the Audubon Society’s various challenges to the Corps’s analyses, concluding, as most relevant to this appeal, that the Corps’s reliance on the Delft3D model to meaningfully compare alternatives was not arbitrary and capricious. It noted also that the Corps appropriately adapted the Delft3D model results to reflect

historical erosion data and thereby ensure more accurate economic costs. And it concluded further that the Corps, working within the constraints of available modeling, appropriately projected environmental effects in both quantitative and qualitative terms. Also relevant to this appeal, the court rejected the Audubon Society's claims that the Corps did not comply with the CWA, finding that the Corps's evaluation of the terminal groin's secondary effects on the environment was reasonable, as was the Corps's calculation of the frequency of beach-nourishment events. Finally, the court concluded that the Corps properly exercised its subject-matter expertise to weigh each alternative's costs and benefits, while taking into account the opinions of other agencies, to conclude that the terminal groin was the least environmentally damaging practicable alternative.

From the district court's judgment dated September 25, 2019, the Audubon Society filed this appeal.

II

We review the district court's summary judgment *de novo*, applying the same standard as that court was required to apply. In this case, the district court reviewed the Corps's final agency action under the standard of review fixed by the APA, determining whether the agency's action was "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A).

An action is arbitrary or capricious if "the agency relied on factors that Congress has not intended it to consider, entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before

the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.” *Hughes River Watershed Conservancy v. Johnson*, 165 F.3d 283, 287–88 (4th Cir. 1999) (citing *Motor Vehicle Mfrs. Ass’n v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983)). In other words, “so long as the agency provides an explanation of its decision that includes a rational connection between the facts found and the choice made, its decision should be sustained.” *Am. Whitewater v. Tidwell*, 770 F.3d 1108, 1115 (4th Cir. 2014) (cleaned up).

This standard is “highly deferential, with the presumption in favor of finding the agency action valid.” *Ohio Valley Envtl. Coalition v. Aracoma Coal Co.*, 556 F.3d 177, 192 (4th Cir. 2009). Moreover, the agency is owed particular deference when exercising its judgment in resolving factual disputes that “implicate substantial agency expertise” and that require the agency to “balance often-competing interests.” *Am. Whitewater*, 770 F.3d at 1115 (cleaned up). And “[w]hen an agency is called upon to make complex predictions within its area of special expertise, a reviewing court must be at its *most* deferential.” *Ohio Valley*, 556 F.3d at 205 (emphasis added) (quoting *Balt. Gas & Elec. Co. v. Nat. Res. Def. Council*, 462 U.S. 87, 103 (1983)). After all, courts have neither the mandate nor the technical expertise to “sit as a scientific body, meticulously reviewing all data under a laboratory microscope.” *Nat. Res. Def. Council v. EPA*, 16 F.3d 1395, 1401 (4th Cir. 1993); *see also Trinity Am. Corp. v. EPA*, 150 F.3d 389, 395 (4th Cir. 1998) (noting the “technological and scientific questions at the outer limits of a court’s competence” (cleaned up)). Of course, a court should take care under any level of deference to not conduct judicial review with simply a “rubber stamp.” *Ohio Valley*, 556 F.3d at 192 (cleaned up).

The agency action that is subject to our review in this case does, indeed, involve complex predictions within the Corps's area of special expertise, and therefore our review of its action is *most* deferential. *See Ohio Valley*, 556 F.3d at 205.

III

In issuing the CWA permit to the Town, the Corps was required by NEPA to first issue an Environmental Impact Statement, analyzing potential environmental consequences, calculating the economic costs of each alternative, and making the information available to the public to enable it to play a role in the decisionmaking process. *See* 40 C.F.R. §§ 1508.7, 1508.8, 1508.25 (2015); *see also Balt. Gas & Elec. Co.*, 462 U.S. at 97. And in rendering its Record of Decision under the CWA, it was required to consider whether there are “practicable alternative[s]” that are consistent with the “overall project purpose[]” for which a permit is sought. 40 C.F.R. § 230.10(a). If so, the Corps may only issue the permit for the practicable alternative that is the least environmentally damaging, taking into account “short-term,” “long-term,” “cumulative,” and “secondary effects,” as well as “cost[s], existing technology, and logistics in light of the overall project purposes.” *Id.*; *id.* § 230.11.

The Audubon Society challenges various aspects of the Corps's analyses in discharging its responsibilities under both NEPA and the CWA, and we consider each in turn.

A

The Audubon Society argues first that the Corps did not, in its Environmental Impact Statement, accurately portray the economic costs and environmental effects of each alternative because it mixed its sources of data in considering each alternative. While projections of environmental effects were based on the direct output of the Delft3D model, projections of economic costs were adjusted based on historical rates of erosion. Under Alternative 1, for example, the Delft3D model indicated that the erosion of sand was estimated to be 24,000 cubic yards per year, while the historically observed rate was 91,000 cubic yards per year. The Corps used the first number to calculate environmental effects, while it used the latter number to calculate economic costs. As a result, the Audubon Society insists, the Corps effectively projected “two shorelines for each alternative,” using the less-eroded shoreline to predict environmental effects and the more-eroded shoreline to estimate economic costs with the consequence that, as it contends, it was “impossible for the public or the agency to evaluate each alternative as a coherent package of economic and environmental impacts.”

But the Corps’s use of differing data was justified and, in any event, immaterial. The Corps’s approach reflected its judgment about the suitability of the data and the tools available for making the assessments. The Delft3D model provided an initial baseline for both types of effects. Yet the Corps was able to calculate more accurate economic costs based on historical rates of erosion because it had available the necessary data to calculate the volume of sand that would need to be renourished periodically, the primary cost of each alternative. By contrast, environmental effects were more dynamic in nature owing to the

complexity of coastal waters. This relative lack of certainty led the Corps to qualify that environmental effects “should be interpreted with caution,” though the data were still adequate to reveal “trends” and “relative differences.” And because no reliable historical data for habitat acreage was available, the Corps was unable to make the same adjustment for environmental effects that it had made for economic costs. Neither NEPA nor the APA requires that the Corps attempt to extend its predictions beyond the limitations of available technology. Thus, the use of these distinct data for distinct purposes was not an inappropriate judgment.

What’s more, the use of distinct data was of no consequence to the Corps’s task of assessing *among alternatives* the environmental and economic effects. The Corps used the same data derived from the Delft3D model to measure the environmental effects of each alternative. Likewise, in determining economic costs, it used the same source of data for each alternative. So regardless of the data source — the Delft3D model or adjusted historical statistics — the ranking of the alternatives would remain the same. Even if the Corps could have adjusted, and chose to adjust, the environmental effects to account for the higher rates of erosion observed in the historical data, the environmental effects of *all* alternatives would likewise increase by the same proportion and produce the same relative comparison of the alternatives. The Audubon Society’s concern in this regard is thus not well taken.

B

The Audubon Society argues next that, in the Corps's Environmental Impact Statement, the Corps similarly erred by calculating 30 years of economic costs for each alternative but considering only up to 5 years of data in determining environmental effects. But, again, the Corps provided a reasonable explanation for doing so, and it consistently applied its approach to each alternative.

The Corps modeled each alternative's quantitative environmental effects for an initial period of 3 years, and 5 years for Alternative 5, because those periods fell immediately before each alternative's second scheduled beach-nourishment event. By measuring environmental effects at the time before a planned beach nourishment, the Corps was able to compare "apples to apples," whereas reporting results at a different uniform period would have skewed results because one alternative, having just received nourishment, would have looked deceptively favorable in comparison to another alternative that had not yet received the scheduled nourishment.

Moreover, it is simply not accurate to assert that the Environmental Impact Statement did not analyze environmental effects over the full 30-year period. Rather, the Corps explained that *quantitative data* of environmental effects after the initial 3-year period could only be speculative. *See Town of Cave Creek v. FAA*, 325 F.3d 320, 331 (D.C. Cir. 2003) (finding a shortened quantitative model "was perfectly reasonable" given "the difficulties and uncertainties involved in modeling" over a longer period). Accordingly, it followed its initial quantitative results with a rigorous *qualitative analysis* of each alternative's likely long-term environmental effects. Such a choice to use qualitative

methods over quantitative ones is well within the agency's discretion so long as it "explains its reasons for doing so," as the Corps did here. *League of Wilderness Defs.-Blue Mtns. Biodiversity Project v. U.S. Forest Serv.*, 689 F.3d 1060, 1076 (9th Cir. 2012); cf. *Vill. of Bensenville v. FAA*, 457 F.3d 52, 71 (D.C. Cir. 2006) (upholding an agency's shorter time horizon when "predictions any further along would be of questionable reliability").

In that qualitative analysis, the Corps expressly acknowledged potential long-term effects of the terminal groin that the Audubon Society insists the Corps "ignored." It noted that the groin was proposed to be "semi-permeable" or "leaky" so that seawater, sand, and small marine animals might pass through it. The Delft3D model found that the sand would accrete on the groin's west side for the first year and deprive sand from the east side, but "following [that] initial year of adjustment, the shoreline response east of the [groin] [would] stabilize[]" and begin to accrete sand and regain volume for the betterment of wildlife habitats.

In addition to using the Delft3D model for initial quantitative measurements followed by long-term qualitative predictions, the Corps included in its analysis a series of minimization and mitigation efforts designed to reduce the adverse environmental effects with respect to Alternative 5, anticipating those effects over the full 30-year life of the project. For example, the Town and Corps would be required to monitor the beach habitat and erosion rates and to take corrective measures as necessary, including modifications to the groin.

Finally, the Corps justified using a different set of data — adjusted historical costs — to compute the economic costs over a 30-year period because those data enabled the

Corps to calculate the economic costs in a relatively mechanical manner. But the important fact remains that the economic costs were computed uniformly for each alternative.

We conclude that there was nothing unreasonable about the Corps's approach.

C

For its final challenge to the Environmental Impact Statement, the Audubon Society contends that the Corps failed, with respect to Alternative 4, to model beach nourishment events in tandem with targeted dredging. That failure, the Audubon Society argues, "made it impossible to meaningfully compare Alternative 4 to the other alternatives." But the Corps explained both the purpose and result of its analysis. It modeled Alternative 4 for a total of 6 years, the first 3 matching Alternative 1's rate of erosion to establish a baseline for Alternative 4 and the next 3 years modeling the effects of strategic dredging. That two-step process permitted the Corps to measure the effect of targeted dredging in isolation from the effects of other interventions. The component of Alternative 4 that increased beach nourishment was otherwise observable in the Corps's analysis of Alternative 3, which did not include targeted dredging. In this fashion, the Corps was able to compare Alternative 4 to Alternative 3 for purposes of assessing both alternatives. And in doing so, it found that Alternative 4's repeated dredging caused the intended "build-up of material on the west side of Shallotte Inlet," which the Corps expected to "continue to result in positive shoreline impacts along the east end of Ocean Isle Beach." This was undoubtedly a reasonable explanation involving distinct components of a complex policy choice, and

the Corps was able to compare all alternatives in the same light, ultimately finding Alternative 5 to be the least environmentally damaging practicable alternative.

D

With respect to the Record of Decision, the Audubon Society argues first that the Corps violated the CWA by cutting short its consideration of the “secondary effects” that each proposed alternative would have on the aquatic ecosystem. 40 C.F.R. § 230.11(h). It claims that the Corps considered at most a 5-year period for a 30-year project and thereby failed to comply with the necessary secondary-effects analysis.

But, as already discussed, because of the scheduled beach nourishment by the federal program, Alternatives 1, 2, and 3 were modeled for 3-year periods; Alternative 4 was modeled for a 6-year period; and Alternative 5 for a 5-year period. After those periods, the Corps concluded, any quantitative model would have been too uncertain. Accordingly, it made the discretionary decision to analyze longer-term environmental effects in its qualitative analysis. This analysis was just as reasonable under the CWA regulatory framework as it was under NEPA’s for issuance of an Environmental Impact Statement.

E

The Audubon Society next argues that in the Record of Decision, the Corps erred in concluding that Alternative 5 had only negligible environmental effects and would, in some ways, even improve habitat. It contends that the conclusion is irrational in light of repeated comments made to the contrary by federal and state environmental agencies. For instance, the U.S. Fish and Wildlife Service recommended that “the proposed project not be

authorized,” citing a terminal groin’s potential effects on sea turtles, piping plovers, red knots, and seabeach amaranth in the project area. The Audubon Society points to similar comments submitted by state agencies. In view of these comments, it claims that the Corps “skipped over its crucial obligations to assess and determine the [environmental] effects of the terminal groin.”

This argument, however, focuses on select parts of the record while overlooking others and thereby fails to address whether the Corps properly found, based on the entire record, that Alternative 5 was the least environmentally damaging of the practicable alternatives proposed.

In its Record of Decision, the Corps drew primarily on the Delft3D model results and its own qualitative predictions — while also considering public comments and the biological opinions of the U.S. Fish and Wildlife Service and the National Marine Fisheries Service — to determine which practicable alternative was the least environmentally damaging. It found that while all 5 alternatives were “logistically and technologically practicable,” Alternatives 1 and 2 were not otherwise practicable because they did “not meet the project purpose and need” of stemming erosion on the island. Alternative 3, it concluded, would reduce erosion, but at a greater environmental and economic cost than Alternatives 4 and 5. And as between Alternatives 4 and 5, the Corps concluded that Alternative 5 was the least environmentally damaging because it would require less frequent and less total volume of beach nourishment. Frequent dredging and beach nourishment, it noted, can damage marine habitats, while the less frequent activity under Alternative 5 would permit those habitats additional time to recover between nourishment

events. The Corps also specifically addressed the Audubon Society's concerns by noting that the Delft3D model showed that under Alternative 5, the beach east of the groin would stabilize after the first year and the accretion of sand west of the groin would increase habitat acreage and improve wildlife, "specifically for birds and sea turtles."

We conclude that the Corps's explanation and reasoning were hardly arbitrary and capricious, even if they were challenged by the Fish and Wildlife Service, another expert agency. *See Marsh v. Or. Nat. Res. Council*, 490 U.S. 360, 378 (1989) ("When specialists express conflicting views, an agency must have discretion to rely on the reasonable opinions of its own qualified experts even if, as an original matter, the court might find contrary views more persuasive"). Even so, the permit that the Corps issued in this case included "[a]ll terms and conditions of the U.S. Fish and Wildlife Service's" biological opinion, as well as those of the Marine Fisheries Service. Thus, rather than ignoring the Fish and Wildlife Service, the Corps accommodated the conditions required by it.

In light of the Corps's extensive analysis, explanation, and modeling in reaching its conclusion that Alternative 5 was the least environmentally damaging practicable alternative, we conclude that the Corps acted reasonably.

F

Finally, the Audubon Society contends that the Corps, in its Record of Decision, arbitrarily applied a limit for beach nourishment events such that no beach nourishment under any alternative could exceed 408,000 cubic yards of sand at one time. According to the Audubon Society, that limit resulted in a conclusion, when comparing Alternative 4

and Alternative 5, that overstated the negative environmental effects of Alternative 4. It argues that if the Corps had applied a slightly higher nourishment limit, then its analysis of the relative merits of Alternatives 4 and 5 would have changed, resulting in a different conclusion as to the least environmentally damaging practicable alternative.

The Corps explained in its Environmental Impact Statement that the 408,000-cubic-yard limit provided “an equitable way to compare the impacts and cost of each alternative.” That limit was not an arbitrary choice but instead represented, as it explained, “the average volume placed on Ocean Isle Beach every three years to maintain the federal storm damage reduction project.” Specifically, between 2001 and 2014, the Town and the federal government nourished the beaches with a total of 1,758,000 cubic yards of sand, averaging 408,000 cubic yards every three years.

The Audubon Society argues, however, that use of the 408,000-cubic-yards number was imperfect because, even though the federal nourishment program called for nourishment events every three years, nourishment in practice was infrequent and uneven. As a consequence, actual nourishments over the period ranged from 155,000 to 800,000 cubic yards of sand at one time. The Corps, however, explained that this gap between the applied average and reality resulted from a confluence of funding shortfalls, lack of coordination between the Town and the federal government, and not least of all, the hurricanes in the region. Nonetheless, it needed a single average applied consistently across the alternatives to conduct a fair analysis. In view of this explanation, we conclude that the Corps’s use of the 408,000-cubic-yard limit was not unreasonable.

Additionally, after reviewing the record, we are persuaded by the Corps's explanation that even if the Corps would have changed the average volume for its analysis to a different number, its conclusions favoring Alternative 5 would not have changed. This is because the Corps observed that Alternative 4 required not only more *frequent* nourishment, a fact resulting from the limit on each nourishment event, but also a significantly greater *quantity* of nourishment over the project's life — 3,168,000 cubic yards for Alternative 4 and 2,664,000 cubic yards for Alternative 5. This difference in total nourishment, and the consequent difference in environmental effects, would thus persist regardless of the nourishment limit applied by the Corps.

Finally, the record demonstrates that Alternative 4's beach-nourishment requirements would be front-loaded in the project's first five years. Over that period, Alternative 4 would dredge and relocate 1,152,000 cubic yards of sand from Shallotte Inlet to Ocean Isle's beaches, nearly 75% more than Alternative 5 would require during that same period. The large increase in nourishment in Alternative 4's early years was attributable to the fact that repeated dredging from the same "borrow area" in the Shallotte Inlet was necessary during that time to achieve "the preferred channel alignment." The consequence of that realignment was, at least initially, "more cumulative impacts to the aquatic environment . . . both along the shoreline and at the maintained inlet/borrow site" for Alternative 4. And there was evidence that this initial damage could prove permanent, as "the initial 2 year interval associated with Alternative 4 may prevent this habitat from reforming completely." Indeed, the Audubon Society's own public comment with respect to the Corps's Environmental Impact Statement recognized the damage that would be

caused by nourishment *every two years*. By contrast, the longer intervals between nourishment events under Alternative 5 could provide habitats in both the Shallotte Inlet and on the beach “more time to recover.” Again, this was a consequence of the basic design of Alternative 4, not the product of the applied nourishment limit of 408,000 cubic yards per event.

Thus, when we take a “holistic view” of the Corps’s process, rather than “flyspeck” any particular number that the Corps arrived at after a careful and informed analysis, we conclude that the Corps acted reasonably. *Webster v. U.S. Dep’t of Agric.*, 685 F.3d 411, 421–22 (4th Cir. 2012) (quoting *Nat’l Audubon Soc’y v. Dep’t of Navy*, 422 F.3d 174, 186 (4th Cir. 2005)).

* * *

In the course of issuing an Environmental Impact Statement and granting a permit under the CWA, the Corps collected a broad range of data drawn from the facts and objectives of the project at issue, historical statistics and records, computer analyses, and opinions of other specialized agencies, and it analyzed those data to make judgments ultimately based on its own special expertise under the numerous criteria imposed by NEPA and the CWA. In doing so, it was required to provide “an explanation of its decision that includes a rational connection between the facts found and the choice made.” *Am. Whitewater*, 770 F.3d at 1115 (quoting *Ohio Valley*, 556 F.3d at 192). Based on the record in this case, we readily conclude that the Corps provided a reasonable explanation of its complex decisions that included “a rational connection between the facts found and

the choice[s] made.” *Id.* Recognizing that our review is appropriately deferential, we affirm the Corps’s actions. *See* 5 U.S.C. § 706.

The judgment of the district court is

AFFIRMED.

Appendix C: Inlet Management Plan

Ocean Isle Beach Shoreline and Inlet Management Plan

Introduction

The legislation passed by the NC General Assembly in June 2011 authorizing the permitting of terminal groins at four (4) inlets in North Carolina carried with it the requirement to provide a plan for managing inlet and the estuarine and ocean shorelines likely to be under the influence of the inlet. During the 2013 legislative session, the General Assembly adopted Session Law 2013-384 (Senate Bill 151) that modified some of the requirements that have to be met in order to permit a terminal groin. Most notably, the 2013 legislation no longer requires the applicant to demonstrate structures and infrastructure are “imminently threatened only that they are “threatened” by erosion. The 2013 legislation still requires the applicant to implement an inlet management plan that includes the following:

- (1) A monitoring plan.
- (2) A baseline for assessing adverse impacts and thresholds for when adverse impact must be mitigated.
- (3) A description of mitigation measures to address adverse impacts.
- (4) A plan to modify or remove the terminal groin if adverse impacts cannot be mitigated.

As stated in the legislation:

“The inlet management plan monitoring and mitigation requirements must be reasonable and not impose requirements whose costs outweigh the benefits. The inlet management plan is not required to address sea level rise.”

The USACE established a comprehensive inlet and shoreline management plan in December 2002 for the Federal storm damage reduction project (USACE, 2002). The various aspects of that plan, which are described below, are adopted for the Ocean Isle Beach preferred shoreline management project involving a terminal groin and beach fill along the eastern end of the island (Alternative 5). Some aspects of the USACE monitoring program have been modified to address specific issues associated with the implementation of a terminal groin project adjacent to the west side of Shallotte Inlet that are needed to comply with State Legislation.

In addition to the USACE monitoring program and modification described below, which would serve to satisfy items (1) and (2) of the mandated management plan listed above, measures to mitigate project related adverse impacts as well as plans to modify or remove the terminal groin if adverse impacts cannot be mitigate are discussed in the following sections.

(1) Monitoring Plan. The expressed purpose of the USACE monitoring program is to:

- 1) Monitor the Ocean Isle Beach and Holden Beach shorelines adjacent to Shallotte Inlet to verify the anticipated response of the inlet shoulders and ebb-tide shoal to dredging of the inlet as a borrow area.

- 2) Provide data to track the performance of the beach fill placement in order to plan and schedule the periodic renourishment of the Federal project.
- 3) Monitor the performance of Shallotte Inlet as a borrow area and sediment trap in order to plan dredging for the periodic renourishment.

The scope of the USACE monitoring program, detailed below, would be generally sufficient to track impacts of the terminal groin on the shoreline of Ocean Isle Beach east and west of the terminal groin, evaluate structure induced changes in the behavior of the inlet shoulders, and determine if the structure is negatively impacting shoreline behavior on the west end of Holden Beach. However, measures to track changes on the extreme west end of Holden Beach and the east end of Ocean Isle Beach have been added to supplement the USACE monitoring program.

With the federal storm damage reduction project having been completed in 2001 followed by subsequent periodic nourishment events in 2006-07, 2010, and 2014, all of which used the borrow area in Shallotte Inlet, the impacts of the federal project following the implementation of the terminal groin project would continue. Therefore, in order to assess incremental impacts of the terminal groin on the adjacent shorelines as well as the environs around Shallotte Inlet, post-terminal groin changes in these areas would need to be compared with changes that were occurring during the time in which only the federal project was active.

The evaluation of habitat changes in the vicinity of Shallotte Inlet will be accomplished through analysis of aerial photographs that are included as part of the routine monitoring program. These same aerial photographs will be used to monitoring shoreline changes along the AIWW east and west of Shallotte Inlet. The shoreline change analysis will include the AIWW shoreline west to Shallotte Boulevard on the Ocean Isle side and east to the mouth of the Shallotte River including Monks Island situated immediately behind the west end of Holden Beach.

Monitoring Program. The USACE monitoring program includes beach profile surveys covering 27,000 feet of shoreline on Ocean Isle Beach and 10,000 feet of shoreline on the west end of Holden Beach (Figure 6.2), radial profiles around the east and west shoulders of Shallotte Inlet, hydrographic survey of the inlet, and aerial photos. The beach profiles, which are spaced at 500-foot intervals, are surveyed every six months (fall and spring) while the inlet radial profiles are to be taken each spring. The aerial photos are also taken in the spring. To date, the USACE has published two monitoring reports, the first in December 2002 (USACE, 2002) and the second in June 2005 (USACE, 2005). While subsequent monitoring reports have not been published, the USACE has continued to collect monitoring data along the east end of the federal project and the west end of Holden Beach and has used the data to design the 2010 and 2014 periodic nourishment operations. Some of the same monitoring data was used in the evaluation of the various shoreline and inlet management alternatives included in this document.

However, beginning in 2010, budget shortfalls resulted in the USACE modifying the survey coverage with most surveys limited to the area on Ocean Isle Beach that fall within the limits of the federal project. In order to continue survey coverage for the entire town, the Town of Ocean Isle Beach initiated a beach profile monitoring program that includes areas on the east and west ends of the island that have not been surveyed by the USACE since about 2010. The east end surveys include the radial profiles around the east shoulder of Shallotte Inlet starting at station -

30+00 and extending west along the beach to baseline station 20+00 (Figure 6.2). The west end coverage starts at baseline station 170+00 and extends west to baseline station 275+00.

The numerical modeling of the terminal groin alternative indicated there would not be any shoreline impact, either positive or negative, west of station 30+00 on Ocean Isle Beach or on the west end of Holden Beach. With model indicated impacts ending at station 30+00 on Ocean Isle Beach, there would not be any terminal groin related impacts on Tubbs Inlet, located about 5.3 miles west of the proposed location of the terminal groin, nor would there be any terminal groin related impacts on Sunset Beach. Therefore, the USACE monitoring program is more than sufficient to satisfy the legislative requirements.

(2) Shoreline Change Thresholds. As part of the monitoring plan, the USACE developed shoreline change thresholds for Ocean Isle Beach and Holden Beach using shoreline change data developed by the NC Division of Coastal Management (NCD CM) for the time period 1938 to 1992 supplemented by a March 2001 pre-construction shoreline interpreted from aerial photographs (USACE, 2002). The USACE used least square analysis to establish shoreline trends at each 50-meter transect included in the NCD CM data set and to establish 95% confidence limits around the computed shoreline change trends. Next, the USACE matched the NCD CM transects to the beach profile monitoring profiles shown in Figure 6.1 and computed average shoreline change rates and average 95% confidence intervals for each profile. With the monitoring profiles spaced every 500 feet and the NCD CM transects every 50 meters, the averages were based on NCD CM transects on each side of the profile station. In general, the average shoreline change rates and confidence intervals applicable to each 500-foot profile station represent the average of 7 NCD CM transects.

In establishing the shoreline change thresholds, the USACE excluded areas on the west end of Holden Beach and the east end of Ocean Isle Beach that are included in the area presently designated as an Inlet Hazard Area. The USACE found shoreline changes within the Inlet Hazard Area to be too erratic to establish long-term trends. The excluded areas are shown in Figure 6.4.

The shoreline change rates, 95% confidence intervals, and the shoreline change threshold adopted by the USACE for each profile station on Ocean Isle Beach and Holden Beach are provided in Table 6.1. The shoreline change rate threshold adopted by the USACE was computed by subtracting one-half of the 95% confidence interval from the average shoreline change rate at each profile. For the area on the west end of Holden Beach between profile stations 375 and 400, the overall change in the shoreline was accretion, however; the USACE could not establish definitive shoreline change trends due to the unpredictable influence of the Shallotte Inlet bar channel on the shoreline. For this area the USACE adopted a threshold rate of 0 feet/year applicable to profiles 375 to 400.

While the past behavior of the west end of Holden Beach has been somewhat erratic, particularly since completion of initial construction of the federal storm damage reduction project on Ocean Isle Beach, the shoreline change thresholds for the west end of Holden Beach used by the USACE were modified for the terminal groin project by applying the same protocol between stations 375 and 400 as used to establish thresholds for the other transects. Adopting this protocol results in positive, i.e., accretionary, shoreline change thresholds between stations 375 and 400 rather than 0

feet/year adopted by the USACE. These revised shoreline change threshold values for the extreme west end of Holden Beach are provided in Table 6.1.

The use of 95% confidence intervals in establishing shoreline change rate thresholds provides a degree of certainty that observed shoreline change rates that exceed the threshold values are indicative of changes that would not have been expected to occur under pre-project conditions.

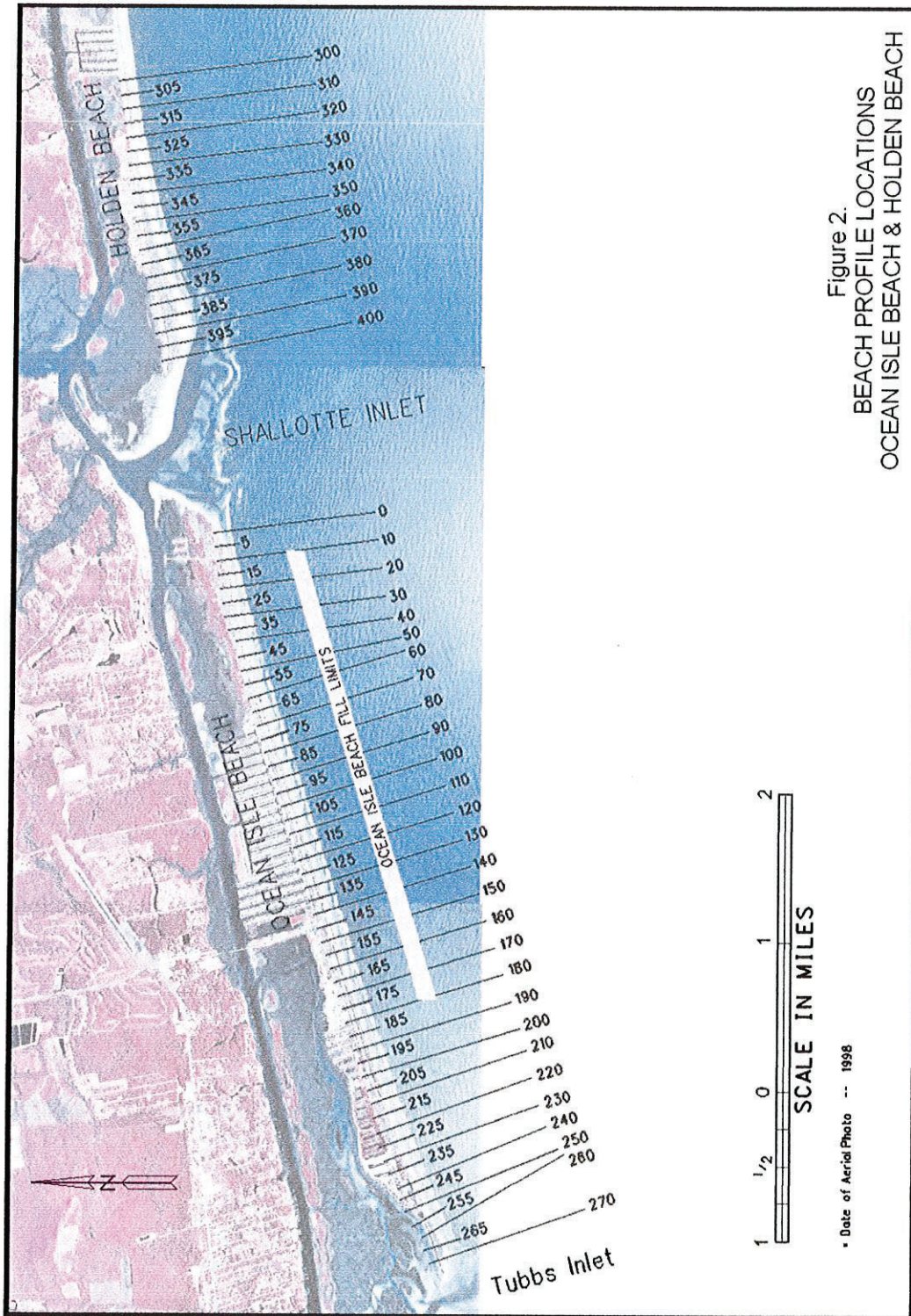


Figure 2.
BEACH PROFILE LOCATIONS
OCEAN ISLE BEACH & HOLDEN BEACH

Figure 6.1. Beach profiles included in the USACE Ocean Isle Beach monitoring program (Figure copied from USACE, 2002).

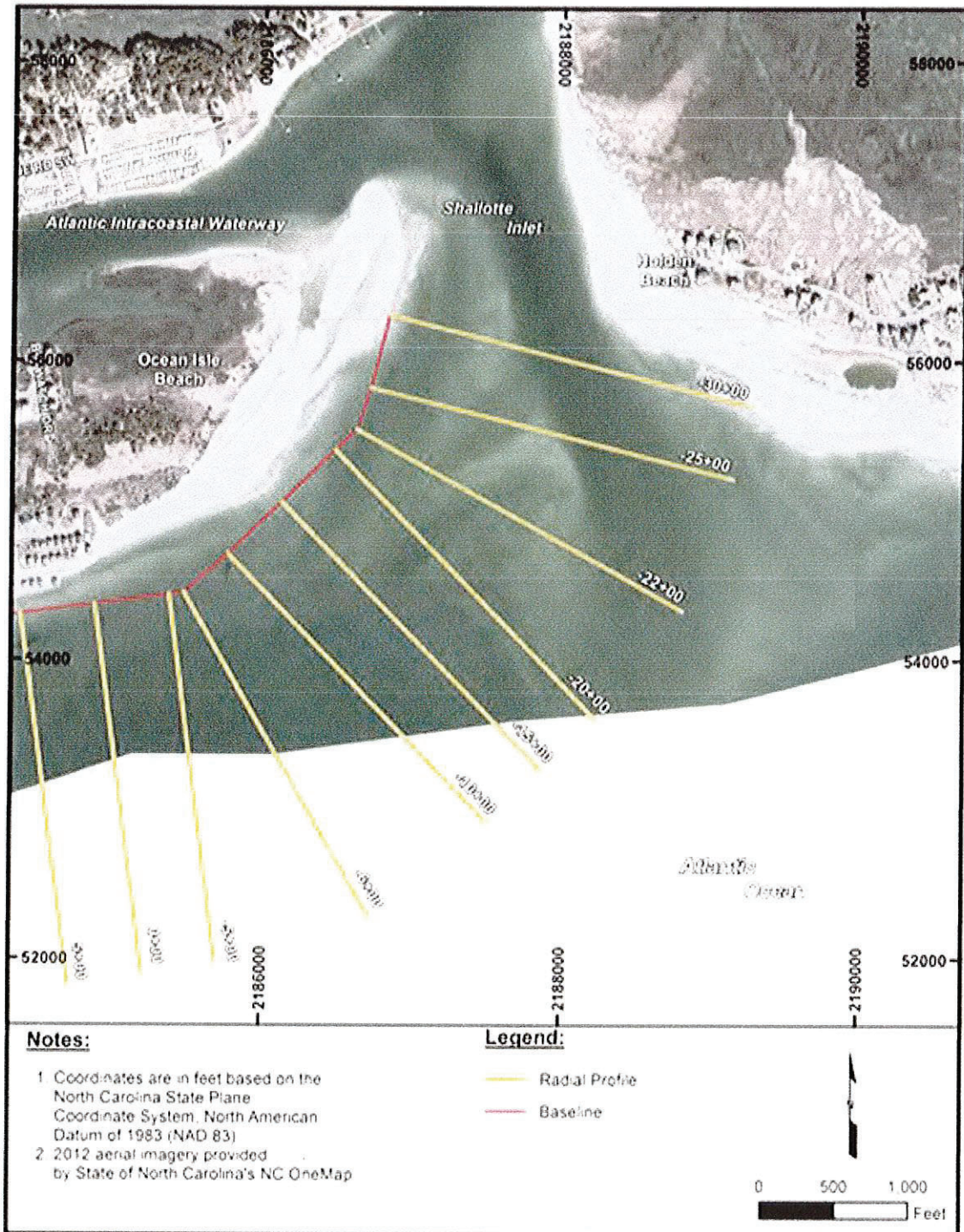


Figure 6.2. Inlet radial profiles included in the USACE Ocean Isle Beach monitoring program (Figure copied from USACE, 2002).

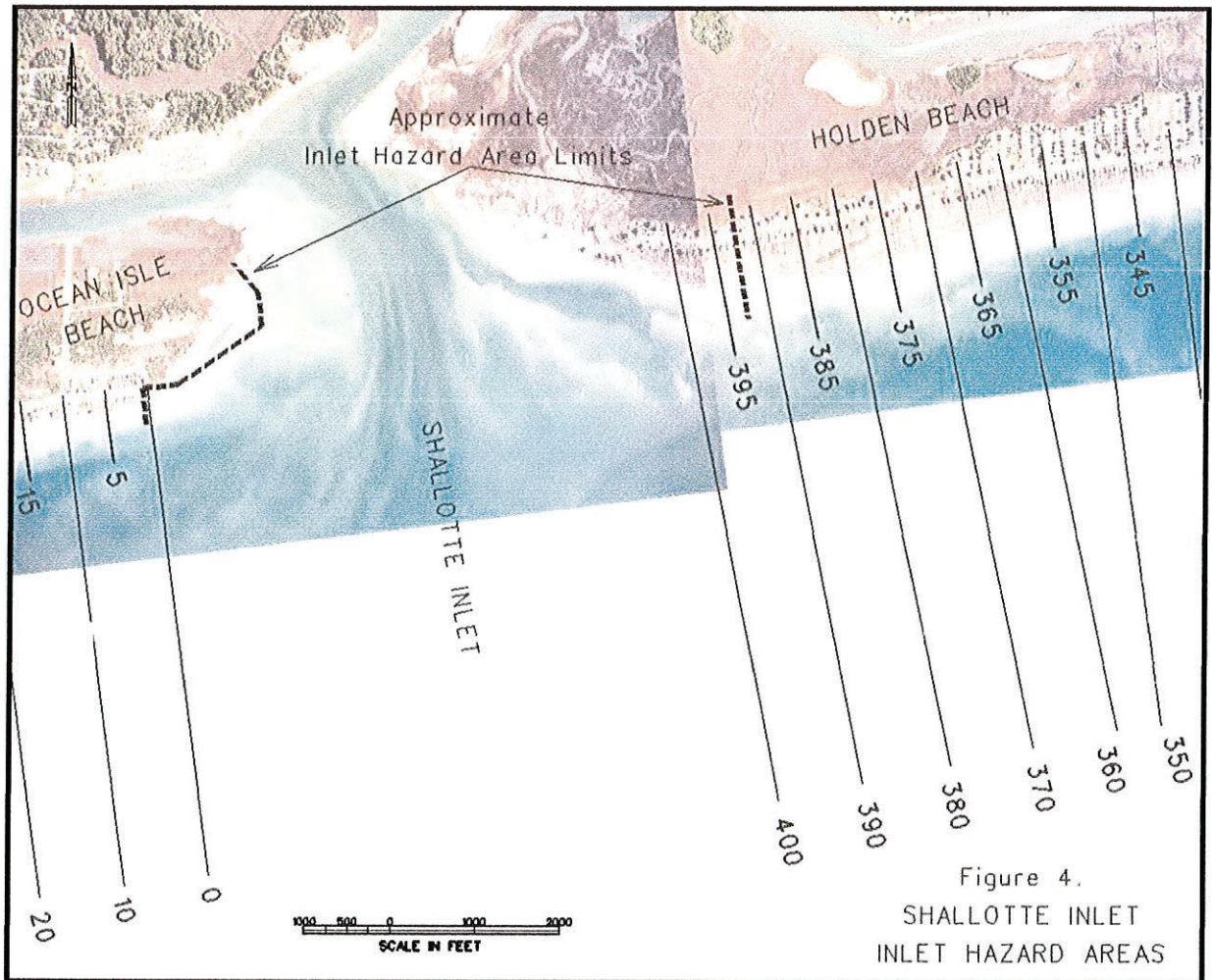


Figure 6.3. Existing Inlet Hazard Area for Shalotte Inlet (Figure copied from USACE, 2002).

Table 6.1. USACE shoreline change thresholds for Ocean Isle Beach and the west end of Holden Beach.

Ocean Isle Beach Shoreline Change Thresholds			
Beach Profile No.	Average Rate Shoreline Change (ft/yr)	Average 95% Confidence Interval (ft/yr)	Shoreline Change Rate Threshold (ft/yr) ⁽¹⁾
5	-2.8	4.0	-4.9
10	-4.3	2.1	-5.3
15	-4.7	1.7	-5.6
20	-3.6	1.7	-4.4
25	-1.0	1.9	-1.9
30	1.0	2.1	0.0
35	1.7	1.9	0.8

40	1.7	1.7	0.8
45	1.3	1.5	0.6
50	1.0	1.5	0.3
55	0.7	1.5	-0.1
60	0.3	1.7	-0.6
65	0.0	2.2	-1.1
70	0.1	2.9	-1.4
75	0.2	3.1	-1.3
80	0.1	3.2	-1.5
85	0.0	3.5	-1.7
90	-0.2	3.4	-1.9
95	-0.4	3.3	-2.0
100	-0.4	3.2	-2.0
105	-0.4	3.1	-1.9
110	-0.3	3.1	-1.8
115	-0.3	3.0	-1.7
120	-0.1	2.8	-1.5
125	0.1	2.5	-1.2
130	0.2	2.4	-1.0
135	0.4	2.3	-0.7
140	1.0	2.1	0.0
145	1.4	1.8	0.5
150	1.4	1.5	0.6
155	1.1	1.6	0.3
160	0.9	1.7	0.1
165	0.9	1.8	0.0
170	1.0	2.2	-0.1
175	1.1	2.5	-0.2
180	1.1	2.5	-0.1
185	1.1	2.6	-0.2
190	1.0	2.6	-0.3
200	1.1	2.6	-0.2
205	1.0	2.8	-0.4
210	1.0	2.8	-0.4
215	1.0	2.6	-0.3
220	1.1	2.5	-0.2
225	1.1	2.6	-0.2
230	1.1	2.7	-0.2
235	1.2	3.1	-0.4
240	1.3	3.4	-0.4
245	1.3	3.7	-0.5

250	1.4	4.2	-0.7
255	1.4	4.8	-1.1
260	1.6	5.6	-1.2
265	1.8	6.2	-1.3
270	1.8	6.2	-1.3

Holden Beach Shoreline Change Thresholds			
Beach Profile No. ⁽²⁾	Average Rate Shoreline Change (ft/yr)	Average 95% Confidence Interval (ft/yr)	Shoreline Change Rate Threshold (ft/yr) ⁽¹⁾
400	2.1		1.9
395	5.5	7.3	3.3
390	7.0	7.5	3.1
385	7.1	8.0	2.0
380	6.3	8.7	0.7
375	5.3	9.3	1.9
370	4.2	9.1	-0.4
365	3.0	8.3	-1.1
360	2.1	7.4	-1.7
355	1.4	6.7	-1.9
350	1.0	5.9	-2.0
345	0.5	4.9	-1.9
340	0.3	4.4	-1.9
335	-0.2	3.7	-2.1
330	-0.6	3.2	-2.2
325	-0.8	2.5	-2.0
320	-0.9	2.0	-1.9
315	-1.2	1.7	-2.1
310	-1.7	1.5	-2.5
305	-1.7	1.3	-2.4
300	-1.7	1.2	-2.3

⁽¹⁾Shoreline change rate threshold equal to average rate – (½ x 95% confidence interval).

⁽²⁾Threshold rate of 0 ft/yr adopted for profiles 375 to 400 due to influence of Shallotte Inlet bar channel.

To account for possible short-term shoreline changes that could be caused by storm events or other factors, the USACE adopted a 2-year confirmation period, i.e., should observed shoreline change rate exceed the threshold rate at any profile station; an additional 2-year period would follow to confirm the trend. Should the shoreline change rate exceed the threshold over the entire 2-year confirmation period, an assessment of the proper responsive measures would be made. If the shoreline change rate decreases below the threshold rate during the confirmation period, the 2-year confirmation period would be reset.

In the event the area is impacted by a catastrophic storm such as a hurricane or severe nor'easter that causes major changes in the shoreline, subsequent shoreline change rates would likely exceed the threshold rates for some time. If after the two year post-storm confirmation period shoreline change rates are still being impacted by the storm induced changes and some of the measured shoreline change rates still exceed the threshold rates, an assessment will be made to determine if a new reference shoreline condition is needed in order to adequately evaluate potential project induced shoreline impacts that occur post storm.

Comparable shoreline change rate thresholds were not established by the USACE for the radial profile lines around the inlet's east and west shoulders (Figure 6.2) due to the variable nature of the shoreline changes and the lack of definitive shoreline trends. However, the radial transects would be monitored during the life of the project and the behavior of the inlet shorelines as depicted by the radial profiles used to determine if modifications in the Shallotte Inlet borrow area are needed.

As mentioned above, the shoreline and inlet monitoring program and shoreline change rate thresholds established by the USACE for the Ocean Isle Beach storm damage reduction project are adopted for the Ocean Isle Beach Shoreline Management Project with the exception of profiles 375 to 400 on the west end of Holden Beach, which were revised based on the same protocol used to establish the thresholds at all the other transects. In this regard, should Federal funding for the monitoring program fall short in any given year, the Town of Ocean Isle Beach would provide the necessary funding to assure the program is accomplished as planned.

The Town of Ocean Isle Beach presently pays \$17,000 to survey 34 profiles on the east and west end of the island, or \$500 per profile. If the Town had to assume the cost of surveying the federal project between station 0+00 and 180+00, the cost to survey these 37 profiles would be an additional \$18,500. The USACE monitoring program also includes 21 profiles on the west end of Holden Beach. Again, if the USACE were unable to survey the west end of Holden Beach due to a lack of federal funds, the Town of Ocean Isle Beach would assume that responsibility. The cost to survey the 21 profiles on the west end of Holden Beach would be \$10,500. Thus, the total cost of the beach profile surveys that would become the responsibility of the Town of Ocean Isle Beach in the absence of federal funding for this activity would be \$29,000 per year.

Ocean Isle Beach Sand Spit. The area on Ocean Isle Beach located east of profile station 5+00 was not included in the USACE shoreline change threshold evaluation since this area falls within the existing Inlet Hazard Area established by the NC Coastal Resources Commission. Also, the sand spit, in its present form, did not exist prior to the construction of the Federal project.



Figure 6.4. Sand spit shorelines on east end Ocean Isle Beach – March 1999 to January 2013.

Shoreline changes along the sand spit have been highly variable as shown by the shoreline positions of the sand spit traced from Google Earth aerial photos taken between March 1999 (pre-construction) and January 2013 shown on Figure 6.4. The shorelines on Figure 6.4 do not represent a particular elevation such as mean high water or mean low water; rather the shorelines simply represent the approximate interface of the water with the dry sand beach as shown by the wet/dry line on the photos.

Based on this set of aerial photos, the eastward projection of the sand spit reached a maximum in October 2007 (yellow line in Figure 6.4). Between October 2007 and October 2010 (dark blue line), the sand spit rotated counter clockwise resulting in a landward recession of the shoreline of between 400 feet and 600 feet on the extreme eastern end of the sand spit. The re-curved nature of the sand spit normally results in the formation of a shallow pond between the old spit shoreline and the backside of the new spit. Between October 2010 and January 2013 (red line), the

shoreline along the eastern end of the sand spit moved seaward 250 feet to 350 feet in response to a new slug of sand moving to the east. Eastward movement of the slug of sand stopped when it reached the main inlet channel and the sand spit again rotated counter clockwise and eventually merged with the previous sand spit. This cyclic nature of sand spit behavior should continue following the implementation of Alternative 5.

The approximate 1,000 feet of shoreline measured from the last house on the east end of Ocean Isle Beach represents the trailing end of the sand spit. Shoreline behavior in this area is also highly variable but not to the same degree as the eastern tip of the sand spit. This shoreline position variability is due in part to the movement of beach nourishment material being transported to the east off the east end of the federal storm damage reduction project. In this regard, the October 2009 shoreline (green line in Figure 6.4), which was taken about 6 months prior to the April-May 2010 nourishment operation, had the landward most position of all of the shorelines in the photo dataset.

Even though the establishment of shoreline change thresholds at each radial transect is not practical for the spit area, the March 1999 configuration of the sand spit, as shown in Figure 6.4, is adopted as a threshold for the sand spit area on the east end of Ocean Isle Beach. Post-terminal groin construction changes in the sand spit will be monitored using aerial photographs. Should the sand spit diminish in size to that comparable to the March 1999 threshold, consideration will be given to modifying the structure to allow more sediment to move from west to east past the structure. Beach nourishment in this area would also be considered as a mitigation option.

Holden Beach - Shallotte Inlet Shoreline. A comparison of shoreline changes on the extreme west end of Holden Beach adjacent to Shallotte Inlet is provided in Figure 6.5. The dates of the shorelines shown in Figure 6.5 are the same as the dates shown for the Ocean Isle Beach sand spit in Figure 6.4 and were obtained from Google Earth photos. The March 1999 shoreline, shown in black in Figure 6.5, represents the position of the shoreline prior to the initial construction of the Ocean Isle Beach federal storm damage reduction project. Between March 1999 and October 2005 (blue line in Figure 6.5), the western tip of Holden Beach on the ocean side experienced considerable amount of accretion as the result of the onshore migration of a portion of the ebb tide delta located off the west end of Holden Beach. This onshore migration was attributed to the initial excavation of the Shallotte Inlet borrow area in 2001. At the narrowest point between Holden Beach and Ocean Isle Beach inside the inlet, commonly referred to as the inlet gorge, the shoreline moved east (i.e., eroded) approximately 600 feet between March 1999 and January 2013 as shown by comparing the black and red lines in Figure 6.5.

The erratic behavior of the shoreline along the east shoulder of Shallotte Inlet on the Holden Beach side, particularly in the area between the two islands, and the apparent tendency of the extreme western tip of Holden Beach opposite the inlet gorge to erode under exiting conditions makes it virtually impossible to establish a shoreline position along the west end of Holden Beach which could serve as a shoreline threshold similar to what is proposed for the Ocean Isle Beach side. This notwithstanding, the shoreline condition on the west end of Holden Beach adjacent to Shallotte inlet will be monitored using aerial photographs. Should changes in the inlet shoreline pose a threat to existing development on the west end of Holden Beach, methods to mitigate the threat would be evaluated. Consideration of mitigation measures around the inlet shoreline on the

Holden Beach side would be coordinated with the USACE, NCDCM and the Town of Holden Beach.

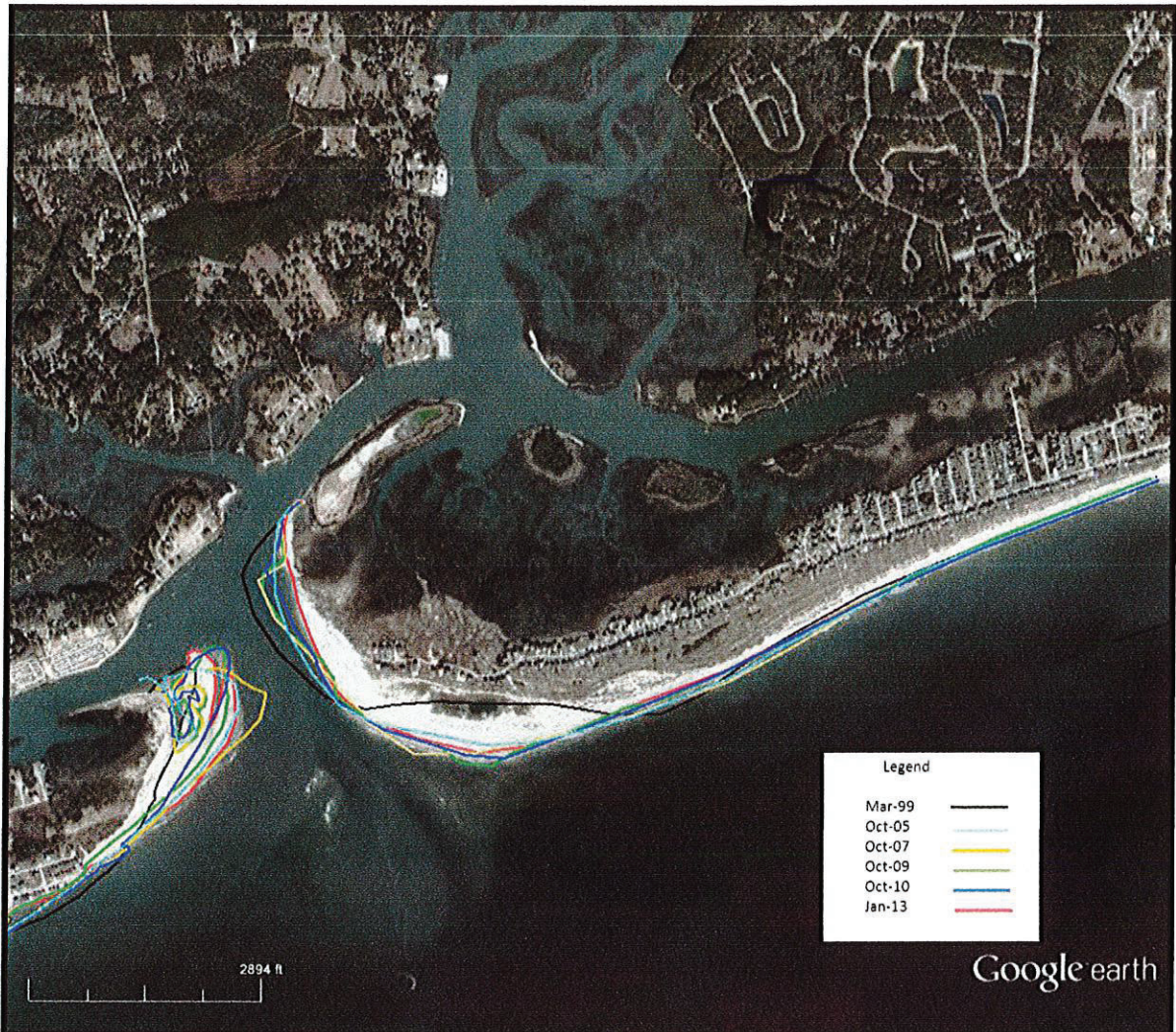


Figure 6.5. Shoreline changes on the extreme west end of Holden Beach next to Shallotte Inlet – March 1999 to January 2013.

(3) Mitigation Measures. Should shoreline responses along Ocean Isle Beach or Holden Beach exceed the shoreline change thresholds presented above and continue to exceed the thresholds throughout the 2-year verification period, the terminal groin would be evaluated to determine if modifications to the structure could be made that would mitigate the negative shoreline impacts. If modification of the terminal groin would not address the problem, beach nourishment would be provided in the affected areas to compensate for the structure related impacts.

Once the need to provide beach fill to mitigate for project related shoreline impacts is determined, the Town of Ocean Isle Beach would apply for appropriate State and Federal permits. Since the location for the mitigation beach fill cannot be determined in advance, the permit process could not begin until the monitoring program identifies where the impacts have occurred. As a result,

the time lapse between the identification of a shoreline erosion problem and the initiation of construction to provide the beach fill could be as long as three (3) years. This includes one year to identify the problem and two years to verify if the problem still exists. During the first year of verification, work will begin to obtain the necessary permits. Any mitigation measure would be limited to the November 16 to March 31 environmental dredging window.

Material for the mitigation beach fill would be obtained from the Shallotte Inlet borrow area. Depending on the timing of when the need for mitigation beach fill is determined, the mitigation beach fill could possibly be provided during the normal periodic nourishment operation. If the timing does not coincide with the normal periodic cycle, the mitigation fill would be provided during a separate nourishment operation.

Under the existing Federal storm damage reduction project, mitigation of adverse impacts of the Shallotte Inlet borrow area on Holden Beach would be the responsibility of the Town of Ocean Isle Beach. Separating terminal groin and borrow area impacts on the west end of Holden Beach would be difficult if not impossible. However, with the Town of Ocean Isle Beach being responsible for mitigation in both instances, identifying the culpable feature (borrow area or terminal groin) would not be required.

In the event the negative impacts of the terminal groin cannot be mitigated with beach nourishment or possible modifications to the design of the terminal groin, the terminal groin would be removed. Removal would entail the extraction of the sheet pile from the shore anchorage section and the complete removal of all stone, including bedding and armor stone. The terminal groin construction materials would be transported off the island and placed in an appropriate storage site. The terminal groin material, particularly the sheet pile and stone, would have some salvage value; however, the opinion on the cost for removal of the terminal groin, excluding any salvage value, is \$2.0 million.

(4) Project Modifications. The terminal groin proposed for the east end of Ocean Isle Beach in the applicant's preferred alternative (Alternative 5) is designed to allow littoral sediment to move over, through, and/or around the structure. The so-called "leaky" nature of the design, a nomenclature suggested by Olsen & Associates for the terminal groin on Amelia Island, Florida, should allow sufficient volumes of sand to move past the structure and continue east along the sand spit to maintain the integrity of the spit. As indicated above, the March 1999 configuration of the sand spit on the Ocean Isle Beach side of Shallotte Inlet will be used as a "threshold" in determining if modifications to the structure are needed to allow more sediment to move past the structure. No such threshold is possible for the inlet shoreline on the Holden Beach side due to the document erratic behavior of the shoreline prior to and following the initial construction of the Ocean Isle Beach federal storm damage reduction project. In this regard, mitigation on the Holden Beach side would be dictated by shoreline changes that exceed the thresholds established for the federal project.

Consideration would also be given to possibly nourishing the area east of the terminal groin on the Ocean Isle Beach side as a means of restoring the character of the sand spit. The post-construction configuration of the sand spit will be evaluated through interpretation of the aerial photographs. As stated above, should the sand spit diminish in size comparable to the March 1999

condition, consideration will be given to modifying the structure to allow more sediment to move from west to east past the structure of possibly providing beach fill to the area east of the terminal groin during regularly scheduled periodic nourishment operations. Modification to the structure could include removal of stones to increase permeability, shortening the structure, or lowering the crest elevation. The appropriate measures, i.e., structure modifications or beach fill, would be determined following an assessment of the degree of impact the structure is having on the area.

Reporting. Annual reports, comparable to the two monitoring reports previously published by the USACE, would be prepared and submitted to the USACE Wilmington District Regulatory Office and the NC Division of Coastal Management. The reports will summarize shoreline changes observed during the previous year and will compare updated shoreline changes to shoreline change thresholds. The results will be provided in both tabular and graphical form.

Should the monitoring surveys detect shoreline change rates exceeding the threshold rates, the profile where the thresholds are exceeded will be "red flagged." Subsequent monitoring reports over the following two years will closely follow changes at these profiles to determine if corrective actions are needed.

Summary of Shoreline and Inlet Management Plan. The shoreline and inlet management plan for the Ocean Isle Beach project would include the following:

- (1) Beach profile surveys every 6 months covering 27,000 feet of shoreline on Ocean Isle Beach and 10,000 feet of shoreline east of Shallotte Inlet on Holden Beach.
- (2) The beach profiles will be spaced at 500-foot intervals along both Ocean Isle Beach and Holden Beach.
- (3) Annual hydrographic surveys of Shallotte Inlet extending from the confluence of the inlet with the AIWW seaward to the -30-foot NAVD depth contour in the ocean. The hydrographic surveys will cover the area from approximately station 400+00 on Holden Beach to station 0+00 on Ocean Isle Beach.
- (4) The 9 radial profiles on the east end of Ocean Isle Beach and the 8 radial profiles on the west end of Holden Beach, as shown in Figure 6.2, will be surveyed each spring and graphs prepared to show changes over time.
- (5) The sand spit shoreline east of the terminal groin will be mapped from the aerial photos taken each spring and plots of the changes in the spit shoreline shown graphically.
- (6) Similar shoreline mapping will also be performed on the Holden Beach side of Shallotte Inlet.
- (7) An annual report will be prepared summarizing changes observed during the year and identifying any profile stations where the shoreline change thresholds are exceeded.
- (8) The report will include a summary of significant meteorological events (tropical and extratropical), man-made activities (beach nourishment), and any other factors that had occurred that could have an impact of past as well as future shoreline changes.
- (9) The report will discuss if measures are needed to correct any observed negative shoreline impacts and if so provide recommendations on how to address the impacts.

Appendix C: Inlet Management Plan

Ocean Isle Beach Shoreline and Inlet Management Plan

Introduction

The legislation passed by the NC General Assembly in June 2011 authorizing the permitting of terminal groins at four (4) inlets in North Carolina carried with it the requirement to provide a plan for managing inlet and the estuarine and ocean shorelines likely to be under the influence of the inlet. During the 2013 legislative session, the General Assembly adopted Session Law 2013-384 (Senate Bill 151) that modified some of the requirements that have to be met in order to permit a terminal groin. Most notably, the 2013 legislation no longer requires the applicant to demonstrate structures and infrastructure are “imminently threatened only that they are “threatened” by erosion. The 2013 legislation still requires the applicant to implement an inlet management plan that includes the following:

- (1) A monitoring plan.
- (2) A baseline for assessing adverse impacts and thresholds for when adverse impact must be mitigated.
- (3) A description of mitigation measures to address adverse impacts.
- (4) A plan to modify or remove the terminal groin if adverse impacts cannot be mitigated.

As stated in the legislation:

“The inlet management plan monitoring and mitigation requirements must be reasonable and not impose requirements whose costs outweigh the benefits. The inlet management plan is not required to address sea level rise.”

The USACE established a comprehensive inlet and shoreline management plan in December 2002 for the Federal storm damage reduction project (USACE, 2002). The various aspects of that plan, which are described below, are adopted for the Ocean Isle Beach preferred shoreline management project involving a terminal groin and beach fill along the eastern end of the island (Alternative 5). Some aspects of the USACE monitoring program have been modified to address specific issues associated with the implementation of a terminal groin project adjacent to the west side of Shallotte Inlet that are needed to comply with State Legislation.

In addition to the USACE monitoring program and modification described below, which would serve to satisfy items (1) and (2) of the mandated management plan listed above, measures to mitigate project related adverse impacts as well as plans to modify or remove the terminal groin if adverse impacts cannot be mitigate are discussed in the following sections.

(1) Monitoring Plan. The expressed purpose of the USACE monitoring program is to:

- 1) Monitor the Ocean Isle Beach and Holden Beach shorelines adjacent to Shallotte Inlet to verify the anticipated response of the inlet shoulders and ebb-tide shoal to dredging of the inlet as a borrow area.

- 2) Provide data to track the performance of the beach fill placement in order to plan and schedule the periodic renourishment of the Federal project.
- 3) Monitor the performance of Shallotte Inlet as a borrow area and sediment trap in order to plan dredging for the periodic renourishment.

The scope of the USACE monitoring program, detailed below, would be generally sufficient to track impacts of the terminal groin on the shoreline of Ocean Isle Beach east and west of the terminal groin, evaluate structure induced changes in the behavior of the inlet shoulders, and determine if the structure is negatively impacting shoreline behavior on the west end of Holden Beach. However, measures to track changes on the extreme west end of Holden Beach and the east end of Ocean Isle Beach have been added to supplement the USACE monitoring program.

With the federal storm damage reduction project having been completed in 2001 followed by subsequent periodic nourishment events in 2006-07, 2010, and 2014, all of which used the borrow area in Shallotte Inlet, the impacts of the federal project following the implementation of the terminal groin project would continue. Therefore, in order to assess incremental impacts of the terminal groin on the adjacent shorelines as well as the environs around Shallotte Inlet, post-terminal groin changes in these areas would need to be compared with changes that were occurring during the time in which only the federal project was active.

The evaluation of habitat changes in the vicinity of Shallotte Inlet will be accomplished through analysis of aerial photographs that are included as part of the routine monitoring program. These same aerial photographs will be used to monitoring shoreline changes along the AIWW east and west of Shallotte Inlet. The shoreline change analysis will include the AIWW shoreline west to Shallotte Boulevard on the Ocean Isle side and east to the mouth of the Shallotte River including Monks Island situated immediately behind the west end of Holden Beach.

Monitoring Program. The USACE monitoring program includes beach profile surveys covering 27,000 feet of shoreline on Ocean Isle Beach and 10,000 feet of shoreline on the west end of Holden Beach (Figure 6.2), radial profiles around the east and west shoulders of Shallotte Inlet, hydrographic survey of the inlet, and aerial photos. The beach profiles, which are spaced at 500-foot intervals, are surveyed every six months (fall and spring) while the inlet radial profiles are to be taken each spring. The aerial photos are also taken in the spring. To date, the USACE has published two monitoring reports, the first in December 2002 (USACE, 2002) and the second in June 2005 (USACE, 2005). While subsequent monitoring reports have not been published, the USACE has continued to collect monitoring data along the east end of the federal project and the west end of Holden Beach and has used the data to design the 2010 and 2014 periodic nourishment operations. Some of the same monitoring data was used in the evaluation of the various shoreline and inlet management alternatives included in this document.

However, beginning in 2010, budget shortfalls resulted in the USACE modifying the survey coverage with most surveys limited to the area on Ocean Isle Beach that fall within the limits of the federal project. In order to continue survey coverage for the entire town, the Town of Ocean Isle Beach initiated a beach profile monitoring program that includes areas on the east and west ends of the island that have not been surveyed by the USACE since about 2010. The east end surveys include the radial profiles around the east shoulder of Shallotte Inlet starting at station -

30+00 and extending west along the beach to baseline station 20+00 (Figure 6.2). The west end coverage starts at baseline station 170+00 and extends west to baseline station 275+00.

The numerical modeling of the terminal groin alternative indicated there would not be any shoreline impact, either positive or negative, west of station 30+00 on Ocean Isle Beach or on the west end of Holden Beach. With model indicated impacts ending at station 30+00 on Ocean Isle Beach, there would not be any terminal groin related impacts on Tubbs Inlet, located about 5.3 miles west of the proposed location of the terminal groin, nor would there be any terminal groin related impacts on Sunset Beach. Therefore, the USACE monitoring program is more than sufficient to satisfy the legislative requirements.

(2) Shoreline Change Thresholds. As part of the monitoring plan, the USACE developed shoreline change thresholds for Ocean Isle Beach and Holden Beach using shoreline change data developed by the NC Division of Coastal Management (NCDQM) for the time period 1938 to 1992 supplemented by a March 2001 pre-construction shoreline interpreted from aerial photographs (USACE, 2002). The USACE used least square analysis to establish shoreline trends at each 50-meter transect included in the NCDQM data set and to establish 95% confidence limits around the computed shoreline change trends. Next, the USACE matched the NCDQM transects to the beach profile monitoring profiles shown in Figure 6.1 and computed average shoreline change rates and average 95% confidence intervals for each profile. With the monitoring profiles spaced every 500 feet and the NCDQM transects every 50 meters, the averages were based on NCDQM transects on each side of the profile station. In general, the average shoreline change rates and confidence intervals applicable to each 500-foot profile station represent the average of 7 NCDQM transects.

In establishing the shoreline change thresholds, the USACE excluded areas on the west end of Holden Beach and the east end of Ocean Isle Beach that are included in the area presently designated as an Inlet Hazard Area. The USACE found shoreline changes within the Inlet Hazard Area to be too erratic to establish long-term trends. The excluded areas are shown in Figure 6.4.

The shoreline change rates, 95% confidence intervals, and the shoreline change threshold adopted by the USACE for each profile station on Ocean Isle Beach and Holden Beach are provided in Table 6.1. The shoreline change rate threshold adopted by the USACE was computed by subtracting one-half of the 95% confidence interval from the average shoreline change rate at each profile. For the area on the west end of Holden Beach between profile stations 375 and 400, the overall change in the shoreline was accretion, however; the USACE could not establish definitive shoreline change trends due to the unpredictable influence of the Shallotte Inlet bar channel on the shoreline. For this area the USACE adopted a threshold rate of 0 feet/year applicable to profiles 375 to 400.

While the past behavior of the west end of Holden Beach has been somewhat erratic, particularly since completion of initial construction of the federal storm damage reduction project on Ocean Isle Beach, the shoreline change thresholds for the west end of Holden Beach used by the USACE were modified for the terminal groin project by applying the same protocol between stations 375 and 400 as used to establish thresholds for the other transects. Adopting this protocol results in positive, i.e., accretionary, shoreline change thresholds between stations 375 and 400 rather than 0

feet/year adopted by the USACE. These revised shoreline change threshold values for the extreme west end of Holden Beach are provided in Table 6.1.

The use of 95% confidence intervals in establishing shoreline change rate thresholds provides a degree of certainty that observed shoreline change rates that exceed the threshold values are indicative of changes that would not have been expected to occur under pre-project conditions.

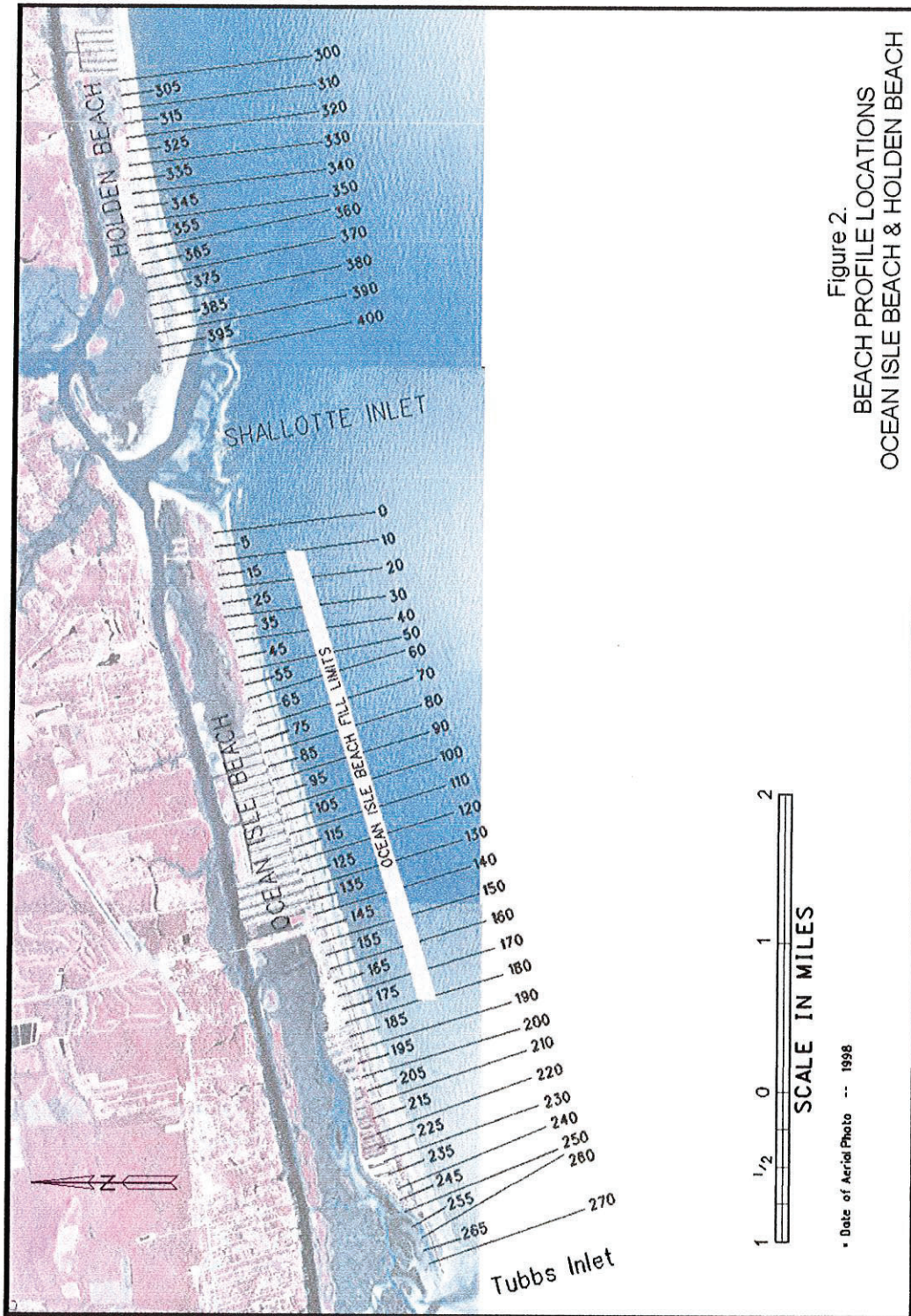


Figure 6.1. Beach profiles included in the USACE Ocean Isle Beach monitoring program (Figure copied from USACE, 2002).

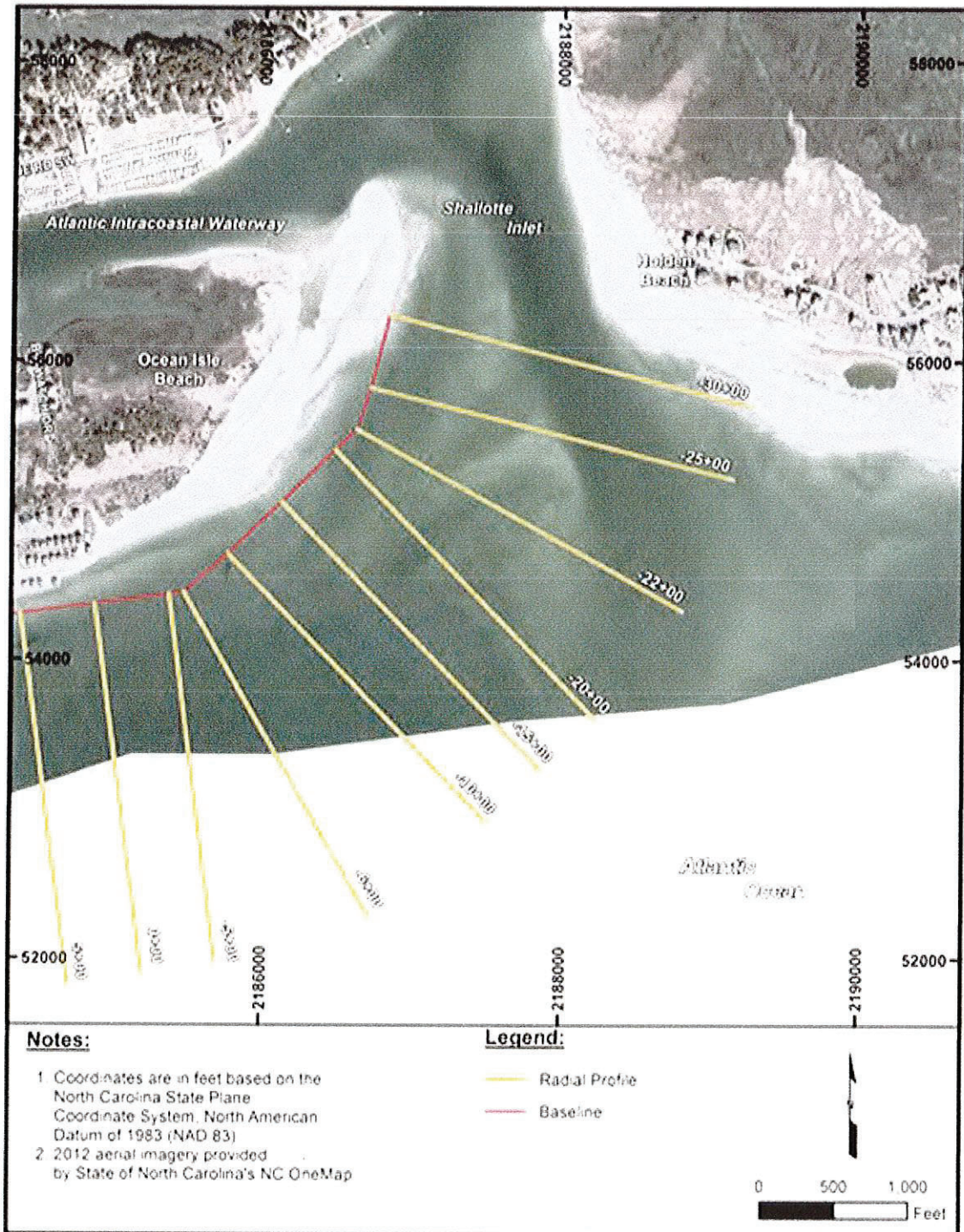


Figure 6.2. Inlet radial profiles included in the USACE Ocean Isle Beach monitoring program (Figure copied from USACE, 2002).

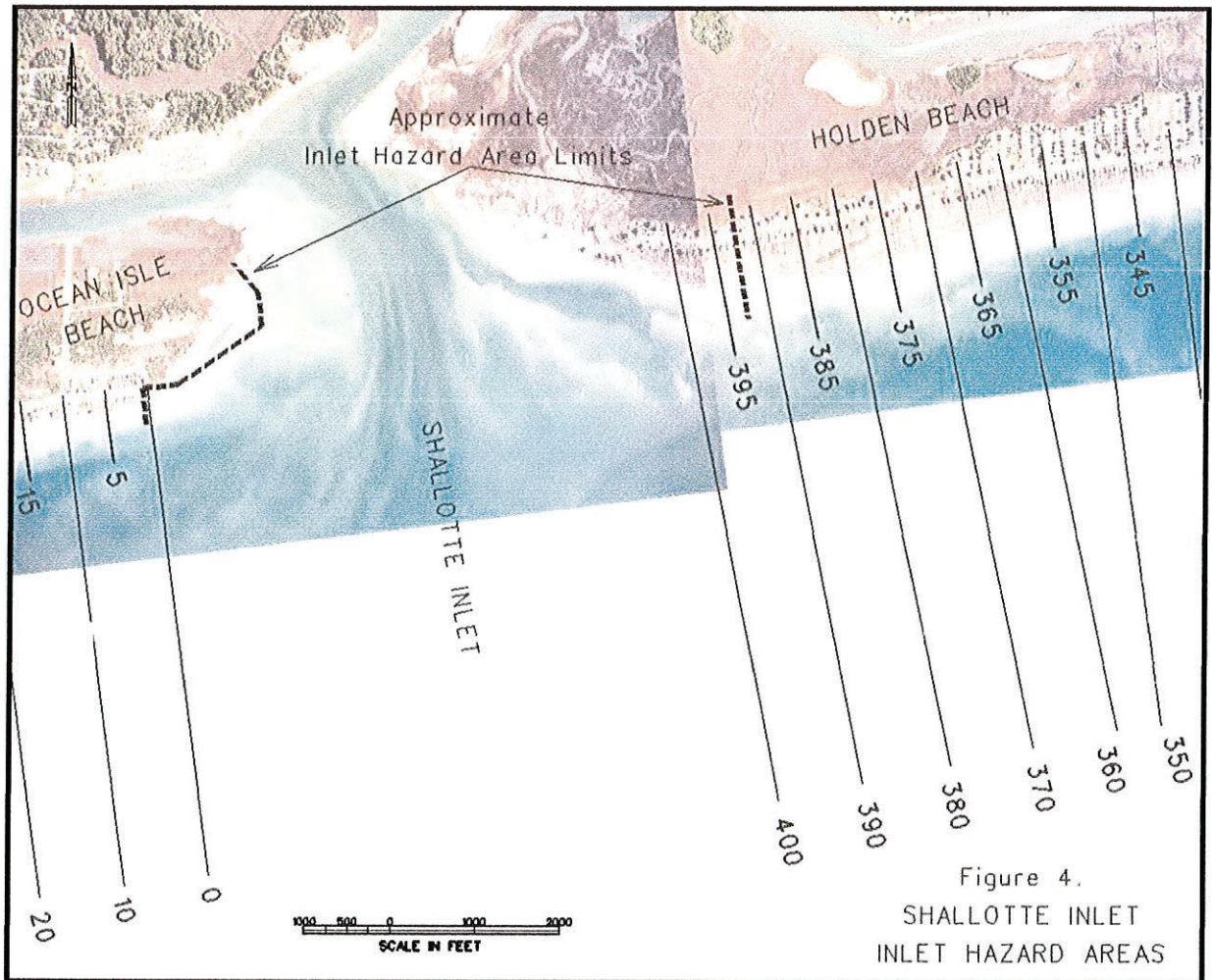


Figure 6.3. Existing Inlet Hazard Area for Shallotte Inlet (Figure copied from USACE, 2002).

Table 6.1. USACE shoreline change thresholds for Ocean Isle Beach and the west end of Holden Beach.

Ocean Isle Beach Shoreline Change Thresholds			
Beach Profile No.	Average Rate of Shoreline Change (ft/yr)	Average 95% Confidence Interval (ft/yr)	Shoreline Change Rate Threshold (ft/yr) ⁽¹⁾
5	-2.8	4.0	-4.9
10	-4.3	2.1	-5.3
15	-4.7	1.7	-5.6
20	-3.6	1.7	-4.4
25	-1.0	1.9	-1.9
30	1.0	2.1	0.0
35	1.7	1.9	0.8

40	1.7	1.7	0.8
45	1.3	1.5	0.6
50	1.0	1.5	0.3
55	0.7	1.5	-0.1
60	0.3	1.7	-0.6
65	0.0	2.2	-1.1
70	0.1	2.9	-1.4
75	0.2	3.1	-1.3
80	0.1	3.2	-1.5
85	0.0	3.5	-1.7
90	-0.2	3.4	-1.9
95	-0.4	3.3	-2.0
100	-0.4	3.2	-2.0
105	-0.4	3.1	-1.9
110	-0.3	3.1	-1.8
115	-0.3	3.0	-1.7
120	-0.1	2.8	-1.5
125	0.1	2.5	-1.2
130	0.2	2.4	-1.0
135	0.4	2.3	-0.7
140	1.0	2.1	0.0
145	1.4	1.8	0.5
150	1.4	1.5	0.6
155	1.1	1.6	0.3
160	0.9	1.7	0.1
165	0.9	1.8	0.0
170	1.0	2.2	-0.1
175	1.1	2.5	-0.2
180	1.1	2.5	-0.1
185	1.1	2.6	-0.2
190	1.0	2.6	-0.3
200	1.1	2.6	-0.2
205	1.0	2.8	-0.4
210	1.0	2.8	-0.4
215	1.0	2.6	-0.3
220	1.1	2.5	-0.2
225	1.1	2.6	-0.2
230	1.1	2.7	-0.2
235	1.2	3.1	-0.4
240	1.3	3.4	-0.4
245	1.3	3.7	-0.5

250	1.4	4.2	-0.7
255	1.4	4.8	-1.1
260	1.6	5.6	-1.2
265	1.8	6.2	-1.3
270	1.8	6.2	-1.3

Holden Beach Shoreline Change Thresholds			
Beach Profile No. ⁽²⁾	Average Rate Shoreline Change (ft/yr)	Average 95% Confidence Interval (ft/yr)	Shoreline Change Rate Threshold (ft/yr) ⁽¹⁾
400	2.1		1.9
395	5.5	7.3	3.3
390	7.0	7.5	3.1
385	7.1	8.0	2.0
380	6.3	8.7	0.7
375	5.3	9.3	1.9
370	4.2	9.1	-0.4
365	3.0	8.3	-1.1
360	2.1	7.4	-1.7
355	1.4	6.7	-1.9
350	1.0	5.9	-2.0
345	0.5	4.9	-1.9
340	0.3	4.4	-1.9
335	-0.2	3.7	-2.1
330	-0.6	3.2	-2.2
325	-0.8	2.5	-2.0
320	-0.9	2.0	-1.9
315	-1.2	1.7	-2.1
310	-1.7	1.5	-2.5
305	-1.7	1.3	-2.4
300	-1.7	1.2	-2.3

⁽¹⁾Shoreline change rate threshold equal to average rate – (½ x 95% confidence interval).

⁽²⁾Threshold rate of 0 ft/yr adopted for profiles 375 to 400 due to influence of Shallotte Inlet bar channel.

To account for possible short-term shoreline changes that could be caused by storm events or other factors, the USACE adopted a 2-year confirmation period, i.e., should observed shoreline change rate exceed the threshold rate at any profile station; an additional 2-year period would follow to confirm the trend. Should the shoreline change rate exceed the threshold over the entire 2-year confirmation period, an assessment of the proper responsive measures would be made. If the shoreline change rate decreases below the threshold rate during the confirmation period, the 2-year confirmation period would be reset.

In the event the area is impacted by a catastrophic storm such as a hurricane or severe nor'easter that causes major changes in the shoreline, subsequent shoreline change rates would likely exceed the threshold rates for some time. If after the two year post-storm confirmation period shoreline change rates are still being impacted by the storm induced changes and some of the measured shoreline change rates still exceed the threshold rates, an assessment will be made to determine if a new reference shoreline condition is needed in order to adequately evaluate potential project induced shoreline impacts that occur post storm.

Comparable shoreline change rate thresholds were not established by the USACE for the radial profile lines around the inlet's east and west shoulders (Figure 6.2) due to the variable nature of the shoreline changes and the lack of definitive shoreline trends. However, the radial transects would be monitored during the life of the project and the behavior of the inlet shorelines as depicted by the radial profiles used to determine if modifications in the Shallotte Inlet borrow area are needed.

As mentioned above, the shoreline and inlet monitoring program and shoreline change rate thresholds established by the USACE for the Ocean Isle Beach storm damage reduction project are adopted for the Ocean Isle Beach Shoreline Management Project with the exception of profiles 375 to 400 on the west end of Holden Beach, which were revised based on the same protocol used to establish the thresholds at all the other transects. In this regard, should Federal funding for the monitoring program fall short in any given year, the Town of Ocean Isle Beach would provide the necessary funding to assure the program is accomplished as planned.

The Town of Ocean Isle Beach presently pays \$17,000 to survey 34 profiles on the east and west end of the island, or \$500 per profile. If the Town had to assume the cost of surveying the federal project between station 0+00 and 180+00, the cost to survey these 37 profiles would be an additional \$18,500. The USACE monitoring program also includes 21 profiles on the west end of Holden Beach. Again, if the USACE were unable to survey the west end of Holden Beach due to a lack of federal funds, the Town of Ocean Isle Beach would assume that responsibility. The cost to survey the 21 profiles on the west end of Holden Beach would be \$10,500. Thus, the total cost of the beach profile surveys that would become the responsibility of the Town of Ocean Isle Beach in the absence of federal funding for this activity would be \$29,000 per year.

Ocean Isle Beach Sand Spit. The area on Ocean Isle Beach located east of profile station 5+00 was not included in the USACE shoreline change threshold evaluation since this area falls within the existing Inlet Hazard Area established by the NC Coastal Resources Commission. Also, the sand spit, in its present form, did not exist prior to the construction of the Federal project.



Figure 6.4. Sand spit shorelines on east end Ocean Isle Beach – March 1999 to January 2013.

Shoreline changes along the sand spit have been highly variable as shown by the shoreline positions of the sand spit traced from Google Earth aerial photos taken between March 1999 (pre-construction) and January 2013 shown on Figure 6.4. The shorelines on Figure 6.4 do not represent a particular elevation such as mean high water or mean low water; rather the shorelines simply represent the approximate interface of the water with the dry sand beach as shown by the wet/dry line on the photos.

Based on this set of aerial photos, the eastward projection of the sand spit reached a maximum in October 2007 (yellow line in Figure 6.4). Between October 2007 and October 2010 (dark blue line), the sand spit rotated counter clockwise resulting in a landward recession of the shoreline of between 400 feet and 600 feet on the extreme eastern end of the sand spit. The re-curved nature of the sand spit normally results in the formation of a shallow pond between the old spit shoreline and the backside of the new spit. Between October 2010 and January 2013 (red line), the

shoreline along the eastern end of the sand spit moved seaward 250 feet to 350 feet in response to a new slug of sand moving to the east. Eastward movement of the slug of sand stopped when it reached the main inlet channel and the sand spit again rotated counter clockwise and eventually merged with the previous sand spit. This cyclic nature of sand spit behavior should continue following the implementation of Alternative 5.

The approximate 1,000 feet of shoreline measured from the last house on the east end of Ocean Isle Beach represents the trailing end of the sand spit. Shoreline behavior in this area is also highly variable but not to the same degree as the eastern tip of the sand spit. This shoreline position variability is due in part to the movement of beach nourishment material being transported to the east off the east end of the federal storm damage reduction project. In this regard, the October 2009 shoreline (green line in Figure 6.4), which was taken about 6 months prior to the April-May 2010 nourishment operation, had the landward most position of all of the shorelines in the photo dataset.

Even though the establishment of shoreline change thresholds at each radial transect is not practical for the spit area, the March 1999 configuration of the sand spit, as shown in Figure 6.4, is adopted as a threshold for the sand spit area on the east end of Ocean Isle Beach. Post-terminal groin construction changes in the sand spit will be monitored using aerial photographs. Should the sand spit diminish in size to that comparable to the March 1999 threshold, consideration will be given to modifying the structure to allow more sediment to move from west to east past the structure. Beach nourishment in this area would also be considered as a mitigation option.

Holden Beach - Shallotte Inlet Shoreline. A comparison of shoreline changes on the extreme west end of Holden Beach adjacent to Shallotte Inlet is provided in Figure 6.5. The dates of the shorelines shown in Figure 6.5 are the same as the dates shown for the Ocean Isle Beach sand spit in Figure 6.4 and were obtained from Google Earth photos. The March 1999 shoreline, shown in black in Figure 6.5, represents the position of the shoreline prior to the initial construction of the Ocean Isle Beach federal storm damage reduction project. Between March 1999 and October 2005 (blue line in Figure 6.5), the western tip of Holden Beach on the ocean side experienced considerable amount of accretion as the result of the onshore migration of a portion of the ebb tide delta located off the west end of Holden Beach. This onshore migration was attributed to the initial excavation of the Shallotte Inlet borrow area in 2001. At the narrowest point between Holden Beach and Ocean Isle Beach inside the inlet, commonly referred to as the inlet gorge, the shoreline moved east (i.e., eroded) approximately 600 feet between March 1999 and January 2013 as shown by comparing the black and red lines in Figure 6.5.

The erratic behavior of the shoreline along the east shoulder of Shallotte Inlet on the Holden Beach side, particularly in the area between the two islands, and the apparent tendency of the extreme western tip of Holden Beach opposite the inlet gorge to erode under exiting conditions makes it virtually impossible to establish a shoreline position along the west end of Holden Beach which could serve as a shoreline threshold similar to what is proposed for the Ocean Isle Beach side. This notwithstanding, the shoreline condition on the west end of Holden Beach adjacent to Shallotte inlet will be monitored using aerial photographs. Should changes in the inlet shoreline pose a threat to existing development on the west end of Holden Beach, methods to mitigate the threat would be evaluated. Consideration of mitigation measures around the inlet shoreline on the

Holden Beach side would be coordinated with the USACE, NCDCM and the Town of Holden Beach.

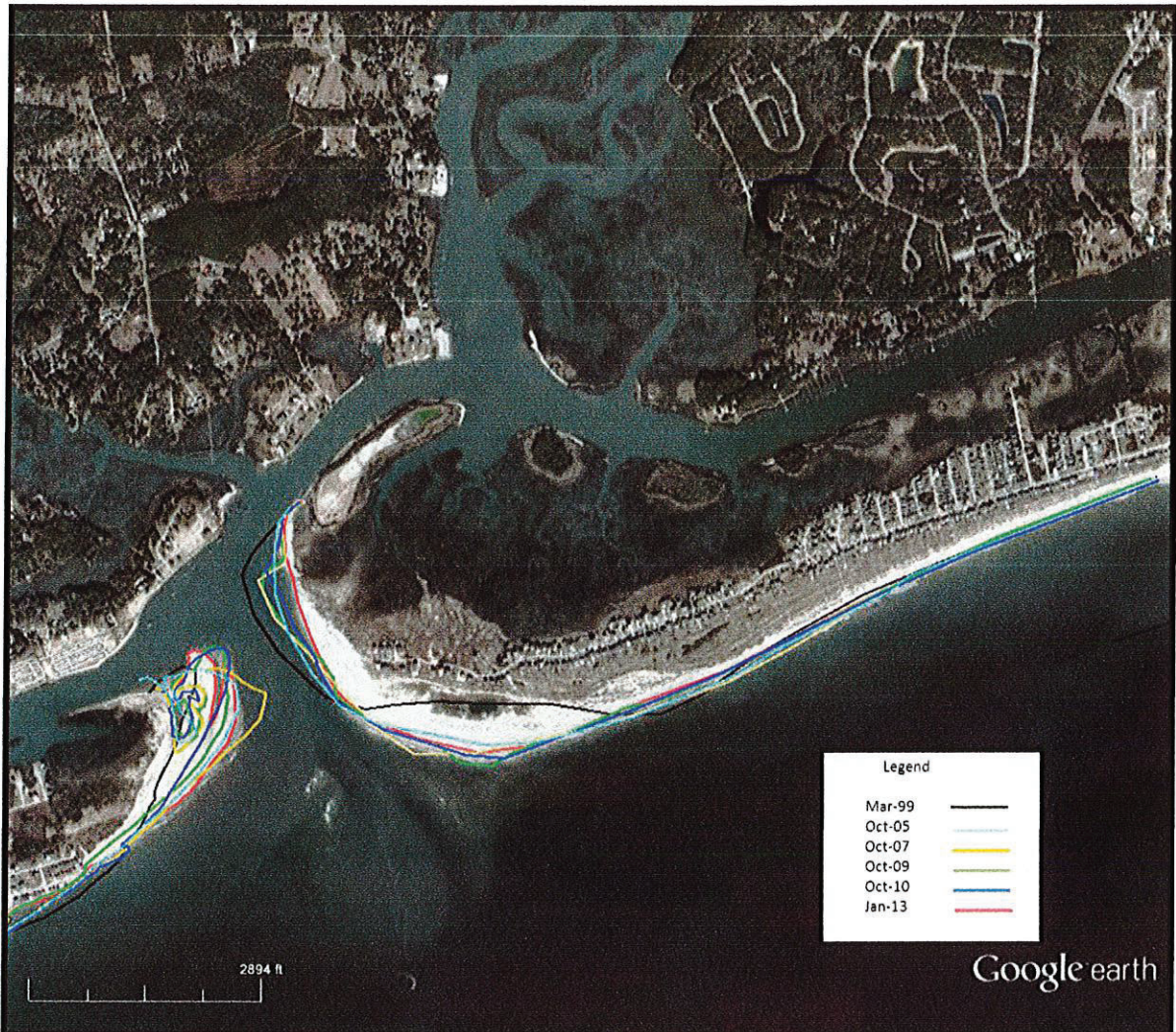


Figure 6.5. Shoreline changes on the extreme west end of Holden Beach next to Shallotte Inlet – March 1999 to January 2013.

(3) Mitigation Measures. Should shoreline responses along Ocean Isle Beach or Holden Beach exceed the shoreline change thresholds presented above and continue to exceed the thresholds throughout the 2-year verification period, the terminal groin would be evaluated to determine if modifications to the structure could be made that would mitigate the negative shoreline impacts. If modification of the terminal groin would not address the problem, beach nourishment would be provided in the affected areas to compensate for the structure related impacts.

Once the need to provide beach fill to mitigate for project related shoreline impacts is determined, the Town of Ocean Isle Beach would apply for appropriate State and Federal permits. Since the location for the mitigation beach fill cannot be determined in advance, the permit process could not begin until the monitoring program identifies where the impacts have occurred. As a result,

the time lapse between the identification of a shoreline erosion problem and the initiation of construction to provide the beach fill could be as long as three (3) years. This includes one year to identify the problem and two years to verify if the problem still exists. During the first year of verification, work will begin to obtain the necessary permits. Any mitigation measure would be limited to the November 16 to March 31 environmental dredging window.

Material for the mitigation beach fill would be obtained from the Shallotte Inlet borrow area. Depending on the timing of when the need for mitigation beach fill is determined, the mitigation beach fill could possibly be provided during the normal periodic nourishment operation. If the timing does not coincide with the normal periodic cycle, the mitigation fill would be provided during a separate nourishment operation.

Under the existing Federal storm damage reduction project, mitigation of adverse impacts of the Shallotte Inlet borrow area on Holden Beach would be the responsibility of the Town of Ocean Isle Beach. Separating terminal groin and borrow area impacts on the west end of Holden Beach would be difficult if not impossible. However, with the Town of Ocean Isle Beach being responsible for mitigation in both instances, identifying the culpable feature (borrow area or terminal groin) would not be required.

In the event the negative impacts of the terminal groin cannot be mitigated with beach nourishment or possible modifications to the design of the terminal groin, the terminal groin would be removed. Removal would entail the extraction of the sheet pile from the shore anchorage section and the complete removal of all stone, including bedding and armor stone. The terminal groin construction materials would be transported off the island and placed in an appropriate storage site. The terminal groin material, particularly the sheet pile and stone, would have some salvage value; however, the opinion on the cost for removal of the terminal groin, excluding any salvage value, is \$2.0 million.

(4) Project Modifications. The terminal groin proposed for the east end of Ocean Isle Beach in the applicant's preferred alternative (Alternative 5) is designed to allow littoral sediment to move over, through, and/or around the structure. The so-called "leaky" nature of the design, a nomenclature suggested by Olsen & Associates for the terminal groin on Amelia Island, Florida, should allow sufficient volumes of sand to move past the structure and continue east along the sand spit to maintain the integrity of the spit. As indicated above, the March 1999 configuration of the sand spit on the Ocean Isle Beach side of Shallotte Inlet will be used as a "threshold" in determining if modifications to the structure are needed to allow more sediment to move past the structure. No such threshold is possible for the inlet shoreline on the Holden Beach side due to the document erratic behavior of the shoreline prior to and following the initial construction of the Ocean Isle Beach federal storm damage reduction project. In this regard, mitigation on the Holden Beach side would be dictated by shoreline changes that exceed the thresholds established for the federal project.

Consideration would also be given to possibly nourishing the area east of the terminal groin on the Ocean Isle Beach side as a means of restoring the character of the sand spit. The post-construction configuration of the sand spit will be evaluated through interpretation of the aerial photographs. As stated above, should the sand spit diminish in size comparable to the March 1999

condition, consideration will be given to modifying the structure to allow more sediment to move from west to east past the structure of possibly providing beach fill to the area east of the terminal groin during regularly scheduled periodic nourishment operations. Modification to the structure could include removal of stones to increase permeability, shortening the structure, or lowering the crest elevation. The appropriate measures, i.e., structure modifications or beach fill, would be determined following an assessment of the degree of impact the structure is having on the area.

Reporting. Annual reports, comparable to the two monitoring reports previously published by the USACE, would be prepared and submitted to the USACE Wilmington District Regulatory Office and the NC Division of Coastal Management. The reports will summarize shoreline changes observed during the previous year and will compare updated shoreline changes to shoreline change thresholds. The results will be provided in both tabular and graphical form.

Should the monitoring surveys detect shoreline change rates exceeding the threshold rates, the profile where the thresholds are exceeded will be "red flagged." Subsequent monitoring reports over the following two years will closely follow changes at these profiles to determine if corrective actions are needed.

Summary of Shoreline and Inlet Management Plan. The shoreline and inlet management plan for the Ocean Isle Beach project would include the following:

- (1) Beach profile surveys every 6 months covering 27,000 feet of shoreline on Ocean Isle Beach and 10,000 feet of shoreline east of Shallotte Inlet on Holden Beach.
- (2) The beach profiles will be spaced at 500-foot intervals along both Ocean Isle Beach and Holden Beach.
- (3) Annual hydrographic surveys of Shallotte Inlet extending from the confluence of the inlet with the AIWW seaward to the -30-foot NAVD depth contour in the ocean. The hydrographic surveys will cover the area from approximately station 400+00 on Holden Beach to station 0+00 on Ocean Isle Beach.
- (4) The 9 radial profiles on the east end of Ocean Isle Beach and the 8 radial profiles on the west end of Holden Beach, as shown in Figure 6.2, will be surveyed each spring and graphs prepared to show changes over time.
- (5) The sand spit shoreline east of the terminal groin will be mapped from the aerial photos taken each spring and plots of the changes in the spit shoreline shown graphically.
- (6) Similar shoreline mapping will also be performed on the Holden Beach side of Shallotte Inlet.
- (7) An annual report will be prepared summarizing changes observed during the year and identifying any profile stations where the shoreline change thresholds are exceeded.
- (8) The report will include a summary of significant meteorological events (tropical and extratropical), man-made activities (beach nourishment), and any other factors that had occurred that could have an impact of past as well as future shoreline changes.
- (9) The report will discuss if measures are needed to correct any observed negative shoreline impacts and if so provide recommendations on how to address the impacts.

STATE OF NORTH CAROLINA
COUNTY OF BRUNSWICK

BEFORE THE
COASTAL RESOURCES COMMISSION
CRC-25-23

In re: REQUEST BY **TOWN OF OCEAN
ISLE BEACH** FOR APPROVAL OF
BEACH MANAGEMENT PLAN

FINAL DECISION

I. REQUEST

Petitioner, the Town of Ocean Isle Beach (“Town”) has requested that the Coastal Resources Commission (“Commission”) approve its Beach Management Plan (“BMP”) pursuant to 15A NCAC 07J .1200 *et seq.* On April 3, 2025, the Town submitted its Beach Management Plan dated March 2025 prepared by Coastal Protection Engineering of North Carolina, Inc. (See <https://www.oibgov.com/20828/beach-management-plan> (Last checked May 2, 2025))

On April 11, 2025, the Department of Environmental Quality, Division of Coastal Management (DCM) submitted a memorandum to the Commission outlining the approval process required under the Commission’s rules (Staff Recommendation). In its Recommendation, DCM noted it had reviewed the Town’s BMP and “verified that the conditions in 15A NCAC 07J .1201 have been met and recommends that the Commission approve the Town’s [BMP].” (DCM Recommendation p 2).

This matter was heard at the regularly scheduled meeting of the Commission on May 1, 2025 in Dare County, North Carolina. Commissioner Smith recused himself to avoid any possible appearance of a conflict of interest or bias. The BMP and the DCM Staff Recommendation comprise the written record on which the Commission based its decision. The Commission

considered the written record and information provided at the Commission meeting by Justin Whiteside, Town Manager and Ken Richardson, DCM Shoreline Management Specialist.

II. STANDARD OF REVIEW

Under the Coastal Area Management Act (CAMA), the Commission may designate as areas of environmental concern (AEC), natural hazard areas where uncontrolled or incompatible development could reasonably endanger life or property and other areas especially vulnerable to erosion, flooding, or other adverse effects of sand, wind, and water. N.C.G.S. § 113A-113(b)(6). The Commission has developed regulations to provide management policies and standards for the ocean hazard AEC that serve to minimize unreasonable danger to life and property and achieve a balance between the financial, safety, and social features that are involved in development in the ocean hazard area development. 15A NCAC 7H .0303(a). Under the Commission’s rules, “[a] petitioner subject to a pre-project vegetation line pursuant to 15A NCAC 7H .0305, may petition the Commission to approve a Beach Management Plan ” which applies to “all pre-project vegetation lines with the Ocean Hazard Area” within “petitioner’s jurisdiction.” 15A NCAC 07J .1201(a) and (c).

The Commission requires that a BMP include the following information:

- (1) A review of all beach fill projects in the area of the BMP including the initial large-scale beach fill project associated with the pre-project vegetation line, subsequent maintenance of the initial large-scale projects(s), and beach fill projects occurring prior to the initial large-scale projects(s).
- (2) A review of the maintenance needed to achieve a design life of no less than 30 years of shore protection;
- (3) Documentation, including maps, geophysical, and geological data, to delineate the planned location and volume of compatible sediment as

defined in 15A NCAC 07H .0312 necessary to construct and maintain the large-scale beach fill project defined in Subparagraph (d)(2) of this Rule over its design life; and

- (4) Identification of the financial resources or funding sources necessary to fund the large-scale beach fill project over the project design life.

15A NCAC 7J .1201(d). In considering whether to approve the BMP, the Commission considers the information the Town provides on each of these requirements and the Commission “shall approve a [BMP] if the request contains the information required and meets the criteria.” 15A NCAC 07J .1203(b).

Once a complete request for BMP is received, the Commission must consider the request no later than its second scheduled meeting after DCM deems the request complete. 15A NCAC 7J .1201(f). The Commission’s final decision shall be transmitted to the petitioner by registered mail within 10 business days following the meeting at which a decision on the request is reached. 15A NCAC 7J .1203(b).

III. FINDINGS OF FACTS

1. On April 3, 2025, the Town submitted its request that the Commission approval the Town’s BMP to DCM. The BMP includes a review of Beach Fill Projects/Background, a review of the proposed design and monitoring, a review of sediment sources, a review of the Town’s financial plan. The public hearing did not close until after the BMP was submitted to DCM. However, at the May 1, 2025 hearing, the CRC was provided with an update on the public comment received during the notice period.

2. In its Staff Recommendation, DCM stated that it had reviewed the Town's BMP verified that the Town had met the conditions in the Commission's rule. (Staff Recommendation, p 2).

3. The request was timely heard by the Commission at its May 1, 2025 meeting. The Commission agrees with the parties that the Town has met the conditions in the Commission's rule and incorporates as findings of fact the information provided in the Town's BMP and at the CRC meeting.

IV. CONCLUSIONS OF LAW

1. The Town provided the Commission with a complete request for a beach management plan and this request was considered by the Commission no later than the second scheduled meeting following receipt of the complete request as required by 15A NCAC 7J .1201(f). The Town's BMP includes the detailed data and information required by 15A NCAC 7J .1201(d)(1) through (4) and .1203(b) which support these conclusions of law.

V. DECISION

For the reasons stated herein, Petitioner's request for approval of its Beach Management Plan is **GRANTED**.

To keep the regulatory benefits afforded by the Commission's approval of the Town's BMP, the Town must provide a progress report no later than five years after the date of this decision. Should the Town choose not to seek a renewal of its BMP, or if upon review of the progress report the Commission determines the criteria in 15A NCAC 07J .1201(d)(1) through (4) are not being met, the regulatory benefits afforded by the Commission's approval of the Town's BMP, including the ability to measure setbacks from the vegetation line, will expire.

This the 6th of May, 2025.

COASTAL RESOURCES COMMISSION



M. Renee Cahoon, Chair

CERTIFICATE OF SERVICE

This is to certify that I have this day served the foregoing FINAL DECISION upon the parties by the methods indicated below:

Debbie S. Smith, Mayor
Justin Whiteside, Town Administrator
Town of Ocean Isle Beach
111 Causeway Drive
Ocean Isle Beach, NC 28469

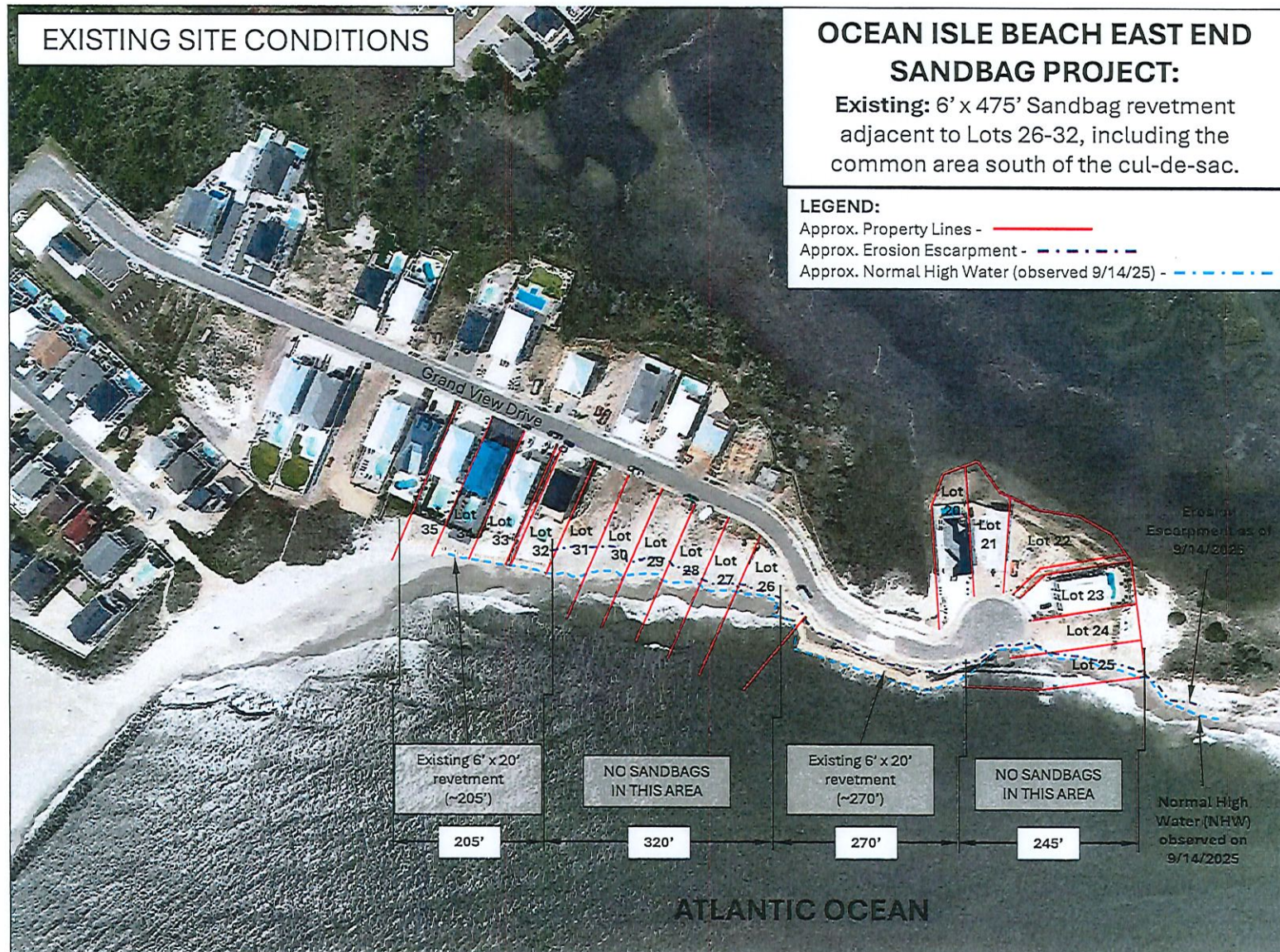
By US Mail and
E-mail: justin.oibgov.com

Tancred Miller, DCM Director
Jonathan Howell, Deputy Director
Ken Richardson, Shoreline Manag. Spec.
Angela Willis, Assist. to Director
Division of Coastal Management
400 Commerce St.
Town of Morehead City, NC 28557

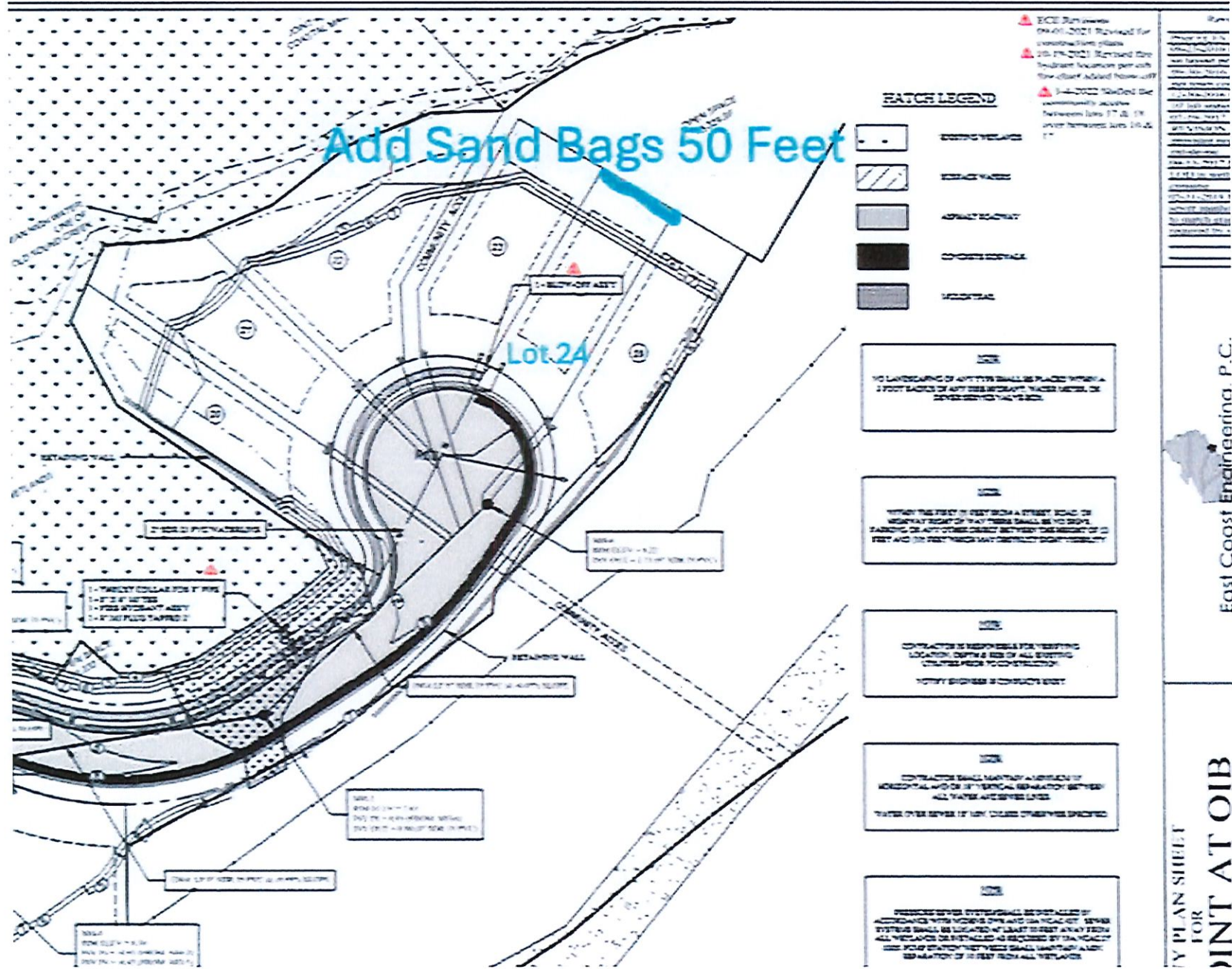
E-mail: Tancred.Miller@nc.deq.gov
E-mail: Jonathan.howell@nc.deq.gov
E-mail: Ken.Richardson@nc.deq.gov
E-mail: Angela.Willis@nc.deq.gov

This the 6th day of May 2025

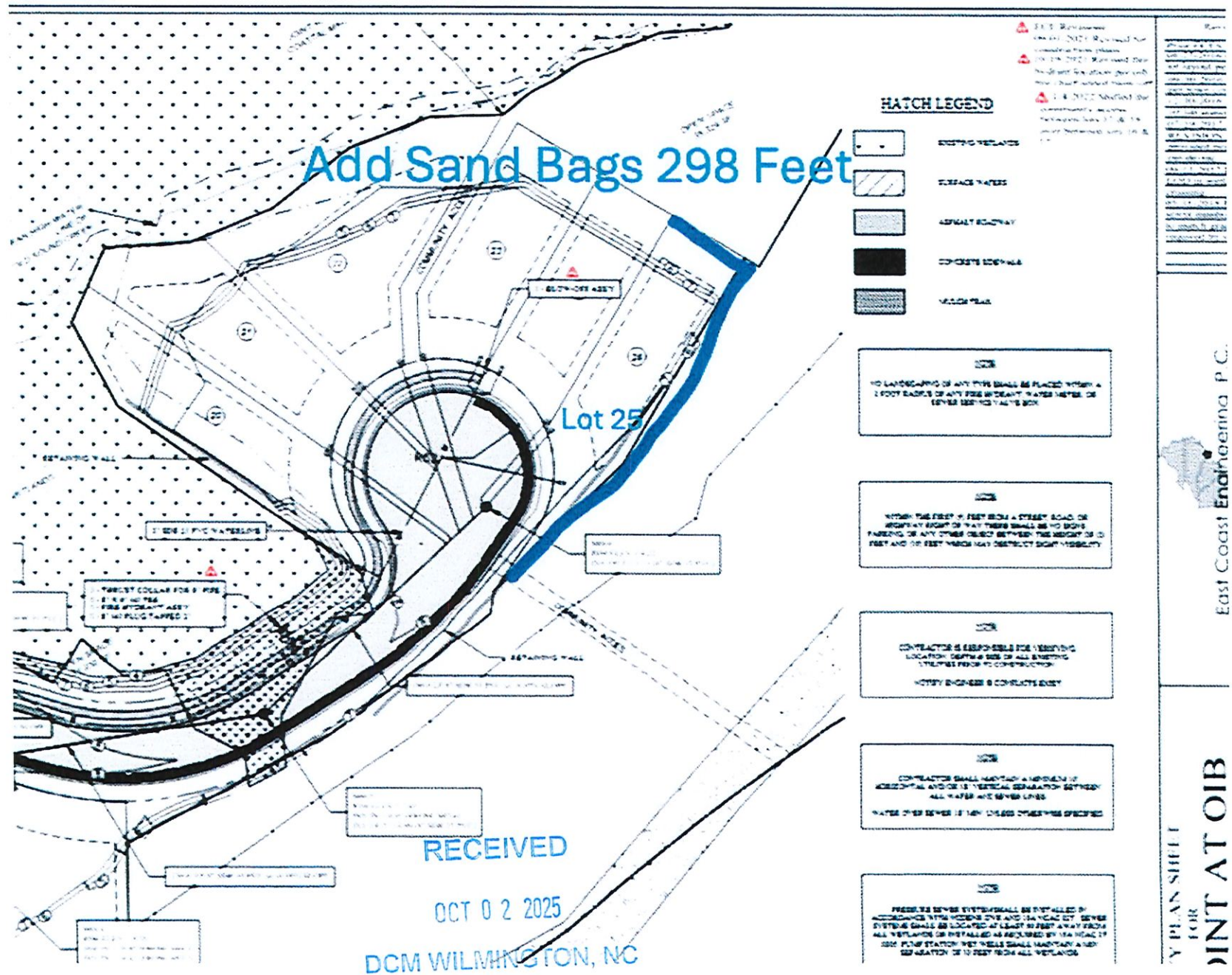
/s/ Mary L. Lucasse
Mary L. Lucasse
Special Deputy Attorney General & Commission Counsel
P.O. Box 629
Raleigh, N. C. 27602





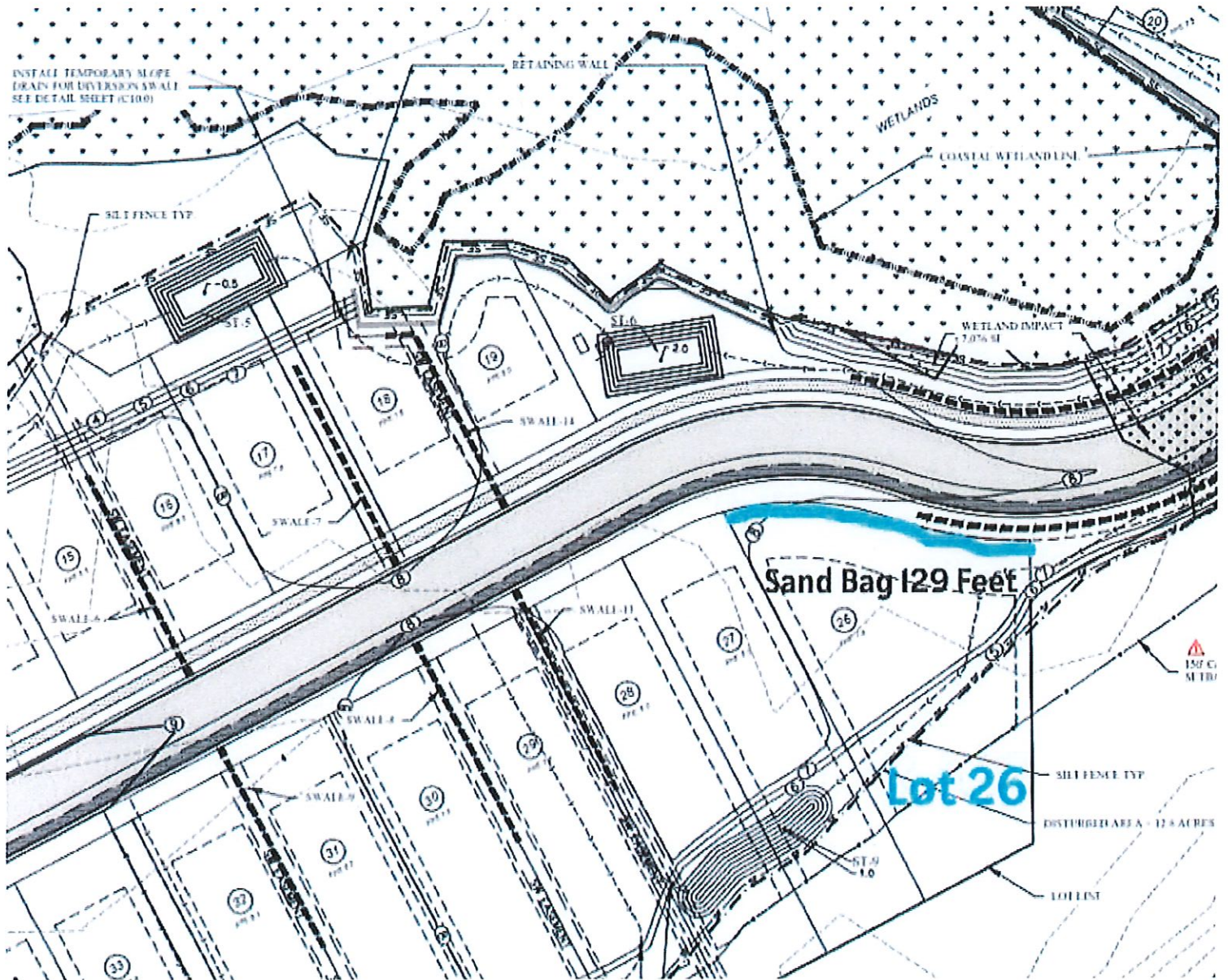


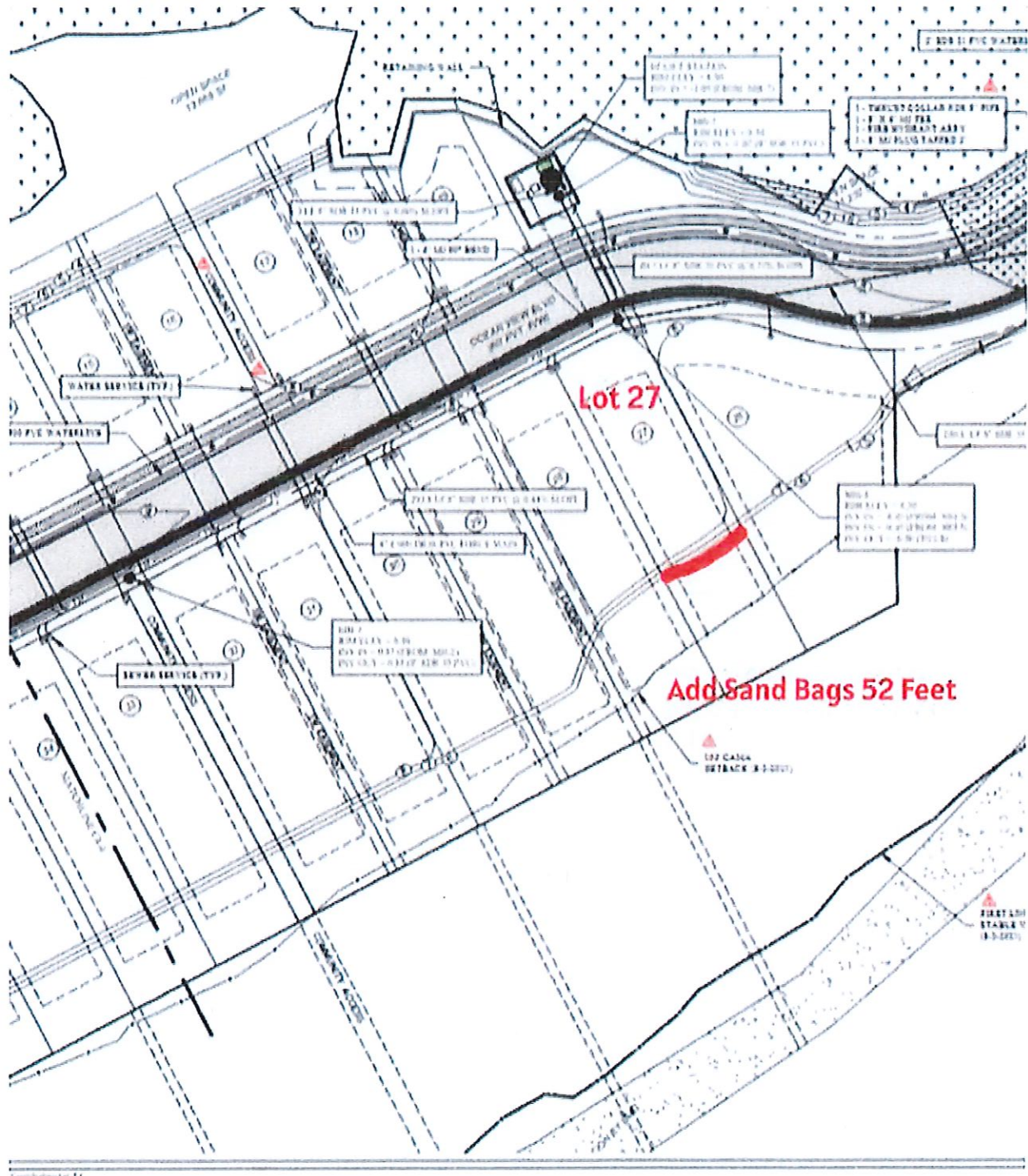
DCM WILMINGTON, NC

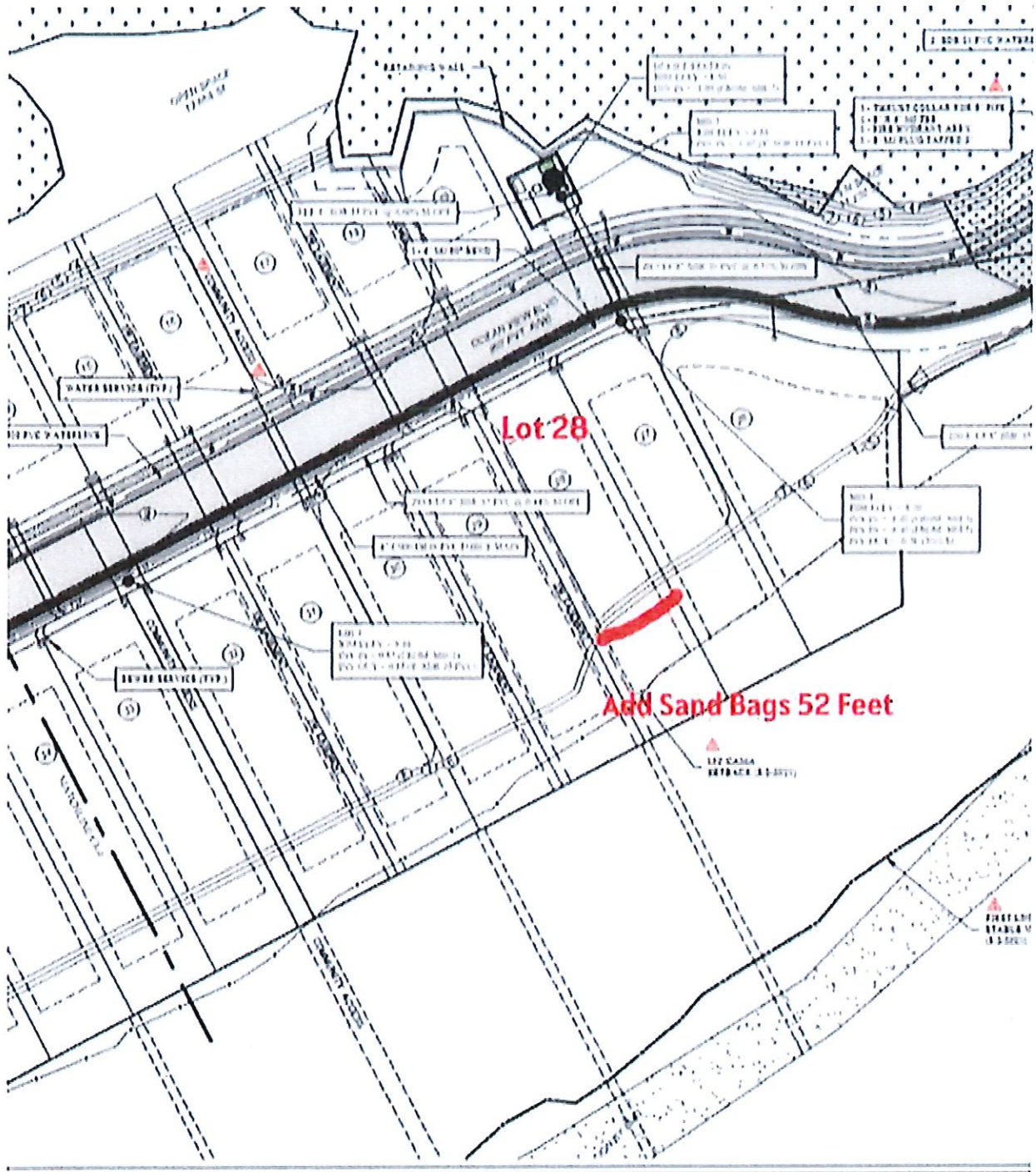


East Coast Engineering P.C.

PLAN SHEET
FOR
DINT AT OIB







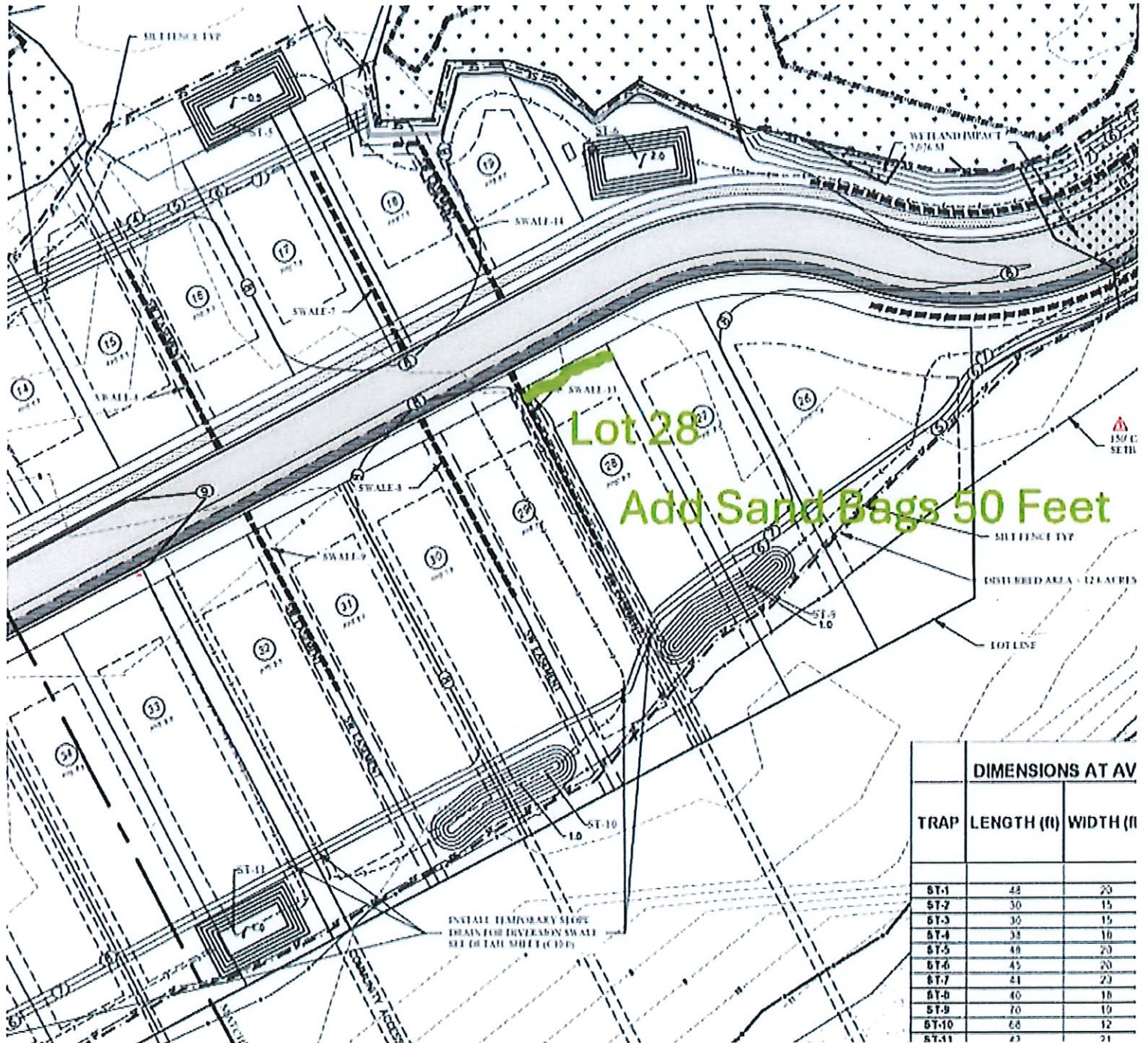
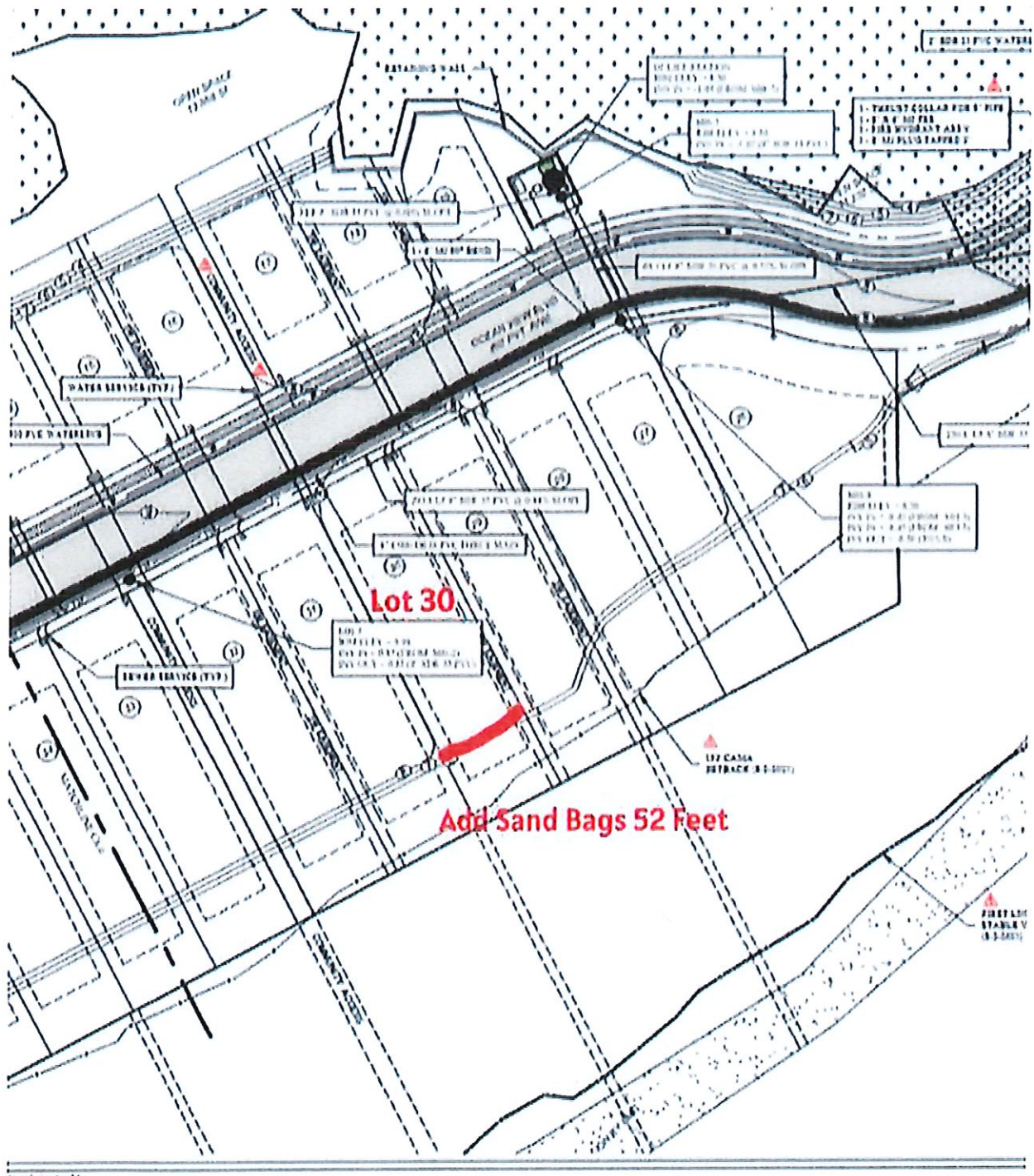


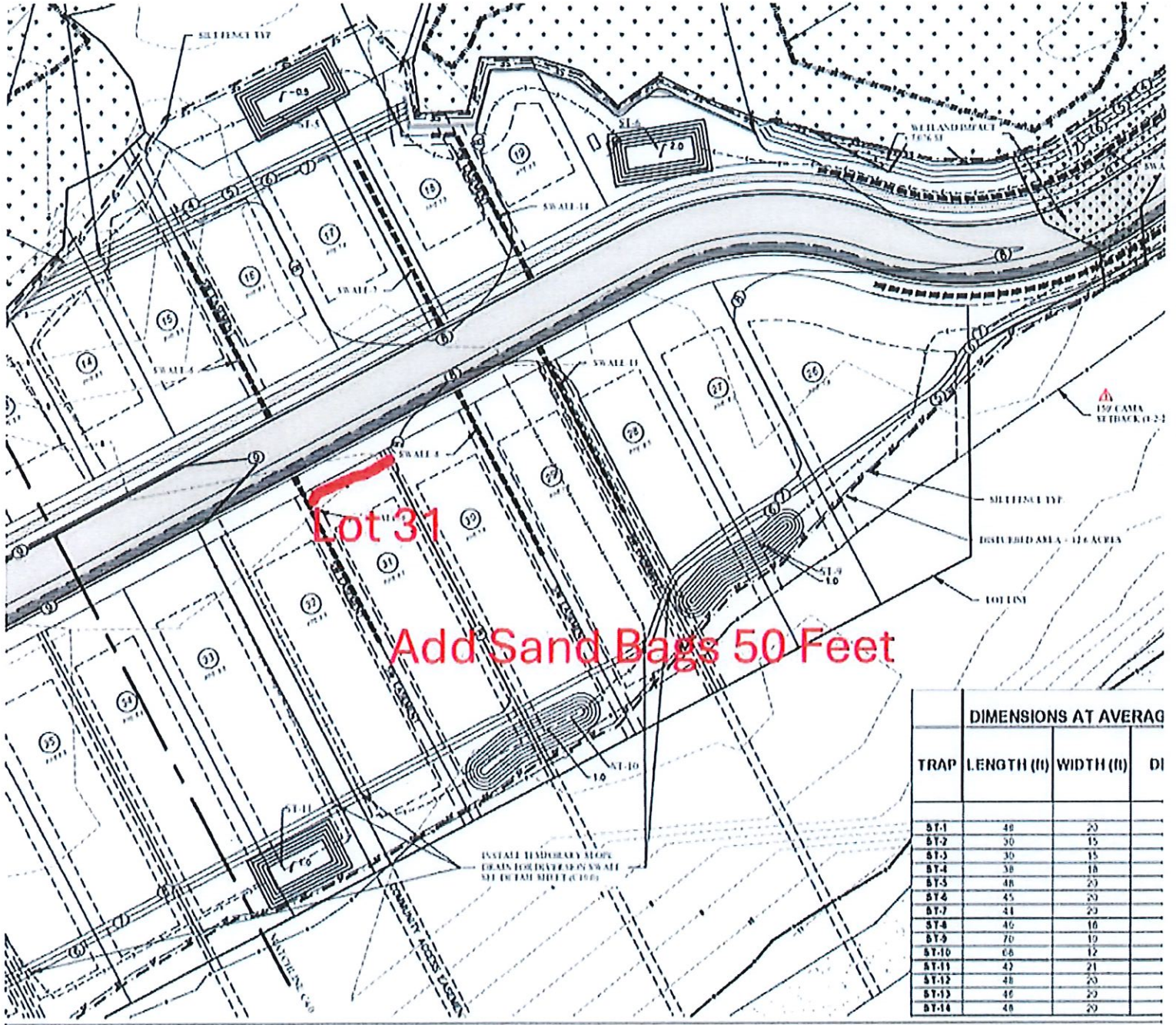
EXHIBIT 4

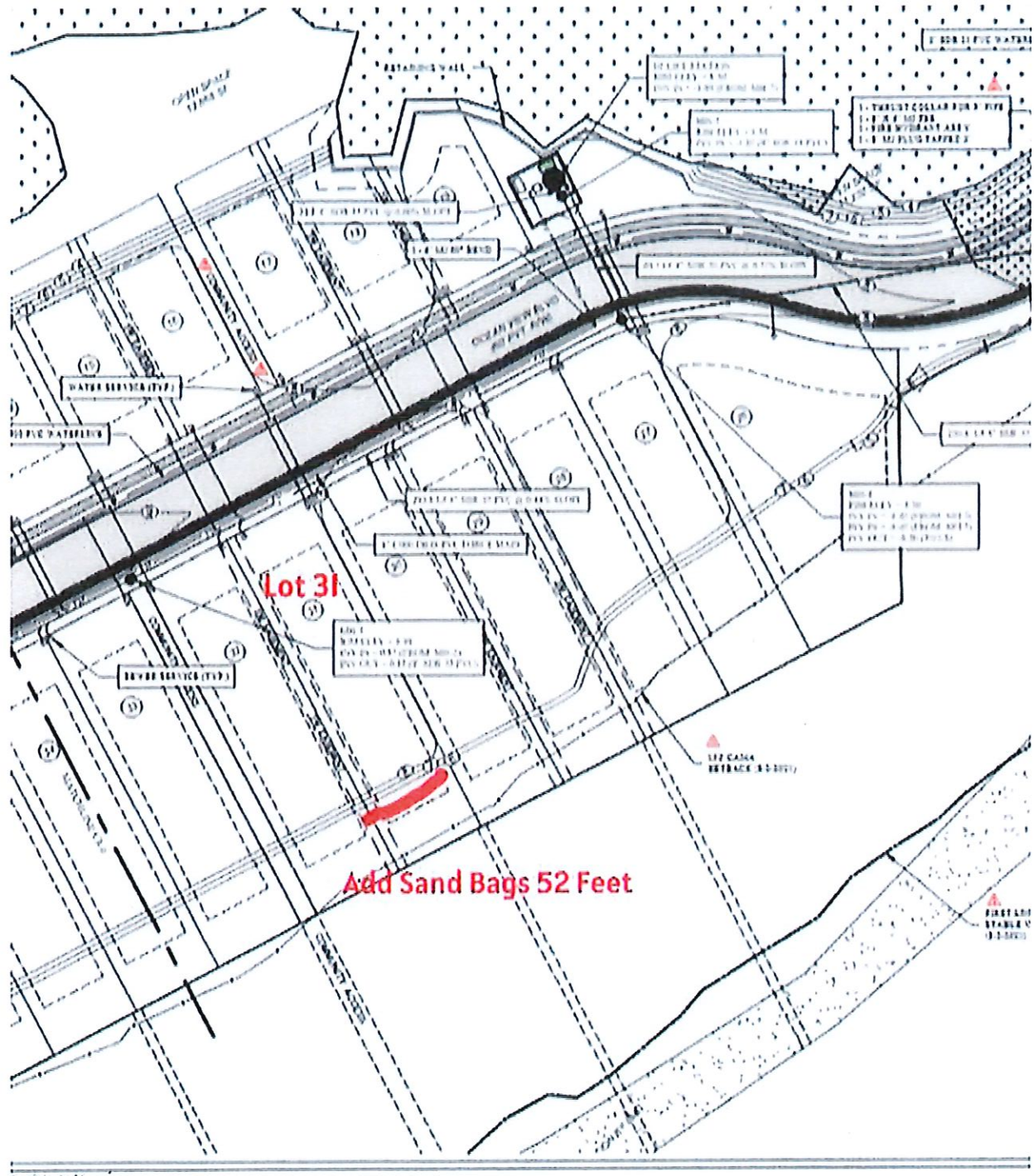
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ST-2	30	15	
ST-3	30	15	
ST-4	34	16	
ST-5	48	23	
ST-6	47	23	
ST-7	44	23	
ST-8	42	11	
ST-9	20	12	
ST-10	63	12	
ST-11	42	21	
ST-12	44	23	
ST-13	43	22	
ST-14	48	23	

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TRAP	DIMENSIONS AT AVERAGE DEPTH			STORAGE CONSTANT = 3600 (c/nc)	REQUIRED STORAGE (c)	PROV STOI (c)
	LENGTH (ft)	WIDTH (ft)	DEPTH (ft)	DISTURBED AREA (ac)		
BT-1	48	20	4	0.93	3564	36
BT-2	20	15	4	0.45	1620	16
BT-3	20	15	4	0.45	1548	16
BT-4	28	18	4	0.70	2503	25
BT-5	48	20	4	0.93	3556	36
BT-6	45	20	4	0.87	3415	36
BT-7	48	20	4	0.93	3132	36
BT-8	48	18	4	0.78	2724	28
BT-9	20	15	4	0.45	2628	28
BT-10	68	12	4	0.81	2916	30
BT-11	42	21	4	0.95	3120	36
BT-12	48	20	4	0.93	3528	36
BT-13	48	20	4	0.93	3528	36
BT-14	43	20	4	0.87	3132	36







NC DIVISION OF COASTAL MANAGEMENT SANDBAG REMOVAL NOTICE

I, Robert and Dawn Lee, understand that sandbags are temporary erosion control structures that may remain in place for up to eight years after the date of approval if it is protecting a building and an associated septic system, a bridge or a road. The property owner shall be responsible for removal of any portion of the temporary erosion control structure exposed above grade within 30 days of the end of the allowable time period. Any portion of the temporary erosion control structure that becomes exposed above grade after the expiration of the permitted time period shall be removed by the property owner within 30 days of official notification from the Division of Coastal Management.

In this case the sandbag alignment may remain in place up to: _____ Permit No. _____

Address of the Structure Being Protected:

The Point OIB, HOA Road Infrastructure

34 GrandView Drive

Ocean Isle Beach, NC 28469

Property Owner: Robert + Dawn Lee
(Firm, Corporation or Individual)

If the property is owned by a Firm or Corporation give the name of the officer or authorized representative:

Print Name
Robert Lee
Signature

10/8/25
Date

If an agent is obtaining the permit on your behalf the following section must be completed in full:

I, Robert Lee, give permission to, _____
Print owner or Officer Name Print Agent Name

to act as my/our agent in obtaining a CAMA General Permit to place sandbags on the property noted above.

Robert Lee
Owner or Officer Signature

Print Agent Name

NC DIVISION OF COASTAL MANAGEMENT

SANDBAG REMOVAL NOTICE

I, Tyler B. Dunlap, Jr., Member understand that sandbags are temporary erosion control structures that may remain in place for up to eight years after the date of approval if it is protecting a building and an associated septic system, a bridge or a road. The property owner shall be responsible for removal of any portion of the temporary erosion control structure exposed above grade within 30 days of the end of the allowable time period. Any portion of the temporary erosion control structure that becomes exposed above grade after the expiration of the permitted time period shall be removed by the property owner within 30 days of official notification from the Division of Coastal Management.

In this case the sandbag alignment may remain in place up to: _____ Permit No. _____

Address of the Structure Being Protected:

The Point OIB, HOA Cul-de-sac Infrastructure
36 Grandview Drive
Ocean Isle Beach, NC 28469

Property Owner: The Point OIB HOA, LLC
 (Firm, Corporation or Individual)

If the property is owned by a Firm or Corporation give the name of the officer or authorized representative:

Tyler B. Dunlap, Jr.
 Print Name
[Signature]
 Signature

September 30, 2025
 Date

If an agent is obtaining the permit on your behalf the following section must be completed in full:

I, Jimmy D Bell official give permission to, Jimmy Bell
 Print Owner or Officer Name Print Agent Name

to act as my/our agent in obtaining a CAMA General Permit to place sandbags on the property noted above.

Jimmy D. Bell
 Owner or Officer Signature

Jimmy D. Bell
 Print Agent Name

NC DIVISION OF COASTAL MANAGEMENT

SANDBAG REMOVAL NOTICE

I, Tyler B. Dunlap, Jr., understand that sandbags are temporary erosion control structures that may remain in place for up to eight years after the date of approval if it is protecting a building and an associated septic system, a bridge or a road. The property owner shall be responsible for removal of any portion of the temporary erosion control structure exposed above grade within 30 days of the end of the allowable time period. Any portion of the temporary erosion control structure that becomes exposed above grade after the expiration of the permitted time period shall be removed by the property owner within 30 days of official notification from the Division of Coastal Management.

In this case the sandbag alignment may remain in place up to: _____ Permit No. _____

Address of the Structure Being Protected:

38 Grande View Dr.

Ocean Isle Beach, NC

Property Owner: The Point OIB, LLC

(Firm, Corporation or Individual)

If the property is owned by a Firm or Corporation give the name of the officer or authorized representative:

Tyler B. Dunlap, Jr.

Print Name

10/9/25
Date

X

Signature

If an agent is obtaining the permit on your behalf the following section must be completed in full:

I, Tyler B. Dunlap, Jr., give permission to, Jimmy Bell

Print owner or Officer Name

Print Agent Name

to act as my/our agent in obtaining a CAMA General Permit to place sandbags on the property noted above.

X

Owner or Officer Signature

Jimmy Bell

Print Agent Name

NC DIVISION OF COASTAL MANAGEMENT

SANDBAG REMOVAL NOTICE

I, Richard Wright, understand that sandbags are temporary erosion control structures that may remain in place for up to eight years after the date of approval if it is protecting a building and an associated septic system, a bridge or a road. The property owner shall be responsible for removal of any portion of the temporary erosion control structure exposed above grade within 30 days of the end of the allowable time period. Any portion of the temporary erosion control structure that becomes exposed above grade after the expiration of the permitted time period shall be removed by the property owner within 30 days of official notification from the Division of Coastal Management.

In this case the sandbag alignment may remain in place up to: _____ Permit No. _____

Address of the Structure Being Protected:

The Point OIB, HOA Road Infrastructure
40 Grand View Drive
Ocean Isle Beach, NC 28469

Property Owner: The Point OIB HOA, LLC

(Firm, Corporation or Individual)

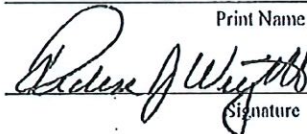
If the property is owned by a Firm or Corporation give the name of the officer or authorized representative:

Richard Wright

September, 26, 2025

Print Name

Date


 Signature

If an agent is obtaining the permit on your behalf the following section must be completed in full:

I, Richard Wright, give permission to, Timmy Bell
 Print owner or Officer Name Print Agent Name

to act as my/our agent in obtaining a CAMA General Permit to place sandbags on the property noted above.


 Owner or Officer Signature

Print Agent Name

NC DIVISION OF COASTAL MANAGEMENT
SANDBAG REMOVAL NOTICE

I, Jenny Lee, understand that sandbags are temporary erosion control structures that may remain in place for up to eight years after the date of approval if it is protecting a building and an associated septic system, a bridge or a road. The property owner shall be responsible for removal of any portion of the temporary erosion control structure exposed above grade within 30 days of the end of the allowable time period. Any portion of the temporary erosion control structure that becomes exposed above grade after the expiration of the permitted time period shall be removed by the property owner within 30 days of official notification from the Division of Coastal Management.

In this case the sandbag alignment may remain in place up to: _____ Permit No. _____

Address of the Structure Being Protected:

The Point OIB Cul-de-Sac
46 Grand View Drive
Ocean Isle Beach, NC 28469

Property Owner: J Lee Investments, LLC
(Firm, Corporation or Individual)

If the property is owned by a Firm or Corporation give the name of the officer or authorized representative:

Jenny Lee Oct 1, 2025
Print Name Date
[Signature]
Signature

If an agent is obtaining the permit on your behalf the following section must be completed in full:

I, Jenny Lee, give permission to, Jimmy D Bell
Print owner or Officer Name Print Agent Name

to act as my/our agent in obtaining a CAMA General Permit to place sandbags on the property noted above.

[Signature] Jimmy D Bell
Owner or Officer Signature Print Agent Name

RECEIVED

OCT 02 2025

DCM WILMINGTON, NC

NC DIVISION OF COASTAL MANAGEMENT

SANDBAG REMOVAL NOTICE

I, Jerry Lee, understand that sandbags are temporary erosion control structures that may remain in place for up to eight years after the date of approval if it is protecting a building and an associated septic system, a bridge or a road. The property owner shall be responsible for removal of any portion of the temporary erosion control structure exposed above grade within 30 days of the end of the allowable time period. Any portion of the temporary erosion control structure that becomes exposed above grade after the expiration of the permitted time period shall be removed by the property owner within 30 days of official notification from the Division of Coastal Management.

In this case the sandbag alignment may remain in place up to: _____ Permit No. _____

Address of the Structure Being Protected:

42 Grande View Dr

Ocean Isle Beach, NC 28469

Property Owner: JLee Investments, LLC

(Firm, Corporation or Individual)

If the property is owned by a Firm or Corporation give the name of the officer or authorized representative:

Jerry Lee

Print Name

10/13/2025

Date

Signature

If an agent is obtaining the permit on your behalf the following section must be completed in full:

I, Jerry Lee

Print owner or Officer Name

, give permission to, Jimmy Bell

Print Agent Name

to act as my/our agent in obtaining a CAMA General Permit to place sandbags on the property noted above.

Owner or Officer Signature

Jimmy Bell

Print Agent Name

NC DIVISION OF COASTAL MANAGEMENT SANDBAG REMOVAL NOTICE

I, Tyler B. Dunlap, Jr., Member, understand that sandbags are temporary erosion control structures that may remain in place for up to eight years after the date of approval if it is protecting a building and an associated septic system, a bridge or a road. The property owner shall be responsible for removal of any portion of the temporary erosion control structure exposed above grade within 30 days of the end of the allowable time period. Any portion of the temporary erosion control structure that becomes exposed above grade after the expiration of the permitted time period shall be removed by the property owner within 30 days of official notification from the Division of Coastal Management.

In this case the sandbag alignment may remain in place up to: _____ Permit No. _____

Address of the Structure Being Protected:

The Point OIB, HOA Cul-de-sac Infrastructure
44 GrandView Drive

Ocean Isle Beach, NC 28469

Property Owner: The Point OIB HOA, LLC

(Firm, Corporation or Individual)

If the property is owned by a Firm or Corporation give the name of the officer or authorized representative:

The Point OIB HOA, LLC Tyler B. Dunlap, Jr. President

October 7, 2025

Print Name

Date

Signature

If an agent is obtaining the permit on your behalf the following section must be completed in full:

I, Tyler B. Dunlap, Jr., give permission to, Jimmy Bell

Print owner or Officer Name

Print Agent Name

to act as my/our agent in obtaining a CAMA General Permit to place sandbags on the property noted above.

Owner or Officer Signature

Jimmy Bell

Print Agent Name

From: [Miller, Tancred](#)
To: [Mairs, Robb L](#); [Howell, Jonathan](#)
Cc: [MacPherson, Tara](#); [Turbitt, Austin](#); [Goebel, Christine A](#)
Subject: Re: [External] Re: The Point OIB accelerated erosion request
Date: Thursday, August 28, 2025 4:15:38 PM
Attachments: [image003.png](#)
[image002.png](#)

Robb,

Thanks for the information. The Division is not authorized to permit the installation of sandbag structures on lots in the absence of an imminently threatened structure or road right of way; however, based on what you have provided the road right of way associated with the following lots is determined, in accordance with 15A NCAC 07H .1700, to be imminently threatened due to the location of the erosion scarp and accelerated erosion, and is eligible for erosion protection using sandbags in accordance with 15A NCAC 07H.1700.

This authorization applies to the following lots, all owned by The Point OIB, LLC:

- L-26 THE POINT OIB PL-136/51
- L-29 THE POINT OIB PL-136/51
- L-30 THE POINT OIB PL-136/51

Please ensure that the sandbag structures are properly sized, sited and aligned, and installed in compliance with CRC rules. These sandbag structures may be located more than 20 feet waterward of the structures to be protected but shall be placed as far landward as feasible. A suggested placement is 20' waterward of the structure plus the base width of the sandbag revetment. You are authorized to determine the permitted placement.

Please inform anyone dissatisfied with this decision of their right to appeal to the CRC for additional relief.

Thanks,
Tancred

Tancred Miller

Director, Division of Coastal Management
 Department of Environmental Quality
 400 Commerce Ave
 Morehead City, NC 28557
 (252) 515-5432
tancred.miller@deq.nc.gov

Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Mairs, Robb L <robb.mairs@deq.nc.gov>
Sent: Thursday, August 28, 2025 10:36:55 AM
To: Miller, Tancred <tancred.miller@deq.nc.gov>; Howell, Jonathan <jonathan.howell@deq.nc.gov>

Cc: MacPherson, Tara <tara.macpherson@deq.nc.gov>; Turbitt, Austin <austin.turbitt@deq.nc.gov>

Subject: FW: [External] Re: The Point OIB accelerated erosion request

Tancred and Jonathan,

Mr. Jimmy Bell with The Point OIB, LLC is requesting another accelerated erosion request under **15A NCAC 07H.1705(a)(5)** following the erosion event associated with Hurricane Erin for undeveloped Lots 26, 29 and 30 (44, 38, 36 Grandview Drive). Total length along these lots would be approximately 170-feet.

To date DCM has issued CAMA General Permits to individual property owners through the previous accelerated erosion request for Lots 35, 34, 33 and 32 (26, 28, 30 and 32 Grandview Drive). These are the oceanfront properties with existing buildings and associated structures. The authorized permits were conditioned to be constructed as landward as feasible. Sandbag installation has been completed for each of these properties.

DCM has also issued CAMA General Permits to The Point OIB, LLC to protect the threatened road right-of-way on the eastern end of the subdivision, which the sandbags have also been installed as authorized. As you know this area along the road right-of-way has taken substantial damage due to recent erosion events. DCM staff have also conducted recent site visits before and post storm event. Based on site visits yesterday by DCM staff, the current erosion escarpment ranges from approximately 33-feet to 128-feet to the existing roadway.

Mr. Bell states that the property owners of Lots 27 and 28 (42 and 40 Grandview Drive) may also individually request an accelerated erosion request for sandbags, and that this would allow the owners of the undeveloped oceanfront lots to fill the gaps between existing sandbag revetments to protect their subdivision.

Thanks, and let me know if you need additional information to assist in this request.

Robb

****Please see UPDATED CAMA Rep. contact information below****

Surf City/Topsail Beach/Pender Co (not Hampstead)- genevieve.ivec@deq.nc.gov

Topsail Beach/Surf City Minor Permit requests to robb.mairs@deq.nc.gov

Northern New Hanover (N. side of Bradley Creek) & Hampstead-phil.dangelis@deq.nc.gov

Southern New Hanover (S. side of Bradley Creek)- hannah.mitchell@deq.nc.gov

Eastern Brunswick Co. (Southport, Oak Is/ HB, Bolivia, Leland)-courtney.milliron@deq.nc.gov

Western Brunswick Co. (OIB/SB, Supply, Shallotte)- austin.turbitt@deq.nc.gov

Bald head Island- tara.macpherson@deq.nc.gov

Main number: 910-796-7215

Robb Mairs

LPO Minor Permits Coordinator

North Carolina Division of Coastal Management
 North Carolina Department of Environmental Quality
 127 Cardinal Drive Extension
 Wilmington, NC 28405
 Office: (910) 796-7301
 Cell: (910) 789-2577 (preferred)

Please note that my email address is now Robb.Mairs@deq.nc.gov

Click [HERE](#) to Find the DCM Field Rep in your CAMA region.



Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Jimmy Bell <landprocurement@yahoo.com>

Sent: Wednesday, August 27, 2025 4:30 PM

To: Mairs, Robb L <robb.mairs@deq.nc.gov>; Doc Dunlap <docdunlap@gmail.com>; Donnie Lee <dlee@lee-electrical.com>; Jerry Lee <jlee@lee-electrical.com>; Rich Ellman <rellman@spiritservices.com>; D. and Lynn Sample <samplehouse6@aol.com>

Subject: Re: [External] Re: The Point OIB accelerated erosion request

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.

Robb:

The Point OIB, LLC would like to apply for Accelerated Erosion Sand Bag installations on Lots 26, 29 and 30. These lots are owned by The Point OIB, LLC.

The address is
 2990 Broad Street
 Sumter, SC 29150.
 The owner is Tyler B. Dunlap, Jr.

Lot 30 width is 50 feet.
 Lot 29 is 50 feet
 Lot 26 width on the red line as shown is 70 feet.

We discussed the remaining lot 27 and 28 with the HOA and plan to request the lot

owners to make their personal request for Sand Bags.

Please allow us to install the remaining sand bag area to fill the gaps and protect the neighborhood.

Thanks,

Jimmy Bell

The Point OIB, LLC
843 455 4900

On Wednesday, August 27, 2025 at 01:31:19 PM EDT, Mairs, Robb L <robb.mairs@deq.nc.gov> wrote:



****Please see UPDATED CAMA Rep. contact information below****

Surf City/Topsail Beach/Pender Co (not Hampstead)- genevieve.ivec@deq.nc.gov

Topsail Beach/Surf City Minor Permit requests to robb.mairs@deq.nc.gov

Northern New Hanover (N. side of Bradley Creek) & Hampstead-phil.dangelis@deq.nc.gov

Southern New Hanover (S. side of Bradley Creek)- hannah.mitchell@deq.nc.gov

Eastern Brunswick Co. (Southport, Oak Is/ HB, Bolivia, Leland)-courtney.milliron@deq.nc.gov

Western Brunswick Co. (OIB/SB, Supply, Shallotte)- austin.turbitt@deq.nc.gov

Bald head Island- tara.macpherson@deq.nc.gov

Main number: 910-796-7215

Robb Mairs

LPO Minor Permits Coordinator

*North Carolina Division of Coastal Management
North Carolina Department of Environmental Quality
127 Cardinal Drive Extension*

Wilmington, NC 28405

Office: (910) 796-7301

Cell: (910) 789-2577 (preferred)

Please note that my email address is now Robb.Mairs@deq.nc.gov

Click [HERE](#) to Find the DCM Field Rep in your CAMA region.



Email correspondence to and from this address is subject to the

North Carolina Public Records Law and may be disclosed to third parties.

From: Mairs, Robb L

Sent: Wednesday, August 27, 2025 1:29 PM

To: Jimmy Bell <landprocurement@yahoo.com>

Subject: RE: [External] Re: The Point OIB accelerated erosion request

Jimmy,

You can propose the alignment the HOA would like in this request as you did previously. We

will the total length of the proposed alignment of the sandbags in relation to the erosion escarpment, property boundaries and right-of-way.

Thanks,

Robb

****Please see UPDATED CAMA Rep. contact information below****

Surf City/Topsail Beach/Pender Co (not Hampstead)- genevieve.ivec@deq.nc.gov

Topsail Beach/Surf City Minor Permit requests to robb.mairs@deq.nc.gov

Northern New Hanover (N. side of Bradley Creek) & Hampstead-phil.dangelis@deq.nc.gov

Southern New Hanover (S. side of Bradley Creek)- hannah.mitchell@deq.nc.gov

Eastern Brunswick Co. (Southport, Oak Is/ HB, Bolivia, Leland)-courtney.milliron@deq.nc.gov

Western Brunswick Co. (OIB/SB, Supply, Shallotte)- austin.turbitt@deq.nc.gov

Bald head Island- tara.macpherson@deq.nc.gov

Main number: 910-796-7215

Robb Mairs

LPO Minor Permits Coordinator

*North Carolina Division of Coastal Management
North Carolina Department of Environmental Quality
127 Cardinal Drive Extension*

Wilmington, NC 28405

Office: (910) 796-7301

Cell: (910) 789-2577 (preferred)

Please note that my email address is now Robb.Mairs@deq.nc.gov

Click [HERE](#) to Find the DCM Field Rep in your CAMA region.



*Email correspondence to and from this address is subject to the
North Carolina Public Records Law and may be disclosed to third parties.*

From: Jimmy Bell <landprocurement@yahoo.com>
Sent: Wednesday, August 27, 2025 1:22 PM
To: Mairs, Robb L <robb.mairs@deq.nc.gov>
Subject: [External] Re: The Point OIB accelerated erosion request

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.

Robb:

Can we get permits to install the drawing line across the lots to tie to existing sand bags on each end?

Jimmy Bell

[Yahoo Mail: Search. Organize. Conquer](#)

On Wed, Aug 27, 2025 at 1:20 PM, Mairs, Robb L

<robb.mairs@deq.nc.gov> wrote:

Hey Jimmy,

Here's the request you previously sent for the accelerated erosion request.

Thanks

Robb

****Please see UPDATED CAMA Rep. contact information below****

Surf City/Topsail Beach/Pender Co (not Hampstead)- genevieve.ivec@deq.nc.gov

Topsail Beach/Surf City Minor Permit requests to robb.mairs@deq.nc.gov

Northern New Hanover (N. side of Bradley Creek) &

Hampstead-phil.dangelis@deq.nc.gov

Southern New Hanover (S. side of Bradley Creek)- hannah.mitchell@deq.nc.gov

Eastern Brunswick Co. (Southport, Oak Is/ HB, Bolivia,

Leland)-courtney.milliron@deq.nc.gov

Western Brunswick Co. (OIB/SB, Supply, Shallotte)- austin.turbitt@deq.nc.gov

Bald head Island- tara.macpherson@deq.nc.gov

Main number: 910-796-7215

Robb Mairs

LPO Minor Permits Coordinator

North Carolina Division of Coastal Management

North Carolina Department of Environmental Quality

127 Cardinal Drive Extension

Wilmington, NC 28405

Office: (910) 796-7301

Cell: (910) 789-2577 (preferred)

Please note that my email address is now Robb.Mairs@deq.nc.gov

Click [HERE](#) to Find the DCM Field Rep in your CAMA region.



Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Jimmy Bell <landprocurement@yahoo.com>

Sent: Saturday, June 7, 2025 1:15 PM

To: bpflynn44@gmail.com; Mairs, Robb L <robb.mairs@deq.nc.gov>; DAngelis, Phil R <phil.dangelis@deq.nc.gov>

Cc: Christy Register-Chappell <christy@camoib.com>; Cheek, Cherri <cherri@cheekteam.com>; Rich Ellman <rellman@spiritservices.com>; Doc Dunlap <docdunlap@gmail.com>; Keith Dycus <keith@oibgov.com>

Subject: [External] Re: Additional permit

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.

PRObb:

Attachment One of the previous email showing the first line of stable vegetation - FLSV- provides evidence of 150 feet of erosion due to the change of the FLSV location from 10-13-2022 to 7-13-2023 over nine (9) months. This equates to 223 feet per year versus the DCM published 5 - 6.5 feet per year. Does this meet the acceptable definition of "accelerated erosion"?

If the accelerated erosion is adequate to allow the Point OIB HOA to apply for extending sand bags along the oceanfront of the property, please provide the HOA an application with instructions to begin the process.

I am going to send two photo folders. One for October 13, 2022 and one for June - July 2023. These will be sent under a Wettransfer file due to the size. I hope these help show the beach at each time the referenced FLSV was recorded.

If I have mis-stated any portion of this email, please provide corrections.

Thank you,

Jimmy Bell

[Yahoo Mail: Search, Organize, Conquer](#)

On Sat, Jun 7, 2025 at 8:55 AM, Brendan Flynn
<bpflynn44@gmail.com> wrote:

Robb

Please see attached second set of documents.

Please let us know what else you may need.

Thanks,
Brendan Flynn
704-576-8758

From: Jimmy Bell <landprocurement@yahoo.com>

Sent: Thursday, June 5, 2025 9:06 PM

To: Rich Ellman <rellman@spiritservices.com>; Brendan Flynn <bpflynn44@gmail.com>; Doc Dunlap <docdunlap@gmail.com>

Subject: Re: Additional permit

Brendan, Rich and Doc

I am attaching several FLSV documents to prove erosion impact in the immediate Point OIB area.

The original FLSV was utilized for the project plan approval:

Dates

08-02-2021 - 10-12-2022 Attachment One

07-13-2023 - Attachment Two

03-19-2024 - Attachment Three - Walkway

05-17-2024 - Attachment Four

05-13-2025 - DWG Attachment Five

05-13-2025 - Attachment Six shows the FLSV in red on interior lots

The DWG file needs to be imported to the project map and I do not have the reference point to complete this.

I will ask a surveyor to complete it for me.

If I can assist more please let me know.

Jimmy Bell

Land Procurement, LLC
843 455 4900

On Thursday, June 5, 2025 at 05:40:41 PM EDT, Brendan Flynn <bpflynn44@gmail.com> wrote:

Jimmy

I asked Robb about the likelihood
of a permit and he shared the below.

Could you send Rich and I the info please?

Brendan,

That's correct, and I believe that Jimmy Bell indicated during our site visit he was going to provide us a copy of the survey that was recently done after the town, and our field staff flagged the vegetation line on May 13, 2025. This will help assist the DCM on making this

determination under current rules **15A NCAC 07H .1700**<https://www.deq.nc.gov/coastal-management/rule-changes/15a-ncac-07h-1700/download?attachment>

Thanks,
Brendan Flynn
704-576-8758

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

From: [Miller, Tancred](#)
To: [Mairs, Robb L](#)
Cc: [MacPherson, Tara](#); [Howell, Jonathan](#); [Goebel, Christine A](#); [DAngelis, Phil R](#)
Subject: RE: [External] Figure Eight Island Request for Accelerated Erosion - 5-8 Comber Road, Wilmington, NC 28411
Date: Monday, October 13, 2025 9:54:35 AM
Attachments: [image002.png](#)
[image003.png](#)

Hi Robb,

Based on the evidence presented the following properties are determined to be imminently threatened due to the location of the erosion scarp, flat beach profile, and accelerated erosion. These properties are eligible for erosion protection using sandbags in accordance with 15A NCAC 07H.1700. Please ensure that the sandbag structures are properly sized, sited and aligned, and installed in compliance with CRC rules.

- 5 Comber Road (Plybon)
- 6 Comber Road (Downes)
- 7 Comber Road (Coastal Distancing, LLC.)
- 8 Comber Road (North End, LLC.)

These sandbag structures may be located more than 20 feet waterward of the structures to be protected but shall be placed as far landward as feasible. You are authorized to determine the permitted placement.

Please inform anyone dissatisfied with this decision of their right to appeal to the CRC for additional relief.

Please also let Jason know that we will follow up with him regarding petitioning the CRC for a larger sandbag structure for the multiple properties he mentioned.

Thanks,
Tancred

Tancred Miller

Director, Division of Coastal Management
Department of Environmental Quality
400 Commerce Ave
Morehead City, NC 28557
(252) 515-5432 (office)
(252) 725-5586 (cell)

Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.



From: Mairs, Robb L <robb.mairs@deq.nc.gov>

Sent: Monday, October 13, 2025 8:58 AM

To: Miller, Tancred <tancred.miller@deq.nc.gov>

Cc: MacPherson, Tara <tara.macpherson@deq.nc.gov>; Howell, Jonathan <jonathan.howell@deq.nc.gov>; Goebel, Christine A <Christine.Goebel@deq.nc.gov>; DAngelis, Phil R <phil.dangelis@deq.nc.gov>

Subject: FW: [External] Figure Eight Island Request for Accelerated Erosion - 5-8 Comber Road, Wilmington, NC 28411

Good a.m. Tanc,

Please see Jason Dail's email below in regard to the erosion on the north end of Figure 8 Island. I just spoke with the Brandom Grime who's the contractor for these property owners and he indicated that the sandbags that were previously installed per your last accelerated erosion determination have been destroyed over the weekend, and he was told by some of the owners that the wave over wash was 6 feet above the sandbag alignment. Wilmington DCM staff plan to conduct a site visit as well.

Thanks,

Robb

Robb Mairs

Regulatory Section Chief and Acting LPO Minor Permit Coordinator

North Carolina Division of Coastal Management

North Carolina Department of Environmental Quality

127 Cardinal Drive Extension

Wilmington, NC 28405

Office: (910) 796-7301

Cell: (910) 789-2577 (preferred)

Please note that my email address is now Robb.Mairs@deq.nc.gov

Click [HERE](#) to Find the DCM Field Rep in your CAMA region.



Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Jason Dail <coastalpermittingspecialist@gmail.com>

Sent: Sunday, October 12, 2025 7:48 PM

To: Mairs, Robb L <robb.mairs@deq.nc.gov>; MacPherson, Tara <tara.macpherson@deq.nc.gov>; DAngelis, Phil R <phil.dangelis@deq.nc.gov>; Howell, Jonathan <jonathan.howell@deq.nc.gov>

Subject: [External] Figure Eight Island Request for Accelerated Erosion - 5-8 Comber Road, Wilmington, NC 28411

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 Robb, hope you had an enjoyable weekend.

Following up on our conversation from Friday afternoon (10/10/25), I wanted to provide you the latest imagery from the Comber Road area, located on Figure Eight Island, in Wilmington, NC, New Hanover County.

As we discussed, the property owners between 5-8 Comber Road would like to request a determination for accelerated erosion so they can begin the permitting process for shoreline protection. At your convenience, could you please review the attached information and forward along to Tancred for determination? If it's agreed that accelerated erosion is occurring in this area, the property owners would like to immediately pursue a request for temporary erosion control structures through the issuance of a CAMA general permit.

Additionally, the majority of property owners between 7 Inlet Hook and 5 Comber Road have expressed interest in petitioning the Commission for a larger revetment along the shoreline. I have spoken to many over the weekend (some with existing bags and some without), and they would like to understand the process moving forward, as would I. Since all of the owners between 9 Comber Road and 10 Inlet Hook (17 properties in total) obtained a GP .1700 back in April/May for shoreline protection, their permits have expired and the work authorized has been complete, leaving no mechanism in place for a permit decision to be made (i.e. no denial for CRC petition). Would this mean all of the interested parties would need to jointly apply for a new CAMA major permit application, be denied and then petition the CRC, or is there another option available to get in front of the Commission?

I know you have a very busy week out of the office, but if there's any way we can talk early in the week and establish a process for these folks, they would greatly appreciate it.

Let me know if you have any questions about the information attached.

Thanks as always for your time, attention and professionalism.

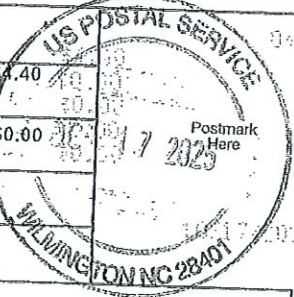
Jason

Jason Dail, Owner
Coastal Permitting Specialist, LLC
1423 Setter Ct
Wilmington, NC 28411
910-540-0319
email: coastalpermittingspecialist@gmail.com
website: www.coastalpermittingspecialist.com

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9214 7969 0099 9790 1658 0996 06	
Postage	\$5.00
Certified Fee	\$4.40
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$9.40



Postmark Here

Sent To	Lyndsey J. Gibson and Christopher D. Gibson
Street, Apt. No., or PO Box No.	2 Spreading Oak Ct.
City, State, Zip+4	Durham, NC 27713
	10/17/2025 10:16:45AM

PS Form 3800, January 2013 See Reverse for Instructions



115 NORTH 3RD STREET
SUITE 301
WILMINGTON, NC 28401

T 910.444.2000
WWW.BROOKSPIERCE.COM

Applicant Name: Robert Lee and Dawn Lee
Applicant Address: 55 Leven Links Lane, Pinehurst NC 28374

October 17, 2025

*Sent by certified mail
return receipt requested*

Lyndsey J. Gibson and Christopher D. Gibson
2 Spreading Oak Ct.
Durham, NC 27713

Dear Lyndsey and Christopher:

I represent Robert Lee and Dawn Lee, who are applying for a CAMA Variance in order to install sandbags 12' x 40' x 52' located at 34 Grande View Dr., Ocean Isle Beach, NC 28469 in Brunswick County, North Carolina. The specifics of the proposed work are in the enclosed application forms and drawings.

As the adjacent riparian property owner to the aforementioned project, I am required to notify you of the development to give you the opportunity to comment on the project. Please review the attached permit application and drawings.

Should you have any objections to this proposal, please send your written comments to Tara MacPherson, 127 Cardinal Drive Extension, Wilmington, NC 28405 within 10 days of your receipt of this notice. Such comments will be considered by the Department in reaching a final decision on the application. No comment within 30 days of your receipt of this notice will be considered as no objection. If you have any questions on this project, please call me at (910) 444-2020, or email me at cbaldwin@brookspierce.com.

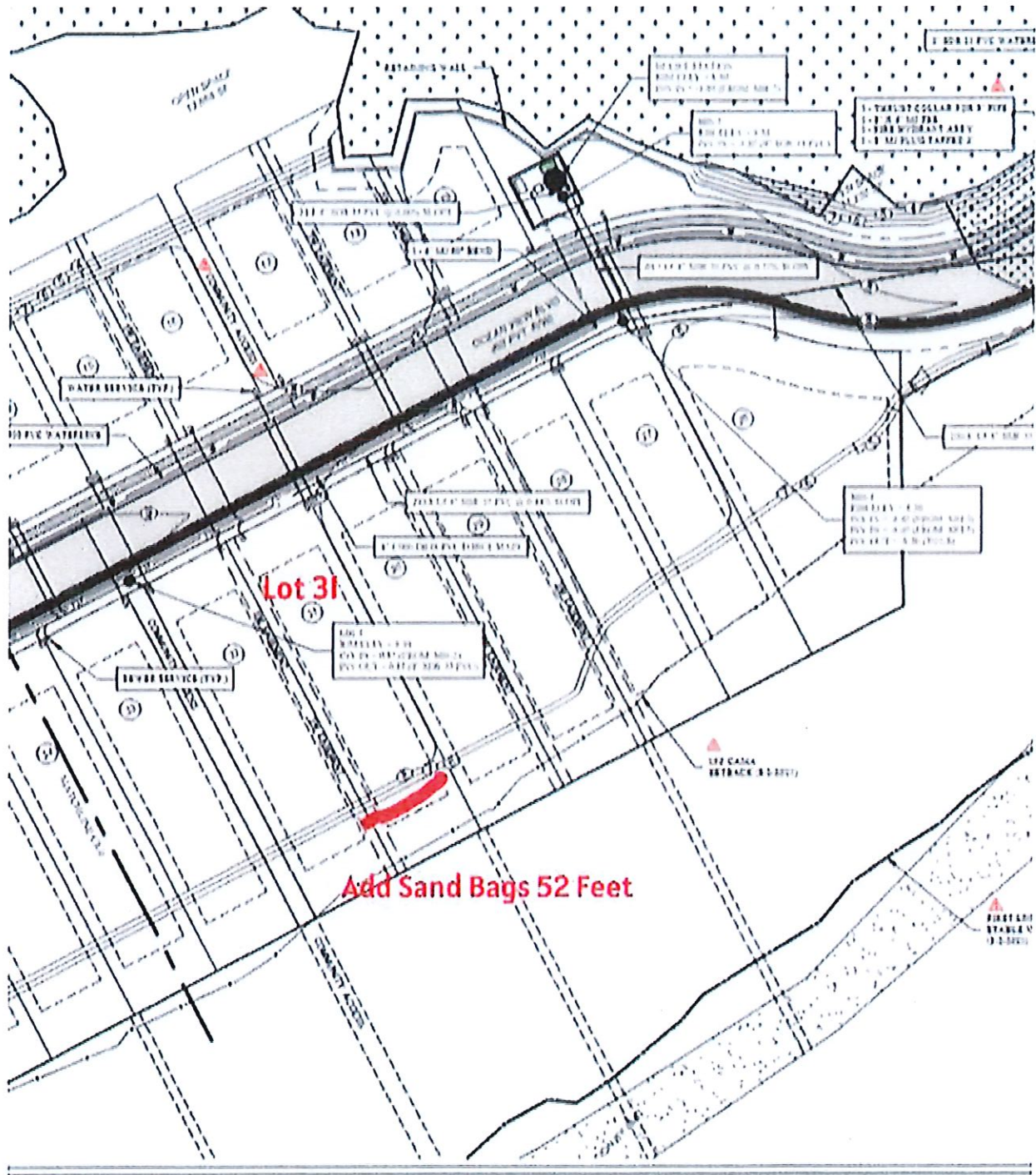
Sincerely,

Charles Baldwin
Counsel for Robert Lee and Dawn Lee

CSBIV/ck
Encl.

EXHIBIT D





U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
9214 7969 0099 9790 1658 1766 73 Greenville, NC 27834	
Postage	\$5.30
Certified Fee	\$4.40
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.74
Total Postage & Fees	\$10.44
Sent To Philip and Debra Houston 3013 Merriewood Lane Greenville, NC 27834-0015 10/24/2025 1:21:52PM	
PS Form 3800, August 2006 See Reverse for Instructions	





115 NORTH 3RD STREET
SUITE 301
WILMINGTON, NC 28401

T 910.444.2000
WWW.BROOKSPIERCE.COM

Applicant Name: The Pointe, OIB, LLC
Applicant Address: 2990 Broad Street, Sumter SC 29150

October 24, 2025

*Sent by certified mail
return receipt requested*

Philip & Debra Houston
3013 Merriewood Lane
Greenville NC 27834-0015

Dear Philip and Debra:

I represent The Pointe, OIB, LLC, who is applying for a CAMA Variance in order to install sandbags 12 'x 40' x 52' located at 48 Grande View Dr., Ocean Isle Beach, NC 28469 in Brunswick County, North Carolina. The specifics of the proposed work are in the enclosed application forms and drawings.

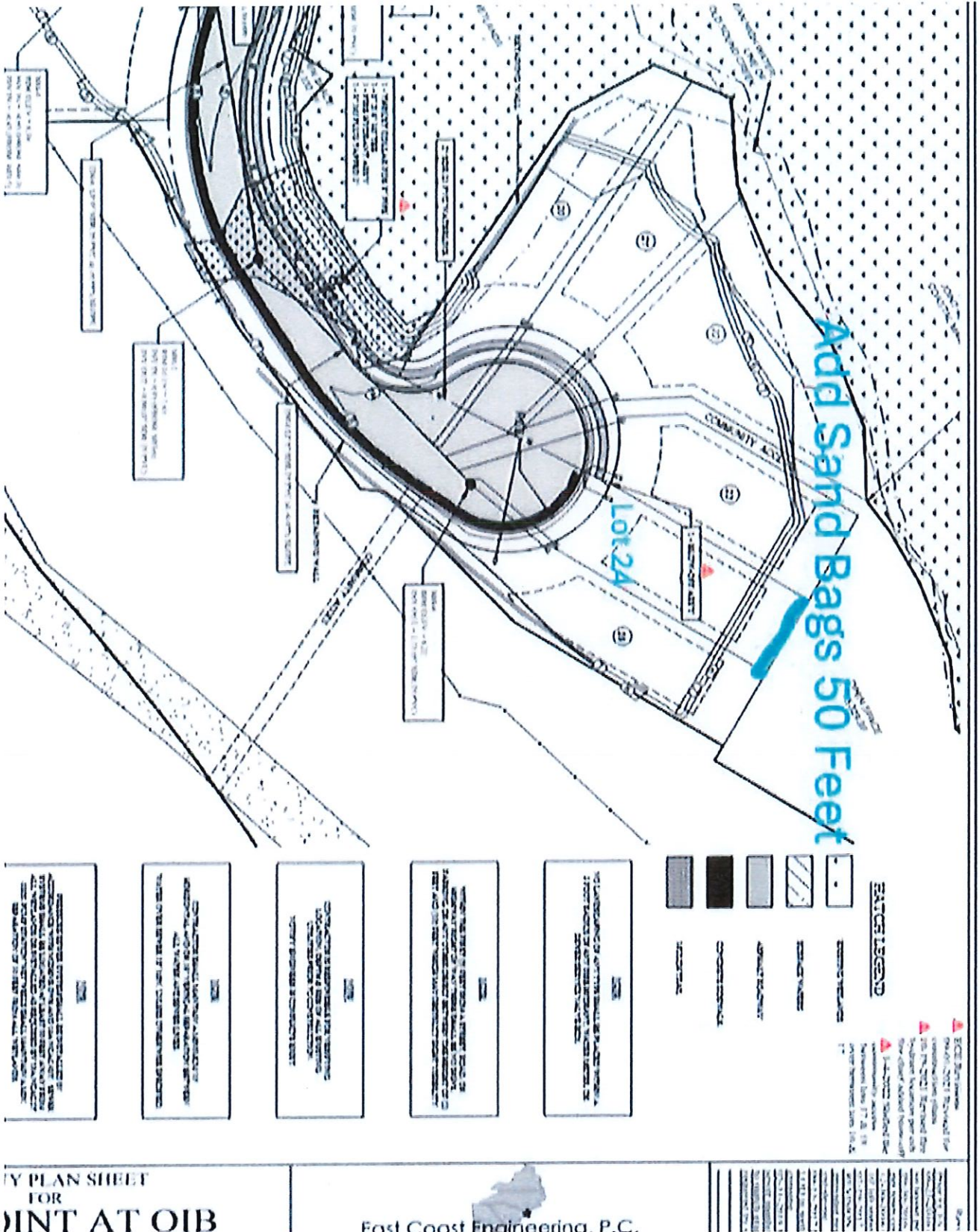
As the adjacent riparian property owner to the aforementioned project, I am required to notify you of the development to give you the opportunity to comment on the project. Please review the attached permit application and drawings.

Should you have any objections to this proposal, please send your written comments to Tara MacPherson, 127 Cardinal Drive Extension, Wilmington, NC 28405 within 10 days of your receipt of this notice. Such comments will be considered by the Department in reaching a final decision on the application. No comment within 30 days of your receipt of this notice will be considered as no objection. If you have any questions on this project, please call me at (910) 444-2020, or email me at cbaldwin@brookspierce.com.

Sincerely,

Charles Baldwin
Counsel for The Pointe OIB, LLC

CSBIV/ck
Encl.





☒ CAMA ☒ DREDGE & FILL **GENERAL PERMIT**

No 99279

A B C D

Previous permit _____

Date previous permit issued _____

☐ New ☐ Modification ☐ Complete Reissue ☐ Partial Reissue

As authorized by the State of North Carolina, Department of Environmental Quality and the Coastal Resources Commission in an area of environmental concern pursuant to:

15A NCAC 11H.1700 ☐ Rules attached. ☐ General Permit Rules available at the following link: www.deq.nc.gov/CAMARules

Applicant Name The Point OIP LLC Authorized Agent _____
 Address 2990 Broad St Project Location (County): Brunswick
 City Savannah State SC ZIP 29150 Street Address/State Road/Lot #(s) Lot 24
 Phone # 803 4109-2100 Subdivision The Point OIP
 Email dcdunlap@gmail.com City Ocean Isle Beach ZIP 28469

Affected ☐ CW ☐ EW ☐ PTA ☐ ES ☐ PTS Adj. Wtr. Body Shallotte Inlet (nat/man/unk)
 AEC(s): ☒ OEA ☐ IHA ☐ UW ☐ SPIMA ☐ PWS Closest Maj. Wtr. Body Atlantic Ocean
 ORW: yes/no ☒ PNA: yes/no ☒

Type of Project/ Activity Installation of Sandbags to protect existing Right-of-way (ROW) (Scale: NTS)

Shoreline Length +/- 500

Access Length _____

Pier (dock) length _____

Fixed Platform(s) _____

Floating Platform(s) _____

Finger pier(s) _____

Total Platform area _____

Groin length/# _____

Bulkhead/ Riprap length _____

Avg distance offshore _____

Breakwater/Sill _____

Max distance/ length _____

Basin, channel _____

Cubic yards _____

Boat ramp _____

Boathouse/ Boatlift _____

Beach Bulldozing _____

Other SandbagsSAV observed: yes ☒ no ☐Moratorium: n/a ☒ yes ☐Site Photos: yes ☒ no ☐Riparian Waiver Attached: yes ☒ no ☐A building permit/zoning permit may be required by: Town of Ocean Isle Beach

Permit Conditions Rules of 11H.1700 apply per NC DCR TAR/PAM/NEUSE/BUFFER (circle one)
Director. Sandbags shall be no more than 20' waterward of the existing roadway ☐ See note on back regarding River Basin rules
with dimensions 50' x 20' x 2' ☐ See additional notes/conditions on back

I AM AWARE OF STATUTES, CRC RULES AND CONDITIONS THAT APPLY TO THIS PROJECT AND REVIEWED COMPLIANCE STATEMENT. (Please Initial)

Agent or Applicant PRINTED Name _____

Permit Officer's PRINTED Name _____

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

Signature _____

Application Fee(s) 474Check #/Money Order 1471Issuing Date 10/16/25Expiration Date 11/16/25

EXHIBIT

A



☒ CAMA ☒ DREDGE & FILL GENERAL PERMIT

☒ New ☐ Modification ☐ Complete Reissue ☐ Partial Reissue

No 99793

A B C D

Previous permit

Date previous permit issued

As authorized by the State of North Carolina, Department of Environmental Quality and the Coastal Resources Commission in an area of environmental concern pursuant to:

ISA NCAC 07H.1700

☐ Rules attached.

☒ General Permit Rules available at the following link: www.deq.nc.gov/CAMARules

Applicant Name Jerry Lee (Lee Investments, LLC) Authorized Agent

Address P.O. Box 975

City Aberdeen State NC ZIP 28315-0975

Phone # (910) 695-3278

Email JLee@lee-electrical.com

Project Location (County): Brunswick

Street Address/State Road/Lot #(s) LOT 25

46 Grandview Dr.

Subdivision The Pointe OIB

City Ocean Isle Beach ZIP 28469

Affected ☐ CW

☐ EW

☐ PTA

☐ ES

☐ PTS

Adj. Wtr. Body Shallotte Inlet (nat/man/unk)

AEC(s): ☒ OEA

☐ IHA

☐ UW

☐ SPIMA

☐ PWS

Closest Maj. Wtr. Body Atlantic Ocean

ORW: yes/no

PNA: yes/no

Type of Project/ Activity Installation of emergency sandbags to protect damaged road right-of-way (ROW) cul-de-sac (Scale: 1"=30')

Shoreline Length ~100 ft.

Access Length

Pier (dock) length

Fixed Platform(s)

Floating Platform(s)

Finger pier(s)

Total Platform area

Groin length/W

Bulkhead/ Riprap length

Avg distance offshore

Breakwater/Sill

Max distance/ length

Basin, channel

Cubic yards

Boat ramp

Boathouse/ Boatlift

Beach Bulldozing

Other Emergency Sandbags

100 x 20 x 6

SAV observed:

Moratorium: n/a

Site Photos:

Riparian Waiver Attached:

N

Existing road right-of-way (ROW) cul-de-sac

The Point OIB, LLC

Existing sandbags

Existing sandbags

Existing sandbags

Existing sandbags

Existing sandbags

Existing sandbags

ex. escarpment proposed sandbags

Lot 25 (Lee Investments, LLC)

Existing damaged retaining wall

~NHWC

A building permit/zoning permit may be required by: Town of Ocean Isle Beach

Permit Conditions Rules 07H.1700 apply. Sand bag revetment shall not exceed 20-feet in width and 6-feet in height and shall not extend more than 20-feet from existing roadway right-of-way (ROW)

☐ TAR/PAM/NEUSE/BUFFER (circle one)

☐ See note on back regarding River Basin rules

☐ See additional notes/conditions on back

I AM AWARE OF STATUTES, CRC RULES AND CONDITIONS THAT APPLY TO THIS PROJECT AND REVIEWED COMPLIANCE STATEMENT.

(Please Initial)

Agent or Applicant PRINTED Name

Permit Officer's PRINTED Name

Signature: Please read compliance statement on back of permit.

Signature

Application Fee(s)

Issuing Date

RECEIVED
11/6/25
01/07/2025

EXHIBIT

A

DCM WILMINGTON, NC



☒ CAMA ☒ DREDGE & FILL
GENERAL PERMIT

183

NO 99278

A B C **(D)**

Previous permit _____
Date previous permit issued _____

☒ New ☐ Modification ☐ Complete Reissue ☐ Partial Reissue

As authorized by the State of North Carolina, Department of Environmental Quality and the Coastal Resources Commission in an area of environmental concern pursuant to:

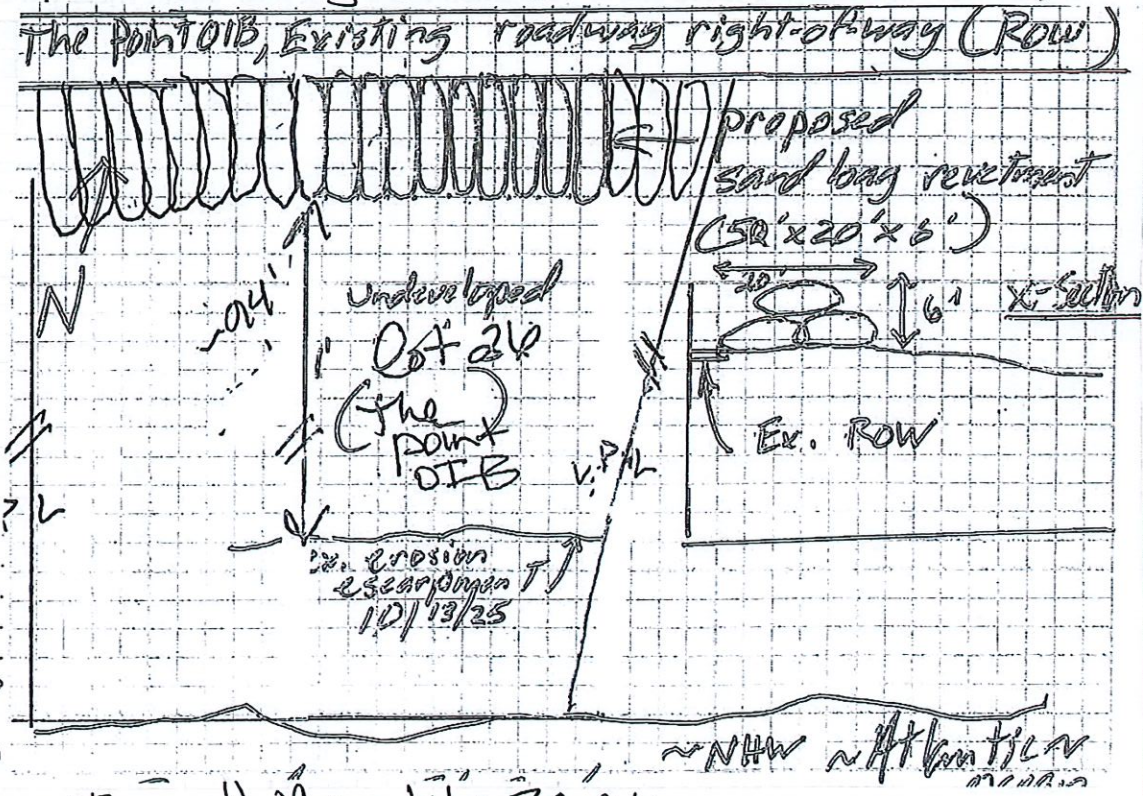
ISA NCAC 7H.1700 ☐ Rules attached. ☐ General Permit Rules available at the following link: www.deq.nc.gov/CAMARules

Applicant Name The Point OIB, LLC Ch Tyler Dunlap Authorized Agent Jimmy Bell
Address 2990 Broad St Project Location (County): Brunswick
City Sumter State SC ZIP 29150 Street Address/State Road/Lot #(s) Lot 20
Phone # 803.4109-2100 44 Grandview Drive
Email docdunlap@gmail.com Subdivision The point OIB
City Ocean Isle Pch ZIP 284109

Affected ☐ CW ☐ EW ☐ PTA ☐ ES ☐ PTS
AEC(s): ☒ XEA ☐ IHA ☐ UW ☐ SPIMA ☐ PWS
Adj. Wtr. Body Shalotte Inlet (nat/man/unk)
Closest Maj. Wtr. Body Atlantic Ocean
ORW: yes/no ☒ PNA: yes/no ☒

Type of Project/ Activity Installation of Sandbags to protect existing Right-of-way (ROW) (Scale: $\frac{1}{4} = 20'$)

Shoreline Length 7-100'
Access Length _____
Pier (dock) length _____
Fixed Platform(s) _____
Floating Platform(s) _____
Finger pier(s) _____
Total Platform area _____
Groin length/# _____
Bulkhead/ Riprap length _____
Avg distance offshore _____
Breakwater/Sill _____
Max distance/ length _____
Basin, channel _____
Cubic yards _____
Boat ramp _____
Boathouse/ Boatlift _____
Beach Bulldozing _____
Other Sandbags
SAV observed: ☒ yes ☐ no
Moratorium: n/a ☒ yes ☐ no
Site Photos: ☒ yes ☐ no
Riparian Waiver Attached: ☒ yes ☐ no



A building permit/zoning permit may be required by: Town of Ocean Isle Beach
Permit Conditions Rules of 7H.1700 apply. Per NCDEM Director. Sandbags shall be no more than 20' waterward of the existing roadway with dimensions 50' x 20' x 6'
☐ TAR/PAM/NEUSE/BUFFER (circle one)
☐ See note on back regarding River Basin rules
☐ See additional notes/conditions on back

I AM AWARE OF STATUTES, CRC RULES AND CONDITIONS THAT APPLY TO THIS PROJECT AND REVIEWED COMPLIANCE STATEMENT. (Please Initial) (X)

Agent or Applicant PRINTED Name Turn Matherson Permit Officer's PRINTED Name Turn Matherson

Signature 474 277.3 10/16/25 10/16/25
Application Fee(s) 474 Check #/Money Order 277.3 Issuing Date 10/16/25 Expiration Date 10/16/25





☒ CAMA ☐ DREDGE & FILL **GENERAL PERMIT**

NO 99277

A B C **(D)**

Previous permit _____

Date previous permit issued _____

☒ New ☐ Modification ☐ Complete Reissue ☐ Partial Reissue

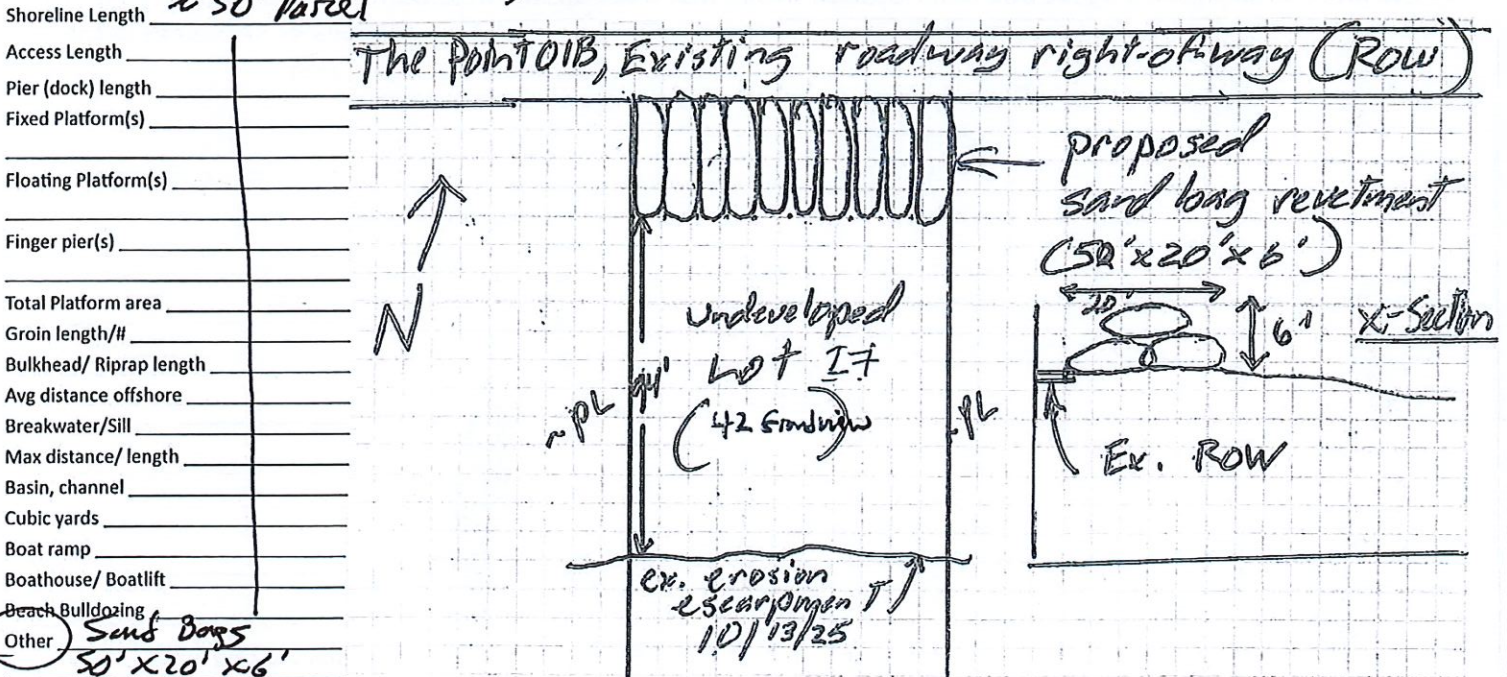
As authorized by the State of North Carolina, Department of Environmental Quality and the Coastal Resources Commission in an area of environmental concern pursuant to:

 ISA NCAC 07H 1700 ☐ Rules attached. ☐ General Permit Rules available at the following link: www.deq.nc.gov/CAMARules

Applicant Name J Lee Investments LLC Authorized Agent Jimmy Bell
 Address P.O. Box 975 Project Location (County): Brunswick County
 City Aberdeen State NC ZIP 28315-0975 Street Address/State Road/Lot #(s) 42 Grandview Lot 27
 Phone # 910-695-3278
 Email jlee@lee.electrical.com

Affected ☐ CW ☐ EW ☐ PTA ☐ ES ☐ PTS
 AEC(s): ☒ OEA ☐ IHA ☐ UW ☐ SPIMA ☐ PWS
 Adj. Wtr. Body Shallotte Inlet (a/man/unk)
 Closest Maj. Wtr. Body Atlantic Ocean
 ORW: yes ☒ no ☐ PNA: yes ☒ no ☐

Type of Project/ Activity: Installation of Sand Bags to protect existing roadway right-of-way (ROW) (Scale: 1"=30')
 Shoreline Length 50' parcel



SAV observed: yes ☒ no ☐
 Moratorium: n/a yes ☒ no ☐
 Site Photos: yes ☒ no ☐
 Riparian Waiver Attached: yes ☒ no ☐

A building permit/zoning permit may be required by: Town of Ocean Isle Beach

Permit Conditions Rules 07H 1700 Apply. Per NC DCM Director, sandbags shall be no more than 20ft waterward of the existing roadway with dimensions 50' x 20' x 6'

☐ TAR/PAM/NEUSE/BUFFER (tar line only)
☐ See note on back regarding River Basin rules
☐ See additional notes/conditions on back

I AM AWARE OF STATUTES, CRC RULES AND CONDITIONS THAT APPLY TO THIS PROJECT AND REVIEWED COMPLIANCE STATEMENT.

(Please Initial)

Agent or Applicant PRINTED Name

Permit Officer's PRINTED Name

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

Signature

Application Fee(s)

Issuing Date

Expiration Date

EXHIBIT

A

ck #/Money Order



☒ CAMA ☒ DREDGE & FILL
GENERAL PERMIT

No 99203

A B C ☒ D

Previous permit _____

Date previous permit issued _____

☒ New ☐ Modification ☐ Complete Reissue ☐ Partial Reissue

As authorized by the State of North Carolina, Department of Environmental Quality and the Coastal Resources Commission in an area of environmental concern pursuant to:

ISA NCAC 07H.1700 ☐ Rules attached. ☒ General Permit Rules available at the following link: www.deq.nc.gov/CAMARules

Applicant Name Richard Wright
Address 4 Stone Forge Rd.
City Andover State N.J. ZIP 07021
Phone # (212) 598-2348
Email richard.wright@northrosepullright.com

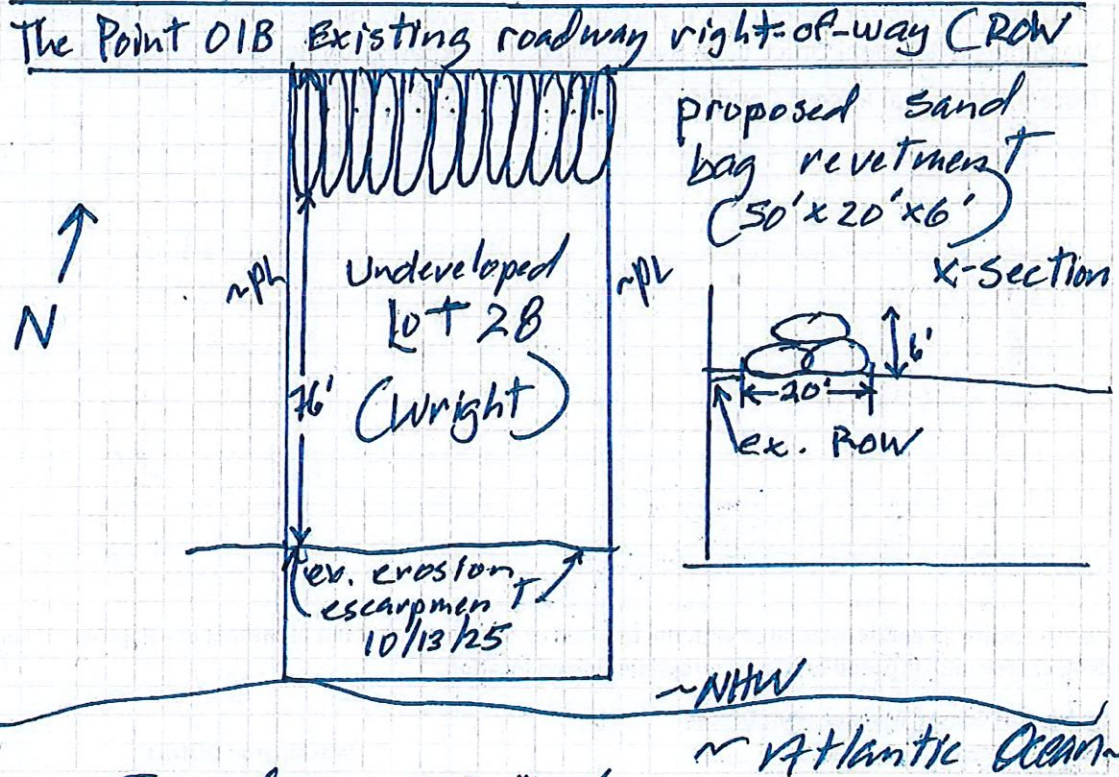
Authorized Agent Jimmy Bell
Project Location (County): Brunswick
Street Address/State Road/Lot #(s) Lot 28
40 Grandview Dr.
Subdivision The Point OIB
City Ocean Isle Beach ZIP 28469

Affected: ☐ CW ☐ EW ☐ PTA ☐ ES ☐ PTS
AEC(s): ☒ OEA ☐ IHA ☐ UW ☐ SPIMA ☐ PWS
ORW: yes/no ☒ PNA: yes/no ☒

Adj. Wtr. Body Shallotte Inlet (natural/artificial)
Closest Maj. Wtr. Body Atlantic Ocean

Type of Project/ Activity Installation of sandbags to protect existing roadway right-of-way (ROW) (Scale: 1"=30')

Shoreline Length ~50'
Access Length _____
Pier (dock) length _____
Fixed Platform(s) _____
Floating Platform(s) _____
Finger pier(s) _____
Total Platform area _____
Groin length/# _____
Bulkhead/ Riprap length _____
Avg distance offshore _____
Breakwater/Sill _____
Max distance/ length _____
Basin, channel _____
Cubic yards _____
Boat ramp _____
Boathouse/ Boatlift _____
Beach Bulldozing _____
Other Sand bags
50' x 20' x 6'



SAV observed: yes ☒ no ☒
Moratorium: n/a ☒ yes ☒
Site Photos: yes ☒ no ☒
Riparian Waiver Attached: yes ☒ no ☒

A building permit/zoning permit may be required by: Town of Ocean Isle Beach
Permit Conditions Rules 07H.1700 apply. Per NC DCM Director, sand bags shall be no more than 20-foot waterward of the existing roadway (structure), with final dimensions 50' x 20' x 6'.

☐ TAR/PAM/NEUSE/BUFFER (circle one)
☐ See note on back regarding River Basin rules
☐ See additional notes/conditions on back

I AM AWARE OF STATUTES, CRC RULES AND CONDITIONS THAT APPLY TO THIS PROJECT AND REVIEWED COMPLIANCE STATEMENT.

(Please Initial)

Agent or Applicant PRINTED Name

Permit Officer's PRINTED Name

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

Signature

Application Fee(s)

Check #/Money Order

Issuing Date

Expiration Date

EXHIBIT A



☒ CAMA ☐ DREDGE & FILL **GENERAL PERMIT**

No 99266

A B C (D)
 Previous permit _____
 Date previous permit issued _____

☒ New ☐ Modification ☐ Complete Reissue ☐ Partial Reissue

 As authorized by the State of North Carolina, Department of Environmental Quality and the Coastal Resources Commission in an area of environmental concern pursuant to:
 15A NCAC 07H 1700 ☐ Rules attached. ☐ General Permit Rules available at the following link: www.deq.nc.gov/CAMARules

 Applicant Name The Point OFB, LLC
 Address 2990 Broad St., ~~SE~~
 City Sumpter State SC ZIP 29150
 Phone # (803) 469 2100
 Email docdunlap@gmail.com

 Authorized Agent Jimmy Bell
 Project Location (County): Brunswick
 Street Address/State Road/Lot #(s) 38 Grandview: Lot 29
 Subdivision The Point OFB
 City Ocean Isle Beach ZIP 28469

 Affected ☐ CW ☐ EW ☐ PTA ☐ ES ☐ PTS
 AEC(s): ☒ OEA ☐ IHA ☐ UW ☐ SPIMA ☐ PWS
 ORW: yes ☒ no ☐ PNA: yes ☒ no ☐

 Adj. Wtr. Body Shallotte Inlet (nat/nan/unk)
 Closest Maj. Wtr. Body Atlantic Ocean

 Type of Project/ Activity Installation of sandbags to protect existing roadway right-of-way (ROW) (Scale: 1"=30')
Shoreline Length 50' parcel

Access Length _____

Pier (dock) length _____

Fixed Platform(s) _____

Floating Platform(s) _____

Finger pier(s) _____

Total Platform area _____

Groin length/# _____

Bulkhead/ Riprap length _____

Avg distance offshore _____

Breakwater/Sill _____

Max distance/ length _____

Basin, channel _____

Cubic yards _____

Boat ramp _____

Boathouse/ Boatlift _____

Beach Bulldozing _____

Other Sand Bags50' x 20' x 6'(L) (W) (H)SAV observed: yes ☒ no ☐Moratorium: n/a ☒ no ☐Site Photos: yes ☒ no ☐Riparian Waiver Attached: yes ☒ no ☐
 A building permit/zoning permit may be required by: Town of Ocean Isle Beach
 Permit Conditions Rules 07H.1700 apply. Per NC DEM Director, sandbags shall be ~~set~~ no more than 20 ft waterward of the existing roadway with dimensions 50' x 20' x 6'
☐ TAR/PAM/NEUSE/BUFFER (circle one)
☐ See note on back regarding River Basin rules
☐ See additional notes/conditions on back

I AM AWARE OF STATUTES, CRC RULES AND CONDITIONS THAT APPLY TO THIS PROJECT AND REVIEWED COMPLIANCE STATEMENT.

(Please Initial)

Agent or Applicant PRINTED Name _____

Signature **Please read compliance statement on back of permit** \$474.00 2774

Application Fee(s) _____

 Permit Officer's PRINTED Name Philip D'Angelis
 Signature [Signature]

Signature _____

Issuing Date 10/16/25Expiration Date 4/16/25

EXHIBIT



☒ CAMA ☒ DREDGE & FILL
GENERAL PERMIT

No 99202

A B C **(D)**

Previous permit _____

Date previous permit issued _____

☒ New ☐ Modification ☐ Complete Reissue ☐ Partial Reissue

As authorized by the State of North Carolina, Department of Environmental Quality and the Coastal Resources Commission in an area of environmental concern pursuant to:

15A NCAC 07H.1700 ☐ Rules attached. ☒ General Permit Rules available at the following link: www.deq.nc.gov/CAMARules

Applicant Name The Point OIB, LLC c/o Tyler Dunlap Authorized Agent Jimmy Bell
Address 2990 Broad St. Project Location (County): Brunswick
City Sumter State S.C. ZIP 29150 Street Address/State Road/Lot #(s) Lot 30
Phone # (803) 469-2100 36 Grandview Dr.
Email tdcdunlap@gmail.com Subdivision The Point OIB
City Ocean Isle Beach ZIP 28469

Affected ☐ CW ☐ EW ☐ PTA ☐ ES ☐ PTS Adj. Wtr. Body Shallotte Inlet (natural/unk)
AEC(s): ☒ OEA ☐ IHA ☐ UW ☐ SPIMA ☐ PWS Closest Maj. Wtr. Body Atlantic Ocean
ORW: yes/no ☒ PNA: yes/no ☒

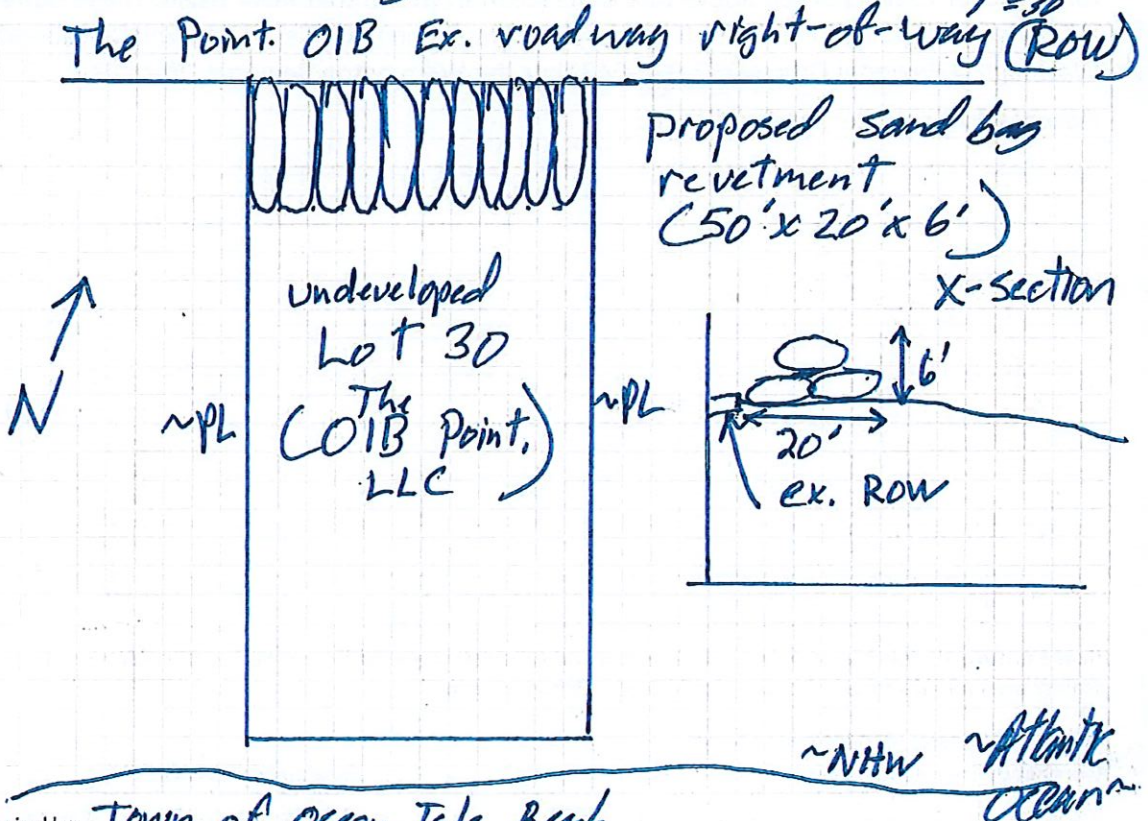
Type of Project/ Activity Installation of sand bags to protect existing roadway right-of-way (ROW). (Scale: 1"=30')

Shoreline Length _____
Access Length _____
Pier (dock) length _____
Fixed Platform(s) _____
Floating Platform(s) _____
Finger pier(s) _____
Total Platform area _____
Groin length/# _____
Bulkhead/ Riprap length _____
Avg distance offshore _____
Breakwater/Sill _____
Max distance/ length _____
Basin, channel _____
Cubic yards _____
Boat ramp _____
Boathouse/ Boatlift _____
Beach Bulldozing _____

Other Sand bags 50'x20'x6'
SAV observed: yes ☒ no ☐
Moratorium: n/a ☒ yes ☐
Site Photos: yes ☒ no ☐
Riparian Waiver Attached: yes ☒ no ☐

A building permit/zoning permit may be required by: Town of Ocean Isle Beach

Permit Conditions Rules 07H.1700 apply. Per NC DCM Director, sand bags shall be no more than 20-foot waterward of the existing roadway (structure), with dimensions 50'x20'x6'.



☐ TAR/PAM/NEUSE/BUFFER (circle one)
☐ See note on back regarding River Basin rules
☐ See additional notes/conditions on back

I AM AWARE OF STATUTES, CRC RULES AND CONDITIONS THAT APPLY TO THIS PROJECT AND REVIEWED COMPLIANCE STATEMENT.

(Please Initial)

Agent or Applicant PRINTED Name

Permit Officer's PRINTED Name

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

Signature

Application Fee(s)

Check #/Money Order

Issuing Date

Expiration Date

EXHIBIT



☒ CAMA ☒ DREDGE & FILL
GENERAL PERMIT

No 99201

A B C D

Previous permit _____

Date previous permit issued _____

☒ New ☐ Modification ☐ Complete Reissue ☐ Partial Reissue

As authorized by the State of North Carolina, Department of Environmental Quality and the Coastal Resources Commission in an area of environmental concern pursuant to:

15A NCAC 07H.1700 ☐ Rules attached. ☐ General Permit Rules available at the following link: www.deq.nc.gov/CAMARules

Applicant Name Robert and Dawn Lee
Address 55 Laven Links Lane
City Pinehurst State NC ZIP 28374
Phone # (910) 695-5692
Email dlee@lee-electrical.com

Authorized Agent _____
Project Location (County): Brunswick
Street Address/State Road/Lot #(s) Lot 31
34 Grandview Dr.
Subdivision The Point OIB
City Ocean Isle Beach ZIP 28469

Affected ☐ CW ☐ EW ☐ PTA ☐ ES ☐ PTS
AEC(s): ☒ OEA ☐ IHA ☐ UW ☐ SPIMA ☐ PWS
ORW: yes/no no PNA: yes/no no

Adj. Wtr. Body Charlotte Inlet (natural/unk)
Closest Maj. Wtr. Body Atlantic Ocean

Type of Project/Activity Installation of sandbags to protect existing roadway right-of-way (ROW) (Scale: 1"=30')

Shoreline Length ~50 feet

Access Length _____

Pier (dock) length _____

Fixed Platform(s) _____

Floating Platform(s) _____

Finger pier(s) _____

Total Platform area _____

Groin length/ft _____

Bulkhead/ Riprap length _____

Avg distance offshore _____

Breakwater/Sill _____

Max distance/ length _____

Basin, channel _____

Cubic yards _____

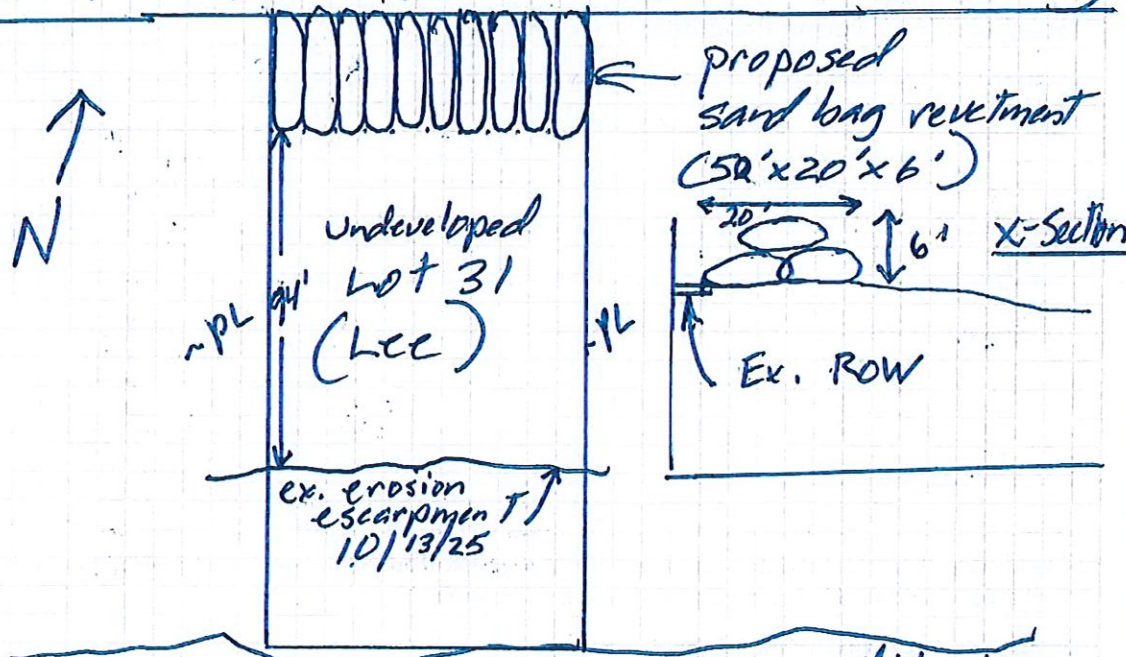
Boat ramp _____

Boathouse/ Boatlift _____

Beach Bulldozing _____

Other Sand bags
50' x 20' x 6'
(L) CW (H)
SAV observed: yes no
Moratorium: n/a yes no
Site Photos: yes no
Riparian Waiver Attached: yes no

The Point OIB, Existing roadway right-of-way (ROW)



A building permit/zoning permit may be required by: Town of Ocean Isle Beach.

Permit Conditions Rules 07H.1700 apply. Per NC DCM Director, sand bags shall be no more than 20-feet waterward of the existing roadway, with dimensions 50' x 20' x 6'.

☐ TAR/PAM/NEUSE/BUFFER (circle one)

☐ See note on back regarding River Basin rules

☐ See additional notes/conditions on back

I AM AWARE OF STATUTES, CRC RULES AND CONDITIONS THAT APPLY TO THIS PROJECT AND REVIEWED COMPLIANCE STATEMENT.

(Please Initial) X

Agent or Applicant PRINTED Name

Permit Officer's PRINTED Name

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

Signature

Application Fee(s)

EXHIBIT

Check #/Money Order

Issuing Date

Expiration Date

STATE OF NORTH CAROLINA

AFFIDAVIT OF JIMMY BELL

COUNTY OF BRUNSWICK

Comes now the Affiant, and being duly sworn, states as follows:

1. My name is Jimmy Bell, and I, an officer of The Point OIB, LLC, am engaged with permitting, CAMA permitting and shoreline analysis. I am competent to testify to the matters set forth herein, which are based on my personal knowledge and professional experience.

2. I have experience with the North Carolina Division of Coastal Management (DCM) regulatory framework, the Coastal Resources Commission (CRC) variance process, and the evaluation of erosion rates and coastal processes relevant to coastal construction and stabilization projects.

3. I am personally familiar with and have visited and inspected the properties at the east end of Ocean Isle Beach, Lots 20–35 of The Pointe at Ocean Isle Beach, the area adjacent to the Lots, and the existing Ocean Isle Beach East End Sandbag Project, located oceanward of Grand View Drive (collectively, the “Properties”).

4. Based on site surveys and historical imagery, the First Line of Stable Vegetation (FLSV) at the Properties has migrated landward approximately 150 feet between October 13, 2022, and July 13, 2023—a period of nine months. This equates to an annualized erosion rate of approximately 200 feet per year, far exceeding the DCM-published long-term average erosion rate of 5 to 6.5 feet per year for this section of shoreline.

5. The existing 6-foot by 20-foot sandbag revetment sections, extending between Lots 32 to 35 for approximately 205 linear feet and between Lots 20 and 26 for approximately 270 linear feet, are discontinuous and in various states of failure. At the section extending between Lots 20 and 26, erosion has advanced landward of the existing sandbag line, with escarpments cutting into the property and eroding portions of Grand View Drive.

6. In my opinion, the continuous, 12-foot by 40-foot sandbag revetment proposed to extend from Lot 20 through Lot 35 (approximately 1,040 linear feet) is designed to align the shoreline protection system and stabilize the right-of-way on Grand View Drive. Without this continuous alignment and increased structural capacity, adjacent homes, the roadway and its associated utilities (water, sewer, and communication lines) remain highly vulnerable to storm events and ongoing shoreline retreat.

7. Attached hereto as Exhibit A are the site plan and drawings showing the location of the existing and proposed sandbag revetment alignment.

Further Affiant sayeth not.

[Signature page follows.]

This the 7th day of November, 2025.

Jimmy D Bell
Jimmy Bell

State of South Carolina
County of Horry

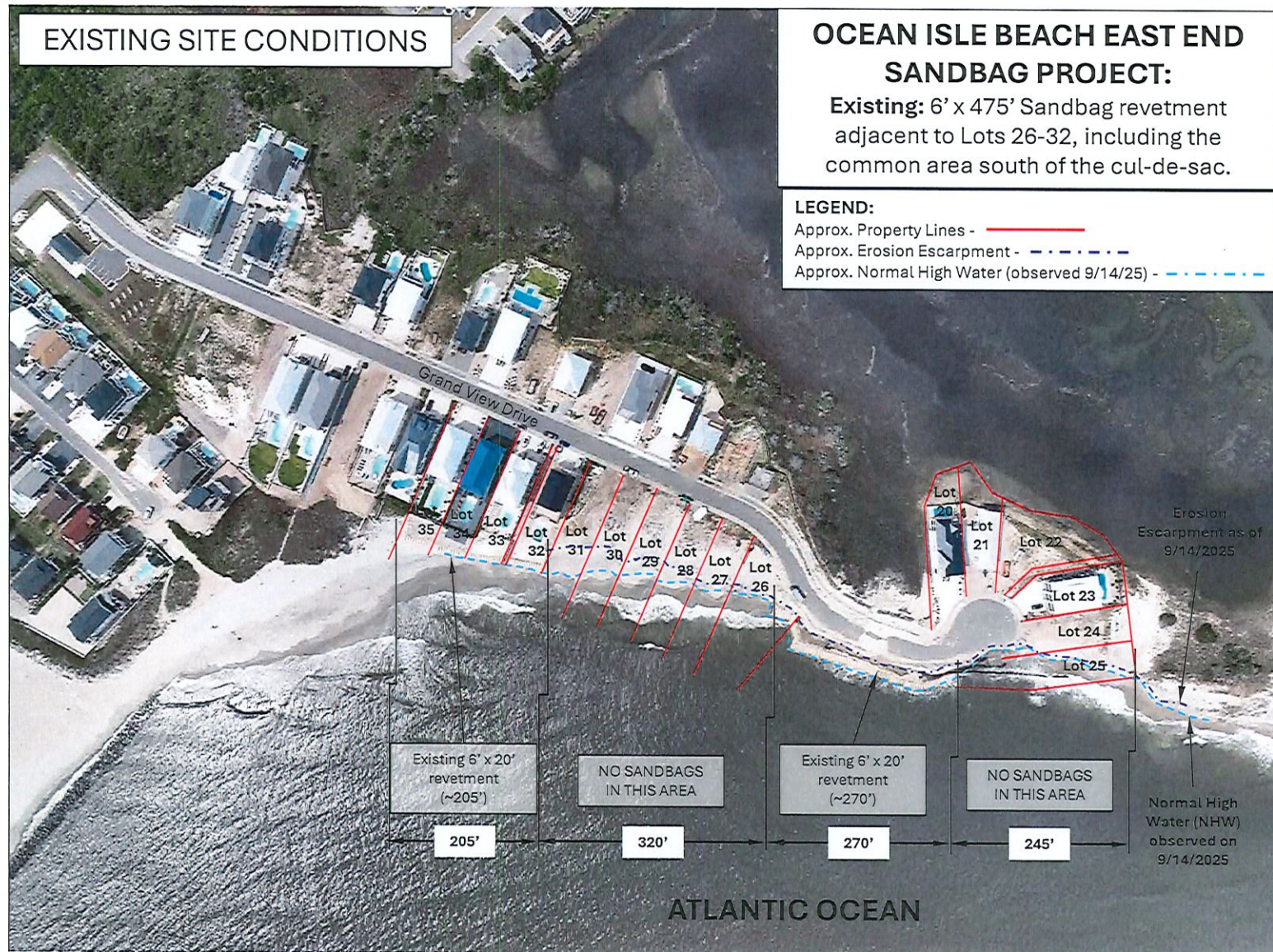
Sworn to and subscribed before me on
this 7th day of November, 2025.

Timothy B Williams
Notary Public

Timothy B Williams
(Typed/Printed Name of Notary Public)

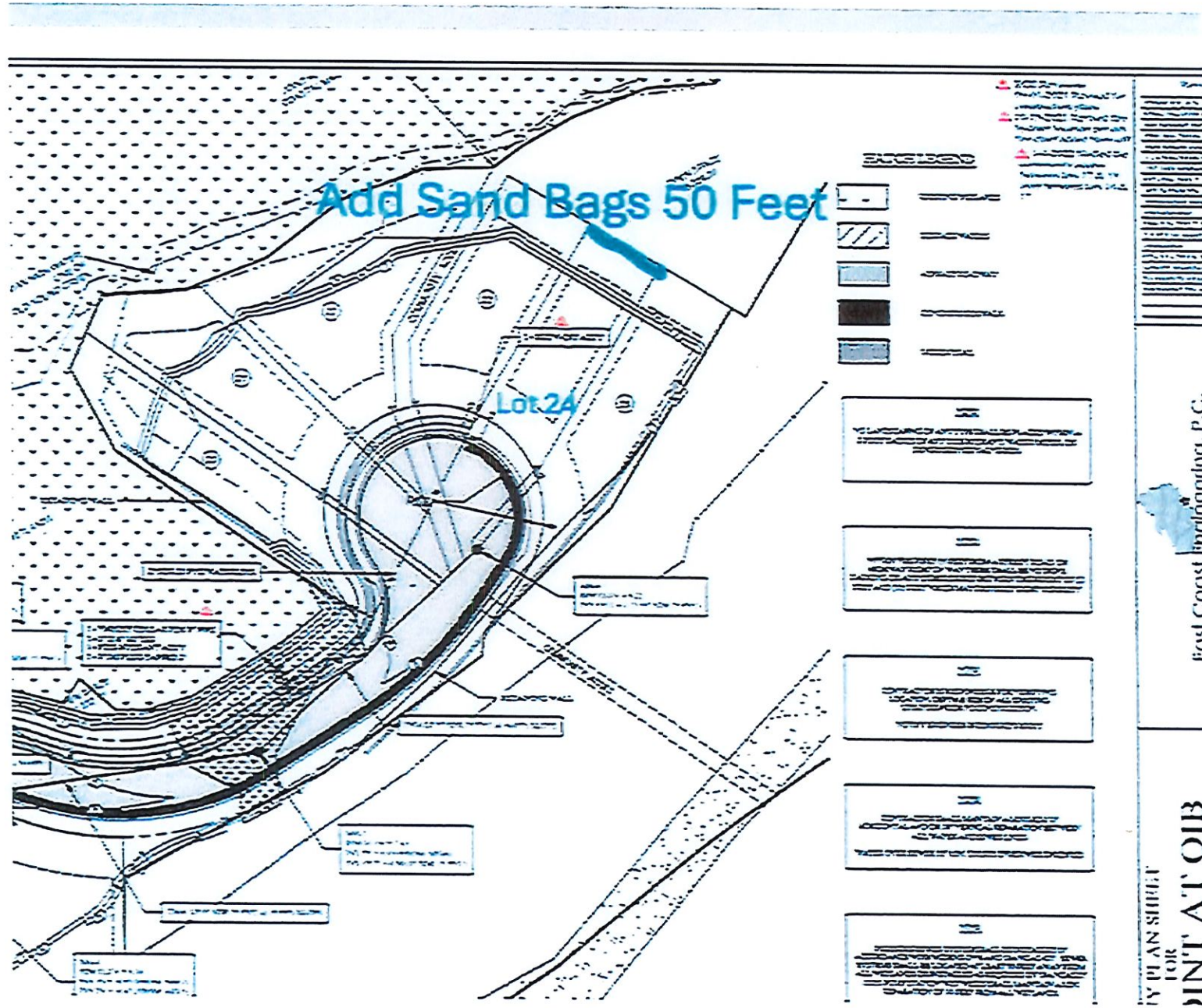
My Commission Expires: 2-26-35

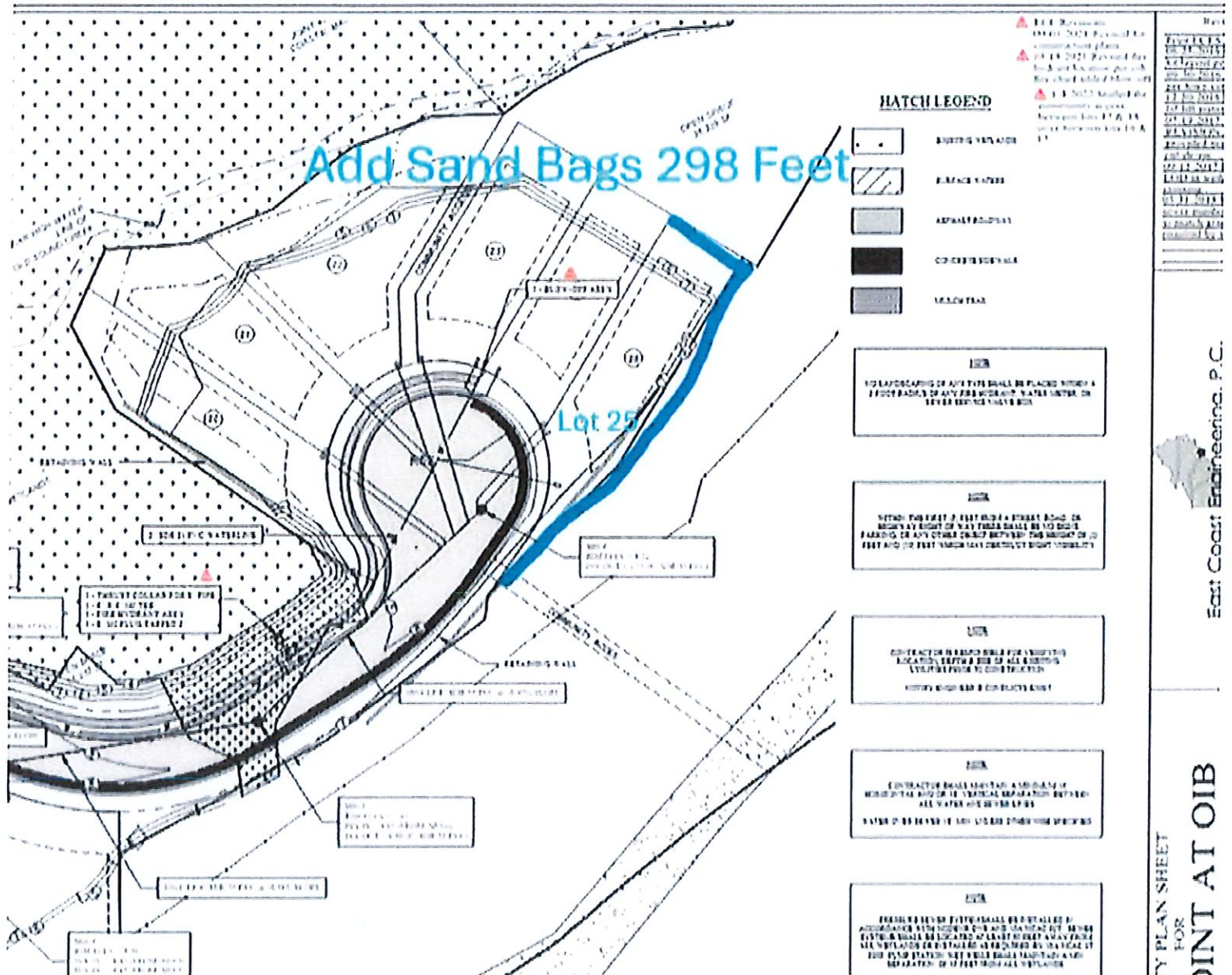
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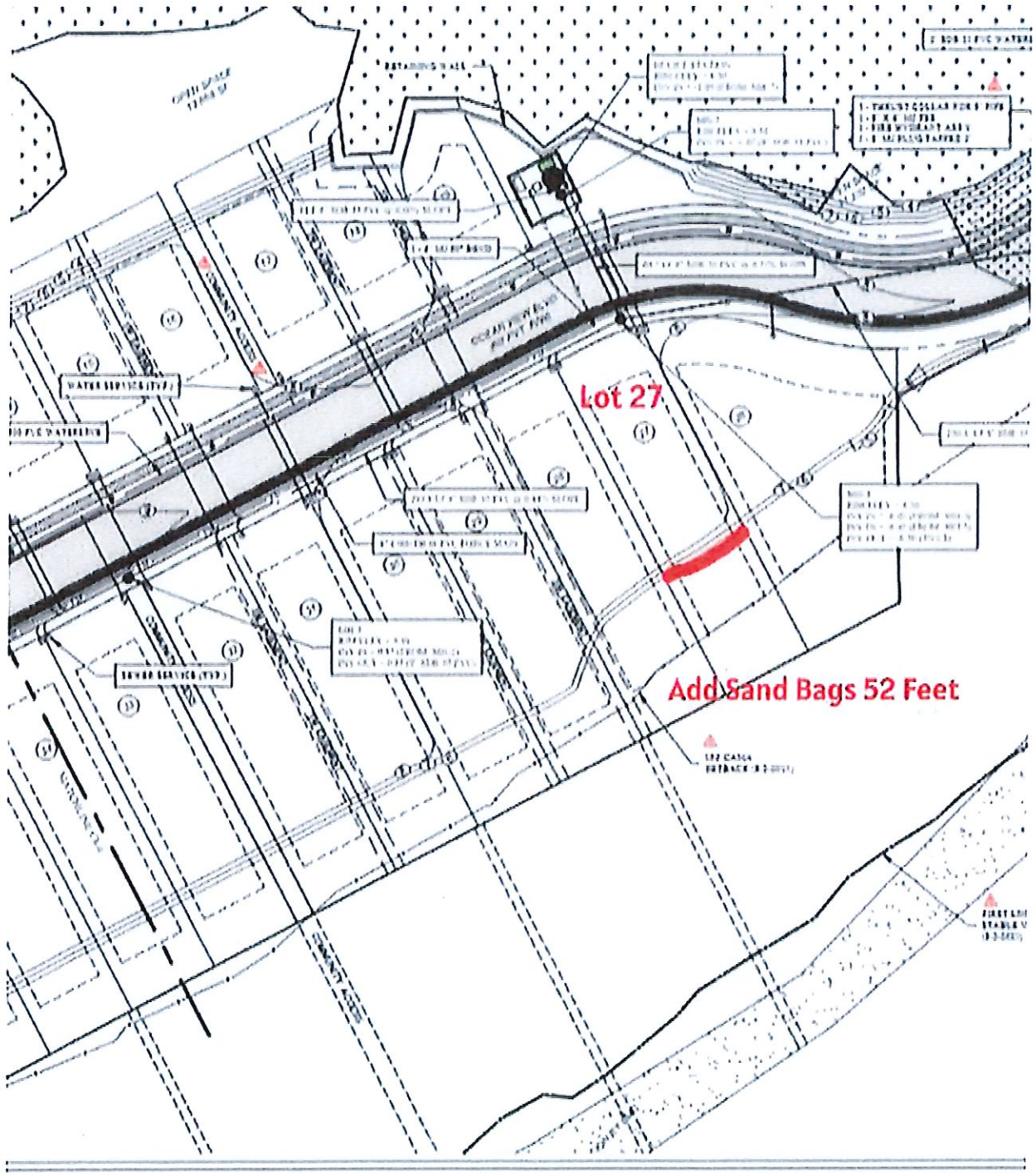


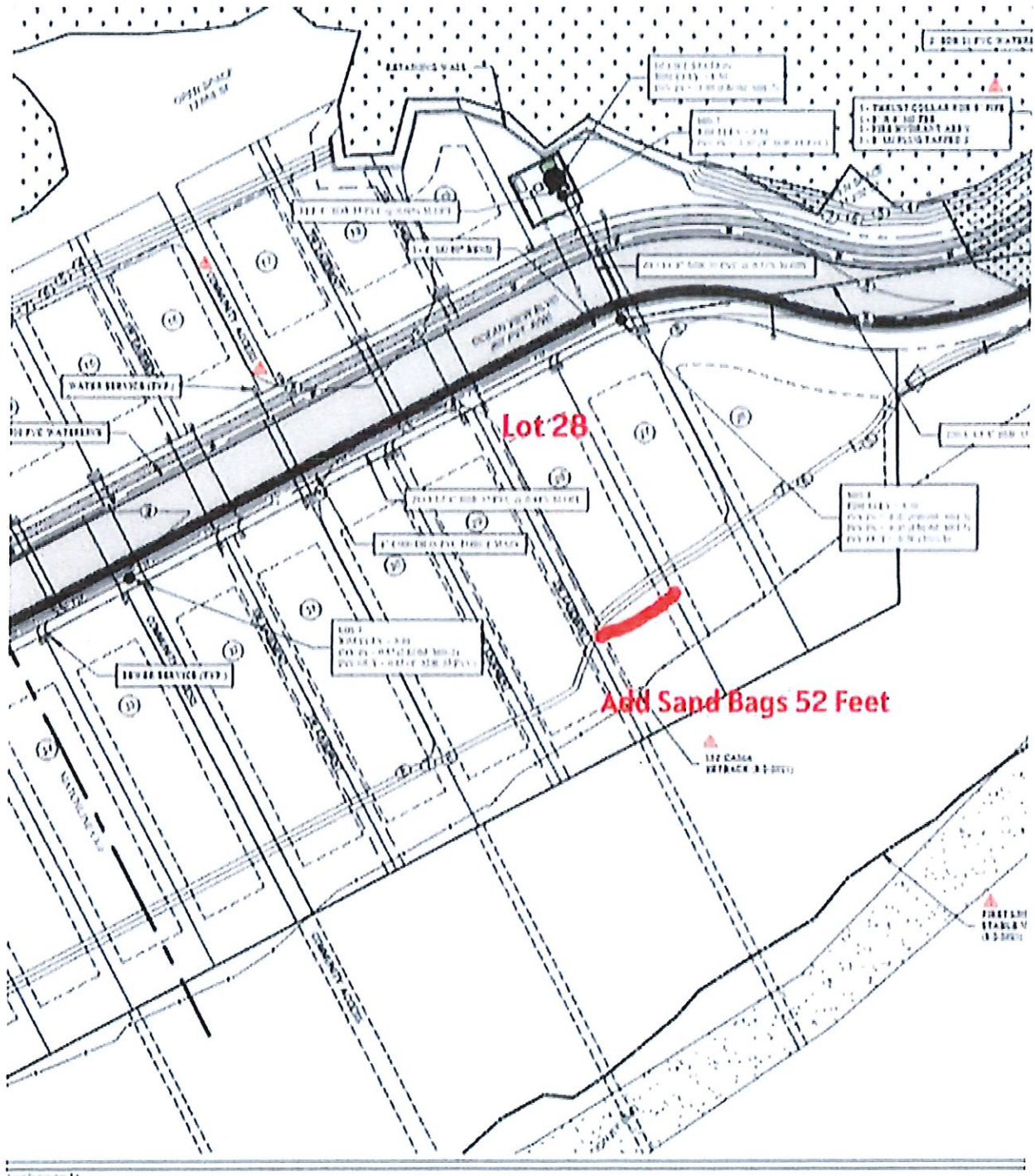


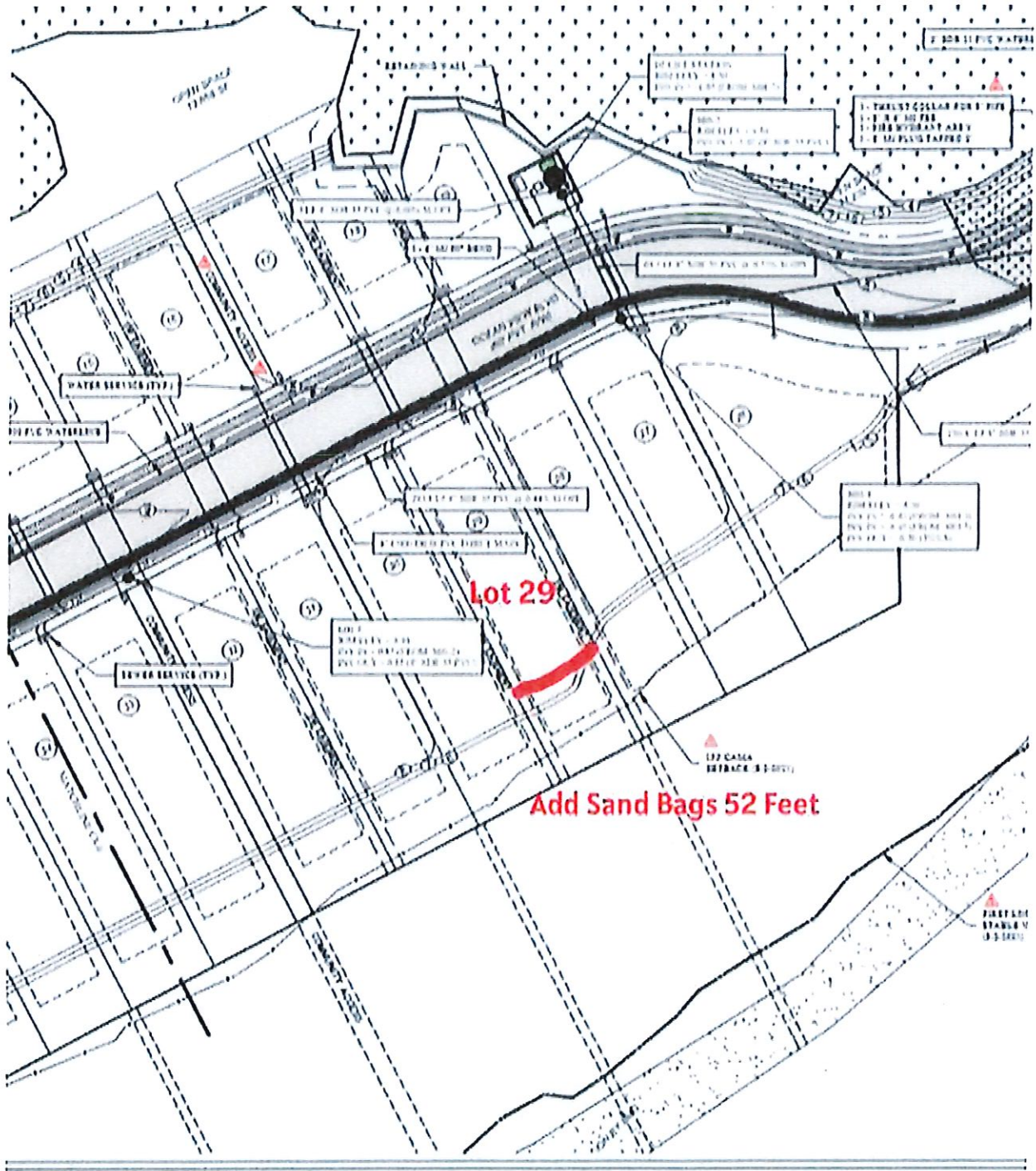
Sandbag Distances	
Lot 24	50 ft
Lot 25	298 ft
Lot 26	100 ft
Lot 28	52 ft
Lot 29	52 ft
Lot 30	52 ft
Lot 31	52 ft
Total:	708 ft

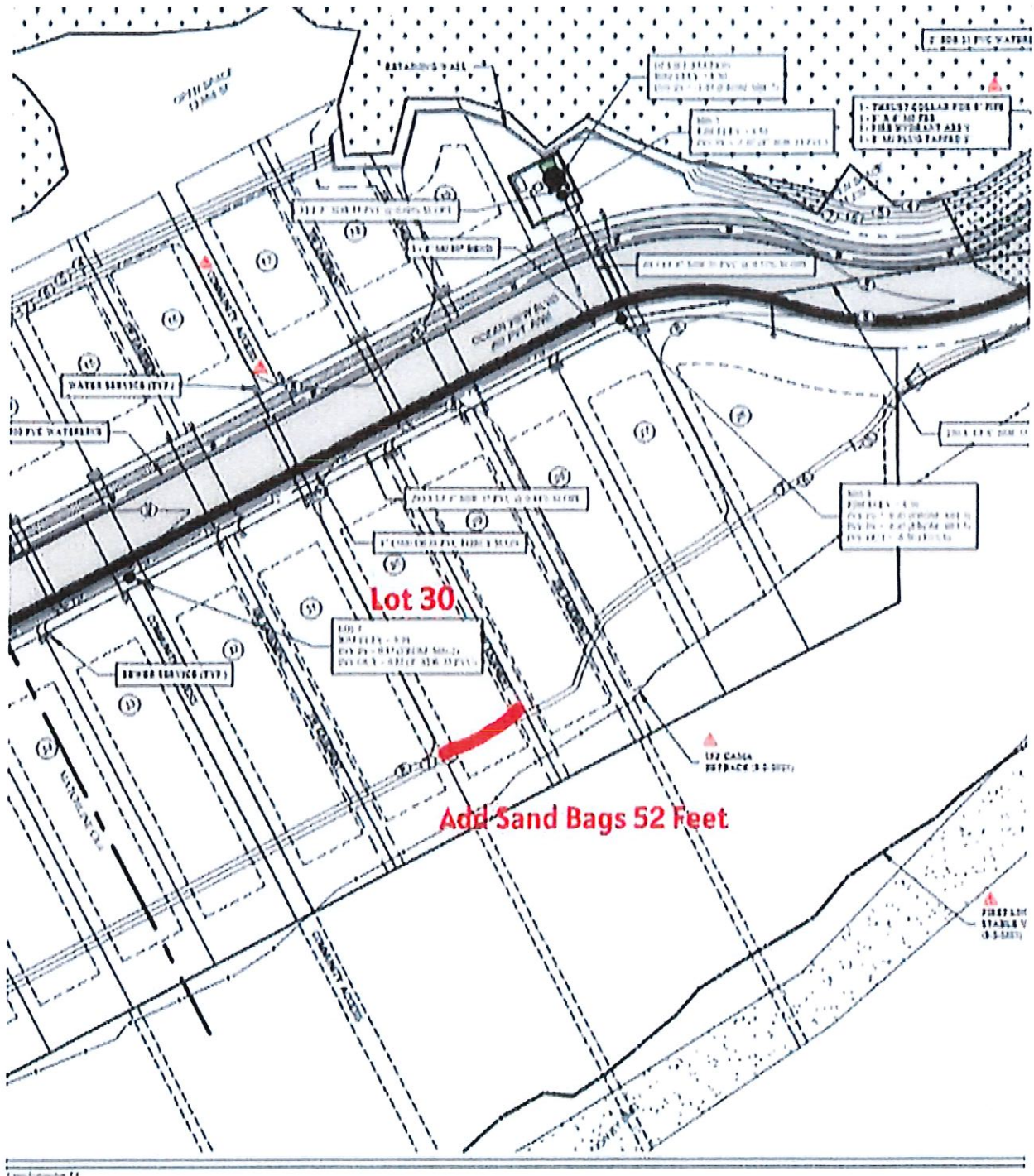


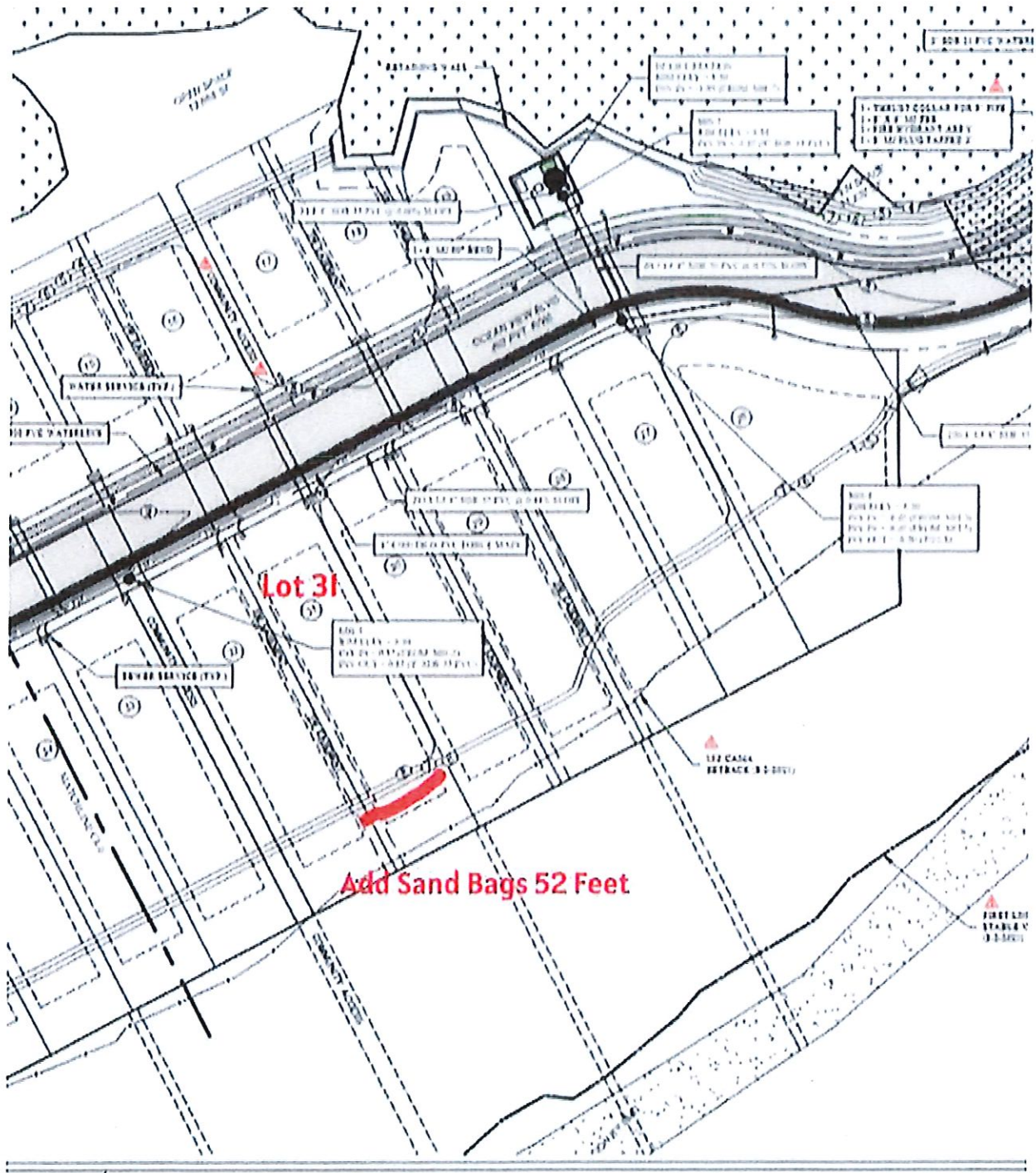












STATE OF NORTH CAROLINA
COUNTY OF BRUNSWICK

AFFIDAVIT OF BRANDON GRIMES

Comes now the Affiant, and being duly sworn, states as follows:

1. My name is Brandon Grimes, and I am the owner and operator of B&B Coastal Construction, P.O. Box 2574, Surf City, North Carolina 28445. I am competent to testify to the matters set forth herein, which are based on my personal knowledge and professional experience.

2. I have extensive experience in coastal construction, sandbag revetment installation, and shoreline stabilization projects in coastal areas of North Carolina, including Ocean Isle Beach and surrounding communities. My company, B&B Coastal Construction, has installed multiple CAMA-permitted sandbag revetments and dune stabilization systems along the North Carolina coastline.

3. I am personally familiar with and have visited and inspected the properties at the east end of Ocean Isle Beach, Lots 20–35 of The Pointe at Ocean Isle Beach, the area adjacent to the Lots, and the existing Ocean Isle Beach East End Sandbag Project, located oceanward of Grand View Drive (collectively, the “Properties”).

4. The existing 6-foot by 20-foot sandbag revetment sections, extending between Lots 32 to 35 for approximately 205 linear feet and between Lots 20 and 26 for approximately 270 linear feet, are discontinuous and in various states of failure. At the section extending between Lots 20 and 26, erosion has advanced landward of the existing sandbag line, with escarpments cutting into the property and approaching Grand View Drive.

5. Based on observations during site visits at the Properties on and around August 27, 2025, the erosion escarpment currently ranges from approximately 33 to 128 feet from the roadway, threatening the only means of access for multiple developed and undeveloped lots, and exposing underlying utilities (water, sewer, and communications infrastructure).

6. In my professional opinion, the existing 6-foot by 20-foot sandbag revetment system is not adequate to resist ongoing erosion at the Properties. The discontinuous nature of the existing revetment has resulted in flanking and undermining, causing accelerated localized erosion.

7. A continuous, 12-foot by 40-foot sandbag revetment extending from Lot 20 through Lot 35 (approximately 1,040 linear feet) would provide the necessary structural alignment and mass to resist overtopping and undercutting forces from wave runup, protect the Grand View Drive right-of-way, and maintain access and utility service to the Properties.

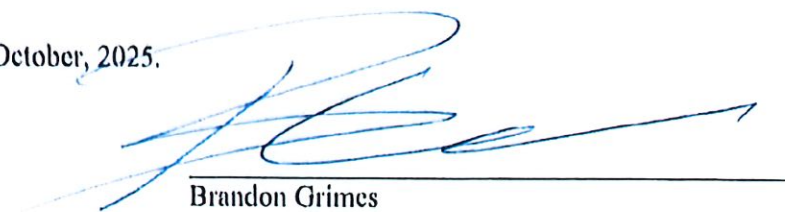
8. The purpose of the proposed revetment extension is to protect public infrastructure—specifically, the Grand View Drive roadway and utilities—which provide sole access to the Properties and existing homes that are currently at risk due to the rapid rate of shoreline retreat.

9. Attached hereto as Exhibit A are the site plan and drawings showing the location of the existing and proposed sandbag revetment alignment.

Further Affiant sayeth not.

[Signature page follows.]

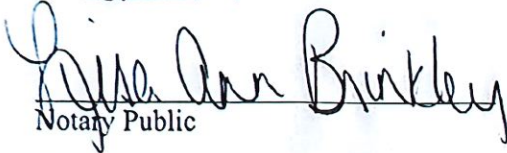
This the 21th day of October, 2025.



Brandon Grimes

State of North Carolina
County of Brunswick

Sworn to and subscribed before me on
this 29th day of October 2025.



Notary Public

Lisa Ann Brinkley
(Typed/Printed Name of Notary Public)

My Commission Expires: April 26, 2030

(NOTARIAL SEAL/STAMP)

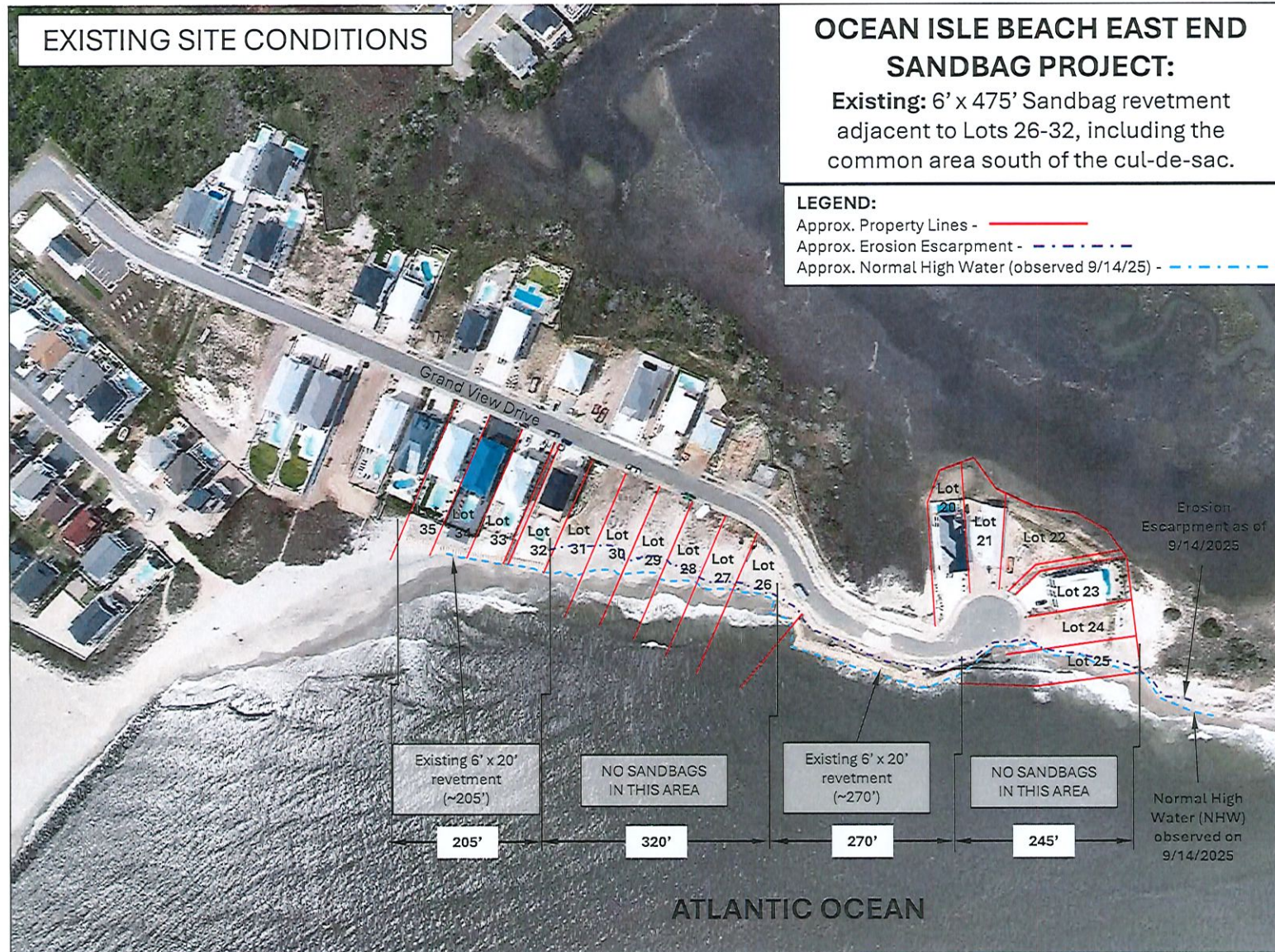
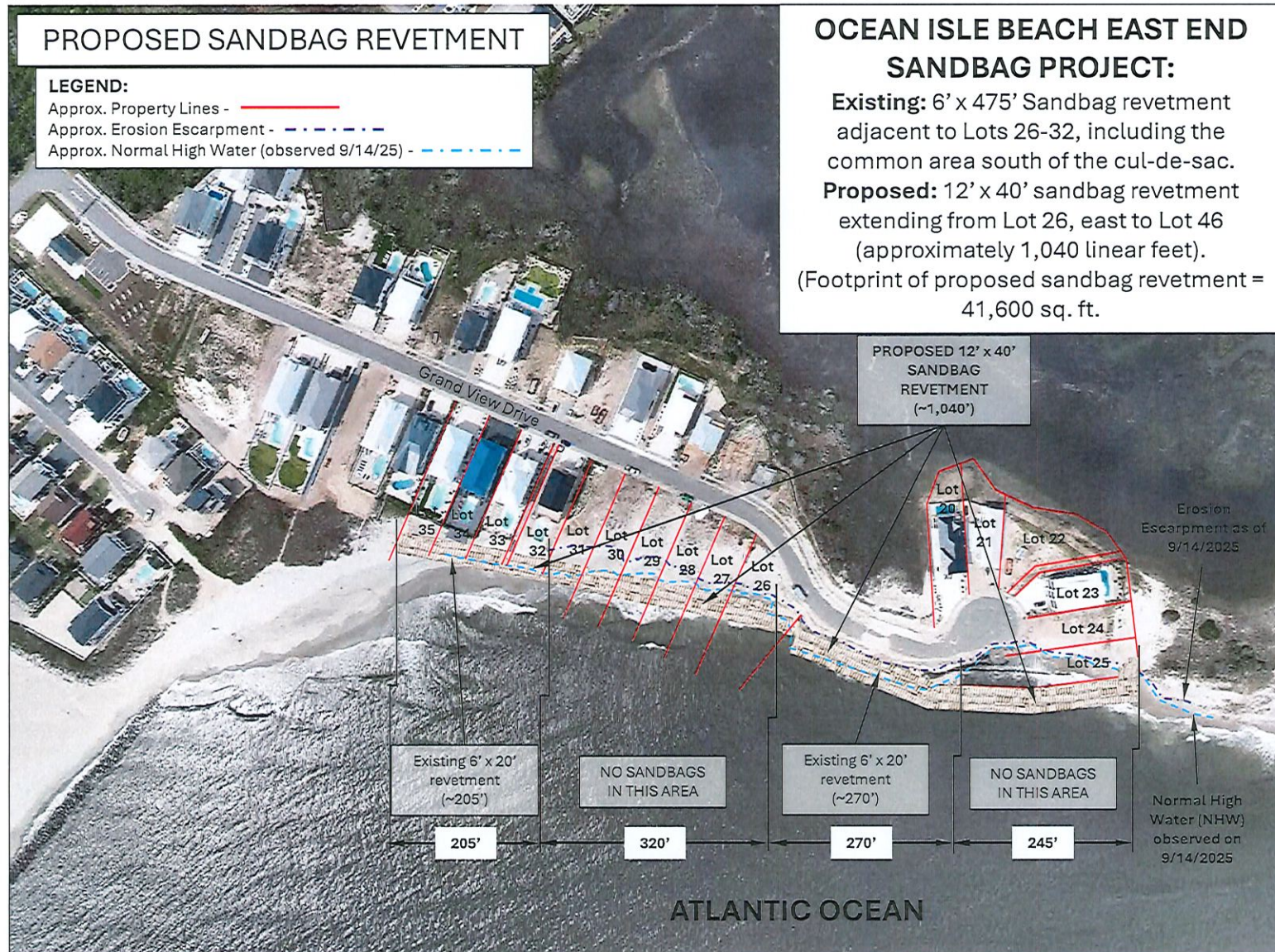


EXHIBIT A





115 NORTH 3RD STREET
SUITE 301
WILMINGTON, NC 28401

T 910.444.2000
WWW.BROOKSPIERCE.COM

Applicant Name: Robert Lee and Dawn Lee
Applicant Address: 55 Leven Links Lane, Pinehurst NC 28374

October 17, 2025

*Sent by certified mail
return receipt requested*

Lyndsey J. Gibson and Christopher D. Gibson
2 Spreading Oak Ct.
Durham, NC 27713

Dear Lyndsey and Christopher:

I represent Robert Lee and Dawn Lee, who are applying for a CAMA Variance in order to install sandbags 12' x 40' x 52' located at 34 Grande View Dr., Ocean Isle Beach, NC 28469 in Brunswick County, North Carolina. The specifics of the proposed work are in the enclosed application forms and drawings.

As the adjacent riparian property owner to the aforementioned project, I am required to notify you of the development to give you the opportunity to comment on the project. Please review the attached permit application and drawings.

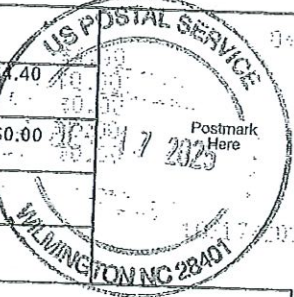
Should you have any objections to this proposal, please send your written comments to Tara MacPherson, 127 Cardinal Drive Extension, Wilmington, NC 28405 within 10 days of your receipt of this notice. Such comments will be considered by the Department in reaching a final decision on the application. No comment within 30 days of your receipt of this notice will be considered as no objection. If you have any questions on this project, please call me at (910) 444-2020, or email me at cbaldwin@brookspierce.com.

Sincerely,

Charles Baldwin
Counsel for Robert Lee and Dawn Lee

CSBIV/ck
Encl.

EXHIBIT D

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only; No Insurance Coverage Provided) For Delivery Information visit our website at www.usps.com	
9214 7969 0099 9790 1658 0996 06	
Postage	\$5.00
Certified Fee	\$4.40
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$9.40
	
Sent To	Lyndsey J. Gibson and Christopher D. Gibson 2 Spreading Oak Ct. Durham, NC 27713
Street, Apt. No., or PO Box No.	
City, State, Zip+4	10/17/2025 10:16:45AM
PS Form 3800, January 2013 See Reverse for Instructions	

Tracking Number:

Remove X

92147969009997901658099606

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item could not be delivered on November 4, 2025 at 6:12 pm in DURHAM, NC 27709. It was held for the required number of days and is being returned to the sender.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Alert

Unclaimed/Being Returned to Sender

DURHAM, NC 27709

November 4, 2025, 6:12 pm

Reminder to Schedule Redelivery of your item

October 25, 2025

See All Tracking History

Feedback

What Do USPS Tracking Statuses Mean? (<https://faq.usps.com/s/article/Where-is-my-package>)

Text & Email Updates



USPS Tracking Plus®



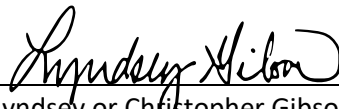
Product Information



See Less ^

The undersigned homeowner of Lot 32, The Pointe at Ocean Isle Beach, with an address of 32 Grande View Drive, Ocean Isle Beach, NC 28469, acknowledges having received notice that the adjacent property owner of Lot 31, 34 Grande View Drive, Ocean Isle Beach, NC 28469, is seeking a variance from the Coastal Resources Commission to construct a sandbag revetment with dimensions of 12' x 40'. The hearing is to occur on November 19, 2025 in Beaufort, North Carolina.

This 10th day of November, 2025.



Lyndsey or Christopher Gibson



115 NORTH 3RD STREET
SUITE 301
WILMINGTON, NC 28401

T 910.444.2000
WWW.BROOKSPIERCE.COM

Applicant Name: The Pointe, OIB, LLC
Applicant Address: 2990 Broad Street, Sumter SC 29150

October 24, 2025

*Sent by certified mail
return receipt requested*
Philip & Debra Houston
3013 Merriewood Lane
Greenville NC 27834-0015

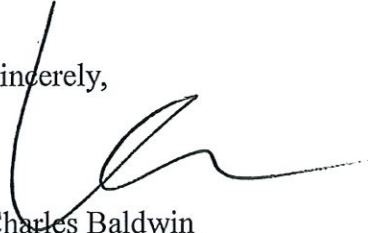
Dear Philip and Debra:

I represent The Pointe, OIB, LLC, who is applying for a CAMA Variance in order to install sandbags 12' x 40' x 52' located at 48 Grande View Dr., Ocean Isle Beach, NC 28469 in Brunswick County, North Carolina. The specifics of the proposed work are in the enclosed application forms and drawings.

As the adjacent riparian property owner to the aforementioned project, I am required to notify you of the development to give you the opportunity to comment on the project. Please review the attached permit application and drawings.

Should you have any objections to this proposal, please send your written comments to Tara MacPherson, 127 Cardinal Drive Extension, Wilmington, NC 28405 within 10 days of your receipt of this notice. Such comments will be considered by the Department in reaching a final decision on the application. No comment within 30 days of your receipt of this notice will be considered as no objection. If you have any questions on this project, please call me at (910) 444-2020, or email me at cbaldwin@brookspierce.com.

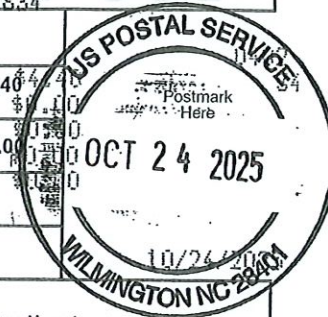
Sincerely,



Charles Baldwin
Counsel for The Pointe OIB, LLC

CSBIV/ck
Encl.

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
9214 7969 0099 9790 1658 1766 73 Greenville, NC 27834	
Postage	\$5.30
Certified Fee	\$4.40
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.74
Total Postage & Fees	\$10.44
Sent To: Philip and Debra Houston Street, Apt. No.; 3013 Merriewood Lane or PO Box No. Greenville, NC 27834-0015 City, State, Zip+4 10/24/2025 1:21:52PM	
PS Form 3800, August 2006 See Reverse for Instructions	



213

USPS Tracking®

FAQs >

Tracking Number:

Remove X

92147969009997901658176673

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item was delivered to an individual at the address at 1:57 pm on October 31, 2025 in GREENVILLE, NC 27834.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivered

Delivered, Left with Individual

GREENVILLE, NC 27834

October 31, 2025, 1:57 pm

[See All Tracking History](#)[What Do USPS Tracking Statuses Mean? \(https://faq.usps.com/s/article/Where-is-my-package\)](https://faq.usps.com/s/article/Where-is-my-package)

Text & Email Updates



USPS Tracking Plus®



Product Information



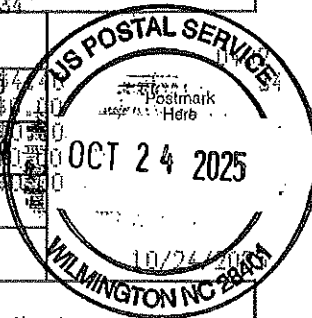
See Less ^

Track Another Package

Enter tracking or barcode numbers

Feedback

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
9214 7969 0099 9790 1658 1766 73 GREENVILLE, NC 27834	
Postage	\$5.30
Certified Fee	\$4.40
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.74
Total Postage & Fees	\$10.44
Sent To: Phillip and Debra Houston 3013 Merriewood Lane Greenville, NC 27834-0015 10/24/2025 1:21:52PM	
PS Form 3800, August 2006 See Reverse for Instructions	



2. Article Number	COMPLETE THIS SECTION ON DELIVERY	
1. Article Addressed to: Phillip and Debra Houston 3013 Merriewood Lane Greenville, NC 27834-0015 10/24/2025 1:21:52PM 9290 9969 0099 9758 1766 80	A. Signature X <i>Phillip R. Houston</i>	☐ Agent ☒ Addressee
	B. Received by (Printed Name) Phillip R. Houston	C. Date of Delivery 10-31-25
	D. Is delivery address different from item 1? ☐ Yes If YES enter delivery address below: ☐ No	
	3. Service Type ☒ Certified	
4. Restricted Delivery? (Extra Fee) ☐ Yes		
9214 7969 0099 9790 1658 1766 73		

PS Form 3811

Domestic Return Receipt



NC COASTAL RESOURCES COMMISSION MEETING

November 19, 2025

**The Point at OIB, LLC et al
(CRC-VR-25-06 through VR-25-12)**

**Ocean Isle Beach
Ocean Hazard AEC
Sandbag Revetment**



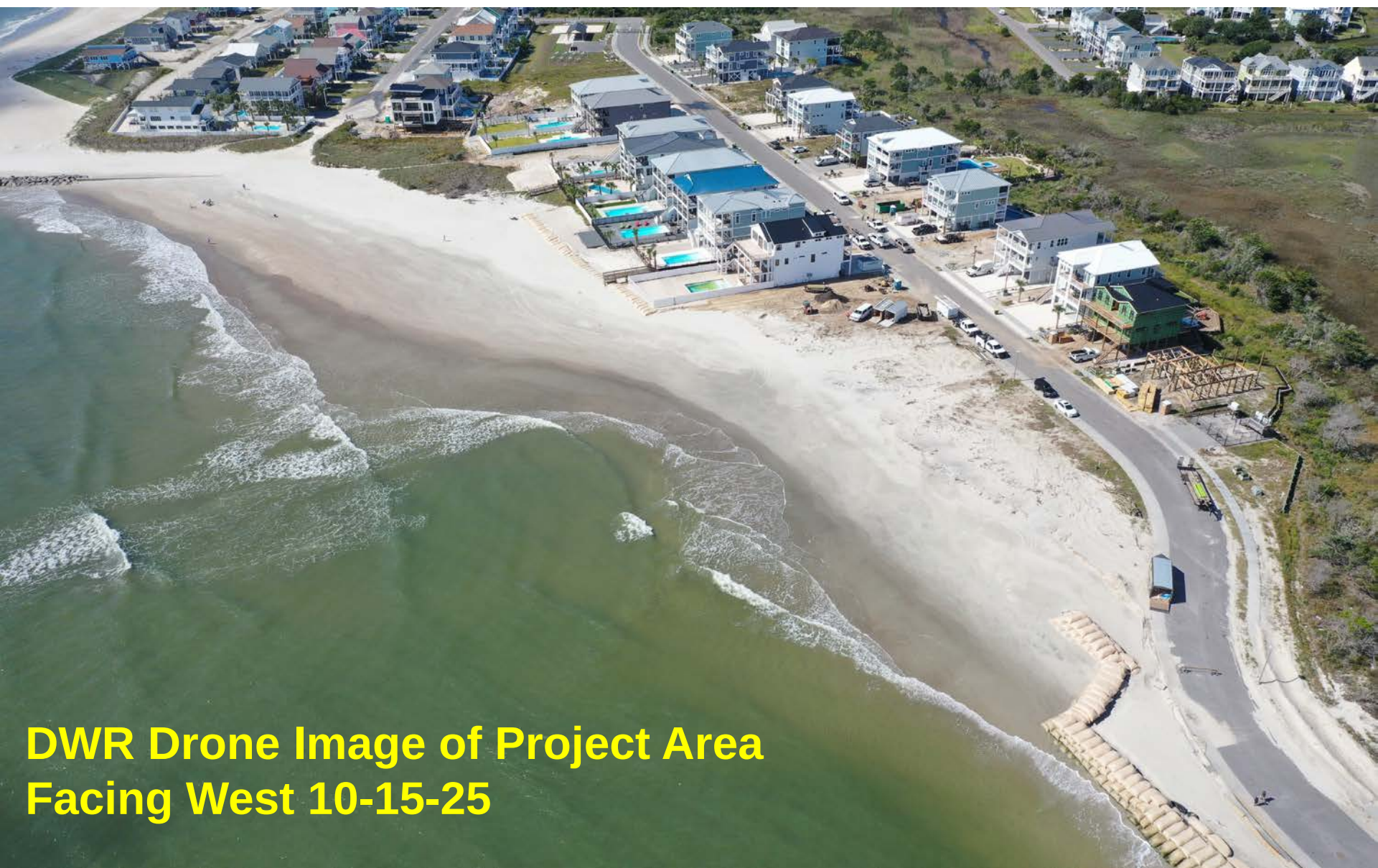






Division of Coastal Management

219



**DWR Drone Image of Project Area
Facing West 10-15-25**

**DWR Drone Image of Project Area
Facing East 10-15-25**



Division of Coastal Management

221

EXISTING SITE CONDITIONS

OCEAN ISLE BEACH EAST END SANDBAG PROJECT:

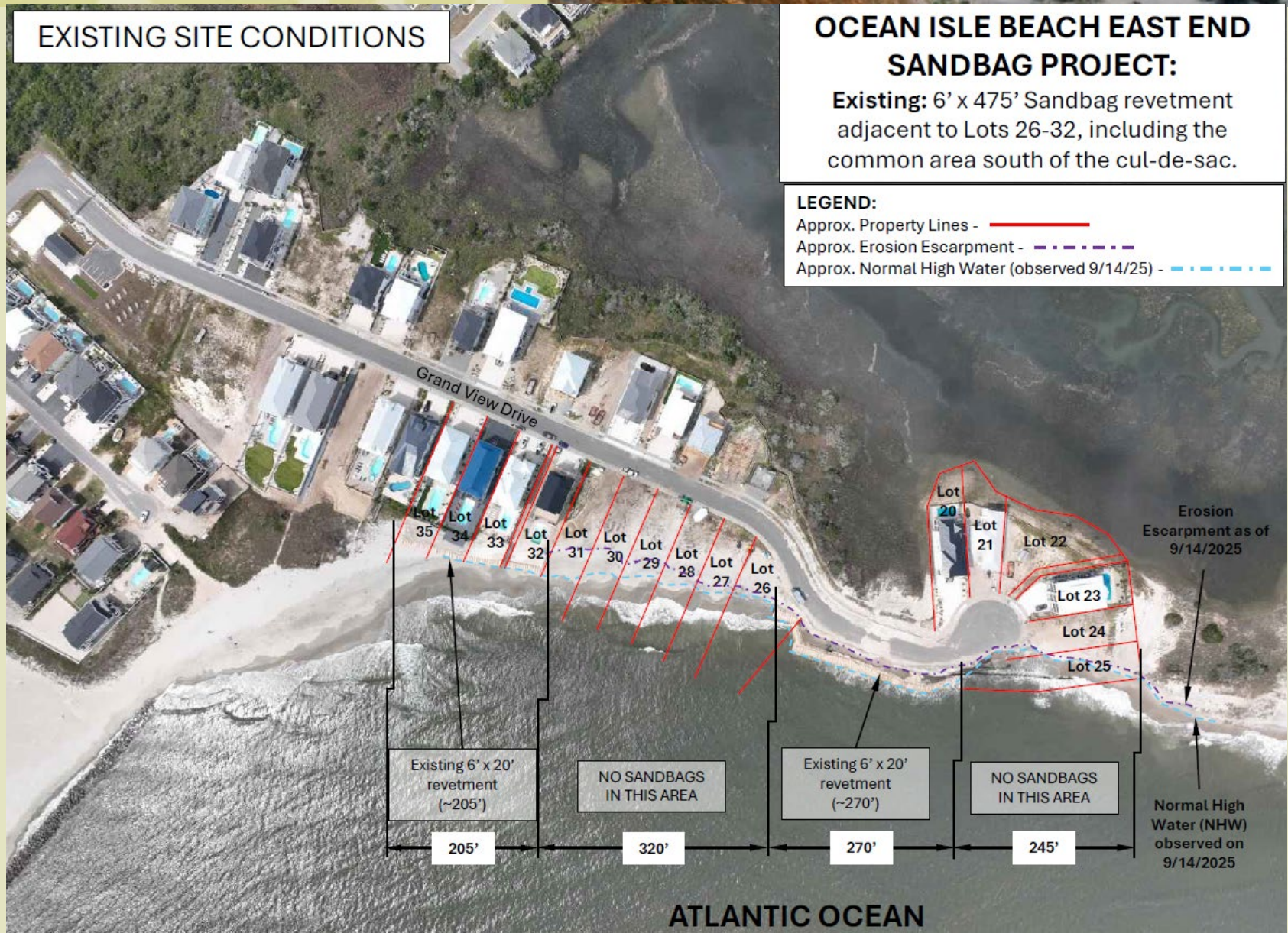
Existing: 6' x 475' Sandbag revetment
adjacent to Lots 26-32, including the
common area south of the cul-de-sac.

LEGEND:

Approx. Property Lines - ————

Approx. Erosion Escarpment - - - - -

Approx. Normal High Water (observed 9/14/25) -



PROPOSED SANDBAG REVETMENT

LEGEND:

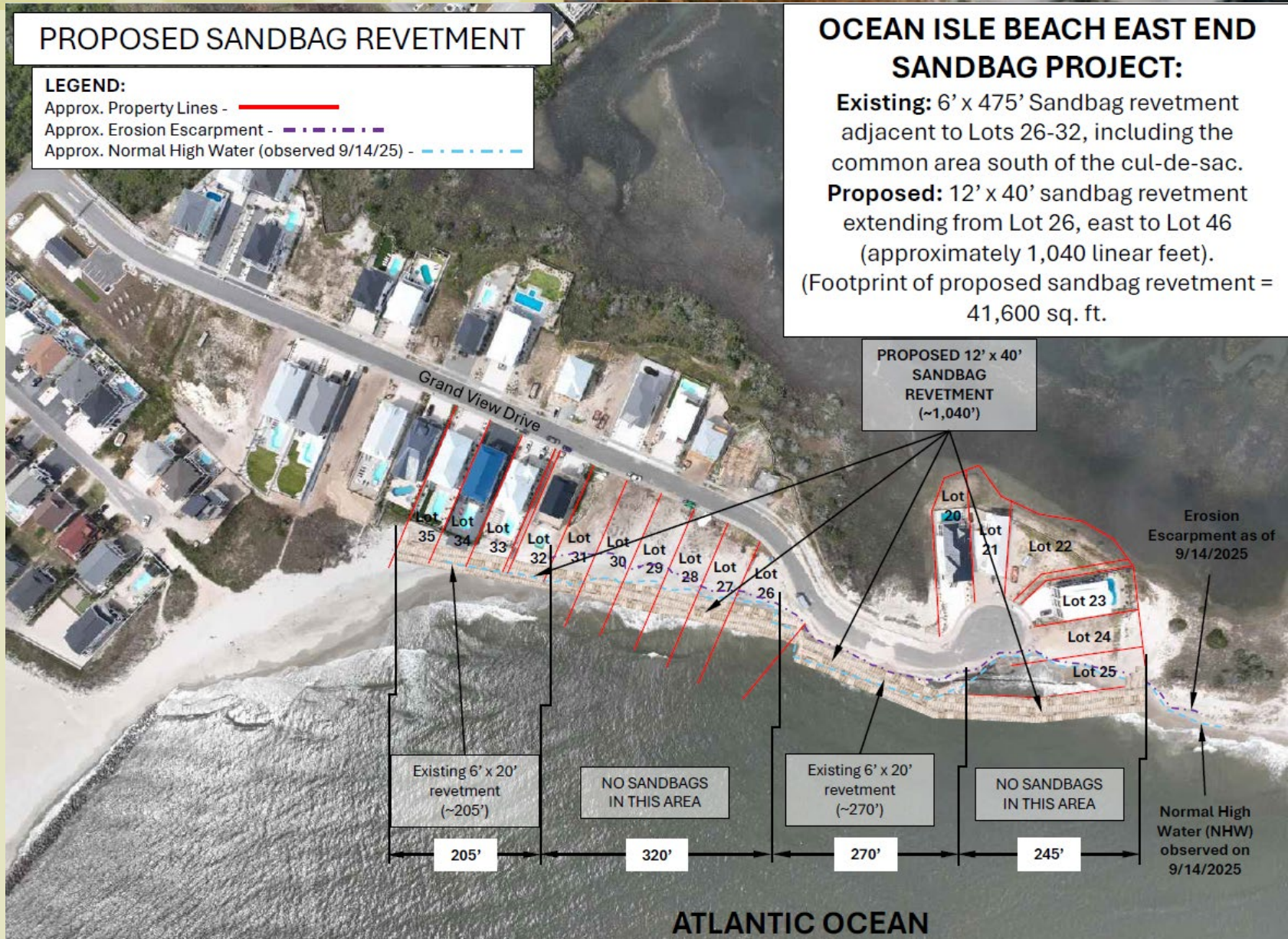
Approx. Property Lines - 
Approx. Erosion Escarpment - 
Approx. Normal High Water (observed 9/14/25) - 

OCEAN ISLE BEACH EAST END SANDBAG PROJECT:

Existing: 6' x 475' Sandbag revetment adjacent to Lots 26-32, including the common area south of the cul-de-sac.

Proposed: 12' x 40' sandbag revetment extending from Lot 26, east to Lot 46 (approximately 1,040 linear feet).

(Footprint of proposed sandbag revetment = 41,600 sq. ft.)



Photos of Grand View Drive, The Pointe at Ocean
Isle Beach



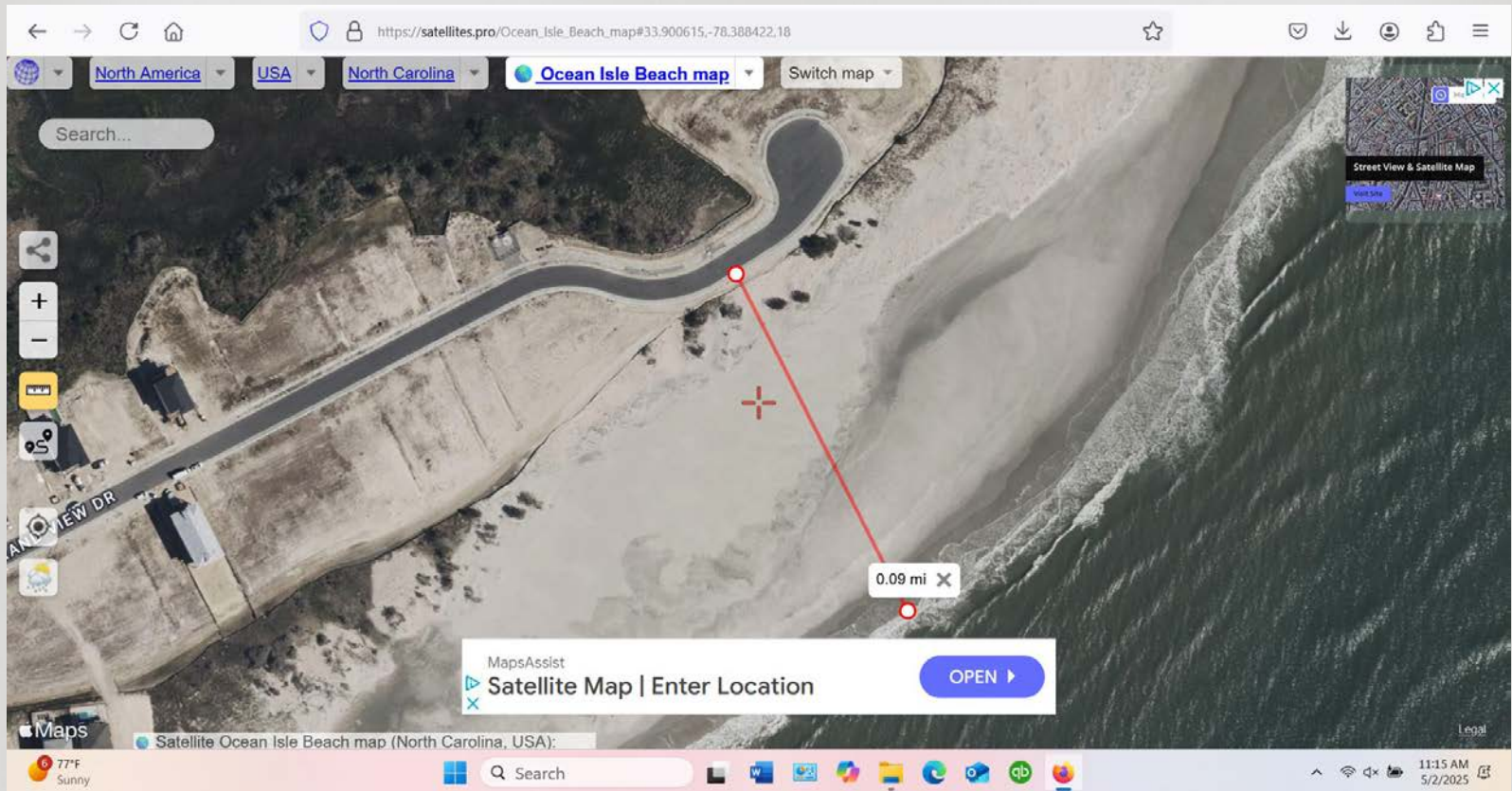




Photo 3 – Lots 26-30



Photo 1 – Lots 24-30



Photo 2 – Lots 23-25



Photo 4 – Lots 20-25



The End



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.